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UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
IMMIGRATION COURT
100 Montgomery St., Suite 800
San Francisco, CA 94104

In the Matter of)
)
Ana Noemy Martinez Marroquin) **File No. A 244-519-908**
)
In Removal Proceedings)
)

Immigration Judge: **N/A.**

Next Hearing: **N/A.**

**RESPONDENT'S COUNTRY CONDITIONS IN SUPPORT OF ASYLUM AND
WITHHOLDING OF REMOVAL**

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Exhibit 1

**BRIEF EXPLANATION REGARDING STATE OF EXCEPTION, ARBITRARY
DETENTION, RISK OF TORTURE, AND SOCIAL CONTROL IN EL
SALVADOR**

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1. STATE OF EXCEPTION AND EXPANDED STATE POWER

On March 27, 2022, the government of El Salvador declared a state of exception, suspending core constitutional guarantees including the right to be informed of the reason for arrest, the right to legal counsel, and the right to freedom of assembly. (CC2; CC6) Rather than a temporary measure, the state of exception has been renewed consecutively every thirty days and has been extended forty-five times, remaining in force at the time of writing of the most recent country reports. (CC3) It has become the central framework of public security policy, normalizing an exceptional legal regime as an ongoing governing practice, expanding the operational reach of security forces, and producing direct impacts on civil liberties, the legality parameters of arrests, and the ordinary functioning of constitutional safeguards. (CC2; CC3; CC6; CC8)

This context is also shaped by a “war” narrative against gangs, in which the reduction of violence and extortion in daily life coexists with the erosion of rights and the expansion of punitive mechanisms. The result is an intensified environment of social control, in which the stripping of protections for persons deprived of liberty and the overt presence of the security apparatus become part of the regular operation of the State. (CC1; CC3; CC8)

2. MASS DETENTIONS AND DISCRIMINATORY PROFILING

The described pattern involves mass detentions on an exceptional scale. Since 2022, over 90,000 people have been imprisoned (CC3), with most held in pretrial detention and

without effective communication. According to local human rights organizations, approximately one third of those detained had no gang affiliations or criminal records of any kind (CC4), demonstrating the indiscriminate reach of the regime across broad segments of the population. (CC1; CC3; CC4)

The dynamics of detention are described as strongly influenced by profiling criteria, in which suspicion is constructed from social and visual cues rather than robust individualized evidence. Reported triggers for arrest include appearance, “looking nervous,” anonymous reports, and uncorroborated accounts. (CC3; CC7) An analysis of leaked arrest files from 690 persons detained in March–April 2022 revealed that 50 individuals were charged solely based on a suspicious or nervous appearance, and 50 others for having a tattoo, with no indication that the tattoo was gang-related. (CC1)

Arrests of persons with tattoos “of any kind”, without any showing of gang links, have been consistently documented across multiple sources. (CC1; CC3; CC7) Authorities have thus demonstrated that the absence of gang-related tattoos does not preclude detention; the mere visible presence of tattoos on a person’s body has functioned as sufficient grounds for arrest and criminal charge. (CC1; CC3; CC7)

According to the IACHR, arrests under the state of exception have been carried out solely on the basis of physical appearance and socioeconomic situation, with tattooed persons and residents of low-income communities subject to systematic stigmatization. (CC5) The same report documents two additional and independent bases for detention affecting women specifically: being identified as the companion or partner of a suspected gang member, and living in an area categorized as dangerous, both treated as sufficient grounds for arrest in the absence of any individualized evidence of wrongdoing. (CC5) These mechanisms operate cumulatively for a woman with visible tattoos who lives in a low-income area associated with gang activity: she is profiled on the basis of her tattoos, on the basis of her residence, and, as a woman, on the presumed nature of her personal relationships.

This intersection is reflected in the nature of police interactions with tattooed women in El Salvador, which have included sexualized questioning about personal relationships and degrading treatment during searches. (CC1) In custody, women face additional gender-specific risks, including sexual violence in detention, denial of reproductive health care, and absence of protection against gender-based violence by prison agents. (CC3; CC4)

This pattern is reinforced by references to operational pressures tied to arrest targets and daily quotas, which increase the risk of arbitrary arrests of poor and socially stigmatized individuals, turning personal and socioeconomic markers into vulnerability factors vis-à-vis the State. (CC1; CC3; CC5; CC6; CC7; CC8)

3. DUE PROCESS FAILURES AND LIMITED JUDICIAL REVIEW

The state of exception expanded the time a person may be held before being formally charged and reduced essential defense guarantees, with concrete restrictions on access to counsel and to immediate information about the reasons for arrest. The described practice includes arrests without warrants and entry into homes without warrants, as well as interrogations conducted without waiting for legal assistance, which deepens power asymmetries and hinders timely challenges to the lawfulness of custody. (CC1; CC2; CC6)

There are also reports of warrantless entry into private homes by security forces during operations and detentions, with the claim that residents provided verbal permission. This pattern further weakens safeguards, increases the risk of coercion and abuse at the moment of apprehension, and reduces the possibility of effective judicial scrutiny over arrests, searches, and information-gathering, especially when combined with restrictions on defense and the difficulty families face in obtaining information about a detainee's whereabouts and alleged charges. (CC1)

The operation of the justice system is described as unable to ensure effective individualized review, with mass hearings and restrictions on the right to defense that weaken fundamental judicial guarantees and facilitate the imposition of pretrial detention without sufficient evidence. (CC4; CC5)

This is compounded by practical incommunicado detention and families' difficulty obtaining information about whereabouts and accusations, which deepens the isolation of those detained. In this scenario, judicial protection is portrayed as insufficient, including failures in the effective processing of habeas corpus petitions, prolonging the duration and impact of arbitrary detentions and reducing the capacity to promptly halt ongoing violations. (CC4; CC6)

4. PRISON CONDITIONS, TORTURE RISK, AND DEATHS IN CUSTODY (IMPACTS ON WOMEN)

Mass incarceration is associated with extreme overcrowding and inhumane detention conditions, with references to critically high occupancy levels and inadequate access to medical services. In this environment, institutional violence appears as a recurring component, with allegations of torture and ill-treatment, including beatings and electric shocks, as well as characterizations of the systemic use of torture within the prison system. State custody under these conditions presents a substantial risk to physical integrity and life, with reports of hundreds of deaths in custody over the period of the state of exception, attributed to torture, ill-treatment, and medical neglect. (CC1; CC4; CC6; CC7)

Custodial violations are aggravated by weaknesses in reporting and investigation, including deficiencies in mechanisms to report abuses and determine responsibility, as well as the lack of effective accountability for security agents for serious violations documented in the context of the state of emergency. For women and girls, the risk in custody includes additional vulnerabilities, with allegations of sexual violence in detention and the denial of specific care, including reproductive health needs and protection against gender-based violence by prison agents, increasing the potential for physical and psychological harm and making deprivation of liberty particularly dangerous. (CC3; CC4; CC5)

5. SURVEILLANCE, INTIMIDATION, AND CIVIC SPACE RESTRICTIONS

The described social control is not limited to the penitentiary system and extends into daily life through the militarization of public space, a sense of constant surveillance, and an atmosphere of tension. The overt presence of armed forces and security personnel is associated with intimidation practices and the construction of a climate of permanent observation, reinforcing fear around arrests and the areas surrounding prisons. (CC8)

There are also practical restrictions on civic space, with risks associated with organizing protests by relatives of detainees, monitoring of participants, and systematic recording through photos and videos, accompanied by fear of identification and subsequent intimidation, including through facial recognition. This set of practices increases the personal cost of denouncing abuses, hinders social mobilization, and contributes to an environment in which dissent and public exposure may generate persecution and retaliation. (CC8)

The risk of state repression extends specifically to women who engage in political protest and public criticism of the government. On March 11, 2024, Verónica Delgado, mother of a disappeared young woman and active member of the Missing Persons Search Group, was arrested at her home by the National Civil Police under orders from the Attorney General's Office, accused of belonging to an illegal organization under the state of emergency. The last public activity she attended before her arrest was the International Women's Day march held on March 9 in San Salvador, where she and other mothers publicly denounced the government's failure to provide information about their missing children. Her attorney noted that the Search Group did not rule out the possibility that her activism motivated the detention. Her case illustrates the direct nexus between participation in gender-based demonstrations, public political expression, and subsequent state retaliation against women activists. (CC9)

6. CONCLUSION

The described conditions combine a prolonged state of exception, with expanded coercive power and weakened safeguards, with a pattern of mass detentions in which discriminatory profiling functions as a mechanism of state capture, including arrests based on tattoos, appearance, anonymous reports, and socioeconomic markers. This pattern is compounded by restrictions on defense, incommunicado detention, and insufficient judicial oversight, with mass proceedings and low effectiveness of judicial remedies, increasing the vulnerability of detained individuals. (CC1; CC2; CC3; CC4; CC6; CC8)

Deprivation of liberty takes place in an overcrowded prison system described as inhumane, with persistent allegations of torture, ill-treatment, and deaths in custody, associated with failures in reporting, investigation, and accountability. For women and girls, detention under this regime incorporates additional risks, including sexual violence in custody and the denial of specific care and protections. In parallel, a climate of surveillance and intimidation in civic space increases risk for relatives, protesters, political opponents, and journalists, reinforcing an environment of fear, control, and expanded punishment. (CC1; CC3; CC4; CC5; CC7; CC8)

In this context, exposure to detention under the state of exception entails a real and substantial risk of irreparable harm, including the risk of death, whether due to violence and

ill-treatment in custody, torture and excessive use of force, or medical neglect under degrading carceral conditions, in addition to reports of deaths and arbitrary conduct attributed to state agents. (CC1; CC2; CC4; CC6; CC7)

Exhibit 2

EXCERPTS FROM COUNTRY CONDITIONS REPORTS

CC 1

2023 COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES: EL SALVADOR - U.S. DEPARTMENT OF STATE

Under the state of exception, reports of gang violence decreased significantly, allowing citizens to exercise their right to life, liberty, and security of person, and to engage in daily activities and commerce without the constant threat of violence and extortion. Arbitrary arrests and mass pretrial hearings, however, undermined due process and exacerbated historically difficult conditions in overcrowded prisons.

Significant human rights issues included credible reports of: unlawful or arbitrary killings; enforced disappearance; torture or cruel, inhuman, or degrading treatment or punishment by security forces; harsh and life-threatening prison conditions; arbitrary arrest or detention; serious problems with the independence of the judiciary; arbitrary or unlawful interference with privacy; extensive gender-based violence, including domestic and sexual violence, and femicide; substantial barriers to sexual and reproductive health services access; trafficking in persons, including forced labor; and crimes involving violence targeting lesbian, gay, bisexual, transgender, queer, or intersex persons.

On July 14, a coalition of human rights organizations at an Interamerican Human Rights Commission public audience stated they collectively interviewed more than 100 released detainees, many of whom reported **systemic abuse in the prison system, including beatings by guards and the use of electric shocks.**

The state of exception empowered security forces to make arrests without meeting traditional evidentiary standards, and media and civil society reported some **security officials might have used**

that authority to extract bribes, sexual favors, or other concessions from citizens.

The state of exception, itself a legal mechanism, suspended the right to legal defense, as well as the requirement that persons be informed of the reason of their arrest at the time of their detention, and increased the number of days an individual could be held in detention before being formally charged. The government did not always observe the requirements of the law and constitution.

Security forces arrested suspected gang members or collaborators “in the act” of being a gang member or collaborator **without a warrant and entered homes without warrants**, ostensibly with verbal permission of the residents. The state of exception decree suspended the right to legal counsel, and law enforcement agents did not wait for suspects to obtain counsel before questioning them.

Several human rights organizations asserted that many detainees who remained in pretrial detention were **arrested arbitrarily in 2022, without evidence of gang affiliation and only for having tattoos or living in a gang-controlled area.**

Leaked arrest files of 690 **persons detained** in March-April 2022 showed 50 **were charged with being a gang member** based on a suspicious or nervous appearance, and 50 **for having a tattoo, with no indication if the tattoo was gang-related.**

CC 2

2024 COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES: EL SALVADOR - U.S. DEPARTMENT OF STATE

There were several reports the government or its agents committed arbitrary or unlawful killings during the year.

Under the state of exception, which had to be renewed monthly, security forces were empowered to arrest anyone suspected of belonging to a gang or providing support to gangs. As a result, thousands of suspects were detained.

There were reports of enforced disappearances by or on behalf of government authorities. The Office of the Ombudsperson for Human Rights received eight complaints regarding the lack of information on detainees under the state of exception.

The state of exception, itself a legal mechanism, increased the number of days an individual could be held in detention before being formally charged.

As of August 16, the PNC registered 23 complaints of sexual abuse, 19 complaints of violence against women, and four complaints of abuse of children allegedly committed by police. In June, the government reported the Office of the Inspector General of Public Security was investigating 66 cases of alleged rights violations perpetrated by public security forces during the state of exception, including three violations of the right to life, 11 violations of personal liberty, and nine violations of personal security.

CC 3

WORLD REPORT 2026: EL SALVADOR - HUMAN RIGHTS WATCH

A state of emergency adopted in March 2022 suspending certain due process rights has been extended 45 times and remained in force at time of writing.

Under the state of emergency, police and soldiers have conducted hundreds of **indiscriminate raids**, particularly in low-income neighborhoods, arresting over 90,000 people, **including more than 3,000 children**. Most remain incommunicado in pre-trial detention.

Local and international human rights groups have documented **enforced disappearance, mass arbitrary detention, torture**, and, in some cases, **sexual violence against women and girls in detention**. Authorities have not reported charging, indicting, or convicting any police or military officers in connection with these abuses.

Many detainees have no apparent connections to gang-related violence. **Arrests often appear to be based on the detainees'**

appearance, tattoos of any kind, uncorroborated calls, false reports, and pressure to meet arrest quotas.

CC 4

THE STATE OF THE WORLD’S HUMAN RIGHTS, APRIL 2025: EL SALVADOR - AMNESTY INTERNATIONAL

Arbitrary detentions and human rights violations continued to arise due to the state of emergency. There were serious failings in the judicial system. Prison overcrowding persisted, with incarceration rates among the highest globally. Detention conditions were inhumane, with reports of torture and other ill-treatment, and the government failed to act to address the situation.

Since the state of emergency began in 2022 up to the end of 2024, according to the authorities there had been 83,900 detentions. Most detainees had been charged with “illicit associations” and other gang-related crimes. According to local human rights organizations, one third of people detained under the state of emergency had no gang affiliations or criminal records of any kind, reflecting the indiscriminate application of these measures across the population.

A special report by the Inter-American Commission on Human Rights confirmed that the state of emergency had led to mass arbitrary detentions and systematic human rights violations, including the lack of effective judicial oversight of these detentions and the imposition of preventive detention without sufficient evidence. The commission also expressed concern over mass judicial hearings and restrictions on the right to defence, which severely undermined due process and fundamental judicial guarantees.

Civil society organizations continued to denounce the inefficacy of the judicial system, particularly the Supreme Court’s failure to process habeas corpus petitions, increasing detainees’ vulnerability.

The prison system continued to be critically overcrowded, with an occupancy rate of 350%, according to local NGOs, making it one of the highest incarceration rates globally. According to the Inter-American Commission on Human Rights, detention

conditions were inhumane, with reports of torture and other ill-treatment, lack of access to medical services, and excessive use of force by prison guards.

Detained women continued to be denied specific care to meet their needs, including reproductive health services and protection against gender-based violence by prison guards.

According to reports from Salvadoran organizations, more than 300 deaths in state custody were recorded between March 2022, when the state of emergency was declared, and 15 December 2024. These deaths were attributed to torture and other ill-treatment as well as inadequate medical care.

CC 5

STATE OF EMERGENCY AND HUMAN RIGHTS IN EL SALVADOR 2024 - INTER-AMERICAN COMMISSION ON HUMAN RIGHTS (IACHR)

The testimonies gathered by the IACHR, data from civil society organizations, and information in the public domain indicated that **repeated arrests have been carried out solely on the basis of the physical appearance and socioeconomic situation of the individuals, thus stigmatizing tattooed persons and residents of low-income communities.** The testimonies also reveal acts of discrimination and criminalization of adolescents and **women who have been identified as companions of suspected gang members.** In this regard, some of the testimonies collected indicate the following:

I was at home resting, I was with my daughter and my wife. [...] They asked me for my identity documents. "You know there is an exception regime and you have tattoos," they told me. I replied that they were artistic tattoos and that they were not allusive to any gang. I told them that I was a student and worked [...], but they took me into custody.

A few days earlier my partner (compañero de vida) had been arrested. On my way home on my motorcycle, I was given the stop sign. They asked for my license, my motorcycle card, and my I.D. They told me "We have been waiting for you all day." One

asked me if I was the life partner of my partner, who had been arrested. They asked me to accompany them. Those were the reasons for my arrest. The policeman called other police officers advising that they already had the person they were looking for.

She was in informal employment. Around 12:00 p.m. Three national police officers arrived and detained her with the lie that she was only going to answer a few questions and that was why they were taking her to the police station. [...] At the delegation, they told me "leave her there because she is not going to leave. She is here because of a link to a boy who is in detention. I don't know if you know that your daughter had a relationship with a gang member. You better leave her, if your daughter didn't know how to make the most of her time, you better leave her." Since one lives in poor areas or areas catalogued as dangerous or with persistent gangs, everyone or the police officers presumed that they all belong to crime or gangs.

From March 2022 to date, the Commission notes with concern the information received regarding the existence of a pattern of **widespread and systematic illegal and arbitrary detentions carried out as part of a security plan under the state of emergency**. Of the more than 70,000 detentions carried out, the IACHR highlights reports of repeated deprivation of liberty in cases not involving flagrante delicto and **without an administrative or judicial order, and the use of discriminatory criteria to justify detentions based on the personal or socioeconomic characteristics of the person**, or for having a criminal record.

Since the start of the state of emergency, the Commission has learned of disturbing information regarding deaths, allegations of **torture, and ill-treatment of persons deprived of liberty, abuses in the use of disciplinary measures and the use of force** against persons deprived of liberty, as well as deficiencies or omissions in the mechanisms for denouncing and investigating these events.

‘AUTHORITARIANS’ EPISODE 6: BUKELE, PUBLIC SECURITY, AND VIOLATIONS IN EL SALVADOR - PULITZER CENTER

The state of emergency has been extended several times and continues to this day, with the suspension of constitutional rights such as the holding of assemblies and the inviolability of correspondence. The measure also authorized arrests without warrants and denied detainees the right to a lawyer.

The regime has suspended constitutional guarantees, such as the rights to be informed of the reasons for an arrest and to be brought before a judicial authority within 72 hours. In practice, people are being detained without a warrant. Families have great difficulty obtaining information about the whereabouts of prisoners, or even finding out what they are being accused of.

There are many reports of torture and deaths in prisons. The NGO Cristosal documented that, one year after the start of the regime, 132 people had died in prisons. Amnesty International, which monitored 10 of these cases, says that the main causes of death were torture and lack of access to healthcare. Some people on parole said they saw police officers beating other prisoners to death, either as punishment or to pressure them into confessing to being part of a gang.

Just over a year after the approval of the state of emergency, the government had already arrested more than 70,000 people. 7,000 were released after spending months in prison.

This is Marvin Reyes, secretary of a police union group. He says that a week after the regime was installed, the police leadership began demanding a national quota of 1,000 arrests per day from the battalions. Marvin says that each police officer had to arrest two or three people a day.

According to Marvin, since many gang members had already fled the country, the police started arresting innocent people to meet their quota. He says that the police choose those who have a profile considered suspicious: those who were drinking in the street, appeared to be unemployed, had tattoos.

DEPORTEES FROM THE US FACE TORTURE IN AN EL SALVADOR PRISON - PÚBLICA NEWSLETTER

The president of El Salvador, Nayib Bukele, presented his offer to house “dangerous criminals” from the United States and any other country as a victory for civilization. The facts do not show this.

What he didn't say was that the prisoners, many of them deported undocumented immigrants who are not necessarily criminals, would be knowingly placed in a prison system that commits widespread human rights abuses , at the hands of the Salvadoran state.

For the past three years, Bukele has ruled with few checks and balances , in a selfimposed "state of exception." This emergency status has allowed Bukele to suspend many rights while he wages what he calls a "war against the gangs."

Repression manifests itself in arbitrary mass arrests of anyone who fits stereotypical demographic characteristics of gang members, such as having tattoos, a criminal record, or even "looking nervous ."

Although El Salvador is a signatory to the United Nations Convention against Torture, Amnesty International has concluded, after several missions to the country and interviews with victims and their families, that there is "systemic use of torture" in Salvadoran prisons.

International human rights are governed by laws that prohibit nations from transferring people to dangerous places, whether by returning foreigners to countries where "there are substantial grounds for believing that the person would be at risk of suffering irreparable harm," or by transferring detainees to jurisdictions where they are at risk of being tortured or subjected to cruel, inhuman, or degrading treatment.

EL SALVADOR: THE COUNTRY'S DAILY LIFE AMID BUKELE'S NO-HOLDS-BARRED FIGHT AGAINST CRIME - VEJA

Then, in 2022, after a crime spike in which 87 people were murdered in two days, he declared a state of emergency (which he has already renewed 36 times), authorized the police to imprison anyone suspected of gang links (a simple anonymous phone call is enough), doubled the size of the army to 40,000 men, and hastily built a mega-prison with maximum security.

One of these paths is the omnipresence of the Army on the streets, instilling fear and exercising total control over the population. Another is the erasure of basic rights for prisoners.

The allied magistrates changed electoral rules to stifle opposition parties and ruled that activists and journalists should be arrested for “spreading panic.” The climate of tension is visible in daily life. Near the city of Apopa, VEJA's reporting team was surrounded by three armed soldiers who demanded access to cell phones to prove they hadn't been recorded.

“It is no longer possible to ignore that we live in a dictatorship,” says Cesia Rivas, head of the Vamos party, which holds one of only three opposition seats in the recently reduced Assembly of sixty deputies (foreigners entering the building have their passports confiscated at the door).

The feeling on the streets is one of constant surveillance — a pressure cooker reaching maximum capacity around the prisons, guarded by a security perimeter.

More than 5,000 families of inmates have formed the Victims of the Regime Movement, through which they help each other and organize protests—a risky activity. “The government uses the state of emergency to persecute opponents,” says the group's leader, Samuel Ramírez, at a demonstration in front of the La Esperanza Penal Center in Mariona, where soldiers and police were taking photos and videos of the participants. “They find us with facial recognition and come knocking on our doors to intimidate us,” Ramírez recounts.

UNDER THE STATE OF EMERGENCY, VERÓNICA DELGADO, MOTHER OF MISSING YOUNG WOMAN, IS CAPTURED - VOCES NEWSLETTER

Around 5:00 p.m. on March 11, Verónica Delgado was arrested by members of the National Civil Police (PNC) under orders from the Attorney General's Office (FGR), according to members and supporters of the Missing Persons Search Group. Delgado is the mother of Paola Arana, a young woman who disappeared in May 2022.

The last activity Delgado attended before being captured was the march commemorating International Women's Day, held on March 9 in San Salvador, where, along with other mothers who are part of the Search Bloc for Missing Persons, they denounced how their rights as mothers are violated by ignoring their pain and anguish at not having information about the whereabouts of their children.

Zepeda commented that the Search Bloc for Disappeared Persons does not rule out the possibility that there is some motivation for her activism, or that she may be another innocent victim who has been captured in the context of the state of emergency.

Exhibit 3

El Salvador 2023 Human Rights Report

Executive Summary

Under the state of exception, reports of gang violence decreased significantly, allowing citizens to exercise their right to life, liberty, and security of person, and to engage in daily activities and commerce without the constant threat of violence and extortion. Arbitrary arrests and mass pretrial hearings, however, undermined due process and exacerbated historically difficult conditions in overcrowded prisons.

Significant human rights issues included credible reports of: unlawful or arbitrary killings; enforced disappearance; torture or cruel, inhuman, or degrading treatment or punishment by security forces; harsh and life-threatening prison conditions; arbitrary arrest or detention; serious problems with the independence of the judiciary; arbitrary or unlawful interference with privacy; extensive gender-based violence, including domestic and sexual violence, and femicide; substantial barriers to sexual and reproductive health services access; trafficking in persons, including forced labor; and crimes involving violence targeting lesbian, gay, bisexual, transgender, queer, or intersex persons.

The government took credible steps to identify and punish officials who may have committed human rights abuses.

Section 1. Respect for the Integrity of the Person

a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings

There were reports that the government or its agents committed arbitrary or unlawful killings, largely stemming from deaths of detainees while in prison, either from medical neglect or physical abuse. The human rights nongovernmental organization (NGO) Socorro Jurídico Humanitario recorded the deaths of 79 detainees as of August 16 and determined that 33 of the deaths were violent. The human rights organization Cristosal confirmed 71 deaths of detainees and determined that 13 of the deaths showed signs of violence, including beatings by a club or baton. In March the newspaper *El País* interviewed several released detainees, one of whom stated prison guards beat his cellmate to death. Socorro Jurídico Humanitario reported that 21 detainees died from a lack of medical attention. Cristosal reported two of the detainees who died had anemia and 11 died of complications from illnesses such as diabetes to chronic kidney disease.

On June 13, the attorney general announced his office had investigated 143 deaths in prison during the state of exception and that his office, in conjunction with the Institute for Legal Medicine, had determined the 143 deaths resulted from pre-existing conditions or illness.

The government reported that widespread killings by criminal gangs decreased significantly in comparison with previous years. The Attorney General's Office reported intentional homicides of a criminal nature (excluding ones resulting from a family or social dispute) decreased from 366 during the first half of 2022 to 32 during the first half of 2023. The government and observers widely attributed the decrease to the government's policies under the state of exception, declared in March 2022 and extended monthly. As of December, it continued in effect. Despite the reduction, the Observatory for Human Rights at the University of Central America, a human rights think tank, argued the government homicide figures could have been undercounted, as they did not take into consideration the number of human remains located or disappearances reported.

b. Disappearance

There were regular reports that security and law enforcement officials arrested persons and did not inform their families of their whereabouts. Socorro Jurídico Humanitario reported that as of August, it was tracking 1,376 cases in which the families of those detained under the state of exception did not receive confirmation that their relatives were in the prison system, information regarding their whereabouts, or confirmation that they were alive. Socorro Jurídico Humanitario also reported that in three cases, detainees' bodies were interred before their families were notified of their

deaths. The Human Rights Ombudsperson's Office (PDDH) received 17 complaints regarding the lack of information on detainees under the state of exception.

Media and human rights groups reported cases of disappearances and missing persons continued to occur, although it was often impossible to distinguish between a "disappearance" and a "missing person," due to limited law enforcement resources to investigate. In June the Foundation of Studies for the Application of Law calculated there were 2,397 unresolved cases of missing persons first reported between January 2019 and June 2022. The National Civil Police (PNC) reported that of the missing persons reported from January to August, 143 cases remained unsolved as of August 11.

