

# **Widespread Arbitrary Arrests And Violations Of Due Process In El Salvador Raise Concerns About Human Rights And Ongoing U.S. Security Cooperation**

**Joint Statement, April 19, 2022, Washington, D.C.**

On March 24, 25, and 26, the people of El Salvador experienced one of the highest death tolls in a single weekend since the end of the civil war in 1992—a wave of violence widely attributed to gangs.

In the weeks following the alarming spike in homicides, the number of arrests across the country under the government's State of Exception has quickly risen to over 12,000, including many that have been denounced by witnesses and family members as arbitrary in nature.

For those who were initially arrested, the 15-day period under which they can be held without charges under the State of Exception has or will end soon. However, of particular concern is the possibility that the right to due process might not be reinstated given the scale of arrests and [threats](#) by President Bukele that prisoners will serve decades-long sentences [without basic human rights](#), including food. Additionally, sweeping legal reforms, including the elimination of a two-year limit on provisional detention,<sup>1</sup> deepen concerns that the already widespread problem of prolonged detention could worsen.

As additional background, on March 27, with the support of the legislature, President Bukele responded to the spike in homicides with a 30-day State of Exception, suspending several constitutional protections, including the right to freedom of association and assembly and the right to privacy, thereby allowing the State to intercept correspondence, digital or otherwise, without a warrant. The maximum period of administrative detention was also extended from 72 hours to 15 days, during which a person can be held without being informed of the reason for their detention, without their case being brought before a judge, and without access to a lawyer. Many of these measures violate international human rights law.<sup>2</sup>

While President Bukele claims to be targeting gang members—whom he frequently refers to as “terrorists”—the State of Exception has given the Salvadoran police and military free reign to make arrests based solely on suspicion. Popular social movement and human rights activists in El Salvador have made clear that it is social inequality, concentration of wealth, and conditions of vulnerability stemming from exclusion that lead to these forms of violence, which has the most devastating impact on marginalized communities. It is youth in low-income neighborhoods having their backpacks searched by military and police and their mothers flocking to jails to try to find their children who suffer the violence generated by gangs on the one hand and, on the other, the impacts of increased militarization and abuses by the government under this State of Exception.

Following the implementation of the State of Exception, the Bukele administration proposed a raft of reforms to the criminal code and other laws that were fast-tracked in the Legislative Assembly; these changes include an increase from nine to 45 years as the maximum prison sentence for being a gang member and the creation of 10-year prison sentences for children as young as 12 years of age and 20-year sentences for youth as young as 16 years of age. Legal reforms that make it illegal to publish materials that “allude” to gangs or “reproduc[ing] and transmit[ing] messages or other releases that originate or are presumed to have originated from said criminal groups” have been widely denounced as an attempt to censor the media and criminalize journalists.

While the Salvadoran government's response to the weekend of deadly violence is extremely troubling, it was made possible by decades of “iron-fist” anti-gang policies that have become deeply entrenched in El Salvador, with major support from the United States. The U.S. government has spent hundreds of millions of dollars in El Salvador to promote militarized, punitive policing and mass incarceration as “solutions” to crime and violence,

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<sup>1</sup> [Continúan los cuestionamientos a Régimen de Excepción \(laprensagrafica.com\)](#)

<sup>2</sup> [UN: Government Crackdown on Gangs in El Salvador Violates Human Rights Law \(voanews.com\)](#)

mirroring its own domestic policy. From endorsing a 2006 anti-terrorism law based on the U.S.A. Patriot Act<sup>3</sup> that has subsequently been invoked to prosecute gang members<sup>4</sup> to assisting in the construction of maximum-security prison cells,<sup>5</sup> the United States has been an active partner and major financier of much of the apparatus currently being used in President Bukele's proclaimed War on Gangs. Meanwhile, much needed systemic changes, holistic preventative policies, and reentry programs have lacked financial resources and faced many political hurdles.<sup>6</sup>

"There are also signs--including last year's U.S. border apprehension data--that indicate Salvadorans are being displaced from their communities at higher rates." We are deeply concerned that police and military violence and the growing threat of arbitrary arrest will force even more people to flee their communities despite a dangerous and often deadly migration.

**We, the undersigned human rights, legal, international solidarity, and Salvadoran community organizations in the diaspora declare our profound concern regarding the grave situation of increased violence and persecution faced by the Salvadoran people and express the following:**

We extend our full solidarity with the victims of all forms of ongoing violence in El Salvador.