On March 27, the minister of justice and public security announced that investigations into disappearances would remain suspended, as authorities continued to prioritize capturing gang members.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment, and Other Related Abuses

The law prohibited such practices, but there were credible reports that government officials employed them.

Human rights organizations and media outlets reported complaints of abuse

and mistreatment of detainees by prison guards. On July 14, a coalition of human rights organizations at an Interamerican Human Rights Commission public audience stated they collectively interviewed more than 100 released detainees, many of whom reported systemic abuse in the prison system, including beatings by guards and the use of electric shocks. The coalition alleged the treatment of prisoners constituted torture.

On March 25, the newspaper *El País* reported a man released from Izalco prison said guards beat one of his cellmates to death with batons and the butts of their rifles. He also said guards activated electric stun guns against the prison's wet floors to deliver electric shocks to all the prisoners in a cell.

Cristosal spoke with the family of a prisoner who died of stomach cancer on February 10, after being released from Zacatecoluca prison on January 28. Cristosal reported his body showed signs of torture, including significant bruising on his back and stomach, as well as signs of malnutrition and gastrointestinal hemorrhaging.

There were sporadic complaints of mistreatment by police and members of the armed forces. As of July 26, the PNC registered 48 complaints of threats committed by police officers. As of July 31, 129 victims registered complaints with the PDDH regarding the violation of physical integrity, mistreatment, or physical abuse by the PNC, and seven registered complaints of the same abuses committed by members of the armed forces. Five victims registered complaints with the PDDH concerning torture or

cruel and inhuman punishment at the hands of PNC officers, and one victim registered a complaint of the same treatment committed by members of the armed forces.

The judiciary continued prosecuting several cases from the civil war against members of the armed forces. The judge in the 1981 El Mozote massacre case continued to hear witness testimony. The government, however, continued to deny expert witnesses access to military archives to determine criminal responsibility for the massacre, in defiance of a 2020 judicial order. On February 7, a judge opened trial proceedings against three former soldiers who allegedly belonged to a death squad that kidnapped, tortured, and killed civilians in San Miguel during the civil war. This was the first time a case involving death squad members had come to trial.

Impunity was a problem in the General Directorate of Penal Centers, particularly for prison guards. Human rights organizations noted the Attorney General's Office had not opened any complaints into the allegations of torture, abuse, or mistreatment by prison guards.

Some concerns remained regarding impunity in the PNC and armed forces. The state of exception empowered security forces to make arrests without meeting traditional evidentiary standards, and media and civil society reported some security officials might have used that authority to extract bribes, sexual favors, or other concessions from citizens. Some members of the security forces were convicted, however, and were facing criminal

proceedings for misconduct, such as sexual assault.

Prison and Detention Center Conditions

Prison conditions before the state of exception were harsh and life threatening due to gross overcrowding; inadequate sanitary conditions; insufficient food and water shortages; a lack of medical services in prison facilities; and physical attacks. The addition of 72,000 detainees under the state of exception exacerbated the problem. Human rights organizations reported that as of August 22, more than 70 detainees died in prisons from violence, insufficient medical care, and chronic health conditions.

Abusive Physical Conditions: Prisons were severely overcrowded, as the number of detainees increased and only a limited number were released. As of July, the government reported that 71,776 persons were detained under the state of exception. In 2021, the prison system had a capacity of 30,000 and was already overcrowded. The government inaugurated a new prison with a reported capacity for 40,000 on January 31, but as of September, only 12,000 detainees had been moved into it. A prisoner released from the Izalco prison reported that 100 prisoners were held in a cell built for 50.

Detainees released from the Izalco and La Esperanza prisons reported a lack of food and potable water and being limited to two tortillas, one spoonful of beans, and one glass of water per day. They also reported limited water for

sanitation. Human rights organizations noted released prisoners reported severe heat and lack of ventilation in the cells and prolonged confinement, without the opportunity for movement or the use of sanitary facilities.

Released prisoners and their families reported a lack of access to medical care or medicine in prison. One released prisoner reported to *El País* that his diabetic cellmate received insulin only two or three times during his period of incarceration and died suddenly in his sleep. Although families of prisoners were often instructed to bring medicine to the prison for the prisoner, the medicine often did not reach the prisoner. Human rights organizations reported communicable diseases such as tuberculosis and scabies were widespread in the prisons.

Human rights groups and news outlets reported unsanitary conditions and limited food and medical care in women's prisons. There were reports of life-threatening lack of medical care or sanitation for detained pregnant women and young children held with their mothers. On July 24, the newspaper *El Faro* published an interview with a released prisoner who gave birth while in prison. She reported being held in a unit with 150 other pregnant women in the Izalco prison farm, with two doctors assigned to them. She reported receiving only sporadic prenatal care and extremely limited access to medicine. Cristosal published a statement from a released prisoner who reported many pregnant women miscarried due to a lack of medical care.

Young babies often stayed with their mothers in prison and received limited medical care, despite widespread scabies and other communicable diseases. The newspaper *El Diario de Hoy* reported that on May 17, a girl, age one, died of pneumonia after being held in Apanteos prison with her mother for six months. Socorro Jurídico Humanitario reported a baby, age six months, born while his mother was held in Izalco, died of kidney failure, liver failure, and pneumonia on June 26, six days after he was transferred from the prison to the care of other members of his family.

Administration: The PDDH had the authority to investigate allegations of abusive conditions in prison; however, the human rights ombudsperson reported the PDDH did not receive access to visit prisons during the year. PDDH representatives conducted 32 visits to jails in the Ahuachapan Department, where they found the detainees' basic needs were provided for but detainees were transferred to prisons within five days of their arrest, without the ability to contact their families.

Independent Monitoring: The International Committee of the Red Cross had access to prison facilities.

d. Arbitrary Arrest or Detention

The constitution prohibited arbitrary arrests, and the law provided for the right of any person to challenge the lawfulness of their arrest or detention in court. The state of exception, itself a legal mechanism, suspended the right

to legal defense, as well as the requirement that persons be informed of the reason of their arrest at the time of their detention, and increased the number of days an individual could be held in detention before being formally charged. The government did not always observe the requirements of the law and constitution.

Arrest Procedures and Treatment of Detainees

The constitution required a written warrant for arrest, except in cases where an individual was caught in the act of committing a crime. The language of the state of exception decree did not detail changes to enforcement procedures.

Security forces arrested suspected gang members or collaborators “in the act” of being a gang member or collaborator without a warrant and entered homes without warrants, ostensibly with verbal permission of the residents. The state of exception decree suspended the right to legal counsel, and law enforcement agents did not wait for suspects to obtain counsel before questioning them.

A July 2022 change in the law provided that hearings for gang membership charges could proceed without the detainees’ physical presence, although with defense counsel participating in person. Many detainees’ hearings were conducted virtually and en masse, often with one defense lawyer in the courtroom representing hundreds of persons appearing by video, unable

to consult with their defense lawyers in real time or hear the proceedings because of technical problems, complicated by the number of participants.

In July the Legislative Assembly approved legislation for the prosecution of detainees under the state of exception cases, eliminating the previous provision that a criminal process could not exceed 24 months. As of November, no case from the state of exception had gone to trial.

The court system was slow to respond to habeas corpus petitions filed by those challenging their detention under the state of exception. In July Socorro Jurídico Humanitario submitted 1,285 requests for habeas corpus and received 28 responses, of which 25 were declared inadmissible.

Arbitrary Arrest: As of July 31, the PDDH reported 738 complaints of arbitrary detention, compared with 283 from January to July 2022. Civil society entities also received complaints from the public regarding arbitrary arrests during the state of exception, although fewer than in 2022. Cristosal reported that as of August 9, it received 348 complaints of arbitrary arrest, compared with 3,110 such complaints in 2022. Several human rights organizations asserted that many detainees who remained in pretrial detention were arrested arbitrarily in 2022, without evidence of gang affiliation and only for having tattoos or living in a gang-controlled area. Leaked arrest files of 690 persons detained in March-April 2022 showed 50 were charged with being a gang member based on a suspicious or nervous appearance, and 50 for having a tattoo, with no indication if the tattoo was

gang-related.

The government established an anonymous tip line to provide information about gang members. Media reported cases in which detainees, or their families, believed they had been arrested on the basis of anonymous complaints. On March 30, in an interview with the BBC, the vice president declared police did not carry out arrests based on tattoos or being named in an anonymous call. He stated the government maintained a database of profiled gang members and carried out arrests based on that database. The vice president acknowledged it was possible persons with no gang ties were arrested but noted that courts released more than 3,000 detainees after determining they had no such ties. On August 22, the minister of justice and public security reported that of the more than 71,000 persons arrested under the state of exception, approximately 7,000 had been released.

On July 28, the PNC reported four police officers were arrested on charges of detaining civilians and extorting their relatives for money in exchange for their release.

Pretrial Detention: Lengthy pretrial detention was a significant problem. COVID-19 pandemic closures had already severely delayed trial and hearing dates, and the sharp increase in cases during the state of exception further exacerbated the situation. For example, in the majority of hearings, judges ordered defendants to remain in detention even when the Attorney General's Office failed to provide sufficient evidence demonstrating

defendants were affiliated with a gang.

In March the Foundation for the Study of the Application of Law noted prosecutors often requested extensions to the six-month evidence-gathering period due to their large caseload resulting from the state of exception. This further prolonged pretrial detention.

e. Denial of Fair Public Trial

The law provided for an independent judiciary. The government held approximately 72,000 detainees to try under the state of exception but presented no plan to accomplish this. The government indicated it likely would resort to mass trials, calling into question the availability of a fair public trial for these detainees.

Trial Procedures

The law provided for the right to a fair and public trial, but the state of exception suspended the right to be informed promptly of charges and the right to defense. Other rights were not always respected. The law allowed for trials for gang membership charges to proceed without the defendants' physical presence, although with defense counsel participating in person. On July 26, the Legislative Assembly approved amendments to the law that would allow collective trials with up to 900 defendants for those who were already detained under the state of exception and were charged as gang

members. No case of persons detained under the state of exception had gone to trial as of November.

After implementation of the state of exception, the demand for public defenders exceeded the capacity of the Public Defender's Office. One public defender noted in 2022 that his caseload had grown from 45-50 new cases a month to 95 new cases a day. In March the Foundation for the Study of the Application of Law reported that defense lawyers continued to be overwhelmed by cases.

Political Prisoners and Detainees

The government arrested or continued to detain sitting and former politicians from opposition parties and the governing party. Media questioned the legitimacy of the detentions, but the government declared the charges against them were legitimate. The detainees were generally subjected to the same harsh prison conditions as convicted prisoners.

As of August 24, Ernesto Muyschondt, former mayor of San Salvador and a prominent opposition politician, had been detained for more than two years and two months, even though the criminal code prior to the state of exception did not allow for defendants to be held for more than two years in pretrial detention without a sentence. Arrested in 2021, he was acquitted of misappropriation of tax withholdings and breach of duty on August 9. The remaining charges against him were for appropriation of five million dollars

in labor contributions and also electoral fraud and illicit associations for allegedly negotiating with gangs in exchange for votes in the 2015 legislative elections.

Muyshondt developed serious health problems during his detainment and in 2022 said that while detained he was beaten and tied up. In January he was hospitalized after a four-week hunger strike. Prison officials did not comply with seven subsequent orders issued by a judge for Muyshondt to be taken to a hospital. During a preliminary hearing on April 23, Muyshondt said prison officials planned to kill him and that the Director of Penitentiaries, Osiris Luna, had denied him access to a hospital for 63 days.

Two former Farabundo Marti National Liberation Front (FMLN) party officials, charged in 2021 with money laundering and illicit enrichment, remained in detention. Three other former FMLN officials also charged in the same case were under house arrest. Defenders of the three claimed they were detained for political reasons, while the government asserted the charges against them were legitimate. Investigations continued as of October.

On January 11, six former FMLN guerrillas were arrested in Santa Marta, Cabañas, for the 1989 kidnapping, torture, and killing of Maria Inés Alvarenga during the civil war. Many in the Santa Marta community recalled the accused parading Alvarenga's body around town as a warning and few denied the allegations, but they said the government was pursuing the

charges for possibly political reasons. Five of those arrested were members of an FMLN-linked community organization that advocated against mining. Defenders of those arrested claimed authorities chose to prosecute the case to silence their environmental activism. The repeal of the civil war amnesty law in 2016 allowed for the prosecution of cases from the civil war. The government declared the charges against the former guerrillas were legitimate and based on testimony from multiple witnesses.

f. Transnational Repression

Not applicable.

g. Property Seizure and Restitution

Not applicable.

h. Arbitrary or Unlawful Interference with Privacy, Family, Home, or Correspondence

The constitution prohibited such actions. Reforms to the criminal code introduced in 2022 allowed the Attorney General's Office to carry out a wide range of undercover digital monitoring activities without a warrant, with no restrictions on scope or duration. There were allegations the government tracked journalists, members of NGOs, and political opponents and collected information from private messages on their cell phones. There were reports

security forces entered homes without warrants.

As of August, the Association of Journalists of El Salvador (APES) reported two cases of government officials monitoring of journalists, two cases of surveilling journalists, and one case of illegally accessing the telephone of a journalist.

The PNC reported that as of July 26, they received nine complaints that police officers entered homes without a warrant.

Section 2. Respect for Civil Liberties

a. Freedom of Expression, Including for Members of the Press and Other Media

The constitution provided for freedom of expression, including for members of the press and other media, and the government generally respected this right. Journalists, media and civil society organizations, and opposition figures criticized the government's online harassment of critics and rhetoric towards journalists. There were sporadic reports of monitoring and threats against journalists.

Freedom of Expression: In November the government repealed a 2022 amendment to the criminal code that prohibited creating, reproducing, or transmitting any visual content (texts, images, graffiti, or other forms of

visual expression) that related to gangs, and stipulated a penalty of 10 to 15 years in prison. Media organizations and NGOs stated this had served as a threat to journalists and had created a chilling effect on the independent media for the duration of time it was active. The government stated the legislation was designed to prevent persons from relaying gang messages to the public. No one was arrested under this law while it was in effect.

Violence and Harassment: As of August, the APES Center for Monitoring Attacks on Journalists reported 14 acts of intimidation against journalists committed by government officials, six cases in which government officials threatened journalists, and two instances in which government officials issued threats of legal action against journalists.

APES and other media outlets reported one journalist was detained arbitrarily. The journalist, Victor Barahona, host of a local television show, was arrested in June 2022 on charges of gang associations and released on parole on May 19. Barahona said his arrest was either because he interviewed a guest on his show who criticized local government leaders for corruption or because of his involvement in a community organization in a gang-controlled neighborhood. In July he gave an interview regarding prison conditions to national media. After the interview, he was summoned to a hearing to review his conditions of release, during which he was warned to keep the process confidential, according to his lawyer.

APES reported that from January to August, five journalists left the country.

Two left pre-emptively after publishing investigative pieces, and three cited threats as their reason for leaving. One other journalist moved internally after publishing an investigative piece, and another moved internally after he reported he was followed to his residence by police and military officials.

APES raised concerns that in 10 separate instances, government officials arbitrarily stopped journalists and prevented them from carrying out their work, restricting their access into certain areas and demanding that they delete photographic or video footage. In one such instance, on March 31, five soldiers prevented two journalists from *El Diario de Hoy* from entering a section of a neighborhood and said they needed a permit to enter.

Censorship or Content Restrictions for Members of the Press and Other

Media, Including Online Media: In April *El Faro*, an investigative online newspaper, moved its administrative headquarters and legal registration to Costa Rica, citing primarily the multiple audits it faced from the Ministry of Finance and fabricated criminal accusations, as well as surveillance, threats, harassment of advertisers, and defamation by public officials. Its journalists remained in the country and continued to report.

There were reports that other news outlets also experienced harassment of advertisers and chose to self-censor or reduce operations.

Nongovernmental Impact: Unlike in previous years, there were no reports that journalists who reported on gangs and narcotics trafficking were

subject to threats from criminal groups.

Internet Freedom

The government did not restrict or disrupt access to the internet or censor online content.

There were reports that government-backed bots and troll accounts were used to manipulate social media discourse. On July 14, the investigative digital magazine *Revista Factum* tracked the activity of a network of progovernment accounts they determined to be trolls. The site's reporters determined the most prolific account tweeted up to 700 times per day and had 61,000 followers. *Revista Factum* reported that in one case, the network generated more than 2,000 negative tweets against a target in 24 hours.

b. Freedoms of Peaceful Assembly and Association

The constitution provided for the freedoms of peaceful assembly and association, and the government generally respected these rights.

c. Freedom of Religion

See the Department of State's *International Religious Freedom Report* at <https://www.state.gov/religiousfreedomreport/>.

d. Freedom of Movement and the Right to Leave the

Country Reports on Human Rights Practices for 2023
United States Department of State • Bureau of Democracy, Human Rights, and Labor

Country

The constitution provided for freedom of internal movement, foreign travel, emigration, and repatriation. As part of Phase V of the administration's "territorial control plan," security forces occasionally restricted movement around and into certain, mostly low-income, neighborhoods with a history of gang activity.

In contrast with previous years, gangs did not restrict movement between neighborhoods and areas. In February *El Faro* visited 14 previously gang-controlled communities. The residents interviewed reported gangs no longer restricted movement between communities or the circulation of outside service providers in their neighborhoods. The residents reported having access for the first time to services such as ride-hailing apps and food delivery. Communities were able to use communal spaces, including soccer fields and cemeteries, without restriction; previously only gang members were allowed access.

e. Protection of Refugees

The government cooperated with the Office of the UN High Commissioner for Refugees and other humanitarian organizations in providing protection and assistance to refugees or asylum seekers, as well as other persons of concern.

Access to Asylum: The law provided for the granting of asylum or refugee status, and the government had a system for providing protection to refugees, but the law had major regulatory and operational gaps. The legal framework required persons with international protection needs to file their claim within five days of entering the country and asylum seekers to renew their status every 30 days.

f. Status and Treatment of Internally Displaced Persons (IDPs)

The Internal Displacement Monitoring Center estimated there were 52,000 new IDPs due to violence in 2022 (most recent data available), noting the causes included threats, extortion, and killings perpetrated by criminal gangs. The center also reported an additional 4,600 IDPs in 2022, affected mostly by Tropical Storm Julia.

Section 3. Freedom to Participate in the Political Process

The constitution provided citizens the ability to choose their government in free and fair periodic elections held by secret ballot and based on universal and equal suffrage.

Elections and Political Participation

Abuses or Irregularities in Recent Elections: National elections were widely reported to be fair and free of abuses and irregularities.

Political Parties and Political Participation: On March 15, the Legislative Assembly repealed a section of the electoral code that prohibited changes to election laws within one year of elections. In June the Legislative Assembly approved laws to reduce the number of deputies in the assembly from 84 to 60 and the number of municipalities from 262 to 44. The law also changed the formula for calculating party seat distribution in the assembly. Some opposition politicians and political analysts argued these reductions were designed to consolidate the power of the president's party, Nuevas Ideas (New Ideas). The NGO Acción Ciudadana (Citizen Action) stated several small minority parties risked losing representation in the Legislative Assembly altogether under the new formula. President Nayib Bukele and Nuevas Ideas legislators asserted the change would return the number of deputies to the same number that existed in 1991 prior to the signing of the peace accords, which added deputies to increase FMLN representation, and that reducing the number of municipalities was necessary to streamline government administration and to save money. The reforms were passed quickly, but in line with democratic requirements per the constitution.

Participation of Women and Members of Marginalized or Vulnerable

Groups: Some transgender persons reported difficulties registering to vote and voting because their gender identities did not match the gender stated on their identification cards.

Section 4. Corruption in Government

The law provided criminal penalties for corruption by officials, and the government implemented the law, prosecuting officials from both the opposition and the governing party.

Corruption: President Bukele touted his government’s enforcement actions against corrupt officials, declaring a “war on corruption” on June 1. The Attorney General’s Office filed civil and criminal charges against, and courts convicted, high-ranking officials from past administrations. Charges were also filed against sitting officials in municipal governments as well as several lower-level sitting Nuevas Ideas officials and one Nuevas Ideas Legislative Assembly member. Courts convicted former high-ranking officials from several past administrations on charges of corruption. Allegations of corruption among sitting officials persisted, however. Opposition critics argued the government selectively prosecuted corruption charges to persecute political opponents.

As of July 26, the Attorney General’s Office opened investigations into 285 cases involving corruption, including embezzlement, extortion, illicit

negotiations, illicit enrichment, and bribery. As of August 10, the Government Ethics Tribunal reported it opened 178 administrative proceedings against 290 public officials. The tribunal imposed sanctions in 25 cases and referred eight cases to the Attorney General's Office.

On May 29, a court sentenced former President Mauricio Funes to 14 years in prison for arranging a gang truce during his administration. Funes, who resided in Nicaragua, called the trial unjust and politically motivated. On August 10, court proceedings began against Funes' former wife and nine other former high-level members of his administration for money laundering, embezzlement, and tax evasion.

As part of President Bukele's "war on corruption," the Attorney General's Office seized the assets of former President Alfredo Cristiani on June 1, alleging he stole public funds while in office and used those funds to enrich himself and family members. Cristiani did not reside in the country. Corruption-related charges were brought against a former Supreme Electoral Tribunal president and a former president of the Legislative Assembly. A former minister of defense, a former minister of justice, a former Legislative Assembly deputy, a former state intelligence agency director, and a former vice minister of commerce and industry were convicted of corruption-related charges.

Municipal officials were also the subject of corruption charges and investigations. On August 11, the mayors of two municipalities, Conchagua

and Tacuba, along with various other municipal officials and council members, were arrested on unrelated corruption charges. The mayor of Conchagua and two associates charged with him remained under arrest as of August 22, while the remaining officials were released pending their initial hearing.

Although most officials investigated for or charged with corruption were from the ARENA party, FMLN, or minor opposition parties, several sitting members of the Nuevas Ideas party also faced corruption investigations. On January 11, the Attorney General's Office charged the mayor of Soyapango, Nercy Patricia Montano De Martínez, and four other officials in the mayor's office with misappropriation and embezzlement of public funds. Montano, a member of the Nuevas Ideas party, had been the subject of municipal unrest and protests due to her mismanagement of funds. In February a waste disposal company filed a complaint with the Attorney General's Office against the Nuevas Ideas mayor of Mejicanos, Saúl Antonio Meléndez, accusing the mayor of embezzlement and breach of duty for nonpayment of services rendered totaling more than \$896,000, plus interest. On August 9, the attorney general accused Nuevas Ideas deputy Erick Garcia of fraud relating to election campaign expenses and requested the Legislative Assembly strip Garcia of his immunity. The Legislative Assembly voted to do so on August 17, and Garcia was arrested the same day. Garcia's alternate deputy, Nidia Aracely Turcios Anaya, was also arrested.

For additional information about corruption in the country, please see the Department of State's *Investment Climate Statement* for the country, and the Department of State's *International Narcotics Control Strategy Report*, which includes information on financial crimes.

Section 5. Governmental Posture Towards International and Nongovernmental Monitoring and Investigation of Alleged Abuses of Human Rights

A variety of domestic and international human rights groups generally operated without government restriction to monitor or investigate human rights conditions or cases and publish their findings. Several domestic human rights groups, including Cristosal, accused the government of opening excessive audits into their operations as an intimidation tactic and using the revocation of tax-exempt status as a tool to punish organizations critical of the government.

Human rights groups observed that the government increasingly declined to make public data for monitoring and analysis purposes. *Gato Encerrado*, an investigative newspaper, noted the government continued to expand the types of information it classified as confidential and not subject to public disclosure requirements.

Government Human Rights Bodies: The principal human rights

investigative and monitoring body was the autonomous PDDH, whose ombudsperson was chosen by the Legislative Assembly for a three-year term. The PDDH had a constitutional duty to investigate human rights abuses and defend human rights conventions in the country. Some NGOs believed the PDDH was not fully independent or effective.

On May 25, President Bukele created a Presidential Commission for Human Rights and Freedom of Speech and appointed Andrés Guzmán Caballero as the commissioner. The responsibilities and duties of the commission were unclear.

Section 6. Discrimination and Societal Abuses

Women

Rape and Domestic Violence: The law criminalized rape of women or men, domestic or intimate partner rape, and other forms of domestic and sexual violence, including so-called corrective rape of lesbian, gay, bisexual, transgender, queer, or intersex (LGBTQI+) persons. The law could apply to spousal rape, at the judge's discretion. The law required the Attorney General's Office to prosecute rape cases whether or not the survivor pressed charges and did not permit the survivor to withdraw the charge. The penalty for rape was generally imprisonment for six to 10 years. Laws against rape were not effectively enforced.

Violence against women, including domestic violence, remained a widespread and serious problem. The law prohibited domestic violence and generally provided for sentences ranging from one to three years in prison, although some forms of domestic violence carried higher penalties. The law also permitted restraining orders against offenders. The law against domestic violence was poorly enforced. The domestic NGO Feminist Network Against Violence Against Women analyzed cases of violence reported in the first half of 2021 and found the conviction rate was 6 percent. They attributed the low conviction rate to fear of aggressors, normalization of violence, a lack of understanding regarding survivors' rights, impunity, and an overall patriarchal system.

ORMUSA, a domestic women's rights organization, registered 26 femicides between January and May 31, 42 percent of which were committed by the partner of the victim and 54 percent of which were committed in the home of the victim. On February 21, the Legislative Assembly unanimously voted to remove the statute of limitations for prosecuting femicide.

Other Forms of Gender-based Violence or Harassment: The law prohibited sexual harassment and established sentences of five to eight years' imprisonment for the crime. Courts also could impose fines in cases in which the perpetrator held a position of trust or authority over the victim. By law, employers were required to create and implement programs to prevent sexual harassment. The government, however, did not consistently

enforce the law effectively. The Union of Seamstresses and Tailors asserted the Ministry of Labor lacked the will to investigate one such sexual harassment case it filed during the year.

As of August 26, the PNC registered 21 complaints of sexual harassment committed by police officers. On February 7, a police officer filed a complaint against the chief inspector of her division for sexual harassment.

Discrimination: The constitution granted women and men the same legal status. The law was generally respected, but with exceptions. Women faced discrimination in employment and occupation. Although the law provided for equal pay between men and women, women did not receive equal pay. In 2021, the United Nations reported that women made 18 percent less than men in the same jobs. The law established sentences of one to three years in prison for public officials who denied a person's civil rights based on gender, and six months to two years for employers convicted of discriminating against women in the workplace, but labor organizations noted that employees generally did not report such discrimination due to fear of employer reprisals.

Reproductive Rights: There were no reports of coerced abortion or involuntary sterilization on the part of government authorities.

The law banned abortion under all circumstances. Civil society advocates expressed concern the ban led to the wrongful incarceration of women who

suffered severe pregnancy complications, including miscarriages. As of July 26, the Attorney General's Office reported six women were under investigation for abortions and two for alleged feticide, which the legal system termed "homicide of a 'recently born' child," a charge often invoked for suspicions related to the cause of miscarriage. Charges were brought in one case of feticide.

Numerous factors served as barriers to access sexual and reproductive health services. In 2021, UN experts noted that there was "a systemic practice of discrimination against women who suffer obstetric emergencies or pregnancy losses." In 2022, the women's rights organization Las Dignas presented the results of a study on contraception access carried out in two rural districts. It found that 20 percent of the population studied had an active sex life but did not use contraceptives for reasons including dangerous or difficult conditions that prevented travel to health centers, not having required parental authorization for minors to obtain contraceptives, and a lack of availability of contraceptives in health centers.

The government provided access to sexual and reproductive health services for survivors of sexual violence, and emergency contraception and postexposure prophylaxis were available as part of clinical management of rape.

Systemic Racial or Ethnic Violence and Discrimination

There were several laws to protect members of racial or ethnic minorities or groups from violence and discrimination. The government did not enforce the laws effectively, and the administration took no action to implement a 2018 policy designed to focus on the inclusion of ethnic groups in all social and economic aspects. Some civil society organizations and individuals reported instances of racial discrimination against Afro-descendent persons and Indigenous groups.

Indigenous Peoples

The constitution recognized Indigenous peoples and stated the government was required to adopt policies to maintain and develop the ethnic and cultural identity, world view, values, and spirituality of Indigenous peoples. The law provided for the preservation of Indigenous languages and archeological sites. The municipalities of Cacaopera and Yucuaiquin, in the eastern part of the country, had special laws to recognize Indigenous cultural heritage.

Although the law provided for Indigenous groups to participate in decision making on issues that affected their rights, it did not include the right to be consulted regarding development and other projects envisioned on Indigenous land, nor did it provide Indigenous groups the right to share in revenue from exploitation of natural resources on historically Indigenous

lands. The government did not demarcate any lands as belonging to Indigenous communities. Because few Indigenous persons possessed title to land, opportunities for bank loans and other forms of credit were limited.

As of October, there was no progress in the case against the Attorney General's Office brought by victims' family members for failing to investigate the death of three Indigenous persons during "The Massacre of 1932."

Children

Child Abuse: The law prohibited child abuse. Penalties for child abuse included losing custody of the child and three to 26 years' imprisonment, depending on the nature of the abuse. The government enforced the law effectively.

Child, Early, and Forced Marriage: The legal minimum age for marriage was 18. The law banned child marriage to prevent child abusers from avoiding imprisonment by marrying their underage victims, and the law likewise banned exceptions to child marriage in cases where the child was pregnant. The government enforced the law effectively.

Sexual Exploitation of Children: The law prohibited the sale, grooming, or use of children for commercial sexual exploitation, including sex trafficking. The law stipulated imprisonment of 16 to 20 years.

The minimum age for consensual sex was 18. The law classified statutory

rape as sexual relations with anyone younger than age 18 and included sentences of four to 13 years' imprisonment.

The law prohibited paying anyone younger than 18 for sexual services. The law prohibited participating in, facilitating, or purchasing materials containing child pornography and provided for prison sentences of up to 16 years. Despite these provisions, sexual exploitation of children remained a problem. The government did not enforce the law effectively.

Antisemitism

The Jewish community totaled approximately 150 persons. There were no reports of antisemitic incidents.

Trafficking in Persons

See the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

Acts of Violence, Criminalization, and Other Abuses Based on Sexual Orientation, Gender Identity or Expression, or Sex Characteristics

Criminalization: The law did not criminalize consensual same-sex conduct between adults, cross-dressing, or other sexual or gender characteristic-related behaviors.

Violence and Harassment: COMCAVIS TRANS, a domestic NGO that promoted LGBTQI+ rights, found 43 percent of transgender women, 42 percent of cisgender men, and 14 percent of cisgender women had encountered problems with law enforcement officials.

Violence against LGBTQI+ persons was a problem. The Attorney General's Office reported that as of July 26, 13 LGBTQI+ persons were victims of sexual assault or harassment, and one was the victim of bodily harm.

The law allowed for stricter sentences for crimes committed on the basis of sex, gender identity, and gender expression, among other categories. The PDDH recorded and investigated complaints of violence and harassment against LGBTQI+ individuals. As of July 31, the PDDH received 20 complaints, involving 23 victims, ranging from five victims of acts of cruel and degrading punishment to five victims of insults.

Discrimination: The law prohibited discrimination by state and nonstate actors based on sexual orientation, gender identity or expression, or sex characteristics. Discrimination against LGBTQI+ persons was widespread and hindered access to education and employment. Surveys conducted in 2021 by COMCAVIS TRANS found that 39 percent of LGBTQI+ individuals surveyed were unemployed, compared with 5 percent of the general population. Transgender persons regularly faced discrimination in health care, banking, and voting.

Availability of Legal Gender Recognition: The Legislative Assembly did not take steps to create a procedure allowing transgender persons to change their identity documents to reflect their gender, despite a 2022 Supreme Court ruling to do so by February.

Involuntary or Coercive Medical or Psychological Practices: There were no reports of the practice of so-called conversion therapy targeting LGBTQI+ individuals in an attempt to change their sexual orientation, gender identity, or expression. There were no reports that medically unnecessary and irreversible “normalization” surgeries were performed on children or on nonconsenting adult intersex persons.

Restrictions of Freedom of Expression, Association, or Peaceful Assembly: There were no restrictions on freedom of expression or association regarding LGBTQI+ matters.

Persons with Disabilities

The law prohibited discrimination against persons with physical, sensory, intellectual, and mental disabilities, but the government did not enforce the law. Persons with disabilities did not have access to education, health services, public buildings, or transportation on an equal basis with others. Persons with disabilities faced discrimination in employment and occupation. No formal system existed for filing a discrimination complaint based on disability.

The National Council for Comprehensive Attention to Persons with Disability (CONAIPD), composed of representatives from multiple government entities, was the agency responsible for protecting the rights of persons with a disability, but it lacked enforcement power. According to a CONAIPD representative, the government did not effectively enforce legal requirements for access to buildings or information and communications for persons with disabilities. Few access ramps or provisions for the mobility of persons with disabilities existed.

Disability advocates said children with disabilities faced access problems in school, including a lack of ramps and other accommodations. The government provided little support for schools to include accommodations, and there were few teachers trained to teach students with disabilities.

Persons with disabilities also faced discrimination in the public health-care system. Disabilities rights groups reported that women with disabilities were often instructed by their doctors to use birth control to avoid having children, believing the women would bear children with disabilities.

Persons with disabilities faced discrimination in employment and occupation. CONAIPD stated there was no mechanism to verify compliance with the law requiring businesses and nongovernment agencies to hire one person with disabilities for every 25 hires. CONAIPD reported employers frequently fired persons who acquired disabilities and would not consider persons with disabilities for work for which they were qualified. The

Network of Survivors and Persons with Disabilities Foundation noted the Special Law on Inclusion of Persons with Disabilities was never implemented or enforced. The Association of Blind Women added that companies preferred to pay fines instead of employing workers with disabilities.

Other Societal Violence or Discrimination

The law prohibited discrimination based on HIV or AIDS status. As of August 11, the PDDH received three complaints of discrimination against persons with HIV or AIDS.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law provided for the right of most workers to form and join independent unions, in certain workplaces to bargain collectively, and after a lengthy regulated process, the right to strike. The government did not enforce these rights. Unions experienced lengthy delays in processing their credentials with the Ministry of Labor, some waiting nine months or longer. Without credentials, unions could not engage in collective bargaining or participate in tripartite entities that governed worker-related issues such as setting a minimum wage, health care, and housing. According to media reports and union representatives, the minister of labor rewarded unions

loyal to him and his party with expedited credentials and punished unions critical of the government by delaying their certifications.

The law prohibited antiunion discrimination, and workers were protected from firing or demotion for union organizing activity. If fired during this time, they could bring cases to court for reinstatement. Members of the military, judges, and high-level public officers could not form or join unions. Workers in private security firms could not form or join unions. The labor code did not cover public-sector workers and municipal workers, whose wages and terms of employment were regulated by law. Only citizens could serve on unions' executive committees. The labor code also barred individuals from holding membership in more than one trade union. Unions had to meet certain requirements to register, including having a minimum of 35 members. If the Ministry of Labor denied registration, the law prohibited any attempt to organize for up to six months following the denial.

Collective bargaining was strictly regulated. Unions representing fewer than 51 percent of the workers in an enterprise did not have the right to bargain, even on behalf of their own members. Provisions of the law allowed either party to a collective bargaining agreement, under some conditions, to seek to change its provisions after one year in force. Employees of most public institutions did not have the right to bargain collectively.

The law contained cumbersome and complex procedures for conducting a legal strike. The law did not recognize the right to strike for public and

municipal employees or for workers in essential services. The law did not specify which services met this definition, and courts therefore applied this provision on a case-by-case basis. The law required that 30 percent of all workers in an enterprise support a strike for it to be legal and that 51 percent support the strike before all workers were bound by the decision to strike. Unions could strike only to obtain or modify a collective bargaining agreement or to protect the common professional interests of the workers. Unions were required to engage in negotiation, mediation, and arbitration processes before striking, although many unions often skipped or expedited these steps. Workers at times engaged in strikes that did not meet legal requirements. The law provided no way for workers to appeal a government decision declaring a strike illegal.

The government did not effectively enforce the laws on freedom of association and the right to collective bargaining, and penalties were less than those for other laws involving denials of civil rights, such as discrimination. Penalties were rarely applied against violators. Judicial procedures were subject to lengthy delays and appeals. According to union representatives, the government inconsistently enforced labor rights for a wide range of workers, and enforcement was dependent upon the political affiliations of their labor unions.

Unions reported that their members sometimes faced violence or threats of violence and that viable legal recourse against such violence was

unavailable. Public-sector union members reported public officials threatened to dismiss employees who made labor complaints.

On January 10, three members of the union of municipal workers in Soyapango were arrested on charges of public disorder and resisting arrest during a demonstration in which they demanded payment of salary owed. The charges against them were provisionally dismissed in June.

There were concerns the lowered standard of evidence required for an arrest under the state of exception allowed employers and municipal officials to retaliate against union members by alleging they were gang members. The human rights NGO Socorro Jurídico Humanitario reported 21 union members were arrested during the state of exception, 40 percent on charges of gang associations and 60 percent on charges of public disorder or resisting arrest. The NGO stated the individuals were arrested for their labor-related activities, but their cases were handled following the same procedures as other state-of-exception cases, as if the arrestees were members of illicit groups. The NGO further reported that as of August 16, 10 union members remained in pretrial detention.

Although many unions were aligned with political parties, they functioned independently from the government and political parties.

b. Prohibition of Forced or Compulsory Labor

See the Department of State's annual *Trafficking in Persons Report* at

Country Reports on Human Rights Practices for 2023

United States Department of State • Bureau of Democracy, Human Rights, and Labor

<https://www.state.gov/trafficking-in-persons-report/>.

c. Prohibition of Child Labor and Minimum Age for Employment

See the Department of Labor's *Findings on the Worst Forms of Child Labor* at <https://www.dol.gov/agencies/ilab/resources/reports/child-labor/findings/>.

d. Discrimination (see section 6)

e. Acceptable Conditions of Work

Wage and Hour Laws: The law provided for a minimum wage for all sectors, to be set by the government. The minimum wage varied by sector; all were above poverty income levels. The law set a maximum normal workweek of 44 hours – limited to no more than six days per week and to no more than eight hours per day – but allowed overtime, which was to be paid at double the usual hourly wage. The law mandated that full-time employees receive pay for an eight-hour day of rest in addition to the 44-hour normal workweek. The law prohibited compulsory overtime for all workers other than domestic employees, such as maids and gardeners, who were obligated to work on holidays if their employer made this request. In such cases, they were entitled to double pay.

Occupational Safety and Health: The Ministry of Labor set and enforced

occupational safety and health (OSH) standards, and the standards were appropriate for the main industries. The law established a tripartite committee to review the standards. The law required employers to take steps to meet OSH requirements in the workplace, including providing proper equipment and training and a violence-free environment. The law promoted occupational safety awareness, training, and worker participation in OSH matters.

Workers could legally remove themselves from situations that endangered health or safety without jeopardy to their employment.

Wage, Hour, and OSH Enforcement: The government did not adequately enforce wage, hour, or OSH laws. Penalties were less than those for similar crimes, such as fraud, and were rarely applied against violators. Some companies reportedly found it more cost-effective to pay fines than comply with the law. The Ministry of Labor was responsible for enforcing wage, hour, and OSH laws.

The government trained inspectors on legal standards. The number of inspectors was insufficient to enforce compliance. Inspectors did not have the authority to initiate unannounced inspections or sanctions. Inspections were scheduled according to a calendar set by the Inspections Directorate or to verify a complaint, and labor inspectors notified companies prior to their arrival. Allegations of corruption among labor inspectors continued.

The Ministry of Labor received complaints regarding failure to pay overtime, minimum wage violations, unpaid salaries, and the illegal withholding of benefits, including social security and pension funds. Reports of overtime and wage violations occurred in several sectors. According to the ministry, employers in the agricultural sector routinely violated the laws requiring annual bonuses, vacation days, and rest days. Women in domestic service faced exploitation, mistreatment, verbal abuse, threats, sexual harassment, and generally poor work conditions. Workers in the textile industry reportedly experienced violations of wage, hour, and safety laws.

The informal sector represented almost 75 percent of the economy. The government did not enforce labor laws in this sector.

Exhibit 4

El Salvador 2024 Human Rights Report

Executive Summary

There were no significant changes in the human rights situation in El Salvador during the year. Reports of gang violence remained at a historic low under the state of exception as mass arrests suppressed gang activity.

There were no credible reports of significant human rights abuses.

The government took credible steps to identify and punish officials who committed human rights abuses.

Section 1. Life

a. Extrajudicial Killings

The government reported a significant decline in widespread killings by criminal gangs. The government and observers widely attributed the decrease to the government's policies under the state of exception, declared in March 2022 and extended monthly.

There were several reports the government or its agents committed arbitrary or unlawful killings during the year.

Under the state of exception, which had to be renewed monthly, security forces were empowered to arrest anyone suspected of belonging to a gang

or providing support to gangs. As a result, thousands of suspects were detained.

Some suspects died in prison prior to conviction or completing their sentences. On July 8, the minister of justice and public security stated there had been 115 deaths in prison since the state of exception began in March 2022. As of August 16, the Office of the Ombudsperson for Human Rights reported it was investigating eight deaths in prison.

b. Coercion in Population Control

There were no reports of coerced abortion or involuntary sterilization on the part of government authorities.

Section 2. Liberty

a. Freedom of the Press

The constitution provided for freedom of expression, including for members of the press and other media, and the government generally respected this right. Journalists, media and civil society organizations, and opposition figures criticized the government's online harassment of critics and rhetoric towards journalists.

Physical Attacks, Imprisonment, and Pressure

As of August, the Association of Journalists of El Salvador's (APES) Center for Monitoring Attacks on Journalists reported five acts of online intimidation against journalists committed by government officials and three instances in which government officials issued threats of legal action against journalists.

b. Worker Rights

Freedom of Association and Collective Bargaining

The law provided for the right of most workers to form and join independent unions, in certain workplaces to bargain collectively, and the right to strike after a lengthy regulated process. However, there were reports of unions experiencing delays in processing their credentials with the Ministry of Labor. Without credentials, unions could not engage in collective bargaining or participate in tripartite entities that governed worker-related issues. If the Ministry of Labor denied a union's certification, the law prohibited any attempt to organize for up to six months following the denial.

The law prohibited antiunion discrimination, and workers were protected from firing or demotion for union organizing activity. If fired during this time, they could submit cases to court for reinstatement. Members of the military, judges, and high-level public officers could not form or join unions.

Workers in private security firms could not form or join unions. The labor code did not cover public-sector workers and municipal workers, whose wages and terms of employment were regulated by law. Only citizens could serve on unions' executive committees. The labor code also barred individuals from holding membership in more than one trade union. Unions had to meet certain requirements to register, including having a minimum of 35 members.

Collective bargaining was regulated by law. Unions representing fewer than 51 percent of the workers in an enterprise did not have the right to bargain, even on behalf of their own members. Provisions of the law allowed either party to a collective bargaining agreement, under some conditions, to seek to change its provisions after one year in force. Employees of most public institutions did not have the right to bargain collectively.

The law contained several procedures for conducting a legal strike. The law did not recognize the right to strike for public and municipal employees or for workers in essential services. The law did not specify which services met this definition, and courts therefore applied this provision on a case-by-case basis. The law required 30 percent of all workers in an enterprise support a strike for it to be legal and that 51 percent support the strike before all workers were bound by the decision to strike. Unions could strike only to obtain or modify a collective bargaining agreement or to protect the common professional interests of the workers. Unions were required to

engage in negotiation, mediation, and arbitration processes before striking, although many unions often skipped or expedited these steps. Workers at times engaged in strikes that did not meet legal requirements. The law provided no way for workers to appeal a government decision declaring a strike illegal.

The government enforced less penalties for violations of collective bargaining rights than in some other areas, such as civil rights violations. Judicial procedures were subject to delays and appeals.

As of June, the country faced six active complaints before the International Labor Organization for alleged freedom of association violations.

Forced or Compulsory Labor

See the Department of State's annual *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

Acceptable Work Conditions

Wage and Hour Laws

The law provided for a minimum wage for all sectors, to be set by the government. The minimum wage varied by sector; all were above poverty income levels. The law set a maximum normal workweek of 44 hours – limited to no more than six days per week and to no more than eight hours per day – but allowed overtime, which was to be paid at double the usual

hourly wage. The law mandated full-time employees receive pay for an eight-hour day of rest in addition to the 44-hour normal workweek. The law prohibited compulsory overtime for all workers other than domestic employees, such as maids and gardeners, who were obligated to work on holidays if their employer made this request. In such cases, they were entitled to double pay.

Occupational Safety and Health

The Ministry of Labor set and enforced occupational safety and health (OSH) standards, and the standards were appropriate for the main industries. The law established a tripartite committee to review the standards. The law required employers to take steps to meet OSH requirements in the workplace, including providing proper equipment and training and a violence-free environment. The law promoted occupational safety awareness, training, and worker participation in OSH matters.

Workers could legally remove themselves from situations that endangered health or safety without jeopardy to their employment.

Wage, Hour, and OSH Enforcement

The Ministry of Labor, which was responsible for enforcement, did not adequately enforce wage, hour, or OSH laws. Penalties were less than those for similar crimes, such as fraud or negligence, and were rarely applied against violators. Some companies reportedly found it more cost-effective

to pay fines than comply with the law.

Inspectors had the authority to initiate unannounced inspections. The Ministry of Labor reported inspections were scheduled according to an Inspections Directorate work plan or to investigate complaints, and labor inspectors carried out labor inspections with no advance notice. There were, however, reports of an insufficient number of labor inspectors.

The Ministry of Labor received complaints regarding failure to pay overtime, minimum wage violations, unpaid salaries, and the illegal withholding of benefits, including social security and pension funds. Reports of overtime and wage violations occurred in several sectors. According to the ministry, employers in the agricultural sector routinely violated the laws requiring annual bonuses, vacation days, and rest days. Women in domestic service reportedly faced mistreatment and sexual harassment. Workers in the textile industry reportedly experienced violations of wage, hour, and safety laws.

The informal sector represented almost 75 percent of the economy. The government did not enforce labor laws in this sector.

c. Disappearance and Abduction

Disappearance

The Public Defender's Office reported that sufficient mechanisms existed to

allow most citizens to locate their detained family members. There were reports of enforced disappearances by or on behalf of government authorities. The Office of the Ombudsperson for Human Rights received eight complaints regarding the lack of information on detainees under the state of exception.

Prolonged Detention without Charges

The constitution prohibited arbitrary arrests, and the law provided for the right of any person to challenge the lawfulness of their arrest or detention in court. The state of exception, itself a legal mechanism, increased the number of days an individual could be held in detention before being formally charged.

In August, the Presidential Commission for Human Rights and Freedom of Expression reported the government did not maintain statistics on the number of refused release orders and stated that in most cases, individuals were not released because they were the subject of more than one pending legal case.

d. Violations in Religious Freedom

See the Department of State's annual *International Religious Freedom Report* at <https://www.state.gov/religiousfreedomreport/>.

e. Trafficking in Persons

See the Department of State's annual *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

Section 3. Security of the Person

a. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

The constitution prohibited such practices, and the government reported and investigated complaints of violations.

There were some complaints of mistreatment by police and members of the armed forces. As of August 16, the PNC registered two complaints of torture, 47 complaints of "violated bodily integrity," 53 complaints of mistreatment, 34 complaints of physical abuse, and three complaints of assault and discrimination committed by police officers. The PNC referred 171 complaints to the Attorney General's Office, disciplined 14 police officers, and dismissed 12 police officers. Ten victims registered complaints with the Office of the Ombudsperson for Human Rights, alleging torture or cruel and inhuman punishment at the hands of PNC officers, and one victim registered a complaint of the same treatment committed by members of the armed forces. As of August, the National Council for Early Childhood, Childhood, and Adolescence received one complaint of abuse committed by

police or prison guards in its juvenile detention centers and reported the case was under investigation.

As of August 16, the PNC registered 23 complaints of sexual abuse, 19 complaints of violence against women, and four complaints of abuse of children allegedly committed by police. In June, the government reported the Office of the Inspector General of Public Security was investigating 66 cases of alleged rights violations perpetrated by public security forces during the state of exception, including three violations of the right to life, 11 violations of personal liberty, and nine violations of personal security. The same report noted the Office of the Attorney General initiated 19 investigations into alleged abuses of force during the state of exception.

b. Protection of Children

Child Labor

See the Department of Labor's *Findings on the Worst Forms of Child Labor* at <https://www.dol.gov/agencies/ilab/resources/reports/child-labor/findings/>.

Child Marriage

The legal minimum age for marriage was 18. The law banned child marriage to prevent child abusers from avoiding imprisonment by marrying their underage victims, and the law likewise banned exceptions to child marriage in cases where the child was pregnant. The government enforced the law

effectively.

c. Protection to Refugees

The government cooperated with the Office of the UN High Commissioner for Refugees and other humanitarian organizations in providing protection and assistance to refugees, returning refugees, or asylum seekers, as well as other persons of concern.

Provision of First Asylum

The law provided for the granting of asylum or refugee status, and the government had a system for providing protection to refugees, but the law had regulatory and operational gaps. The legal framework required persons with international protection needs to file their claim within five days of entering the country and asylum seekers to renew their status every 30 days.

Resettlement

The government naturalized seven refugees during the year, the first time authorities had done so.

d. Acts of Antisemitism and Antisemitic Incitement

The Jewish community totaled between 100 and 300 persons. There were no reports of antisemitic incidents.

Exhibit 5

HUMAN
RIGHTS
WATCH

JANUARY 12, 2026

El Salvador

The government of President Nayib Bukele continued to remove checks on executive power and increased its repression of human rights defenders and critics. In July, the Legislative Assembly, controlled by the ruling party, amended the Constitution to remove presidential term limits. Bukele won a second term in 2024 despite a constitutional prohibition on immediate re-election.

A state of emergency enacted in March 2022 remains in effect, suspending constitutional rights. Authorities have committed widespread abuses, including mass arbitrary detention, enforced disappearance, torture and ill-treatment of detainees, and due process violations. Gang violence has markedly declined.

Concentration of Power

In July, lawmakers from the Nuevas Ideas party approved constitutional amendments allowing indefinite presidential re-election, among other changes.

The Inter-American Commission on Human Rights (IACHR) said the measures were “a serious setback for democracy and the rule of law in the country.”

In January, the Assembly passed a reform to article 248 of the Constitution, allowing the Assembly to reform the constitution in a single legislative session. Previously, such amendments required approval by two successive legislatures.

In December 2024, lawmakers re-elected Rodolfo Delgado as attorney general. Delgado had first been appointed in May 2021, when pro-Bukele lawmakers summarily removed and replaced the previous attorney general and all five judges of the Supreme Court’s Constitutional Chamber. In 2021, Attorney General Delgado dismantled the Special Anti-Mafia Group (GEA), a unit within the Attorney General’s Office that was investigating alleged corruption by senior Bukele officials and government negotiations with gangs.

In September 2021, legislators passed laws allowing the Supreme Court and the attorney general to dismiss judges and prosecutors aged 60 or older and to transfer them to other posts. These laws expanded executive control over the judiciary, contradicted international standards on judicial independence, and have been used to dismiss or reassign independent judges and prosecutors.

Attacks on Civil Society

The government has intensified attacks against journalists, human rights defenders, activists, and union leaders.

In May, authorities arrested José Ángel Pérez, a community leader, and Alejandro Henríquez, a lawyer, on unfounded charges of “aggressive resistance” and “public disorder” for peacefully protesting against the eviction of a community. They remained incommunicado in pre-trial detention at time of writing.

Later that month, authorities arrested Ruth López, a prominent human rights defender and director of anti-corruption and justice at Cristosal, a Central American human rights organization, and charged her with “illicit enrichment.” In June, authorities arrested Enrique Anaya, a lawyer and outspoken government critic, on charges of “money laundering.” Both remain incommunicado in pre-trial detention, and their cases have been placed under judicial seal. In September, the IACHR issued precautionary measures in their favor, urging the Salvadoran government to end their prolonged incommunicado detention, ensure they have access to their family and legal counsel, and review the legality of their pre-trial detention.

In May, the Legislative Assembly passed a Foreign Agents Law that requires any individual or organization in El Salvador that directly or indirectly receives funds, goods, or services of foreign origin to register as a “foreign agent” with the Interior Ministry. Authorities have broad discretion to grant exemptions under vague criteria and to sanction activities they deem contrary to “public order” or threatening to “the social and political stability of the country.”

Organizations or individuals who fail to register face sanctions, including fines and the “suspension or cancellation” of their legal status. The law also imposes a 30 percent tax on all foreign funding, including donations, goods, and services. The Foreign Agents law violates El Salvador’s obligations under international human rights law, including the International Covenant on Civil and Political Rights and the American Convention on Human Rights, which protect freedom of expression and association. The law entered into force in September.

In July, Cristosal announced it was closing its offices in El Salvador, citing “escalating repression.” Between May and September, at least 140 human rights defenders and journalists—including staff from *El Faro*, a prominent digital outlet—fled the country fearing reprisals for their work. *El Faro* had already moved its legal operations to Costa Rica in 2023.

The Association of Journalists of El Salvador (APES) reported 789 “press freedom violations” during 2024, a 154 percent increase over 2023. These included digital harassment, stigmatizing statements targeting journalists, and restrictions on journalists’ work and access to public information.

In September, APES also announced it was closing its offices in El Salvador, citing the “suffocating” requirements imposed by the Foreign Agents Law. At least three other organizations have shut down since the law came into force.

Security Policies

A state of emergency adopted in March 2022 suspending certain due process rights has been extended 45 times and remained in force at time of writing.

Under the state of emergency, police and soldiers have conducted hundreds of indiscriminate raids, particularly in low-income neighborhoods, arresting over 90,000 people, including more than 3,000 children. Most remain incommunicado in pre-trial detention.