We call on the Salvadoran government to stop the constant violations of human rights, especially against people in marginalized communities who are already victims of economic exclusion, gang violence, and a government that stigmatizes them and to respect the internationally protected right to due process, including for those arrested under the State of Exception.

We decry the abuse of pre-trial detention that is widespread in El Salvador, including against political prisoners, and the recent decision by the Legislative Assembly to eliminate a two-year limit, thereby opening the door to profound and lasting injustice.

We reject President Bukele's attempts to characterize human rights organizations, journalists, and social movement leaders who organize against his attacks on democracy as "gang sympathizers" and "terrorists" and recognize the dangerous groundwork that is being laid for increased political persecution, which is already characteristic of the Bukele government<sup>7</sup>.

We call on the U.S. government to end its complicity in promoting militarization and punitive responses to gang violence and the routine human rights violations in which they result and to take swift and decisive action to withhold assistance to military and police forces in El Salvador and other institutions that trample civil liberties and democratic and human rights.

We commit to remaining vigilant to the situation in El Salvador and to echo the denunciations of human rights defenders, journalists, marginalized communities, and social movement leaders against violations of their fundamental rights and any abuses of power by the State.

Signatories:

Alianza Americas  
Anakbayan San Jose  
Anakbayan-USA  
Atlantic Regional Solidarity Network  
Bay Area Cuba Saving Lives Committee & The Alternatives Project  
BAYAN USA

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<sup>3</sup> [El Salvador: Repression in the Name of Anti-Terrorism \(cornell.edu\)](https://cornell.edu)

<sup>4</sup> [El Salvador Now Using Anti-Terrorism Law to Tackle Gangs \(insightcrime.org\)](https://insightcrime.org)

<sup>5</sup> [PFG-Scorecard-IV-ENGLISH-FINAL.pdf \(usembassy.gov\)](https://usembassy.gov)

<sup>6</sup> [USAID in El Salvador: The Politics of Prevention – Against the Current \(againstthecurrent.org\)](https://againstthecurrent.org)

<sup>7</sup> [Ruling Party Continues Strategy of Criminalization Against Salvadoran Social Organizations and Universities | CISPES](https://cispes.org)

Cambridge El Salvador Sister City  
Central American Graduate Student Collective at UCI  
Central American Resource Center-DC (CARECEN-DC)  
Central American Resource Center-Los Angeles (CARECEN-LA)  
Centro Cultural TECHANIT  
Chicago Religious Leadership Network on Latin America (CRLN)  
Coalition for Humane Immigrant Rights (CHIRLA)  
Comité Europeo de Solidaridad con El Salvador (CESES)  
Committee in Solidarity with the People of El Salvador (CISPES)  
Congregation of Sisters of St. Agnes Justice, Peace and Integrity of Creation Office  
Congregation of St. Joseph Peace and Justice Team  
Denver Justice and Peace Committee  
Diasporic Salvis  
Doctors for Global Health  
Dominican Sisters - Grand Rapids  
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Latin America Caucus of Interfaith Council for Peace & Justice  
LatinxFaculty4BlackLivesMatter  
Madison Arcatao Sister City Project  
Massachusetts Peace Action  
Migrant Roots Media  
Mill Valley Film Group  
Network in Solidarity with the People of Guatemala (NISGUA)  
Nicaragua Center for community Action  
Office of Peace, Justice, and Ecological Integrity/Sisters of Charity of Saint Elizabeth  
Olympia Movement for Justice and Peace  
Palestine Solidarity Committee - Seattle  
Pax Christi USA  
Presbyterian Church (USA), Office of Public Witness  
Resistencia Comunitaria  
Sacramento State, Center on Race, Immigration, and Social Justice  
Salvadoran Leadership and Education Fund (SALEF)  
San Francisco Committee for Human Rights in the Philippines  
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Sisters of Mercy of the Americas - Justice Team  
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 Society of Helpers  
 The League of Filipino Students at San Francisco State University  
 The Mauricio Aquino Foundation Corporation  
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 Unite North Metro Denver  
 US-El Salvador Sister Cities  
 Witness at the Border  
 Women Against Military Madness



ANAKBAYAN-USA



**CHIRLA**  
 Coalition for Humane  
 Immigrant Rights



We educate and advocate for human rights in Latin America



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