Local and international human rights groups have documented enforced disappearance, mass arbitrary detention, torture, and, in some cases, sexual violence against women and girls in detention. Authorities have not reported charging, indicting, or convicting any police or military officers in connection with these abuses. In a 2024 September report, the IACHR noted “reports” of “widespread and systematic human rights violations” and urged authorities to “end the state of emergency.”

Many detainees have no apparent connections to gang-related violence. Arrests often appear to be based on the detainees’ appearance, tattoos of any kind, uncorroborated calls, false reports, and pressure to meet arrest quotas.

Mass imprisonment has raised El Salvador’s prison population to an estimated 118,000 detainees, more than double the country’s capacity, significantly worsening already poor prison conditions. A total of 1.9 percent of the country’s population was in detention at time of writing, among the highest rates in the world.

In February, lawmakers amended the Juvenile Criminal Law to allow the transfer of children detained for “organized crime offenses” to separate pavilions in adult prisons. The measure exposes them to a heightened risk of abuse and violates international juvenile justice standards.

In August, the Assembly amended the Organized Crime Law to extend pre-trial detention for people accused of belonging to criminal organizations, allowing detainees to be held for up to five years before trial.

At least 458 detainees have died in prison during the state of emergency, according to Socorro Jurídico Humanitario, a rights group. No one appears to have been held accountable for these deaths.

Gang Violence

Gang violence continued to decrease in 2025. For decades, gangs exerted territorial control over areas throughout the country, committing abuses such as homicides, forced recruitment of children, rapes and sexual assaults, abductions, extortion, and displacement.

The country’s longstanding high homicide rate, which peaked at 105 per 100,000 people in 2015, has sharply diminished since 2019, reaching a historic low in 2024, according to official figures. At time of

writing, the government had not reported the homicide rate for 2025. Extortion cases have also decreased, authorities reported.

Government restrictions on public access to homicide and other crime data and changes to which killings are counted as homicides in official statistics make it hard to assess the accuracy of official claims about the reduction in and the prevalence of crimes.

Deportations from the US

Between March and April, the Trump administration transferred 252 Venezuelans to El Salvador, where they were held in the Center for Terrorism Confinement (Centro de Confinamiento del Terrorismo, CECOT), a mega prison notorious for its abusive conditions. The US government paid El Salvador to hold the deportees in prison. They were then sent to Venezuela in July as part of a prisoner exchange.

During their four months in CECOT, the Venezuelan detainees endured systematic human rights violations, including arbitrary detention, enforced disappearance, torture and ill-treatment, prolonged incommunicado confinement, denial of adequate health care and food, and unsanitary conditions. The US actions—sending people to a place where torture was likely—violated the international prohibition on non-refoulement.

Media reports citing internal correspondence indicate that Salvadoran officials proposed a “50 percent discount” on the US payment to hold the Venezuelan migrants in exchange for the transfer to El Salvador of nine senior MS-13 members then held by the US. US authorities subsequently removed 23 Salvadorans to CECOT, including César Humberto López Larios (“El Greñas”), an MS-13 leader who was facing terrorism and conspiracy charges in US federal court.

López Larios’s removal appears to be an effort to prevent him and others from testifying in US courts about their negotiations with Bukele’s government. According to US indictments, Bukele officials had negotiated with MS-13 leaders since 2019 for looser prison regimes, reduced sentences, early releases, and protection from extradition, in return for lowering homicides and political support during elections.

Transparency and Anti-Corruption

Authorities’ excessive use of secrecy classifications and weak oversight by the institution tasked with enforcing the Access to Public Information Law hinder transparency and have contributed to increasing perceptions of public sector corruption.

El Salvador’s score on Transparency International’s Corruption Perceptions Index, which measures perceived public sector corruption globally, has fallen sharply from 36 in 2020 to a 13-year low of 30 in 2024.

The Supreme Court has classified President Bukele’s asset declaration, departing from previous practice and fueling concerns about official corruption.

Access to Abortion

El Salvador criminalizes abortion under all circumstances. For years, courts have convicted women who have experienced obstetric emergencies on charges of qualified homicide and sentenced them with up to 50 years in prison.

In December 2024, the Inter-American Court of Human Rights found El Salvador responsible for obstetric violence in the case of Beatriz, a woman denied an abortion in 2013 despite facing a high-risk pregnancy. The ruling was a landmark precedent for reproductive rights in the region.

Sexual Orientation and Gender Identity

El Salvador does not allow same-sex marriage or legal gender recognition for transgender people and lacks comprehensive anti-LGBT discrimination legislation. The legislature continues to ignore a 2022 Supreme Court order to create a legal gender recognition procedure that would allow trans people to change their names on identity documents.

Foreign Actors

In April, Bukele met with President Trump in the Oval Office to discuss migration and security cooperation. Bukele said he would not return Kilmar Abrego García, a Salvadoran man unlawfully deported from the United States in March. Abrego García was returned to the United States in June, where he faces migrant-smuggling charges.

The 2024 US State Department human rights report on El Salvador claimed there were “no credible reports of significant human rights abuses,” although it cited “complaints” and “reports” of mistreatment, extrajudicial executions, and disappearances. The 2023 report mentioned extrajudicial executions, torture, and “harsh and life-threatening prison conditions.”

In February, the government reached a US\$1.4 billion agreement with the International Monetary Fund (IMF). The IMF has identified concerns over judicial independence as a factor in the country’s speculative-grade credit rating and as a barrier to foreign investment, and has issued recommendations relating to judicial transfers and tenure. An IMF review published in July found that these reforms had not been implemented. The review also noted delays in implementing some recommendations on transparency and anti-corruption.

In June, the European Union raised concerns for the first time about El Salvador’s deteriorating human rights situation at the UN Human Rights Council.

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Country

El Salvador

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Events of 2025

Teaser

The government of President Nayib Bukele continued to remove checks on executive power and increased its repression of human rights defenders and critics. In July, the Legislative Assembly, controlled by the ruling party, amended the Constitution to remove presidential term limits. Bukele won a second term in 2024 despite a constitutional prohibition on immediate re-election.

Chapter Type

Country Update

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Source URL: <https://www.hrw.org/world-report/2026/country-chapters/el-salvador>

Exhibit 6

THE STATE OF THE WORLD'S HUMAN RIGHTS

APRIL 2025



AMNESTY
INTERNATIONAL



to travel to Saudi Arabia. According to the EIPR, communications sent by the Ministry of the Interior to travel agencies specified that women from “lower classes” included housewives, unemployed women and those in low-skilled jobs.

At least four women were arbitrarily arrested and prosecuted on vague morality charges in relation to publishing content on TikTok.

LGBTI people

The authorities continued to harass and prosecute individuals for their actual or perceived sexual orientation or gender identity.

RIGHT TO A HEALTHY ENVIRONMENT

In its second NDC, issued in June 2023, Egypt pledged to reduce carbon emissions by ensuring that 42% of its electricity would come from renewable energy sources by 2030. However, the government continued to issue new gas exploration licences, potentially jeopardizing its decarbonization efforts.

FREEDOM OF RELIGION AND BELIEF

The right to build or repair churches remained restricted by a 2016 law requiring approval from security agencies and other state bodies. In October a government spokesperson said that the government had approved the legalization of 3,453 churches out of the 5,540 requests that had been submitted since the law was enacted.

In April, security forces failed to protect Coptic Christian residents in two villages in al-Minya governorate from sectarian attacks. The attacks followed reports of the establishment of Christian places of worship in the two villages, and involved Muslim residents marching, chanting anti-Christian slogans and damaging the homes of Coptic Christians.

In July a military court sentenced a Coptic Christian conscript to three years in prison for electronic messages he sent to a Muslim man which were deemed to be “offensive to Islam”, according to the EIPR.

REFUGEES’ AND MIGRANTS’ RIGHTS

Egyptian security forces, including EU-funded border guards, carried out mass arrests of thousands of Sudanese refugees for irregularly entering or staying in Egypt. The security forces kept the refugees in squalid detention conditions before forcibly returning them to Sudan without allowing them to access asylum procedures (see Sudan entry). Authorities also continued to arrest asylum seekers and refugees from other countries, including Eritrea, over their migration status.

In September the government extended by one year the deadline requiring all foreign nationals to regularize their status through an Egyptian sponsor and the payment of USD 1,000.

On 16 December, President al-Sisi ratified Egypt’s first asylum law, which failed to prohibit refoulement, lacked due process safeguards and allowed for the arbitrary detention of refugees and asylum seekers.

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1. “Egypt: Halt crackdown on people voicing concerns over economic crisis”, 13 May ↑
 2. “Egypt: Politician detained over social media posts: Yehia Hussein Abdelhady”, 9 August ↑
 3. “Egypt: Three-year prison sentence for anti-torture protester a ‘travesty of justice’”, 27 June ↑
 4. “Egypt: Reject draft Criminal Procedure Code”, 2 October ↑
 5. “Egypt: Ensure Alaa Abdel Fattah is not detained after completing length of unjust prison term”, 26 September ↑
 6. “Egypt: New law threatens to reduce access to healthcare for millions”, 30 July ↑

EL SALVADOR

Republic of El Salvador

Poverty increased and the government cut spending on health and education. Arbitrary detentions and human rights violations continued to arise due to the state of emergency. There were serious failings in the judicial system. Prison overcrowding persisted, with incarceration rates among the highest globally. Detention conditions

were inhumane, with reports of torture and other ill-treatment, and the government failed to act to address the situation. Freedom of expression and the public's right to information were eroded, and journalists were at risk of harassment and violence. Security forces restricted the freedom of movement of protesters challenging budget cuts, and public sector workers were dismissed for participating. Human rights defenders were at increased risk of attacks and harassment under the state of emergency.

BACKGROUND

The state of emergency that began in March 2022 was ongoing. Regional and international human rights mechanisms continued to raise concerns over human rights violations committed during the state of emergency, as documented by various local and international organizations.¹

In February, Nayib Bukele was re-elected as president following a controversial interpretation of the constitution by the Supreme Court that allowed him to stand again despite a prohibition on immediate re-election.

Recent constitutional reforms raised concerns over the restriction of public participation in the reform process, narrowing the space for debate and discussion on matters of public interest. The concentration of power within the ruling party and the absence of institutional checks and balances allowed these reforms to pass without civil society consultation, exacerbating the human rights crisis and further weakening the rule of law.²

ECONOMIC, SOCIAL AND CULTURAL RIGHTS

The Legislative Assembly approved the government's 2025 budget proposal that prioritized spending on security and defence, while key sectors such as health and education faced significant cuts, impacting the population's access to these rights, in turn deepening social inequalities. According to a 2024 World Bank report, extreme poverty rose between 2019 and 2023. In 2023, more than 1.9 million people were living in poverty

– 55,097 more than in 2022 – with a poverty rate of 30.3%, compared with 26.8% in 2019.

ARBITRARY DETENTION AND UNFAIR TRIALS

Since the state of emergency began in 2022 up to the end of 2024, according to the authorities there had been 83,900 detentions. Most detainees had been charged with “illicit associations” and other gang-related crimes. According to local human rights organizations, one third of people detained under the state of emergency had no gang affiliations or criminal records of any kind, reflecting the indiscriminate application of these measures across the population.

A special report by the Inter-American Commission on Human Rights confirmed that the state of emergency had led to mass arbitrary detentions and systematic human rights violations, including the lack of effective judicial oversight of these detentions and the imposition of preventive detention without sufficient evidence. The commission also expressed concern over mass judicial hearings and restrictions on the right to defence, which severely undermined due process and fundamental judicial guarantees.

Civil society organizations continued to denounce the inefficacy of the judicial system, particularly the Supreme Court's failure to process habeas corpus petitions, increasing detainees' vulnerability. A recent study from the Due Process of Law Foundation, published in May, found that between March 2022 and March 2023 the Constitutional Chamber admitted only 1.6% of habeas corpus petitions filed in the context of the state of emergency, with favourable rulings in just 0.4% of cases. According to the findings of this study, excessive delays and unnecessary formalities in processing these petitions effectively amounted to a denial of justice, further entrenching detainees' defencelessness.

INHUMANE DETENTION CONDITIONS

The prison system continued to be critically overcrowded, with an occupancy rate of

350%, according to local NGOs, making it one of the highest incarceration rates globally. According to the Inter-American Commission on Human Rights, detention conditions were inhumane, with reports of torture and other ill-treatment, lack of access to medical services, and excessive use of force by prison guards.

Detained women continued to be denied specific care to meet their needs, including reproductive health services and protection against gender-based violence by prison guards.

According to reports from Salvadoran organizations, more than 300 deaths in state custody were recorded between March 2022, when the state of emergency was declared, and 15 December 2024. These deaths were attributed to torture and other ill-treatment as well as inadequate medical care.

Human rights organizations denounced the state's failure to effectively address these conditions, calling for an urgent review of sanitary conditions in prisons and immediate measures to ensure access to medical care. Despite repeated requests for intervention, the government's response was inadequate, with reports of deaths in custody continuing throughout the year. Local human rights victims' movements voiced grave concerns, prompting heightened scrutiny from international and regional human rights mechanisms over the inhumane treatment of detainees.

The lack of state transparency in investigations and reporting on alleged ill-treatment and medical neglect in specific cases was flagged by UN human rights mechanisms; these requested further information from the Salvadoran government regarding these abuses and the dire detention conditions.

FREEDOM OF EXPRESSION, ASSOCIATION AND ASSEMBLY

The prolonged state of emergency continued to erode freedom of expression. Attacks on journalists and media outlets increased by 66% in 2024 compared with 2023, according to the Salvadoran Journalists' Association (APES).

Journalists were frequently subjected to social media attacks and digital monitoring. Female journalists were particularly at risk, facing not only harassment but also digital violence and sexual harassment, according to APES.

The Inter-American Press Association and the Committee to Protect Journalists raised alarms over the escalating repression against the independent press. On 20 November 2022, digital media outlet El Faro filed a lawsuit in a US federal court against NSO Group, the Israeli company behind the Pegasus spyware, alleging surveillance of more than 20 of its journalists. In July, technology companies including Google, Microsoft and LinkedIn supported El Faro's appeal by submitting briefs in favour of the case.

In the context of the electoral process, the OAS electoral observation mission reported inequalities and challenges. These were the result of a series of legal reforms and restrictions on fundamental freedoms imposed by the state of emergency, which created an atmosphere of self-censorship that hindered open political participation.³

The authorities severely restricted the public's access to accurate and timely information, also hindering access to public information held by the state.

In October, media sources reported that security forces had imposed restrictions on the free movement of demonstrators, limiting their rights to peaceful assembly and expression during protests by the public education and healthcare sectors against the proposed budget cuts in 2025. Local organizations documented multiple dismissals of public sector employees, primarily those who had actively organized and participated in the protests. At least 66 dismissals of people who had protested were reported across the education and healthcare sectors. Labour unions denounced these actions as reprisals for participation in protests. By the end of the year, local media had reported more than 3,000 dismissals in the public sector, many of whom were believed to have been involved in the protests. The government presented these

dismissals as part of a general budget-cutting policy affecting various government institutions.

HUMAN RIGHTS DEFENDERS

The situation for human rights defenders worsened significantly under the prolonged state of emergency. A collective of local human rights organizations reported a 24.2% increase in attacks on human rights defenders in 2023 compared with 2022. These attacks, mostly perpetrated by state agents, targeted women defenders, journalists, and organizations advocating for freedom of expression, women's rights and environmental protection. LGBTI and Indigenous rights defenders were also subjected to violations.

Harassment against human rights defenders included police surveillance, threats and arbitrary detentions. Human rights organizations reported the use of undercover agents and defamatory social media campaigns against people defending victims of human rights violations committed during the state of emergency.

The government continued its attempts to silence critical voices by criminalizing and repressing human rights defenders, especially those seeking justice for arbitrarily detained individuals, environmental defenders, and those advocating for land and territory rights.

SEXUAL AND REPRODUCTIVE RIGHTS

Abortion remained prohibited under all circumstances. In January, the last woman convicted of aggravated homicide after an obstetric emergency and part of the global campaign “*Las 17 y más*” was released after serving eight years of a 30-year prison sentence. According to the Citizens' Group for the Decriminalization of Abortion, seven women were facing legal proceedings relating to obstetric emergencies, although they had not been incarcerated, at the end of the year.

On 20 December, the Inter-American Court of Human Rights condemned the Salvadoran state in the case of *Beatriz and others*. Beatriz was a young Salvadoran mother who experienced a pregnancy that gravely

endangered her health and whose fetus was incompatible with life. Against her explicit will, the Salvadoran authorities denied her timely access to terminate her pregnancy in 2013.⁴

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1. “El Salvador: The institutionalization of human rights violations after two years of emergency rule”, 27 March ↑
 2. “El Salvador: Constitution ‘à la carte’ could deepen human rights crisis in coming years”, 3 May ↑
 3. “El Salvador: Human rights crisis could deepen during Bukele’s second term”, 6 February ↑
 4. “El Salvador: IACTHR advances reproductive justice with ruling in favor of Beatriz and her family”, 23 December ↑

EQUATORIAL GUINEA

Republic of Equatorial Guinea

A cybercrime bill raised new concerns over the right to freedom of expression. Arbitrary arrests and detentions of human rights defenders continued. The residents of Annobón island were persecuted for protesting about damage to their lands allegedly caused by mining operations. The Spanish High Court ordered that an arrest warrant be issued for the president’s son over abduction and torture charges. Plans to increase mass surveillance of citizens intensified.

BACKGROUND

In July, Prime Minister Manuela Roka Botey and her government resigned at the request of President Teodoro Obiang Nguema, who cited the government’s failure to resolve the economic crisis. In June, representatives of the International Monetary Fund visited to support the implementation of key policies for improving living conditions.

FREEDOM OF EXPRESSION

In March, parliament began debating a cybercrime bill that would introduce new restrictions on the use of social media, raising concerns that these could threaten people’s

Exhibit 7

El Salvador

STATE OF EMERGENCY AND HUMAN RIGHTS



person and they no longer present him/her to the same Prosecutor's Office, but to another Prosecutor's Office.³⁴³

151. The testimonies gathered by the IACHR, data from civil society organizations, and information in the public domain indicated that repeated arrests have been carried out solely on the basis of the physical appearance and socioeconomic situation of the individuals, thus stigmatizing tattooed persons and residents of low-income communities.³⁴⁴ The testimonies also reveal acts of discrimination and criminalization of adolescents and women who have been identified as companions of suspected gang members.³⁴⁵ In this regard, some of the testimonies collected indicate the following:

I was at home resting, I was with my daughter and my wife. [...] They asked me for my identity documents. "You know there is an exception regime and you have tattoos," they told me. I replied that they were artistic tattoos and that they were not allusive to any gang. I told them that I was a student and worked [...], but they took me into custody.³⁴⁶

A few days earlier my partner (*compañero de vida*) had been arrested. On my way home on my motorcycle, I was given the stop sign. They asked for my license, my motorcycle card, and my I.D. They told me "We have been waiting for you all day." One asked me if I was

³⁴³ Testimony No. 3 of March 14, 2023. Defense attorney.

³⁴⁴ Human Rights Watch, Cristosal, ["We Can Arrest Whomever We Want" Widespread Human Rights Violations During the "Emergency Regime" in El Salvador](#), December 2022, pp. 65, 68; Cristosal, [One year under the emergency regime: a permanent measure of repression and human rights violations. Situation Report March 27, 2022 to March 27, 2023](#), May 12, 2023, p. 23; ElSalvador.com, [Militares tratan diferente a los tatuados dependiendo de donde viven \(Military treat tattooed persons different depending on where they live\)](#), August 21, 2022.

³⁴⁵ Cristosal, [Violaciones a los derechos humanos Durante el régimen de excepción en El Salvador. \(Human Rights Violations During the Emergency Regime in El Salvador\) Situation Report for the period from March 27 to April 26, 2022](#), May 2022, p. 23; Cristosal, [Violaciones a los derechos humanos Durante el régimen de excepción en El Salvador. \(Human rights violations during the state of emergency in El Salvador\) Situation Report for the period April 27 to May 25, 2022](#), June 14, 2022, pp. 27-28.

³⁴⁶ Testimony No. 17 of March 20, 2023. Person released under alternative measures.

the life partner of my partner, who had been arrested. They asked me to accompany them. Those were the reasons for my arrest. The policeman called other police officers advising that they already had the person they were looking for.³⁴⁷

She was in informal employment. Around 12:00 p.m. Three national police officers arrived and detained her with the lie that she was only going to answer a few questions and that was why they were taking her to the police station. [...] At the delegation, they told me "leave her there because she is not going to leave. She is here because of a link to a boy who is in detention. I don't know if you know that your daughter had a relationship with a gang member. You better leave her, if your daughter didn't know how to make the most of her time, you better leave her." Since one lives in poor areas or areas catalogued as dangerous or with persistent gangs, everyone or the police officers presumed that they all belong to crime or gangs.³⁴⁸

152. In addition to the above, the organizations pointed out the existence of cases in which people with psychosocial disabilities or mental health conditions were detained and, in several episodes, this was linked to aspects associated with their personal condition.³⁴⁹ They also indicated that, in these cases, it has not been possible to determine whether detention procedures have respected the special obligations of States to ensure the rights of persons with disabilities.³⁵⁰

³⁴⁷ Testimony No. 16 of March 17, 2023. Person released under alternative measures (female).

³⁴⁸ Testimony No. 26 of March 23, 2023. Family member of detainee (female detainee).

³⁴⁹ Human Rights Watch, Cristosal, ["We Can Arrest Anyone We Want" Widespread Human Rights Violations During the "Emergency Regime" in El Salvador](#), December 2022, p. 68; Cristosal, [Human Rights Violations During the Emergency Regime in El Salvador. Situation Report for the period March 27 to April 26, 2022](#), May 2022; p.26.

³⁵⁰ Human Rights Watch, Cristosal, ["We Can Arrest Anyone We Want" Widespread Human Rights Violations During the "State of Emergency" in El Salvador](#), December 2022, p. 68.

153. In response to a request for information from the IACHR³⁵¹, the State referred to the regulatory framework that allows it to exercise its punitive power and to deprive of liberty in the area of law enforcement and the administration of criminal justice, which provides for the protection of the rights of persons deprived of liberty, such as the right to a fair trial, the presumption of innocence, and the right not to be subjected to cruel or inhuman treatment.³⁵² It also indicated that states of emergency allow for the temporary suspension of certain rights and freedoms.³⁵³ It reported that the arrests had been made in flagrante delicto and, for the most part, for the crime of pertaining to "Illegal Groups", due to membership in criminal organizations generally identified as "Mara Salvatrucha" and "Pandilla 18", whose existence has been declared illegal by articles 1 of the Law for the Prohibition of Maras and Gangs and 345 of the Penal Code. Also, that the defendants arrested were under investigation for the commission of a criminal act and, therefore, had an open proceeding against them, either in judicial instances or in the administrative phase of the Office of the Attorney General of the Republic.³⁵⁴
154. In its observations on the draft of this report, the State indicated that the National Civil Police (PNC) has tools created for the identification and profiling of gang members, such as the PNC Protocol for the Preparation and Updating of Criminal Profiles. The objective of the protocol is to develop guidelines for the preparation and updating of profiles of persons linked to a terrorist criminal group, organized crime, or common crime through the verification of databases and the gathering of field information from different sources. For such purposes, the State indicated that the following criteria are taken into account: i) having the individualization and identification of the person;

³⁵¹ IACHR, Request for information from the State of El Salvador, Note No. 247-23/CIDH/SE/MPCT-Art.41, REF: Request for information on the state of emergency (emergency regime) and its effects on human rights, May 10, 2023.

³⁵² State of El Salvador, A New El Salvador, Diplomatic Note MPOEA-OAS-117/2023, July 14, 2023, p. 52.

³⁵³ State of El Salvador, A New El Salvador, Diplomatic Note MPOEA-OAS-117/2023, July 14, 2023, p. 52.

³⁵⁴ State of El Salvador, A New El Salvador, Diplomatic Note MPOEA-OAS-117/2023, July 14, 2023, p. 52.

ii) the existence of field documentation, territorial information, intelligence, or investigations linking the person with criminal groups, participation in some criminal act, which must be documented, notes, reports, and/or minutes (of denunciation, investigation, interview, among others); iii) use of forms of communication alluding to gangs, that the person was observed on any computer platform or social networks and that there is a digital or physical backup of this observation; iv) that the person has tattoos allusive to gangs; v) having a criminal record; iv) having a record of crimes committed in other countries.³⁵⁵ The State also mentioned that it has a Gang Identification Manual for El Salvador, which aims to facilitate the understanding, interpretation, and analysis of the various ways in which gangs communicate with each other, in order to demonstrate the identity and membership of those criminal groups.

155. The State confirmed that the arrests carried out in this context have been made in flagrante delicto, mostly for the crime of "Unlawful Groups", due to the fact that the persons arrested belonged to criminal groups or gangs. It clarified that the individuals have been previously profiled as members or collaborators of a mara or gang. It indicated that the offenses for which a person is arrested are explicitly stated in the police reports drawn up at the time of arrest.³⁵⁶

156. In this regard, the IACHR recalls that the prohibition of arbitrary deprivation of liberty is a non-derogable right that cannot be suspended, including for reasons of public security,³⁵⁷ and urges the State to observe the rights and guarantees provided in Article 7 of

³⁵⁵ State of El Salvador, Observations by the State of El Salvador on the IACHR Report entitled "State of Emergency and Human Rights in El Salvador", Diplomatic Note MPOEA-OEA-054/2024, April 8, 2024, pp. 67-79.

³⁵⁶ State of El Salvador, Observaciones del Estado de El Salvador al Informe de la CIDH "Estado de Excepción y derechos humanos en El Salvador"(Observations of the State of El Salvador on the IACHR report entitled "State of Emergency and Human Rights in El Salvador"), Diplomatic Note MPOEA-OEA-054/2024, April 8, 2024, pp. 50-51.

³⁵⁷ I/A Court H.R., Case of Rodríguez Vera and others (The disappeared from the Palace of Justice) v. Colombia. Preliminary Objections, Merits, Reparations, and Costs. Judgment of November 14, 2014. Series C No. 287, par. 402.

the American Convention when applying measures depriving personal liberty.

- 157.** No person may be deprived of his or her physical liberty except for the reasons and under the conditions previously established in the Political Constitutions of the States or in the laws enacted pursuant thereto; otherwise, the deprivation of liberty would be illegal and contrary to Article 7(2) of the American Convention.³⁵⁸ This right was not suspended by the legislative decrees of the state of emergency and must be ensured in its entirety, and the State must refrain from making arrests for reasons other than those provided for in the applicable legislation. The Commission stresses that the limitations to which the public authorities are subjected must be precisely indicated in the provisions that decree the state of emergency, and consequently, any action that exceeds or goes beyond what is provided for in the law is illegal.³⁵⁹
- 158.** Likewise, the Court has addressed a number of situations in which a deprivation of liberty can be considered arbitrary, such as those carried out for discriminatory reasons³⁶⁰ or the prolongation of detention without the person being brought before a competent authority.³⁶¹ Regarding Article 7.3 of the Convention, it has indicated that arbitrariness is distinguished from the concept of "contrary to law" and should be interpreted more broadly to include elements of

³⁵⁸ I/A Court H.R., Case of Espinoza González v. Peru, Preliminary Objections, Merits, Reparations, and Costs. Judgment of November 20, 2014, par. 109; I/A Court HR, Case of J. v. Peru, Preliminary Objection, Merits, Reparations, and Costs, November 27, 2013. par. 126; I/A Court H.R. Case of García and Family v. Guatemala. Merits, Reparations, and Costs, Judgment of November 29, 2012, par. 100.

³⁵⁹ I/A Court H.R. Case of Pollo Rivera et al. v. Peru. Merits, Reparations, and Costs. Judgment of October 21, 2016. Series C No. 319, par. 100; I/A Court H.R., Case of Espinoza González v. Peru, Preliminary Objections, Merits, Reparations, and Costs. Judgment of November 20, 2014, par. 120.

³⁶⁰ I/A Court H.R. Case of Fernández Prieto and Tumbeiro v. Argentina. Merits and Reparations. Judgment of September 1, 2020. Series C No. 411, par. 82.

³⁶¹ I/A Court H.R. Case of Espinoza González v. Peru, Preliminary Objections, Merits, Reparations, and Costs. Judgment of November 20, 2014, par. 134.

impropriety, injustice, and unpredictability.³⁶² Both the Commission and the Court have held that no one may be arrested or imprisoned for reasons or by methods that, though classified as legal, may be considered incompatible with the observance of the fundamental human rights of the individual because they are, among other things, unreasonable, unforeseeable, or disproportionate.³⁶³

159. The Inter-American Court has indicated that programmed and collective detentions, which are not based on the individualization of punishable conduct and lack judicial oversight, are contrary to the presumption of innocence, and therefore the State may not carry them out under any circumstances.³⁶⁴ In addition, States must also substantiate and prove the existence of sufficient evidence to reasonably assume the criminal conduct of the detained person and that the detention is strictly necessary.³⁶⁵ This means that arrests cannot be made on the basis of mere suspicion or personal perception of the accused's membership in a particular illegal group or gang, especially when this is based on mere appearance.³⁶⁶ As the Inter-American Court has indicated, States must evaluate on a case-by-case basis the objective reasons that effectively indicate that a person is linked to the commission of a crime, since the use of profiles implies a presumption of guilt against any person who fits them, which would result in detentions for discriminatory reasons which would, therefore, be arbitrary.³⁶⁷

³⁶² I/A Court H.R. , Case of J v. Peru, Preliminary Objection, Merits, Reparations, and Costs, November 27, 2013. par. 127.

³⁶³ I/A Court H.R. , Case of J v. Peru, Preliminary Objection, Merits, Reparations, and Costs, November 27, 2013. par. 127.

³⁶⁴ IA Court H.R., Case of Servellón García et al. v. Honduras, Judgment of September 21, 2006, par. 96.

³⁶⁵ I/A Court HR, Case of Pacheco Teruel et al. v. Honduras, Merits, Reparations, and Costs, Judgment of April 27, 2012 par. 106.

³⁶⁶ I/A Court HR, Case of Pacheco Teruel et al. v. Honduras, Merits, Reparations, and Costs, Judgment of April 27, 2012 paras. 101 and 106.

³⁶⁷ I/A Court H.R., Case of Fernández Prieto and Tumbeiro v. Argentina, Merits and Reparations, Judgment of September 1, 2020, par. 82.

160. Another aspect pointed out about the actions of the security forces is related to the failure to comply with their duty to inform about the reasons for the detention and the rights of the detained person. By way of example, testimonies collected by the IACHR contain phrases like:

No, we were not informed of the reasons for detention. They only asked my brother about his criminal record or if we had been detained before.³⁶⁸

People were not aware of their rights. In some cases, they were given the floor to speak and expressed their lack of knowledge about the reasons for detention.³⁶⁹

When I entered Mariona I was asked if I knew why I was being detained. And I told him that I did not know and they informed me that it was because I was a collaborator of illicit groups. But I did not understand what that entailed. Until I got out, when I realized what crimes I was being charged with.³⁷⁰

161. The Commission notes that Decree No. 333 and its extensions have continued to suspend the constitutional article that requires immediate and understandable information to be given to the detained person about his rights and the reasons for his detention³⁷¹. In light of the above, the IACHR reiterates its consideration that this suspension does not abide by the ACHR because the right to access this information is a guarantee provided for in Article 7.4 of the ACHR,

³⁶⁸ Testimony No. 1 of March 13, 2023. Person released under alternative measures.

³⁶⁹ Testimony No. 2 of March 13, 2023. Defense attorney.

³⁷⁰ Testimony No. 20 of March 21, 2023. Person Released under substitute measures.

³⁷¹ In its observations on the Draft Report, the State claimed that, in all the detentions carried out, the corresponding minutes were drawn up for each case, which establish the crime for which individuals were detained and in what context. See: State of El Salvador, Observations by the State of El Salvador on the IACHR Report entitled “State of Emergency and Human Rights in El Salvador”, Diplomatic Note MPOEA-OEA-054/2024, April 8, 2024, p. 69.

which is part of the core of indispensable judicial guarantees that cannot be suspended under any circumstances. According to Inter-American jurisprudence, the officer carrying out the detention must inform, in simple language and free of technicalities, the essential facts and legal grounds on which the detention is based, as a mechanism to avoid illegal or arbitrary detentions and to guarantee the individual's right of defense.³⁷² Therefore, the IACHR urges the security forces to provide this information from the very moment of deprivation of liberty, immediately informing the detained person of the reasons for his or her deprivation of liberty, as well as his or her rights.

Illegal breaking and entering

162. With regard to house raids, according to the information presented, repeated arrests that occurred during the period of the emergency regime were carried out with illegal entry into homes, since they were allegedly carried out without a warrant, by security agents practicing deception or intimidation.³⁷³ ³⁷⁴ By way of example, some of the testimonies collected by the IACHR state:

They did not bring a warrant from a judge, nor did they show me the anonymous call. They entered without permission, I did not

³⁷² IA Court H.R, Case of Espinoza González v. Peru, Preliminary Objections, Merits, Reparations, and Costs. Judgment of November 20, 2014, par. 124.

³⁷³ Cristosal, [One year under the emergency regime: a permanent measure of repression and human rights violations. Status Report March 27, 2022 to March 27, 2023](#), May 12, 2023, p. 24; Azul Originario et al., [Annual Report on Human Rights Violations During the State of Emergency in El Salvador](#), March 2023, p. 445; ElSalvador.com, [Policías y soldados registran viviendas en Soyapango](#), December 5, 2022.

³⁷⁴ In its observations on the Draft Report, the State indicated that the arrest records describe how arrests were carried out, so that the claims of unauthorized entry into homes are unfounded. The State reiterated that without concrete information on the alleged cases in which this occurred, it is impossible to make assertions of such gravity, and that Salvadoran regulations and the procedures of security personnel set rules that are in accordance with the Constitution and the ACHR. See: State of El Salvador, Observations by the State of El Salvador on the IACHR Report entitled “State of Emergency and Human Rights in El Salvador”, Diplomatic Note MPOEA-OEA-054/2024, April 8, 2024, p. 69.

refuse because I knew that doing so would harm me. I felt intimidated, afraid.³⁷⁵"

About 8 to 12 policemen arrived. There was a loud knock on the door. I was told "open the door." My son was wearing his underpants and I was in my underwear. They took my son and husband out, leaving my other children inside. They were looking for weapons in my house. "We're going to take you," they told my son. "Why are they going to take him away?" I asked. They answered me that it was because of the decree of the state of emergency; that they were orders from the government. "But being poor and being young is not a crime," I told them. They had no arrest warrant or anything else. They just grabbed my son, handcuffed him, and put him in the patrol car. [...] They searched my house. We were not present, we were told to stay outside while my house was raided.³⁷⁶

After my son's arrest, as part of the "house by house" operation. On one occasion approximately eight national police officers came to my house and searched my home. I was alone with my granddaughter. Also, the other five little houses around here. We live in a rural area, there have never been gangs. They pointed their guns at me and inspected the house.³⁷⁷

- 163.** In this regard, the IACHR recalls that the entry of police and military personnel without legal authorization or the consent of the inhabitants constitutes an arbitrary and abusive interference in their family home. The Inter-American Court has held that the protection of an individual's home from arbitrary or abusive interference implies recognition that there is a personal sphere that must be exempt from and immune to abusive and arbitrary invasion or attack by third

³⁷⁵ Testimony No. 6 of March 15, 2023. Person released under alternative measures.

³⁷⁶ Testimony No. 14 of March 17, 2023. Family member of detainees (adult male and female detainees).

³⁷⁷ Testimony No. 28 of March 23, 2023. Family member of a detained person.

parties or the public authorities.³⁷⁸ Under Article 11.2 of the ACHR, as a general rule, a search or house search requires due authorization or a warrant and exceptions thereto, such as flagrante delicto, are valid only in the circumstances established by law, and must be interpreted strictly.³⁷⁹

Abuse in the use of force

164. The Commission was also alerted to acts of violence by the police and armed forces, including disturbing reports of abuses in the use of force against children and adolescents and allegations of sexual harassment and violence.³⁸⁰ Some of them contain the following statements:

In my son's case they were going to kill him. According to what he tells me, they grabbed him by the hair and that rural policeman told him "you are a scum of society." [...] my son who is a minor. The policemen beat him with an iron chair, they never took him to forensics. They were taken to some police station cells (bartolinas) in another municipality.³⁸¹

There is no difference in the detention of minors. In a case I am handling, five soldiers arrived at a bus stop, beat the person they were going to arrest and my client, who is a minor, was also beaten and taken away, even though they were told that she was a minor.³⁸²

³⁷⁸ I/A Court H.R. Case of Fernández Ortega et al. v. Mexico, Preliminary Objection, Merits, Reparations, and Costs, Judgment of August 30, 2010, par. 156.

³⁷⁹ I/A Court H.R. Case of Pollo Rivera et al. v. Peru. Merits, Reparations, and Costs. Judgment of October 21, 2016. Series C No. 319, par. 116.

³⁸⁰ ElSalvador.com, [Armed Forces tried to hide rape of girl committed by military, according to MTP](#), September 27, 2023; ElSalvador.com, [Colonel arrested for allegedly raping two minors](#), August 5, 2023; Infobae, [Soldiers' sexual abuse of minors in El Salvador, the other monster hidden under the exception regime](#), October 8, 2023; ElSalvador.com, [Women in Puerto El Triunfo accuse military chief of extorting them with sexual propositions](#), October 10, 2023; Gato Encerrado, [They demand that the military cease sexual and physical violence against girls in the emergency regime](#), October 18, 2023.

³⁸¹ Testimony No. 9 of March 16, 2023. Family member of detainees (adolescent and adult detainees).

³⁸² Testimony No. 5 of March 14, 2023. Defense attorney.

They grabbed my sister, they groped her all over, her legs, her breasts. She was also arrested.³⁸³

Human Rights Watch and Cristosal documented cases in which security agents beat detainees or threatened to arrest their family members, with pregnant women losing their babies following these episodes.³⁸⁴ Additionally, based on information from the National Civil Police and the Armed Forces, as of December 2022, there were at least 84 civilian deaths resulting from confrontations with security forces.³⁸⁵

165. In this regard, in its observations on the draft of this report, the State indicated that the Office of the Attorney General of the Republic rigorously monitors citizen complaints related to the abuse of force by officials of authority and investigates them diligently.³⁸⁶ It pointed out that, in the context of more than 70,000 arrests of people linked to criminal groups, the figures consistently indicate a very low level of lethal force and a significant decrease in fatalities in the execution of police operations, which would demonstrate the

³⁸³ Testimony No. 14 of March 17, 2023. Family member of detainee (adult male and female detainees).

³⁸⁴ La Prensa Grafica, [State of emergency | Family denounces capture of pregnant teenager who lost her baby in prison](#), October 7, 2022; La Prensa Gráfica, [Homicides drop and family members seek information on detainees in El Salvador](#), March 29, 2022; La Prensa Gráfica, [Mothers denounce threats from police during arrests](#), April 28, 2022; La Prensa Gráfica, [Walter died after being beaten by police when they captured him: "They ended up killing him. Our problem is that it could happen to any of us."](#), April 4, 2022; EISalvador.com, [Minors arrested after participating in a play in Bajo Lempa released](#), November 7, 2022; Cristosal, [Human Rights Violations During the Emergency Regime in El Salvador. Situation Report for the period March 27 to April 26, 2022](#), May 2022, p. 47; Human Rights Watch, Cristosal, ["We Can Arrest Anyone We Want" Widespread Human Rights Violations During the "Emergency Regime" in El Salvador](#), December of 2022, p. 66

³⁸⁵ Human Rights Watch, Cristosal, ["We Can Arrest Anyone We Want" Widespread Human Rights Violations During the "Emergency Regime" in El Salvador](#), December of 2022, p. 63; La Prensa Gráfica, [Clashes with the National Civil Police during the state of emergency leave 80 dead](#), November 28, 2022.

³⁸⁶ State of El Salvador, Observaciones del Estado de El Salvador al Informe de la CIDH "Estado de Excepción y derechos humanos en El Salvador"(Observations of the State of El Salvador on the IACHR report entitled "State of Emergency and Human Rights in El Salvador"), Diplomatic Note MPOEA-OEA-054/2024, April 8, 2024, pp. 77-78.

effectiveness of the intervention mechanisms and protocols adopted by the National Civil Police.

Violations of the rights of girls, boys, and adolescents.

166. The IACHR also expresses its concern regarding the specific effects on children and adolescents in this context since, on the one hand, they face being detained by security forces and, on the other, the deprivation of liberty of their family members. Specifically, the IACHR expresses its concern over the detention of thousands of children and adolescents during the state of emergency. According to figures provided by the State, a total of 2,826 children and adolescents detained during the state of emergency were deprived of liberty as of June 27, 2023.³⁸⁷ According to press reports, this would include the detention of 10 to 13 year olds.³⁸⁸ In this scenario, the IACHR is concerned about both the high number of children and adolescents detained would be the result of the use of discriminatory practices by security forces, based on their physical appearance or place of residence, as occurs in the case of adults.³⁸⁹ There have even been reports of arrests with excessive use of force against children.³⁹⁰
167. In this regard, the Commission reiterates its concern about the human rights situation of thousands of children and adolescents who are or have been members of criminal organizations. In this regard, it recalls that the American Convention and the American Declaration provide

³⁸⁷ State of El Salvador, A New El Salvador, Diplomatic Note MPOEA-OAS-117/2023, July 14, 2023, p. 52.

³⁸⁸ La Prensa Grafica, [LPG Forum: "We don't want the criminals free, we want the innocent free."](#), February 14, 2023.

³⁸⁹ On this, see: University Observatory of Human Rights of the Central American University José Simeón Cañas, [Annual Report 2022: The State of Human Rights in El Salvador](#), April 2023, p. 164.

³⁹⁰ Cristosal, [Violaciones a los derechos humanos Durante el régimen de excepción en El Salvador. \(Human Rights Violations During the State of Emergency in El Salvador\) Situation Report for the period from March 27 to April 26, 2022](#), May 2022, p. 22; Cristosal, [Violaciones a los derechos humanos Durante el régimen de excepción en El Salvador. \(Human rights violations during the state of emergency in El Salvador\) Situation Report for the period April 27 to May 25, 2022](#), June 14, 2022, p.26.

that children have the right to special measures for their protection. Accordingly, these special protections include the prohibition of the recruitment of children and adolescents for illicit activities such as those carried out by organized crime, maras, and gangs. This prohibition implies that States must adopt immediate, effective, and urgent actions to eradicate such recruitment. Consequently, children and adolescents who are recruited by organized crime, maras, or gangs should be treated primarily as victims. In view of this, the IACHR reiterates that the systems for the protection and reintegration of children and adolescents recruited by criminal groups need to be redesigned in accordance with the principles of best interests and comprehensive protection. To this end, it is necessary that States review their "iron fist" policies that seek to lower the age of criminal responsibility and increase the length of sentences of deprivation of liberty for persons under 18 years of age in accordance with the Inter-American principles governing children.³⁹¹

168. In addition to the above, the Commission recalls that, when detaining a child or adolescent, the police are obliged to guarantee the rights of children to be immediately brought before a competent judge, to have their parents or guardians notified as soon as possible, to make contact with their family, and to meet with their defense counsel as soon as possible. Additionally, pursuant to the duty of special protection contained in Article 19 of the American Convention and Article VII of the American Declaration, States must establish an even lower limit for judicial control of the detention of children. This, taking into account the fact that these are people in the developmental stage, the fact that the harmful effects of detention on children and adolescents are greater than those on adults, and the special situation of vulnerability of this population.³⁹²

³⁹¹ On this, see: IACHR, [Organized Crime and the Rights of Children, Adolescents, and Youth: Challenges and State Actions in Northern Central America](#), OEA/Ser.LV/II., Doc. 51/23, February 16, 2023, paras. 156 and 168.

³⁹² In this regard, IACHR, [Juvenile Justice and Human Rights in the Americas](#), OEA/Ser.LV/II., Doc. 78, adopted on July 13, 2011, paras. 252 and 255.

169. In its comments on the draft of this report, the State noted that the National Council for Early Childhood, Children, and Adolescents (CONAPINA) has validated the effectiveness of the protection procedures for adolescents implemented by the National Civil Police.³⁹³ It informed that CONAPINA has been instructed to ensure differentiated treatment of minors, in separate shelters from adults and under the administration of this Council. It also reported that CONAPINA's official records do not show any protection process involving children under 12 years of age or adolescents of this age.³⁹⁴

The control mechanisms of the security forces

170. Regarding the mechanisms to control the actions of the National Civil Police and the Armed Forces, the State informed that the country has the necessary tools to enforce rights. Likewise, to claim, in appropriate cases and as provided by law, compensation for damages caused by the actions of public sector agents.³⁹⁵ The State indicated that the functions of the Office of the Deputy Attorney General (Procuraduría Adjunta) for the Defense of the Rights of Migrants and Citizen Security of the Office of the Attorney General for the Defense of Human Rights (PDDH) include the supervision of the actions of both institutions to provide specialized attention to the protection of the right to life, integrity, security, and personal liberty.³⁹⁶ However, it did not indicate whether there are any complaints or denunciations filed before this body concerning possible human rights violations during the state of emergency. It informed that the National Verification Plan deployed by the institution contemplates guardianship and verification actions

³⁹³ State of El Salvador, Observations of the State of El Salvador to the IACHR Report "State of Emergency and Human Rights in El Salvador," Diplomatic Note MPOEA-OEA-054/2024, April 8, 2024, Annex 1, Methodological Systematization Matrix, line 103, column G.

³⁹⁴ State of El Salvador, Observations of the State of El Salvador to the IACHR Report "State of Emergency and Human Rights in El Salvador," Diplomatic Note MPOEA-OEA-054/2024, April 8, 2024, Annex 1, Methodological Systematization Matrix, line 103, column G.

³⁹⁵ State of El Salvador, A New El Salvador, Diplomatic Note MPOEA-OEA-117/2023, July 14, 2023, pp. 55-56.

³⁹⁶ State of El Salvador, A New El Salvador, Diplomatic Note MPOEA-OEA-117/2023, July 14, 2023, p. 55.

related to the state of emergency, as well as comprehensive care for the families of the victims of homicides and femicides.³⁹⁷

171. In its observations on the draft of this report, the State presented the actions of the PDDH within the framework of this Plan, indicating that more than 21,000 steps were taken, including interviews with authorities, telephone calls, guidance, consultation of files, official letters, and immediate actions.³⁹⁸ It informed that the institution is notified by the Police of the arrests made and that it has carried out verifications in hearings; bartolinas (police detention centers); adult detention centers; in Social Integration Centers for Adolescents; and targeted closures. It also reported that it has a Prison Verification Department, which is responsible for responding to requests from families regarding possible violations of the rights of persons deprived of liberty; and that it coordinates with prison supervision judges regarding the conditions of persons deprived of liberty, police headquarters in each department; and with the PNC's Secretariat of Professional Responsibility. It also indicated that psychological care has been provided to alleged victims and/or family members whose situation is related to the state of emergency, with the help of coordination by the Victim Assistance Department. Regarding the verifications carried out, the State reported that from March 27, 2022 to November 12, 2023, 698 were carried out in detention centers, 175 in hearings; and 223 in other contexts; totaling 1,096 verifications.³⁹⁹ The State indicated that the PDDH had also promoted rapprochement with public security authorities, the Public Prosecutor's Office, and police headquarters; also that it supports the training of police personnel and

³⁹⁷ State of El Salvador, Report of the State of El Salvador to the Inter-American Commission on Human Rights on State of Emergency Decree No. 333, Diplomatic Note MPOEA-OEA-063/2022, April 26, 2022.

³⁹⁸ State of El Salvador, Observaciones del Estado de El Salvador al Informe de la CIDH "Estado de Excepción y derechos humanos en El Salvador"(Observations of the State of El Salvador on the IACHR report entitled "State of Emergency and Human Rights in El Salvador"), Diplomatic Note MPOEA-OEA-054/2024, April 8, 2024, pp. 71-77.

³⁹⁹ State of El Salvador, Observaciones del Estado de El Salvador al Informe de la CIDH "Estado de Excepción y derechos humanos en El Salvador"(Observations of the State of El Salvador on the IACHR report entitled "State of Emergency and Human Rights in El Salvador"), Diplomatic Note MPOEA-OEA-054/2024, April 8, 2024, pp. 71-77.

promotes the strengthening of interagency coordination and articulation mechanisms to guarantee human rights.⁴⁰⁰

172. In turn, the University Observatory of Human Rights of the Central American University José Simeón Cañas indicated that 847 people reported to the PDDH some type of violation committed by PNC personnel in 2022 and 176 by Armed Forces personnel.⁴⁰¹ With regard to the actions of the PDDH, it was indicated that the statistical data published show that technical and operational actions have been taken within the framework of its constitutional mandate.⁴⁰² However, civil society organizations questioned the lack of qualitative information on the situations attended to and observed by the PDDH during the state of emergency, and said that they were unaware of definitive resolutions having been reached on the cases related to this period.⁴⁰³ They point out the absence of public updates on the implementation of the National Verification Plan and its qualitative findings, calling for greater transparency and periodicity in the dissemination of this information, as well as the coordination and formulation of concrete recommendations to the relevant state agencies.⁴⁰⁴ In the same vein, the Commission stresses the importance of strengthening the PDDH as a channel for reporting human rights violations, as well as the importance of citizen confidence in this mechanism.

⁴⁰⁰ State of El Salvador, A New El Salvador, Diplomatic Note MPOEA-OEA-117/2023, July 14, 2023, p. 64.

⁴⁰¹ University Observatory of Human Rights of the Central American University José Simeón Cañas, [Annual Report 2022: The State of Human Rights in El Salvador](#), April 2023, p. 95.

⁴⁰² Cristosal, [One year under the emergency regime: a permanent measure of repression and human rights violations. Situation Report for March 27 to 2022 March 27, 2023](#), May 12, 2023, pp. 65-66.

⁴⁰³ Human Rights Watch, Cristosal, ["We Can Arrest Anyone We Want" Widespread Human Rights Violations During the "Emergency Regime" in El Salvador](#), December 2022, p. 97; Cristosal, [One year under the emergency regime: a permanent measure of repression and human rights violations. Situation Report for March 27, 2022 to March 27, 2023](#), May 12, 2023, pp. 65-66; Azul Originario et al, [Annual report on human rights violations during the state of emergency in El Salvador](#), March of 2023, p. 57;

⁴⁰⁴ Cristosal, [One year under the emergency regime: a permanent measure of repression and human rights violations. Situation Report March 27, 2022 to March 27, 2023](#), May 12, 2023, pp. 65-66, Human Rights Watch, Cristosal, ["We Can Arrest Anyone We Want" Widespread Human Rights Violations During the "Emergency Regime" in El Salvador](#), December 2022, p. 12

173. In its observations on the draft of this report, the State informed that the Office of Citizen Attention for Internal Control of the National Civil Police has been set up to deal with complaints of alleged human rights violations committed by operational and administrative personnel, as an action to prevent human rights violations and care for victims of such alleged violations. It indicated that the creation of this unit responds to the need to make available to the population channels for reporting possible excesses in the use of force in the framework of police procedures.⁴⁰⁵
174. It also reported that the powers of the General Inspectorate of Public Security of the Ministry of Justice and Public Security for overseeing the Police include receiving and processing complaints or reports related to possible disciplinary offenses committed by police officers.⁴⁰⁶ In the performance of its oversight and supervision functions, the Inspectorate pursued 66 disciplinary investigation proceedings between March 27, 2022 and November 10, 2023, of which: 4 were related to due process; 11 to personal freedom; 29 to personal integrity; 9 to personal safety; 5 to life; 3 to access to justice; 2 to privacy; 1 to dignity and 2 to legal security. It also indicated that, based on a resolution issued by the PDDH referring to complaints corresponding to 349 persons for events between June and September 2022, it ordered the initiation of investigations in 21 cases within the framework of its mandate. In addition, it pointed out that the Inspectorate has carried out 53 inspections in police units and delegations. The State also highlighted the existence of an Inter-institutional Working Group of the PDDH together with the National Civil Police, to strengthen police actions, conflict resolution, attention to victims, and treatment of detainees.

⁴⁰⁵ State of El Salvador, Observaciones del Estado de El Salvador al Informe de la CIDH "Estado de Excepción y derechos humanos en El Salvador"(Observations of the State of El Salvador on the IACHR report entitled "State of Emergency and Human Rights in El Salvador"), Diplomatic Note MPOEA-OEA-054/2024, April 8, 2024, p. 45.

⁴⁰⁶ State of El Salvador, Observaciones del Estado de El Salvador al Informe de la CIDH "Estado de Excepción y derechos humanos en El Salvador"(Observations of the State of El Salvador on the IACHR report entitled "State of Emergency and Human Rights in El Salvador"), Diplomatic Note MPOEA-OEA-054/2024, April 8, 2024, pp. 71-77.

175. For its part, the Human Rights Observatory of the UCA reported that in 2022, 552 complaints of human rights violations were reported to the PNC units that carry out internal surveillance tasks, including 158 cases on the alleged violation of freedom; 123 on personal safety and public safety; 68 on physical integrity; 48 on access to justice; 42 on ill-treatment or cruelty; and the remaining 113 cases on the right to life, privacy, life free of violence, dignity, legal security, among others.⁴⁰⁷ The OUDH indicated that it had no information on the outcome of this group of complaints, and did not know if the cases were referred to the Attorney General's Office or if those responsible were eventually punished.⁴⁰⁸ With respect to disciplinary offenses, it noted that 69 members of the public security forces were investigated for committing serious and very serious offenses during 2022, including violations of the right to personal integrity, providing false information on the whereabouts of persons, among others.⁴⁰⁹ Throughout 2023, 111 proceedings were initiated for serious and very serious offenses committed by personnel, related to violations of the rights of other persons and 396 disciplinary proceedings were initiated against lower-level police, administrative, and technical personnel, only 33 of which involved offenses related to violations of the rights of persons outside the police institution.⁴¹⁰ The OUDH also reported difficulties in obtaining information on investigations that could constitute serious crimes due to the institution's reservations.⁴¹¹ In 2022, no cases

⁴⁰⁷ University Observatory of Human Rights of the Central American University José Simeón Cañas, [Annual Report 2022: The State of Human Rights in El Salvador](#), April of 2023, pp. 78-91.

⁴⁰⁸ University Observatory of Human Rights of the Central American University José Simeón Cañas, [Annual Report 2022: The State of Human Rights in El Salvador](#), April 2023, p. 89.

⁴⁰⁹ University Observatory of Human Rights of the Central American University José Simeón Cañas, [Annual Report 2022: The State of Human Rights in El Salvador](#), April 2023, p. 80.

⁴¹⁰ University Observatory of Human Rights of the Central American University José Simeón Cañas, [Annual Report 2022: The State of Human Rights in El Salvador](#), April 2023, pp. 81-81, 84-85.

⁴¹¹ University Observatory of Human Rights of the Central American University José Simeón Cañas, [Annual Report 2022: The State of Human Rights in El Salvador](#), April of 2023, pp. 85-86.

involving members of the armed forces were investigated, punished, or forwarded to the Public Prosecutor's Office.⁴¹²

176. In this regard, the Commission reiterates the importance of establishing independent internal and external mechanisms and procedures to ensure the accountability of both the authorities responsible for citizen security policy and the functioning of the institutions that make up the citizen security system.⁴¹³ This should include disciplinary mechanisms and procedures for violations committed by law enforcement officials.⁴¹⁴

177. From March 2022 to date, the Commission notes with concern the information received regarding the existence of a pattern of widespread and systematic illegal and arbitrary detentions carried out as part of a security plan under the state of emergency.⁴¹⁵ Of the more than 70,000 detentions carried out, the IACHR highlights reports of repeated deprivation of liberty in cases not involving flagrante delicto and without an administrative or judicial order, and the use of discriminatory criteria to justify detentions based on the personal or socioeconomic characteristics of the person, or for having a criminal record (see paragraphs 146ff). As indicated earlier in this chapter, based on information published by the State, two days after the establishment of the state of emergency, 1,400 persons were detained; in all, 20,000 persons were detained in the first month of the state of emergency; at least 35,000 persons were detained by the end of the second month; at least 42,000 persons were detained by the end of the third month; and at least 48,000

⁴¹² University Observatory of Human Rights of the Central American University José Simeón Cañas, [Annual Report 2022: The State of Human Rights in El Salvador](#), April 2023, p. 95.

⁴¹³ IACHR, Report on Citizen Security and Human Rights, OEA/Ser.L/V/II. Doc. 57, December 31, 2009, paras. 232.8.d, 232.4.

⁴¹⁴ IACHR, Report on Citizen Security and Human Rights, OEA/Ser.L/V/II. Doc. 57, December 31, 2009, paras. 232.9.i.

⁴¹⁵ I/A Court H.R. Case of Herzog et al. v. Brazil. Preliminary Objections, Merits, Reparations, and Costs. Judgment of March 15, 2018. Series C No. 353, paras. 222-229, 229-239; I/A Court H.R., Case of Members and Militants of the Unión Patriótica v. Colombia. Preliminary Objections, Merits, Reparations, and Costs. Judgment of July 27, 2022. Series C No. 455, par. 114.

persons were detained by the end of the fourth month. Likewise, in the following months, the IACHR observed that an average of around 2,000 detentions per month was maintained until May 2023, when this information was no longer published.⁴¹⁶ In this regard, it is of great concern that most of these arrests were made alleging flagrante delicto for the crime of "Unlawful Groups", and at the same time based on prior profiling by the security agencies - as indicated by the State - which could constitute a practice of illegal and/or arbitrary detention. Also of concern are the elements used to establish people's current links to criminal organizations - among which are the possession of tattoos, communications alluding to maras and gangs, as well as having a criminal record.⁴¹⁷ The IACHR recommends that the State make efforts to investigate the alleged illegal and arbitrary detentions, establishing, where applicable, individual responsibilities at different levels and identifying the circumstances leading to this situation. Determining the factors that caused or favored the repetition of a large number of abuses on a national scale is fundamental so that actions and/or institutional reforms can be adopted to prevent their repetition.⁴¹⁸

- 178.** Particularly with regard to the reports of violence involving injury to life and limb, the Commission emphasizes that law enforcement agencies may only use force as a last resort, and that the use of firearms and lethal force is even more exceptional.⁴¹⁹ In any hypothesis of deaths linked to the actions of state forces, the State is obliged to verify the legitimacy of the use of lethal force, investigating the facts ex officio,

⁴¹⁶ Ministry of Security [@SeguridadSV] Tweets: ([2022, March 29](#)), ([2022, April 27](#)), ([2022, May 25](#)), ([2022, June 29](#)), ([2022, July 29](#)), ([2022, August 29](#)), ([2022, September 26](#)), ([2022, October 28](#)), ([2022, November 28](#)), ([2022, December 19](#)), ([2023, January 30](#)), ([2023, February 22](#)), ([2023, March 27](#)), ([2023, April 12](#)), ([2023, May 12](#)).

⁴¹⁷ State of El Salvador, Observaciones del Estado de El Salvador al Informe de la CIDH "Estado de Excepción y derechos humanos en El Salvador"(Observations of the State of El Salvador on the IACHR report entitled "State of Emergency and Human Rights in El Salvador"), Diplomatic Note MPOEA-OEA-054/2024, April 8, 2024, pp. 50, 51, 67-79.

⁴¹⁸ IACHR, Report 'Situation of Human Rights in El Salvador', OEA/Ser.L/V/II. Doc. 278, October 14, 2021, paras. 38, 44, 45, 342.1.

⁴¹⁹ I/A Court H.R. Case of Zambrano-Vélez et al. v. Ecuador. Merits, Reparations, and Costs. Judgment of July 4, 2007. Series C No. 166, paras. 83-84.

without delay and in a serious, independent, impartial, and effective manner.⁴²⁰ Likewise, the Inter-American Court has emphasized that sexual violence perpetrated by members of the security forces is particularly serious, causing devastating physical, emotional, and psychological consequences against women.⁴²¹ In this regard, the IACHR has recommended the creation of internal and external monitoring and accountability systems to enforce the duty to investigate, with a gender and ethno-racial perspective, all cases in which law enforcement officers use lethal force and/or sexual violence, and the strengthening of the institutional capacity of independent oversight bodies.⁴²²

179. In this regard, the State indicated that the Office of the Attorney General (FGR) of the Republic maintains strict vigilance in the context of citizen complaints related to the abuse of force by state agents, so that with respect to security operations carried out in the context of the state of emergency, that Office, as guarantor of legality and the right of access to justice of the population, has initiated 19 investigations for alleged abuse of force, of which 18 are in the investigation phase and one is being provisionally archived.⁴²³ In turn, the OUDH reported that the internal mechanisms of the National Civilian Police had referred 119 cases of crimes to the FGR in 2022, of which they were able to verify that at least 26 referred to violations of the right to personal integrity and the life of persons outside the institution.⁴²⁴ The Observatory indicated that the information on criminal proceedings

⁴²⁰ I/A Court H.R. Case of Zambrano-Vélez et al. v. Ecuador. Merits, Reparations, and Costs. Judgment of July 4, 2007. Series C No. 166, par. 88.

⁴²¹ I/A Court H.R. Case of the Miguel Castro-Castro Prison v. Peru. Judgment of November 25, 2006. Merits, Reparations, and Costs, par. 311.

⁴²² IACHR, Report No. 141/11, Merits, Cases 11.566 and 11.694, Cosme Rosa Genoveva, Evandro De Oliveira et al. (Favela Nova Brasília), Brazil, October 31, 2011, Recommendations, par. 5.

⁴²³ State of El Salvador, A New El Salvador, Diplomatic Note MPOEA-OAS-117/2023, July 14, 2023, p.64.

⁴²⁴ University Observatory of Human Rights of the Central American University José Simeón Cañas, [Annual Report 2022: The State of Human Rights in El Salvador](#), April of 2023, pp. 86-88.

initiated and concluded was reported as non-existent and subsequently as kept secret (“reservada”) by the FGR.⁴²⁵

180. The IACHR calls on the State to ensure transparency in relation to this data, enabling citizen oversight of State actions in this area. It also appreciates the opening of these investigations and calls on the Attorney General's Office to continue following up on these and other possible cases in the framework of the considerations and recommendations addressed to the State of El Salvador in the 2021 Country Report regarding the investigation of abuses by security forces.⁴²⁶ Notwithstanding the above, it is a priority to attend to the people who were victimized by the illegal and arbitrary measures. The IACHR will refer to aspects related to the restitution of liberty and other rights affected by the ongoing judicial proceedings when addressing the functioning of the justice system. Finally, with regard to the information received on the actions of the police authorities in the registration and custody of detainees, the Commission indicates that it will analyze this in the chapter on the situation of persons deprived of liberty.

Initial considerations on the functioning of the justice system

181. The IACHR emphasizes that, in the democratic system, the prosecutor's office and the judiciary have important functions, among them, to monitor the activity of the security forces, and must adopt the corresponding actions within the framework of their competencies to investigate, prosecute, and punish the human rights violations committed. Likewise, in administering justice, they must ensure respect for and guarantee the human rights and due process of the accused. Since the implementation of the state of emergency, the Commission has been informed of specific challenges in the functioning of the justice system in light of the

⁴²⁵ University Observatory of Human Rights of the Central American University José Simeón Cañas, [Annual Report 2022: The State of Human Rights in El Salvador](#), April of 2023, pp. 86-88.

⁴²⁶ IACHR, Situation of Human Rights in El Salvador, OEA/Ser.L/V/II. Doc. 278, October 14, 2021, paras. 61-64, 342.2.

C. Deaths, allegations of torture and mistreatment of persons deprived of their liberty

290. Since the start of the state of emergency, the Commission has learned of disturbing information regarding deaths, allegations of torture, and ill-treatment of persons deprived of liberty, abuses in the use of disciplinary measures and the use of force against persons deprived of liberty, as well as deficiencies or omissions in the mechanisms for denouncing and investigating these events. The following section addresses some of these reports.

291. According to information in the public domain, from March 27, 2022, to June 2023, there were investigative inquiries into at least 142 **deaths of persons deprived of liberty** in that period.⁷⁴⁵ By the end of October 2023, the number of deaths in custody had allegedly risen, with figures varying from 189 to 200 people.⁷⁴⁶ A number of civil society organizations criticized the restrictions on access to this type of information and, based on consolidated data from various sources, indicated that there were higher numbers of deaths.⁷⁴⁷ As of July 2023, the number of deceased persons reportedly amounted to

⁷⁴⁵ AP News, [Prosecutor's office registers \(archiva\) 142 deaths in El Salvador prisons attributed to natural causes](#), June 13, 2023; DW, [El Salvador Registers \(archiva\) "142 Cases" of Deaths in its Prisons](#), 14 June 2023.

⁷⁴⁶ DW, [NGO: "Victims" of the State of Emergency in El Salvador Rise](#), October 19, 2023; La Prensa Gráfica, [The number of people killed in prisons under the state of emergency in El Salvador rises to 200: "When the moms opened the boxes, there were their children completely beaten up."](#), October 31, 2023.

⁷⁴⁷ Azul Originario et al, [Annual Report on Human Rights Violations During the State of Emergency in El Salvador](#), March 2023, pp. 54-59; Cristosal, Instituto de Derechos Humanos de la Universidad Centroamericana José Simeón Cañas (IDHUCA), Due Process Foundation (DPLF), Red Salvadoreña de Defensoras de Derechos Humanos, Servicio Social Pasionista (SPASS), [Prison Deaths During the State of Emergency in El Salvador: Alleged Extrajudicial Executions, Report of Civil Society Organizations to the Special Rapporteur on Extrajudicial Executions](#), April 10, 2023 (hereafter, Cristosal et al., [Prison Deaths during the Emergency Regime in El Salvador: Alleged Extrajudicial Executions, Report of Civil Society Organizations to the Special Rapporteur on Extrajudicial Executions](#), April 10, 2023), pp. 6-9.

at least 174.⁷⁴⁸ The majority were men, but a potential underreporting of women who died in detention was also noted.⁷⁴⁹

292. The organizations indicated that, in repeated cases, the relatives of the deceased were not immediately informed of the death by state agents, and heard about it through third parties, such as representatives of funeral service companies.⁷⁵⁰ State agents also recorded their burial without notification to family members, in some cases, in mass graves and as unidentified persons.⁷⁵¹ In addition, they denounced the existence of clandestine graves inside the prisons.⁷⁵²
293. On the possible causes of the deaths, Cristosal conducted a study based on field, documentary, and interview research and grouped the then 139 deaths in state custody into four categories: 29 violent deaths, 7 probable violent deaths, 25 natural or pathological deaths, and 39 deaths in which a crime is suspected. Cristosal also indicated that it did not have sufficient data on 39 persons.⁷⁵³ Likewise,

⁷⁴⁸ Swissinfo.ch, [The "victims" of the state of emergency in El Salvador total some 5,490, according to allegations](#), July 20, 2023; La Prensa Gráfica, [The 175 people deprived of liberty who have died during the regime in El Salvador](#), August 8, 2023.

⁷⁴⁹ Azul Originario et al, [Annual report on human rights violations during the state of emergency in El Salvador](#), March 2023, pp. 54-59; Cristosal, [One year under the state of emergency: a permanent measure of repression and human rights violations. Situation Report for March 27, 2022 to March 27, 2023](#), May 12, 2023, pp. 27-32, 48-51.

⁷⁵⁰ Azul Originario et al, [Annual report on human rights violations during the state of emergency in El Salvador](#), March 2023, pp. 52-53; Cristosal, [One year under the state of emergency: a permanent measure of repression and human rights violations. Situation Report March 27, 2022 to March 27, 2023](#), May 12, 2023, pp. 35-36; Cristosal et al, [Deaths in Prisons during the State of Emergency in El Salvador: Alleged Extrajudicial Executions](#), April 10, 2023, pp. 9-11.

⁷⁵¹ Azul Originario et al, [Annual report on human rights violations during the state of emergency in El Salvador](#), March 2023, pp. 52-53; Cristosal, [One year under the state of emergency: a permanent measure of repression and human rights violations. Situation Report March 27, 2022 to March 27, 2023](#), May 12, 2023, pp. 27-32, 35-36; Human Rights Watch, Cristosal, ["We Can Arrest Anyone We Want" Widespread Human Rights Violations During the "State of Emergency" in El Salvador](#), December 2022, 85-91; Amnesty International, [El Salvador: One year into the state of emergency, authorities systematically commit human rights violations](#), April 3, 2023.

⁷⁵² Cristosal et al., [Prison Deaths During the Emergency Regime in El Salvador: Alleged Extrajudicial Executions](#), April 10, 2023), pp. 6-9.

⁷⁵³ Cristosal, [One year under the state of emergency: a permanent measure of repression and human rights violations. Situation Report for March 27 to 2022 March 27, 2023](#), May 12, 2023, pp. 27-32.

according to international experts consulted by Human Rights Watch and Cristosal, the death certificates reviewed did not meet legal and medical standards because they failed to record all the underlying causes and other significant conditions that contributed to the death in question.⁷⁵⁴ The organizations highlighted the lack of consistency between the cause of death reported and the condition of the corpse, indicating that, in dozens of the cases studied, the document merely reported that death was the result of some kind of "edema", when there were evident signs of the corpse having been subjected to violence.⁷⁵⁵ In this regard, Cristosal indicated that it had verified photographs from the Institute of Forensic Medicine that indicated possible blows and mechanical asphyxiation by strangulation, among other injuries, and disclosed some of these records.⁷⁵⁶ In a hearing held at the 187th Period of Sessions of the IACHR, the organizations denounced that some of the deaths may have been extrajudicial executions.⁷⁵⁷

294. Likewise, in at least 20 cases, the deceased was not provided with the appropriate medication or medical care even when they were related to pre-existing conditions or others that arose or were aggravated by the incarceration.⁷⁵⁸ The Commission learned of cases in which the families were informed that an autopsy would be performed, but were

⁷⁵⁴ Human Rights Watch, Cristosal, ["We Can Arrest Anyone We Want" Widespread Human Rights Violations During the "Emergency Regime" in El Salvador](#), December 2022, pp. 85-91.

⁷⁵⁵ Cristosal, [One year under the state of emergency: a permanent measure of repression and human rights violations. Situation Report for March 27, 2022 to March 27, 2023](#), May 12, 2023, pp. 27-34; Azul Originario et al, [Annual report on human rights violations during the state of emergency in El Salvador](#), March 2023, pp. 54-59; La Prensa Gráfica, [Medicina Legal reconoce 73 reos fallecidos en régimen de excepción \(Forensic medicine acknowledges 73 accused dying during the state of emergency\)](#), August 26, 2022.

⁷⁵⁶ Cristosal, [One year under the state of emergency: a permanent measure of repression and human rights violations. Situation Report for March 27, 2022 to March 27, 2023](#), May 12, 2023, pp. 27-34; 92.

⁷⁵⁷ IACHR, Hearing 'Human Rights and States of Emergency in El Salvador', 187th period of sessions, July 14, 2023.

⁷⁵⁸ Cristosal, [One year under the state of emergency: a permanent measure of repression and human rights violations. Situation Report for March 27 to 2022 March 27, 2023](#), May 12, 2023, pp. 27-32.

not told when it happened or what finding was reached.⁷⁵⁹ According to the organization, as a rule, the forensic medical examination would not be performed for deaths that would be related to certain diseases, such as heart attack, pneumonia, kidney failure, among others, which would make it difficult to identify conditions that could have been acquired or aggravated as a result of torture or cruel, inhuman, and degrading treatment.⁷⁶⁰ The people heard by the IACHR also referred to the lack of notification and access to information about the death of their relatives, as well as the difficulties encountered with forensic and investigative institutions:

It was very insensitive, because, even on the same day in the morning, a family member went to the Mariona prison to deliver a package to him and they did not inform him about the death; they received the package. [...] We have been asking for the judicial file and the forensic file and they do not give it to us because they say it is incomplete. We have not been given the medical report indicating the cause of death. Only the medical report, which states the name, where they went to pick up the body and what he died of. It only states the cause without further explanation. There is no more detailed file. [...] According to forensic medicine we are told that it was due to mechanical asphyxia by strangulation.⁷⁶¹

When they no longer gave me information about him in the prison, I said I was going to fight until I found him. I went to many state institutions and although I was afraid that he was dead, I went to forensics to ask. There I was told that he had died (three months earlier) and that he had been transferred to mass graves. [...] Forensic medicine told me that he died of pulmonary edema. We did not know that he had this condition before he was arrested. When I examined his body, I saw many blows and he had not been beaten before. I was

⁷⁵⁹ Cristosal, [One year under the state of emergency: a permanent measure of repression and human rights violations. Situation Report for March 27 to 2022 March 27, 2023](#), May 12, 2023, pp. 27-32.

⁷⁶⁰ Cristosal, [One year under the state of emergency: a permanent measure of repression and human rights violations. Situation Report for March 32 to 2022 March 27, 2023](#), May 12, 2023, pp. 32-35.

⁷⁶¹ Testimony No. 18 of March 20, 2023. Family member of a person who died in detention.

very upset, [...] he was my right-hand man. The situation I experienced is not easy.⁷⁶²

It is only a cause of death sheet, but that cause is not further substantiated. I had to ask the doctor how it had happened. I was left in doubt. He told me that he had already had the symptoms for 5 months. That inside the prison he developed [the disease]. [...]They did not want to give me the clinical file at the hospital. [...]They don't tell us anything, if they are sick or if they have been taken out of the prison. A regrettable situation. A woman came out of the prison crying because she had been told that her daughter had been dead for two months and she had been taking her packages.⁷⁶³

There I could not see a perforation [...] until the funeral home when they were preparing her for me. That makes me think that something happened to her inside the penal center. The forensic medicine document talks about blood pressure, but it did not say anything about this problem that she had [...] I am quite doubtful because forensic medicine does not give you the autopsy. I was told that it would be ready in 15 to 20 days. They asked me to call them. I wanted to claim the autopsy, but they told me that they could not give it to me; only to the Prosecutor's Office handling the case. I started to do the rounds and went to the prosecutor's office. I was told that the case wasn't there. I had to pay for several cabs. I was told that the prosecutor in the case was not there. I explained what I was going for. They told me they would not give me the autopsy.⁷⁶⁴

- 295.** In its observations on the draft of this report, the State indicated that the registration of deaths and the entry of a death certificate is an administrative procedure carried out by the registries of the municipal mayors' offices, and that the registration practice followed in El

⁷⁶² Testimony No. 19 of March 20, 2023. Family member of a person who died in detention.

⁷⁶³ Testimony No. 21 of March 21, 2023. Family member of deceased person in detention (Deceased woman).

⁷⁶⁴ Testimony No. 22 of March 21, 2023. Family member of a person who died in detention.

Salvador is to refer to the immediate cause of death.⁷⁶⁵ For this purpose, when a corpse is delivered to the Institute of Forensic Medicine, the latter issues a one-time, original copy of a form, in which the forensic doctor gives a preliminary description of the cause of death. In cases where there is no evident cause of death, further (histopathological, toxicological, radiological) studies are conducted in order to determine the direct cause of death, in accordance with the corresponding medico-legal protocols. As a collaborating entity of the Administration of Justice, the Institute of Forensic Medicine issues forensic expert opinions at the request of the competent authority. The State indicated that according to the law, the forensic doctor's purpose is to determine the direct cause of death, the possible time of death, and related matters so that in its expert opinions the Institute only determines the cause of death, with the Attorney General's Office of the Republic being responsible for the criminal classification of the facts, based on the investigations.

296. Civil society organizations indicated that information on investigations is also reserved by the Attorney General's Office for a period of two years.⁷⁶⁶ In June 2023, the Commission took cognizance of the statement of the Attorney General of the Republic, related to the archiving of the investigation of the 142 cases related to the death of persons deprived of liberty detained during the state of emergency. According to the authority, after scientifically establishing the causes of those deaths, it was determined that they were related to diseases preexisting at the time of arrest or to diseases for which timely assistance was provided and death occurred.⁷⁶⁷ In a hearing held by the IACHR in July 2023, the head of the Attorney General's Office

⁷⁶⁵ State of El Salvador, Observaciones del Estado de El Salvador al Informe de la CIDH "Estado de Excepción y derechos humanos en El Salvador" (Observations of the State of El Salvador on the IACHR report entitled "State of Emergency and Human Rights in El Salvador"), Diplomatic Note MPOEA-OEA-054/2024, April 8, 2024, pp. 104-105.

⁷⁶⁶ Human Rights Watch, Cristosal, ["We Can Arrest Anyone We Want" Widespread Human Rights Violations During the "State of Emergency" in El Salvador](#), December 2022, pp. 85-91, 95-97.

⁷⁶⁷ ElSalvador.com, [Prosecutor confirms 142 deaths of inmates under the exception regime and defends that "there is no crime to prosecute"](#), June 13, 2023; AP News, [Prosecutor files 142 deaths in El Salvador's prisons that he attributes to natural causes](#), June 13, 2023.

reiterated that, in relation to this type of death, the institution relies on scientific methods, endorsed by the Institute of Forensic Medicine⁷⁶⁸

- 297.** As the Inter-American Commission and Court have reiterated, the State is the guarantor of the rights of persons deprived of liberty, insofar as it exercises total control over the person subject to its custody.⁷⁶⁹ The treatment of detainees should be subject to the strictest scrutiny and take into account any special conditions of vulnerability that they present.⁷⁷⁰ In this regard, the organs of the Inter-American system have indicated that there is a presumption of State responsibility for the deaths, injuries, or deterioration in the health of a person deprived of liberty, which can only be rebutted by a satisfactory and convincing explanation of what happened and by means of valid evidence.⁷⁷¹
- 298.** The Commission recalls that when it comes to the investigation of the death of a person who was in the custody of State agents, the corresponding authorities have the duty to initiate ex officio and without delay, a serious, independent, impartial, and effective investigation, that is, with due diligence and substantiated by all available legal means and aimed at determining the truth about what

⁷⁶⁸ IACHR, Hearing 'Human Rights and States of Emergency in El Salvador', 187th period of sessions, July 14, 2023.

⁷⁶⁹ IACHR, Report on the Human Rights of Persons Deprived of Liberty in the Americas, OEA/Ser.LV/II., Doc. 64, December 31, 2011, paras. 46-57; IA Court H.R., Case of Bulacio v. Argentina, Merits, Reparations, and Costs, Judgment of September 18, 2003, Series C No. 100, par. 126.

⁷⁷⁰ IA Court H.R., Case of Bulacio v. Argentina, Merits, Reparations, and Costs, Judgment of September 18, 2003, Series C No. 100, par. 126; IA Court H.R. Case of Isaza Uribe et al. v. Colombia. Merits, Reparations, and Costs. Judgment of November 20, 2018. Series C No. 363, par. 87; IA Court HR, Case of J. v. Peru, Preliminary objection, merits, reparations, and costs, Judgment of November 27, 2013, Series C No. 275, par. 343.

⁷⁷¹ IA Court H.R., Case of Bulacio v. Argentina, Merits, Reparations, and Costs, Judgment of September 18, 2003, Series C No. 100, par. 126; IA Court H.R. Case of Isaza Uribe et al. v. Colombia. Merits, Reparations, and Costs. Judgment of November 20, 2018. Series C No. 363, par. 87; IA Court HR, Case of J. v. Peru, preliminary objection, merits, reparations, and costs, judgment of November 27, 2013, Series C No. 275, par. 343; IA Court H.R., Case of Juan Humberto Sánchez v. Honduras, Preliminary Objection, Merits, Reparations, and Costs, Judgment of June 7, 2003, par. 111.

happened.⁷⁷² This includes taking into account certain specific relevant criteria, such as: considering the degree of involvement of state agents; providing a certain degree of public scrutiny to the investigation; preserving the scene of the facts and evidence; conducting an autopsy by trained professionals including any evidence indicating alleged acts of torture by state agents; among other measures.⁷⁷³ The IACHR also calls on the State to take into account international guidelines in the investigation of possible extra-legal, arbitrary, and summary executions, including the Minnesota Protocol on the Investigation of Potentially Unlawful Death. Even in cases of non-violent deaths, the Commission warns that the failure to establish criminal responsibility should not necessarily prevent ongoing investigation of other types of responsibility for other acts or conduct that may have contributed to the death, depending on the circumstances of each case.⁷⁷⁴

- 299.** Likewise, the Commission urges the State to ensure the dignified treatment of the mortal remains of deceased persons; the notification of family members regarding the death; the proper registration and identification of human remains; as well as to respect the will of the families regarding the final disposition of the bodies, all of the above with particular attention to the United Nations Standard Minimum Rules for the Treatment of Prisoners "The Nelson Mandela Rules".⁷⁷⁵
- 300.** Both the persons heard by the Commission and civil society organizations denounced **acts of torture and ill-treatment** of detainees, abuses in the disciplinary sanctions applied, and omissions in the face of acts of intra-prison violence. They indicated that physical

⁷⁷² I/A Court H.R. Case of Chinchilla Sandoval et al. v. Guatemala. Preliminary Objection, Merits, Reparations, and Costs. Judgment of February 29, 2016. Series C No. 312, par. 257.

⁷⁷³ I/A Court H.R. Case of Landaeta Mejías Brothers et al v. Venezuela. Preliminary Objections, Merits, Reparations, and Costs. Judgment of August 27, 2014. Series C No. 281, par. 254.

⁷⁷⁴ I/A Court H.R. Case of Chinchilla Sandoval et al. v. Guatemala. Preliminary Objection, Merits, Reparations, and Costs. Judgment of February 29, 2016. Series C No. 312, paras. 259 and 280.

⁷⁷⁵ IACHR, Practical Guide No. 1: What are the standards to ensure respect for mourning, funeral rites, and tributes to persons deceased during the COVID-19 pandemic, October 15, 2020, pp. 7-9.

punishment and beatings are said to be generalized in prisons that hold detainees during the state of emergency and reported accounts of violence that include beatings, simulated drowning, electric shocks, abuse in the use of pepper spray, among others⁷⁷⁶:

They handcuffed me in the yard on the bars and from all the cells you could see what they were doing to me. They hit you with the stick wherever they can. They leave you handcuffed for three hours. Some people don't make it to the cell and they give you another beating.⁷⁷⁷

We were lying in the sun on the asphalt with a lot of pebbles that bothered our knees. We spent more than two hours lying down. The prison guards wanted to find out which gangs we were from and beat us, but since we don't belong to gangs, they couldn't get us to say anything. Then we went forward on our knees to have our hair shaved. We were asked to move to the steps and then to the cells. We were beaten as we passed, and when we entered the cell, we were beaten as well. [...] I could not get up from my cot for three days because of the beating they gave me. [...] Well, the use of force was always imposed, there was no punishment cell because they are being used by people for sexual diversity. Whoever committed an infraction, if the cell did not say who committed it, we were pepper sprayed and left without food for a while. If someone said who it was, they would take that person out to do squats and then beat him between three or four custodians until they knocked him unconscious.⁷⁷⁸

They kept us on the gravel for about half an hour, the stones were wedged in our knees, I started to bleed and tremble. You couldn't move because if we moved, the custodians would beat us.⁷⁷⁹

⁷⁷⁶ Cristosal, [One year under the state of emergency: a permanent measure of repression and human rights violations. Situation Report March 27, 2022 to March 27, 2023](#), May 12, 2023, pp. 37-43; Human Rights Watch, Cristosal, ["We Can Arrest Anyone We Want" Widespread Human Rights Violations Under El Salvador's "State of Emergency"](#), December 2022, pp. 77-78.

⁷⁷⁷ Testimony No. 29 of March 24, 2023. Person released under alternative measures.

⁷⁷⁸ Testimony No. 17 of March 20, 2023. Person released under alternative measures.

⁷⁷⁹ Testimony No. 6 of March 15, 2023. Person released under alternative measures.

The next day they took me to the Izalco prison. They put us on our knees and gave us a big beating and made us walk on our knees in the gravel. They insulted us, telling us that we were "shitty gang members" and that "it was our fault that Salvadorans were the way they were". [...] they sent us to the Mariona Prison. There they made us do the same, walk on our knees. The sun was very strong, we burned our knees because it was so hot. [...] They counted us in the morning and in the afternoon. They would pull us out with their hands around our necks. They gave us electric shocks. They used to beat us up and kick us, for them it was like a sport, they would laugh, they were happy that we fell down.⁷⁸⁰

301. The testimonies taken by the Commission also referred to acts of sexual violence both in the bartolinas and in the prisons:

When we were in the bartolinas, we asked policemen for sheets because it was very cold. The policemen told us that they were going to put a few "bugs" in to warm us up and rape us.⁷⁸¹

A colleague who was in the bartolinas was raped by the police.⁷⁸²

In the penitentiary center it was men who did the inspection [on female detainees]. I did not know of any sexual violence, but they searched her private parts and male custodians did this search.⁷⁸³

I also saw abortions due to lack of medical assistance. In the cell we were in, her appendix burst, they took her to the hospital, but when they did the surgery they didn't realize she was 4 months pregnant. They took her out again due to complications, realized she was

⁷⁸⁰ Testimony No. 10 of March 16, 2023. Person released under alternative measures.

⁷⁸¹ Testimony No. 8 of March 16, 2023. Person released under alternative measures (female).

⁷⁸² Testimony No. 10 of March 16, 2023. Person released under alternative measures.

⁷⁸³ Testimony No. 12 of March 17, 2023. Person released under alternative measures (female).

pregnant and had to perform a curettage. I don't know how she got pregnant, as she had been detained longer.⁷⁸⁴

"I had the misfortune to see how they raped a boy there, but nobody did anything because if you said anything you were next".⁷⁸⁵

- 302.** In its observations on the draft of this report, the State reported that the Deputy Directors of Security of each prison have precise instructions to exercise the requisite oversight and monitoring, as well as to adopt the corresponding preventive security measures to safeguard the physical integrity of persons deprived of liberty. In the event of violence in prisons, the State emphasized that there is a Contingency Plan, which prioritizes immediate and timely notification of the corresponding legal authorities to ensure proper investigation.⁷⁸⁶ It also indicated that there is no record in the Attorney General's Office of any complaints of violence in prisons such as those described, and that if they exist, the pertinent investigations will be carried out and it will be the justice system that will reach a decision in each case.⁷⁸⁷
- 303.** Additionally, civil society organizations denounced the **hardening of internal disciplinary conditions** in prisons, through intensive searches, as well as other extra-legal measures such as the removal of inmates' personal possessions, food rationing as collective punishment, and confinement in cells, often for 24 hours a day.⁷⁸⁸

⁷⁸⁴ Testimony No. 16 of March 17, 2023. Person released under alternative measures (female).

⁷⁸⁵ Testimony No. 1 of March 13, 2023. Person released under alternative measures.

⁷⁸⁶ State of El Salvador, Observaciones del Estado de El Salvador al Informe de la CIDH "Estado de Excepción y derechos humanos en El Salvador", Nota Diplomática MPOEA-OEA-054/2024, April 8, 2024, p. 105

⁷⁸⁷ State of El Salvador, Observations of the State of El Salvador to the IACHR Report "State of Emergency and Human Rights in El Salvador," Diplomatic Note MPOEA-OEA-054/2024, April 8, 2024, Annex 1, Methodological Systematization Matrix, lines 66 and 67, column E.

⁷⁸⁸ Azul Originario et al, [Annual report on human rights violations during the state of emergency in El Salvador](#), March 2023, pp. 52-53 University Observatory of Human Rights of the Central American University José Simeón Cañas, Annual Report 2022: The State of Human Rights in El Salvador, April 2023, pp. 64-65.

They reported cases of detainees sent to punishment cells who returned in a state of malnutrition or died.⁷⁸⁹ In addition, there are allegations that prison officials tolerate acts of violence committed by the detainees themselves.⁷⁹⁰

In Mariona we were locked up 24/7. Then in Izalco prison, at the most, we were taken out twice a week, one hour per cell.⁷⁹¹

We didn't do anything, we didn't even have a book. We had no access to anything. Not even a pencil. They would not let us out of the cell. They only took us out in the sun for an hour twice a week [...] There was one time when they didn't give us food and water as punishment.⁷⁹²

In some areas, they would take us out in the sun for an hour. But most do not. [...] All sectors had to go through punishment cells, it was a rotation. All of us who came from the hospital were transferred to the punishment cell. We were given very little food as punishment. [...] What they did when they saw something they didn't like. They took them out in the middle of the court, they put handcuffs on us, and hung us by our hands, we spent 5 hours, there were people who bled to death. Even for just talking. He wanted all the people to be quiet. [...] When he was in there, the guards forced him to do what they said. And if you didn't, they beat us, they gave us electric shocks, in front of everyone so that the others could see.⁷⁹³

Depending on the severity, if one objected, one went to the "calabozo" which is a punishment cell. Or if the guard or the cell manager didn't

⁷⁸⁹ Cristosal, [One year under the state of emergency: a permanent measure of repression and human rights violations. Situation Report for March 40 to 2022 March 27, 2023](#), May 12, 2023, pp. 40-43.

⁷⁹⁰ Amnesty International, [El Salvador: President Bukele plunges country into human rights crisis after three years in office](#), June 2, 2022.

⁷⁹¹ Testimony No. 23 of March 22, 2023. Person released under alternative measures.

⁷⁹² Testimony No. 8 of March 16, 2023. Person released under alternative measures (female).

⁷⁹³ Testimony No. 10 of March 16, 2023. Person released under alternative measures.

like you, they would also send you for punishment. There you had no rights. [...] She was left hanging for 24 hours in handcuffs without food. I also saw cases where they were beaten during the transfer. There was one woman who did not want to come and was beaten with a stick. I also saw how when they put women to exercise in the sun, they got sunstroke.⁷⁹⁴

304. In a hearing held in July 2023, the State indicated that the Office of the Attorney General of the Republic had received no complaints of torture or degrading human treatment.⁷⁹⁵ On the other hand, the organizations indicated that the PDDH was reportedly not accessing places of deprivation of liberty to exercise its constitutional mandate, and demanded that they be able to carry out periodic visits to the different places, publishing information on their findings and recommendations.⁷⁹⁶ In its observations on the Draft Report, the State indicated that within the framework of the National Verification Plan in the Context of the state of emergency, implemented by the Office of the Human Rights Ombudsman, visits have been made to prisons by the aforementioned institution to verify respect for the human rights of persons deprived of liberty and to monitor the activities of the General Directorate of Penitentiary Centers. It also noted that the PDDH, through various pronouncements, official letters, and verification reports in the context of the state of emergency, has issued relevant and timely recommendations to the various State authorities, to ensure that all procedures carried out in general, but particularly in the context of the state of emergency, are conducted with complete

⁷⁹⁴ Testimony No. 12 of March 17, 2023. Person released under alternative measures (female).

⁷⁹⁵ IACHR, Hearing 'Human Rights and States of Emergency in El Salvador', 187th period of sessions, July 14, 2023.

⁷⁹⁶ Cristosal, [One year under the emergency regime: a permanent measure of repression and human rights violations. Situation Report March 27, 2022 to March 27, 2023](#), May 12, 2023, pp. 65-66; OUDH, Report: 100 Days of State of Emergency in El Salvador, 2022, August 2022, pp. 135-138; Human Rights Watch, Cristosal, ["We Can Arrest Anyone We Want" Widespread Human Rights Violations Under El Salvador's "State of Emergency"](#) December 2022, p. 10.

respect for the principle of legality, innocence, due process, and the human rights of all persons.⁷⁹⁷

- 305.** The IACHR also heard reports of a lack of internal channels or inadequate procedures to identify possible cases of rights violations inside places of deprivation of liberty:

A doctor saw that someone was in agony and asked her what was wrong. You could not speak with confidentiality. The guard approached her and pointed his baton at her, threatening that if she said anything she would be beaten again. [...] On another occasion, a person got sciatic gout due to the blows given to him by the guards, some doctors asked about the blows and that they could make a memorandum indicating the situation, but the guards were there and one could not speak freely.⁷⁹⁸

There was no [possibility to file petitions or complaints]. We said we wanted to talk to the director or the custodians, but they ignored us.⁷⁹⁹

- 306.** The Commission reiterates its condemnation of all forms of torture, cruel, inhuman, or degrading treatment, and recalls its absolute prohibition in any situation.⁸⁰⁰ In addition, it recalls that rape committed by state agents is a particularly serious and reprehensible act, taking into account the vulnerability of the victim and the abuse of power by the agent, constituting in all cases a violation of the human rights

⁷⁹⁷ State of El Salvador, Observations of the State of El Salvador on the IACHR Report "State of Emergency and Human Rights in El Salvador," Diplomatic Note MPOEA-OEA-054/2024, April 8, 2024, pp. 105 and 106.

⁷⁹⁸ Testimony No. 29 of March 24, 2023. Person released under alternative measures.

⁷⁹⁹ Testimony No. 8 of March 16, 2023. Person released under alternative measures (female).

⁸⁰⁰ IACHR, Report on the Human Rights of Persons Deprived of Liberty in the Americas, par. 350.

protected in Articles 5 and 11 of the American Convention.⁸⁰¹ Such illegal conduct presupposes severe and long-lasting physical and mental suffering, due to its non-consensual and invasive nature, affecting the victim, her family, and community. In turn, the Commission and the American Court have held that sexual violence against women has devastating physical, emotional, and psychological consequences.⁸⁰² The Commission recalls that it is an inalienable responsibility of the State to prevent all forms of torture and ill-treatment, to condemn their practice and to punish, at all times, all material and intellectual perpetrators.⁸⁰³ Likewise, disciplinary restrictions or sanctions may not go so far as to amount to torture or ill-treatment.⁸⁰⁴ The Commission notes that the State has not ratified the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment and that the

⁸⁰¹ I/A Court H.R., *Case of the Miguel Castro-Castro Prison v. Peru*. Judgment of November 25, 2006. Merits, Reparations, and Costs, par. 311; IACHR, *Application to the Inter-American Court of Human Rights*. Case 12.579 12,579, *Valentina Rosendo Cantú et al.*, Mexico, August 2, 2009, paras. 60, 90; CIDH, *Application to the Inter-American Court of Human Rights*. Case 12.580. *Inés Fernández Ortega*, Mexico, May 7, 2009, paras. 88-117; IACHR, Report 53/01, Case 11.565, Merits, Ana, Beatriz and González Pérez, Mexico, April 4, 2001, par. 45; IACHR, Report No. 5/96, Case 10.970, Merits, Raquel Martín Mejía, Peru, March 1, 1996, section 3. analysis.

⁸⁰² IACHR. Report No 53/01. Case 11.565, Ana, Beatriz, and Celia González Pérez. México. April 4, 2001. Par. 45; I/A Court H.R., *Miguel Castro Castro Prison Case*. Merits, Reparations, and Costs. Judgment of November 25, 2006. Series C No. 160, par. 313, citing the Cfr. United Nations, Commission on Human Rights during the 54th period of sessions. Report submitted by Ms. Radhika Coomaraswamy, Special Rapporteur on violence against women, including its causes and consequences, in accordance with Commission resolution 1997/44. Doc. E/CN.4/1998/54, January 26, 1998, par. 14.

⁸⁰³ IACHR, Report on the Human Rights of Persons Deprived of Liberty in the Americas, par. 350. Under the United Nations Standard Minimum Rules for the Treatment of Prisoners, States have obligations to: (a) documentation and reporting of any signs of torture or other ill-treatment, during the examination of the inmate upon admission to prison or when providing medical care; (b) prompt and impartial processing and investigation of allegations of torture, by a national authority independent of the prison administration; and (c) recording in the prisoner file management system of petitions and complaints, including allegations of torture or other treatment or ill-treatment, unless they are of a confidential nature. In addition, they add that inspections facilitate monitoring that can ensure the transparency necessary to prevent acts of torture in places of detention. In that connection, see: United Nations, United Nations Standard Minimum Rules for the Treatment of Prisoners (Mandela Rules), E/CN.15/2015/L.6/Rev.1, 21 May 2015, Rule 34, 57.3, 8(d).

⁸⁰⁴ In this regard, the following practices are prohibited: a) indefinite solitary confinement; b) prolonged isolation; c) confinement in a dark or permanently illuminated cell; d) corporal punishment or reduction of food or drinking water; and e) collective punishments. See: United Nations, Standard Minimum Rules for the Treatment of Prisoners (Mandela Rules), E/CN.15/2015/L.6/Rev.1, 21 May 2015, Rule 43 1.

creation of the National Mechanism for the Prevention of Torture is pending, for which reason it urges that the Office of the Human Rights Ombudsman establish a program of periodic visits to places of deprivation of liberty, with the necessary privacy and confidentiality for interviews, and that the results be made public in reports.

D. Impacts on family members of detainees

307. The Commission has learned how the detentions carried out during the state of emergency have affected the families of persons deprived of liberty in different ways. Both the people who gave testimony to the IACHR and civil society organizations and the press have stressed that women have been particularly impacted by this context, warning that it has exacerbated the gender disparities already existing in the country.⁸⁰⁵ Women are often the ones who undertake the initial and ongoing efforts to locate their detained family members, help them to access justice, and provide them with basic supplies during deprivation of liberty.⁸⁰⁶ In this regard, Cristosal indicates that 80.6% of the complaints received by the organization were filed by women.⁸⁰⁷ These tasks are in addition to the roles of caregiver and/or financial support to the household, generating an overload and deterioration of women's living conditions.⁸⁰⁸

⁸⁰⁵ Azul Originario et al., [Annual Report on Human Rights Violations during the State of Emergency in El Salvador](#), March 2023, p. 41.


⁸⁰⁶ Amnesty International, [El Salvador: One year into the state of emergency, authorities systematically commit human rights violations](#), April 3, 2023; Cristosal, [One year under emergency rule: a permanent measure of repression and human rights violations. Situation Report from March 27, 2022 to March 27, 2023](#), May 12, 2023, p. 47; El País, [Madres a la fuerza: el impacto silencioso del régimen de excepción en El Salvador de Bukele \(Mothers under duress: the sudden impact of the state of emergency in Bukele's El Salvador.\)](#), June 10, 2023; La Prensa Gráfica, [Régimen de excepción ha sido doble impacto para las mujeres \(The state of emergency has impacted women twice as hard as men.\)](#), April 20, 2023.

⁸⁰⁷ Cristosal, [One year under the state of emergency: a permanent measure of repression and human rights violations. Situation Report for March 27 2022 to March 27, 2023](#), May 12, 2023, p. 47.

⁸⁰⁸ Amnesty International, [El Salvador: One year into the state of emergency, authorities systematically commit human rights violations](#), April 3, 2023; Cristosal, [One year under emergency rule: a permanent measure of repression and human rights violations. Situation Report for March 27 2022 to March 27, 2023](#), May 12, 2023, p. 47.

Exhibit 8

'Authoritarians' Episode 6: Bukele, Public Security, and Violations in El Salvador (Portuguese)

 pulitzercenter-org.translate.goog/stories/autoritarios-episode-6-bukele-public-security-and-violations-el-salvador-portuguese

An English summary of this report is below. The original report, published in Portuguese in [Folha de S.Paulo](#), follows.

A woman who hasn't heard from her jailed husband, who's a taxi driver, for over a year. A street vendor who is arrested while working and ends up being tortured in prison. A judge removed from office after criticizing a judicial reform. This episode tells these stories and shows how Salvadoran President Nayib Bukele has tightened public security policies, reducing homicides, but violating constitutional guarantees and putting thousands of innocent people behind bars.

Referring to himself as the "coolest" dictator in the world, Bukele used bitcoin to work his political marketing while trying to stifle the system of checks and balances.

To understand this process, we hear from political scientist Carlos Monterrosa, from Central American University; Marvin Reyes, secretary of a police union group; Salvadoran journalist Nelson Rauda; and Renato Sérgio de Lima, director of the Brazilian Public Security Forum.

Authoritarians: How Bukele promoted human rights violations in El Salvador

Under the state of emergency, homicides fell significantly; on the other hand, thousands of innocent people were imprisoned.

SÃO PAULO — It was 3 p.m. on a Sunday and the weather was stifling in Las Cañas. Despite the intense heat, the residents of the community, located near the capital of [El Salvador](#), gathered that day in August of last year for a soccer game.

The field wasn't in the best condition, but it was good enough for a friendly match. On one side, in white shirts, were the players from Los Fantasma. On the other, in red, was the team they nicknamed Manchester United. This might seem like a normal scene in a Latin American community, but it was anything but normal. Just over a year earlier, that match had been impossible.

Until then, Las Cañas was a war zone. For two decades, the community was divided in half by the [two main gangs in the country](#) : Mara Salvatrucha, known as MS-13, and Barrio 18. Those who lived in the upper part, controlled by MS-13, could not circulate in the lower part, controlled by Barrio 18. And vice versa.

With the establishment of a [state of emergency](#) supported by President Nayib Bukele, this reality changed, and homicides [fell significantly](#) in the country. But this [came at a very high cost](#) : numerous violations of constitutional guarantees, the highest incarceration rate globally, and thousands of innocent people imprisoned. The sixth episode [of the podcast "Authoritarians"](#) tells the stories of the victims of human rights violations perpetrated by the Salvadoran state.

This is the case of taxi driver José Antonio, imprisoned since July 2022. Besides being unable to visit him, his family cannot even get information about his health status in prison. He was accused of being part of a gang, which is refuted by his wife, Blanca Rivera.

"I told them to explain to me why he is being detained, because my husband is a hardworking man who has always set a good example for his children," she says.

From the beginning of the state of emergency in March 2022 until September of last year, the government had already arrested more than 70,000 people. Seven thousand were released after spending months in prison. This means that 2% of the population over 18 years of age was imprisoned.

There are many reports of torture and deaths in prisons. The NGO Cristosal documented that, one year after the start of the regime, 132 people had died in prisons.

The Folha 's [audio narrative series](#) tells, in seven episodes, the story of the democratic crisis currently underway in the world. Each episode focuses on a contemporary authoritarian leader: [Narendra Modi \(India\)](#), [Viktor Orbán \(Hungary\)](#), [Donald Trump \(United States\)](#), Jair Bolsonaro (Brazil), Nayib Bukele (El Salvador), and Daniel Ortega (Nicaragua).

It involved eight months of research, six trips, and dozens of interviews with politicians, researchers, journalists, activists, and, most importantly, citizens whose lives are directly affected by authoritarianism.

The presentation, script, production, and reporting of *Autoritários* were done by reporter Ana Luiza Albuquerque. Ana Luiza has been with **Folha** for eight years, working in the politics section, and holds a master's degree in political journalism from Columbia University (USA).

The sound editing for the project is by Raphael Concli. Coordination is by Magê Flores and Daniel Castro, script production by Victor Lacombe, and supervision by Gustavo Simon. The visual identity is by Catarina Pignato.

Episodes are published every week, on Thursdays. They can be listened to on the **Folha** website and on major audio platforms.

READ THE TRANSCRIPT OF THE SIXTH EPISODE

BUKELE, PUBLIC SECURITY AND VIOLATIONS IN EL SALVADOR

Ana Luiza Albuquerque: It was 3 pm on a Sunday. The weather was stifling in Las Cañas. Despite the intense heat, the residents of the community (located near the capital of El Salvador) gathered that day, in August of last year, for a soccer game.

The field was large, but not in the best condition. Most of it was dirt, with a few patches of grass. But it was good enough for a friendly match. On one side, in white shirts, were the players from Los Fantasmas. On the other, in red, was the team they nicknamed Manchester United.

This might seem like a normal scene in a Latin American community. But it was anything but normal. Just over a year earlier, that match had been impossible. Until then, Las Cañas was a war zone.

For two decades the community was controlled by the two main gangs in the country: Mara Salvatrucha, known as MS-13, and Barrio 18.

[AFP report] The two gangs emerged in the 1980s and 1990s, and have branches in the region and even in Europe. According to official estimates, they have around 70,000 members in El Salvador, concentrated in the hundreds in certain neighborhoods.

Ana Luiza Albuquerque: The two gangs, as these criminal groups are called, divided Las Cañas in half. Those who lived in the upper part, dominated by MS-13, could not circulate in the lower part, Barrio 18. And vice versa.

Peter Rojas: Good, my name is Peter Rojas. Today we are in the Las Cañas colony of the municipality of Ilopango.

Ana Luiza Albuquerque: Pedro Rojas has lived in the community for over 30 years; he's a teacher and community leader. We met at the school where he teaches in Las Cañas. Pedro described to me what life was like there before, with the gangs. He said that even people from the same family were forbidden from visiting each other if they lived in different parts of the neighborhood.

Pedro Rojas: There were mothers who lived there below, children who lived here above.

Ana Luiza Albuquerque: Mothers and children were warned that they shouldn't go to the other part of the neighborhood, and they ended up having to meet outside the colony.

Pedro Rojas: I remembered a moment when nothing fell and nothing went up, even when it was a parent.

Ana Luiza Albuquerque: Life there changed completely after March 2022. That's when Congress approved a state of emergency to combat crime, at the request of President Nayib Bukele.

[Globo news report] The state of emergency has been extended several times and continues to this day, with the suspension of constitutional rights such as the holding of assemblies and the inviolability of correspondence. The measure also authorized arrests without warrants and denied detainees the right to a lawyer.

Ana Luiza Albuquerque: We're going to talk more about the authoritarian regime and how it led innocent people to prison. But walking around Las Cañas, what I heard was that the neighborhood no longer lives under the control and extortion of criminals, who were arrested or fled.

Now the residents are trying to find ways to shorten the distance imposed by the gangs for so many years. The soccer tournament was one of the actions to try to integrate the upper and lower parts of the neighborhood. Pedro is among the leaders who advocate for the unity of the community, which they call the colony.

Pedro Rojas: I believe in the unit. If I believe that the colony is a single thing, I'm not going to divide, I'm going to unify.

Ana Luiza Albuquerque: For decades, El Salvador was one of the most violent countries in the world. In 2015, there were 106 homicides for every 100,000 inhabitants: almost four times more than in Brazil. Since Bukele's authoritarian regime, homicides have fallen drastically. But this came at a very high cost: many violations of constitutional guarantees, the highest global incarceration rate, and thousands of innocent people imprisoned.

On one occasion when Bukele was accused of undermining democracy in the country, he responded to this criticism with irony: he called himself the coolest dictator in the world. After serving as mayor of the capital, he was elected president in 2019, at the age of 37. The Salvadoran Constitution prohibits re-election, but after a maneuver in the judiciary, Bukele ran again in February of this year and was re-elected.

Nayib Bukele: And on the ground we won the Presidency of the Republic for the second time, even though we won the Legislative Assembly with 58 of 60 deputies.

Ana Luiza Albuquerque: I'm Ana Luiza Albuquerque, and this is the sixth episode of *Autoritários*: a podcast from Folha that investigates contemporary leaders who threaten democracy and the connections between them. The project is supported by the Pulitzer Center on Crisis Reporting.

Ana Luiza Albuquerque: Before the soccer game, Pedro, a teacher from the Las Cañas colony, took me to see the area.

Pedro Rojas: So this one there below is a main street. Let's go to the cancha so that you can know.

Ana Luiza Albuquerque: The community is sloped: it has a lower part and an upper part. It starts down there at a soccer field and ends up there at a road. That road is the only point of entry and exit to Las Cañas. I went there with Nelson Rauda, a Salvadoran journalist who I befriended during my master's degree. If you've been with us since the first episode, you might remember Nelson telling us that his cell phone was monitored with Pegasus, that espionage tool used by authoritarian governments.

Nelson stopped the car in a small square near the road, the one in the upper part of town, where Pedro was waiting for us.

We went down on foot, going deeper and deeper into the community. I remember thinking how difficult it would be for someone to escape if one of the gangs wanted to make them disappear. Pedro says that the criminals had a lot of power over the colony. They could order, for example, that the streets be empty and that no one leave their house.

Pedro Rojas: If they decide today at 6:00 pm in the afternoon, we don't want Nadie, you can't leave the house at 6:00 pm in the afternoon.

Ana Luiza Albuquerque: The colony has two main streets, where cars and buses pass, and where we got off. They are intersected by several other narrow streets with cement floors. On these streets, the little houses are huddled together, all colorful. I remember seeing many trees, many flowers, and it was hard to imagine that such a pleasant place had been caught in the crossfire for so long.

Pedro explained to me that these narrow streets are named with letters.

Pedro Rojas: Si ustedes se fijan, M, N, O, P, Q, R, S, T. Six passages.

Ana Luiza Albuquerque: It was one of those letters, the M, from MS-13, that divided the territory. If you lived from M upwards, you were under the control of MS-13. If you lived from M downwards, you were in the Barrio 18 area.

M Street was a somewhat undefined territory. Pedro said that sometimes criminals would patrol there to intimidate the other side, even knowing that things could get out of control at any moment. He recounted that the gang members wouldn't think twice if they saw someone from a rival gang. If they were armed, they would shoot. It was a minefield.

Pedro Rojas: Then no one ever thought about it, if they had a gun at that moment they fired.

Ana Luiza Albuquerque: The colony still bears marks from that time, like a wall full of bullet holes.

Pedro Rojas: You can still see the performances that there are. It's a palpable feeling that this conflict existed, exists.

Ana Luiza Albuquerque: Pedro says that they couldn't answer their cell phones in the street—the gangs accused anyone who did of passing on information. Cars and even buses had to dim their headlights to go to the lower part of the community. It was a signal for the criminals to know that no one from outside was

entering there. And those who lived in different parts of the community couldn't even be seen talking on the bus. Otherwise, the gang members would ask: why were you talking? What were you saying?

Pedro Rojas: Ah, you're passing on information. There would be consequences. I congratulated you and why were you playing? What are you saying, ah?

Ana Luiza Albuquerque: The gangs went so far as to expel residents, make death threats, and then seize people's homes.

Pedro Rojas: Many people are the sacaron of the colony. Ándate. Tomorrow if you dawn, it dawns dead.

Ana Luiza Albuquerque: Walking around there, we saw completely abandoned buildings. Pedro told me they had been occupied by gangs.

With the state of emergency, the police carried out heavy operations in the colony. Pedro believes that almost all the criminals were arrested. Little by little, they disappeared from daily life there.

Pedro Rojas: Little by little they disappeared, they disappeared, they disappeared. Then you give yourself an account. Ah, ya se lo llevaron.

Ana Luiza Albuquerque: On social media, Pedro saw news about who had been captured.

Gradually, life in the community returned to what it was before the gangs took control. For the first time in many years, Pedro's daughters, who had already left the colony, felt safe enough to spend Christmas at his house.

Pedro Rojas: This time I left my wine until the 5th of the afternoon and went away at the 11th of the night. Something that couldn't be done.

Ana Luiza Albuquerque: Learning about the history of Las Cañas helped me understand why, despite the imprisonment of innocent people and human rights violations, the majority of the population supports the regime. When people don't have access to such a basic right as security, they often end up trusting authoritarian leaders who propose simple solutions to complex problems. But there's a risk that they will advance further and further with authoritarianism. And then it may be too late to turn back.

Pedro says he's happy with the new reality of the colony.

Pedro Rojas: I feel happy, but also the other part...

Ana Luiza Albuquerque: But he is also concerned about the lack of transparency in the government and the thousands of innocent people who have been imprisoned for months.

Pedro Rojas: Innocent people in prison waiting for more than a year. Because he can't prove anything.

Ana Luiza Albuquerque: He says that the state of emergency, which has been extended month by month by Congress for almost two years, will not solve the problem of violence in a structural way.

Pedro Rojas: But the question is: will that work? For how long? What needs to be in place for it to work?

Ana Luiza Albuquerque: Pedro argues that the government needs to work on job creation and invest in social programs. That simply arresting criminals isn't enough.

Pedro Rojas: It's not just about attacking, making criminals disappear and that's it, no.

Ana Luiza Albuquerque: Nayib Bukele was born in San Salvador, into a family of Palestinian origin with many businesses. He ran his father's advertising agency before his meteoric rise in politics, starting in 2012. That year he was elected mayor of a small town near the capital. To run for this position, he joined the FLMN, the country's main left-wing party.

Nayib Bukele: I am Nayib Bukele, candidate for mayor of Nuevo Cuscatlán. My parents taught me that with effort and dedication, goals can be achieved.

Ana Luiza Albuquerque: Three years later, in 2015, Bukele was elected mayor of San Salvador. The position is often a platform for higher political ambitions in the country.

After many internal conflicts with the FLMN, Bukele was expelled by the party's ethics committee in 2017. He then created a new populist party, Nuevas Ideas, to run for president in 2019.

Since legal issues prevented him from running for the new party, he ran for a right-wing party called GANA. That's right, he migrated from one side of the political spectrum to the other without much explanation, which fueled criticism that Bukele is an opportunist.

Carlos Monterrosa: He presented himself as someone different...

Ana Luiza Albuquerque: This is Carlos Monterrosa, a professor of political science at the Central American University, located in the capital.

Carlos Monterrosa: ...different from all those who had exercised power, at least in the last two decades.

Ana Luiza Albuquerque: He says that in the 2019 elections, Bukele presented himself as an outsider, different from traditional politicians. Someone young, irreverent, who thinks ahead and who can offer a good future for Salvadorans.

Carlos Monterrosa: Of course, he presents himself as someone young, someone who can be seen as irreverent, as a person who is thinking ahead.

Ana Luiza Albuquerque: And as someone firm, who will make decisions and get things moving.

Carlos Monterrosa: And also as someone who is going to execute things, who is going to make decisions and who is going to do them.

Ana Luiza Albuquerque: Bukele's strategy came as a response to the decline of the two main parties that had alternated in power for the last 30 years: the left-wing FLMN and the right-wing Arena. Suspicions of corruption involving both parties were one of the reasons for this decline.

Then Bukele came up with a marketing strategy that made traditional parties seem outdated. This strategy begins with his image, which relies on a millennial identity. He often appears in casual clothes, including a backwards baseball cap, which has become his trademark.

Bukele also speaks in a more straightforward, unpretentious way, and tends to be sarcastic when the press puts him on the spot. This irreverent behavior has earned him a multitude of fans in Latin America, who are very active on social media.

TikToker: Guys, I don't know about you. But I'm in love with this guy. Nayib Bukele is the most popular president in the Americas.

Ana Luiza Albuquerque: Bukele even had songs written in his honor, in various styles.

Singers:

Working hard, 2407, the president is giving an example so that everyone respects him.

Nayib Bukele is the president everyone wants.

The people of El Salvador received a gift from God.

Nayib Bukele is different.

Ana Luiza Albuquerque: From the beginning of his political career, Bukele has been hammering home the idea of defeating "los mismos de siempre" – the same old faces.

Nayib Bukele: Well then, let's not worry about the reality of the country, because we are still voting for the same things forever.

Ana Luiza Albuquerque: In that interview, when he was running for mayor of San Salvador, he argued that people should vote for candidates without political experience. Because otherwise, things would never change.

Carlos Monterrosa says that this phrase, "the same old faces," takes advantage of the "us versus them" rhetoric, a classic populist strategy.

Carlos Monterrosa: I believe this is something that marks the distinction between them and others, which is also very particular in narratives and populist languages.

Ana Luiza Albuquerque: In other words, we are on the side of the people. They are hindering the well-being of the people.

Carlos Monterrosa: And you are used, which are all the obstacles and all the obstacles that block the pueblo of yours.

Ana Luiza Albuquerque: Behind that cool, millennial, business-minded facade, there was also someone willing to use authoritarian measures to deal with crime. Carlos says that in recent years some research has shown that the population

supported measures of this type, that people wanted a strong leader. He believes that Bukele's team captured this trend, and he delivered what the population wanted.

Carlos Monterrosa: Bukele has something to offer and there is a demand from people who are willing to buy something like that.

Ana Luiza Albuquerque: That's why the government instituted a state of emergency. And despite all the negative consequences, the population supported it.

In September 2020, El Faro, the leading investigative newspaper in Central America, reported, citing prison intelligence reports, that Bukele had made a pact with MS-13, the country's largest gang. A year later, reporters gained access to an investigation by the Attorney General's Office that reinforced the accusation against Bukele.

The material showed that since June 2019, when the president took office, high-ranking government officials had been meeting with gang leaders in prison. El Faro published photos of them with hooded men inside the prisons and a notebook with the prisoners' demands.

In these secret meetings, they allegedly forged this pact. According to investigations, the government promised prison benefits, such as selling pizza in prisons and transferring criminals whom the gangs considered too aggressive. Authorities also allegedly promised to loosen the maximum security regime. In exchange, the MS-13 leaders allegedly guaranteed that violence between the gangs would be kept under control.

According to investigations, Bukele's objective with this pact was to reduce the homicide rate, which indeed happened the following year. The gang members also allegedly promised to support Nuevas Ideas, the president's party, in the 2021 legislative elections.

The government denies having made any agreement with the gangs. After the first report published by El Faro, Bukele wrote on Twitter: "They accuse us of violating the human rights of terrorists. Now they say we gave them privileges? Show me one privilege. Just one."

Carlos Monterrosa: So that's how to decide whether you're playing on two levels, on two tracks.

Ana Luiza Albuquerque: This is Carlos Monterrosa, the political scientist, again. He says that penal populism targets certain groups, and people in general support it as long as they are not directly affected. Meanwhile, there are backroom deals that favor gang leaders.

Carlos Monterrosa: On the other hand, there are agreements at the bottom of the table that could favor certain leaders within criminal structures, within the gang structure.

Ana Luiza Albuquerque: This type of accusation wasn't exactly new. Former president Mauricio Funes, who governed El Salvador until 2014, was sentenced to 14 years in prison for negotiating a reduction in homicides in exchange for benefits for gangs.

In December 2021, an investigation by the United States Treasury Department confirmed the information released by El Faro regarding the Bukele administration. With an important addition: they concluded that the government had also provided financial incentives to MS-13 and Barrio 18 to ensure that the violence remained under control.

The alleged pact was also being investigated by the Attorney General's Office of El Salvador. But in February 2021, the legislative elections gave a large majority to Bukele's party. And, in May, Congress removed the Attorney General from office and buried the investigation.

The agreement between the government and the criminals would have remained in place for three years, until everything changed in March 2022. From Friday the 25th to Sunday the 27th, MS-13 killed 87 people.

[Telemundo report] I tell you that little by little normality has returned to the country. Imagine, more than 80 murders in 72 hours.

Ana Luiza Albuquerque: Most had no connection to any gang. On Saturday alone, 62 died: it was the most violent day of the century in El Salvador.

El Faro reported that, prior to the massacre, police had captured a vehicle containing MS-13 leaders. The gang gave a 72-hour ultimatum for their release, which the police ignored. In retaliation, MS-13 killed dozens of people. Dialogue with the government had ended.

Amid the escalating violence, Bukele asked Congress to approve the state of emergency, which happened on the 27th itself.

The regime has suspended constitutional guarantees, such as the rights to be informed of the reasons for an arrest and to be brought before a judicial authority within 72 hours. In practice, people are being detained without a warrant. Families have great difficulty obtaining information about the whereabouts of prisoners, or even finding out what they are being accused of.

Blanca Rivera: We have a year with every few months and no one gives any information.

Ana Luiza Albuquerque: This is Blanca Rivera, a woman I met during a visit to a group of lawyers who provide free legal assistance to victims of this state of exception. She went there to ask for help with her husband's case. He had been imprisoned for over a year, since July 2022, and the family couldn't get any information, not even about his health status.

Blanca Rivera: Uno va a los penales, no les dicen bueno, está alive o está infirmo, no dicen nada. Y es cosa, pues, unfair what is happening to us.

Ana Luiza Albuquerque: José Antônio, Blanca's husband, and her brother worked as taxi drivers. On July 7, 2022, at 11:30 in the morning, she received a call from her brother. He said: talk to your husband, because the police have him.

Blanca Rivera: My husband is a taxi driver and he also works with my brother. As at 11:30 he told me, tell me, talk to your husband because he's with the police.

Ana Luiza Albuquerque: Blanca tried to call her husband, but he didn't answer.

She and her son went from police station to police station trying to find José. Later she discovered that he had been accused of something like criminal association, that is, of being part of a gang. Blanca says she doesn't understand what happened, because her husband was always a hardworking man and set a good example for their children.

Blanca Rivera: Yo he says explain to me why he's in prison, because my husband is a working man, to my sons all the time with good example.

Ana Luiza Albuquerque: According to her, Salvadorans no longer have rights, and innocent people are dying in prisons as if they were animals.

Blanca Rivera: That's the shame that one feels like a family, that they die, like they killed any animal.

Ana Luiza Albuquerque: There are many reports of torture and deaths in prisons. The NGO Cristosal documented that, one year after the start of the regime, 132 people had died in prisons. Amnesty International, which monitored 10 of these cases, says that the main causes of death were torture and lack of access to healthcare. Some people on parole said they saw police officers beating other prisoners to death, either as punishment or to pressure them into confessing to being part of a gang.

Just over a year after the approval of the state of emergency, the government had already arrested more than 70,000 people. 7,000 were released after spending months in prison. This means that 2% of the population over 18 years of age was imprisoned. In Brazil, this proportion is half a percent.

Marvin Reyes: This is happening because the police started demanding quotas of detainees per day.

Ana Luiza Albuquerque: This is Marvin Reyes, secretary of a police union group. He says that a week after the regime was installed, the police leadership began demanding a national quota of 1,000 arrests per day from the battalions. Marvin says that each police officer had to arrest two or three people a day.

Marvin Reyes: They were under obligation, practically forced to capture up to three people per day.

Ana Luiza Albuquerque: According to Marvin, since many gang members had already fled the country, the police started arresting innocent people to meet their quota. He says that the police choose those who have a profile considered suspicious: those who were drinking in the street, appeared to be unemployed, had tattoos.

Marvin Reyes: And the police kept searching the street and in the end they said, well, we're going to take this one who looks like a gang member, right? He's tattooed and hairy, he looks like a gang member, we're going to take him.

Ana Luiza Albuquerque: Marvin also says that innocent people are dying in prisons, with signs of torture – fractures in the neck, arms, and ribs.

Marvin Reyes: They have come out dead from there with signs of torture, with signs of having been beaten, with broken necks, broken arms, broken ribs.

Ana Luiza Albuquerque: In early 2023, Bukele inaugurated a mega-prison with a capacity for 40,000 people. The government said the new prison was the largest in the Americas. In the wake of this exceptional regime, Congress also approved other measures that hinder the right to defense.

[AFP report] El Salvador's Congress approved on Wednesday night that those accused of participating in gangs, the so-called pandillas, be tried collectively, which will mean that groups of up to 900 defendants will face the same trial.

Ana Luiza Albuquerque: The government says that homicides fell by more than 50% in 2022 compared to the previous year. It's impossible to fully trust these numbers, and some organizations have pointed out that they were wrong. But the fact is that gang violence has decreased significantly, and this is perceived by the population – even though state violence has increased. That's why Bukele has become a point of reference among politicians in Latin America, especially conservatives.

Federal Deputy Ubiratan Sanderson: We are aware of the success, the success story presented by El Salvador...

Ana Luiza Albuquerque: This is Congressman Sanderson, from the PL party, who at the time was the president of the Public Security Committee of the Chamber of Deputies.

Federal Deputy Ubiratan Sanderson: ...We have the honor, then, of now hearing from His Excellency, the Minister of Justice of El Salvador, Gustavo Villatoro. Welcome, Minister.

Ana Luiza Albuquerque: Minister Gustavo Villatoro participated via video call in a commission meeting on May 23, 2023. His presentation was basically a promotion of the Bukele government's security measures. Villatoro had been invited by federal deputy Osmar Terra, from the MDB party, former Minister of Citizenship in the Jair Bolsonaro government.

Federal Deputy Osmar Terra: Look at this wonderful lesson that Minister Gustavo Villatoro gave us.

Ana Luiza Albuquerque: This is Osmar Terra speaking after the minister's presentation.

Federal Deputy Osmar Terra: This is the first time I've seen a country concretely solve this problem. And solve it in 4 years, not 10, 20, or 30 years. Solve it in 4 years. Oh, but they arrested them, there's an exception law. This is temporary, it's necessary, it has to be done when necessary. We are saving lives, we are not turning a blind eye to criminals.

Jair Bolsonaro: From the moment I invoke the exclusion of illegality when defending my life or the lives of others, my property or the property of others, my assets or the assets of others, violence drops dramatically. People will die in the streets like cockroaches, and that's how it has to be.

Ana Luiza Albuquerque: This punitive discourse was heard a lot during the Bolsonaro government, but it's part of a larger phenomenon.

Renato Sérgio de Lima: Perhaps the greatest tool of power for autocrats is the exploitation of fear and insecurity.

Ana Luiza Albuquerque: This is Renato Sérgio de Lima, director of the Brazilian Forum on Public Security.

Renato Sérgio de Lima: In some places, we have the appropriation of police institutions by an autocratic discourse, which is "let's solve the problem." How do we solve the problem? By eliminating the enemy.

Ana Luiza Albuquerque: Renato says that in democratic nations, achievements in security usually take longer and changes are more complex. Autocrats, on the other hand, offer solutions that seem simple and quick, pleasing a population that is dissatisfied and fearful. This allows them to achieve almost instantaneous gains in popularity.

Renato Sérgio de Lima: In the minds of the population, where the threat of death is real and immediate—that is, if I go out on the street, I could be killed by a stray bullet, by a shootout, and my cell phone could be violently stolen at any moment—I can even agree that inequality is the primary reason for the violence, but I don't care about that. I want a solution.

So we understand why Bukele achieved such prominence: because he arrived and gave a speech in a country with weak institutions, a small country not subject to the checks and balances of a more complex federation, and a country historically dominated by the logic of organized crime and factions.

Ana Luiza Albuquerque: But besides eroding democracy by destroying legal guarantees, this type of solution advocated by Bukele is not sustainable in the long term. First, the state will have to continue putting a lot of money into maintaining this repressive structure. Second, the volume of imprisonments could end up affecting even the country's demographics.

Renato Sérgio de Lima: This only holds true if you continue to maintain the regime of exception, because it is an artificial construct.

El Salvador won't solve its problem simply by imprisoning most of its young population. What will happen? There will even be a demographic issue in a small country. There will be a labor shortage. It will start attracting people from neighboring countries. It will need workers to keep the economy running.

Ana Luiza Albuquerque: Marvin Reyes, secretary of the police union in El Salvador, wants an end to the state of emergency. He says the regime is not a public policy, but an emergency measure to regain control of the territory.

Marvin Reyes: It is a tool to restore control that has been lost at a certain point.

Ana Luiza Albuquerque: Marvin advocates for the creation of a permanent security plan that doesn't depend on the president currently in power.

He also criticizes the government for using the regime as a tool for electoral blackmail.

Marvin Reyes: In other words, it's blackmail being used against the population.

Ana Luiza Albuquerque: Bukele's supporters spread the idea that if he wasn't re-elected, the measure would end and the gangs would return.

Marvin Reyes: People believe it and say no, it's true, it's better that they continue, because that way they maintain the regime and we are happy.

Ana Luiza Albuquerque: In El Zonte, a surfer's paradise an hour from the capital, Mario Garcia and his wife are well-known figures. He has been working on the beach selling raffles – or, in Portuguese, shaved ice – for five years. That's why he was quite surprised by the police's approach on the beach at 8 a.m. on a Monday in April 2022. He was going to get ice when he was stopped by the police, who told him not to move.

Mario García: At that time, I was still coming down on ice, I needed more ice. They told me, "Come here, stay here, don't move."

Ana Luiza Albuquerque: Mario recounts that he was arrested in that scheme: arrest first and investigate later. According to him, his tattoos put him in the police's crosshairs. They are symbols strongly associated with gangs in Latin America, and therefore usually raise a red flag. Mario says that in the 90s, before getting married, having children, and becoming a paper salesman, he used to rob people—but that he was never part of any gang.

Mario García: But no, running around with crazy bugs messing around, no, no, I never liked that.

Ana Luiza Albuquerque: This could be just another story about someone unjustly detained during a period of authoritarian rule. But it's more than that—and it will help us understand another facet of Bukele.

El Zonte is also known as Bitcoin Beach because it was a sort of cryptocurrency laboratory, one of the president's main bets. And Mario was one of the first vendors to accept payment with Bitcoin.

He became a symbol of crypto, appearing in videos on social media and in news reports.

Mario García: Yes, let's say that people paid me in bitcoin, which was the first time there.

Ana Luiza Albuquerque: I see Mario's story as a hole in the fantasy that Bukele created by adopting bitcoin as the country's official currency.

Nayib Bukele: So we were thinking of building bitcoin city.

Ana Luiza Albuquerque: Behind the cryptocurrency, the promises of innovation, competence, technology, and all the marketing apparatus that Bukele has built, lies the reality of people who suffer greatly at the hands of the government.

Mario was detained for 24 days and says he was tortured in prison.

Mario García: My ribs broke here, pure nonsense. There were like a few ocho leñazos here. My ribs broke.

Ana Luiza Albuquerque: He says he took more than 8 blows and had his ribs broken.

Mario García: No, yes, they left me very bent.

Ana Luiza Albuquerque: Because Mario was very well-known on the beach, the neighborhood mobilized and created a campaign on social media for his release. His imprisonment in the bitcoin haven didn't fit well with the government's plans for the region.

Nelson Rauda: They're calling Zonte. And Salvadoran cryptocurrencies enthusiasts, but predominantly foreigners, say they are Bitcoin beach.

Ana Luiza Albuquerque: This is Nelson again, my friend who's a journalist in El Salvador. I went with him to El Zonte to see firsthand where Bitcoin started in the country. The place is a quiet beach town, with a few bars and restaurants, but not much hustle and bustle. It mainly attracts foreign surfers. Some businesses have the Bitcoin symbol outside, a B in an orange circle, to indicate that the cryptocurrency is accepted there.

Nelson Rauda: Here he carried out a kind of experiment in the laboratory and they like to call a circular economy.

Ana Luiza Albuquerque: In 2019, even before Bukele was elected, an American surfer living in El Zonte said he received an anonymous donation of over \$100,000 in bitcoins to invest in the region. The goal was to create a local cryptocurrency economy. No one ever found out exactly why—nor who this donor was. Nelson says that everything involving bitcoin in the country is not very transparent.

Nelson Rauda: However, as with everything that is Bitcoin in this country, there is very little transparency.

Ana Luiza Albuquerque: In a short time, the beach residents started receiving salaries and paying expenses with bitcoin. But things reached another level when Bukele assumed the Presidency and decided to get directly involved with the cause.

In May 2021, the president's brothers held meetings with a cryptocurrency entrepreneur from El Zonte. A month later, Congress passed the bitcoin law – at Bukele's request.

[AFP report] Bitcoin will be legal tender in El Salvador. Congress approved a law early Wednesday morning that will make this Central American country the first to adopt the cryptocurrency, which it seeks to use to boost its economy.

Nayib Bukele: The bitcoin system is so perfect that I think it's gonna be the future.

Ana Luiza Albuquerque: This is Bukele in an interview with an American cryptocurrency influencer in 2021. He says that the bitcoin system is perfect and that the currency represents the future. The government heavily promoted the cryptocurrency, invested millions of dollars in bitcoin, and created a digital wallet, Chivo. But the effort was in vain. Salvadorans didn't jump on the bandwagon.

Nelson Rauda: This measure has been President Bukele's biggest failure, because people didn't adopt it.

Ana Luiza Albuquerque: Nelson says that the measure was the government's biggest failure. Chivo didn't work properly, many people ended up losing money, and people didn't trust the currency.

Nelson Rauda: Then the people of themselves lost confidence, something that was quite difficult for me to trust.

Ana Luiza Albuquerque: The cryptocurrency also plummeted in value, while the country is mired in debt, to the point of asking for help from the International Monetary Fund.

But why did the government bet so heavily on Bitcoin?

According to Nelson, this was a strategy to regain control of the narrative at a critical moment. He says that Bukele announced the bitcoin law one day after ending an agreement with an anti-corruption commission of the OAS, the Organization of American States.

A month earlier, Congress, dominated by government supporters, had removed Supreme Court justices and ousted the Attorney General from office.

Nelson believes that this whole bitcoin story was a smokescreen against accusations that Bukele was an authoritarian who had broken promises to fight corruption. It was an opportunity to create the image of a modern, cool president...

Nelson Rauda: ...Bold, innovative, cool, technological, visionary, the future.

Ana Luiza Albuquerque: The adoption of Bitcoin also has a lot to do with Bukele's strategy of presenting himself as a kind of CEO of the country. While I was doing the interviews for this episode, I remembered a book I had read a short

time before, called Spin Dictators. It talks about a change in the profile of autocrats in the 21st century. Before, they dominated through violence and fear. Today, they rely on manipulation and try to appear competent.

Nelson says that Bukele's popularity stems from the image he projects: a successful, cool, virile, and assertive businessman. Regardless of the country's economic performance, many Salvadorans are inspired by him.

Nelson Rauda: The Salvadoran wants to be like him, wants to be in charge and wants to give orders via Twitter, wants to be listened to, wants to be popular, wants to be cool, wants to have money.

Ana Luiza Albuquerque: Bukele's first major display of authoritarianism occurred on February 9, 2020, a year after the election. On that day, he entered Congress with police and military personnel as a way to pressure the deputies. He did not yet have a majority in the legislature.

[Band news report] Nayib Bukele was escorted by armed men and sat in the chair of the Speaker of Congress. He said a prayer and, even without a quorum, ordered the session to begin. Upon leaving, he was greeted by a crowd of supporters. He gave a one-week ultimatum for deputies to release the equivalent of 470 million reais for an anti-crime program.

Ana Luiza Albuquerque: I spoke about this episode with Anabel Belloso, a congresswoman from the FLMN, a left-wing party in the country.

Anabel Belloso: But I don't even think that scene happened during the years of the military dictatorship or the armed conflict. It was terrible then.

Ana Luiza Albuquerque: She recounts that three days before this scene, Bukele had asked the representatives to discuss and vote on the release of the funds. According to her, those were tense days. Plainclothes police officers went to the homes of the parliamentarians to pressure them to go to the Assembly. The deputy says there was an implicit message in these visits: If you don't show up for the vote, we'll take you by force.

Anabel Belloso: And it was like a message: "Look, if you don't show up for the call-up on the ninth, we're going to come and get you by force."

Ana Luiza Albuquerque: Anabel sees that moment as the beginning of the escalation of authoritarianism in the country. And this strength gained after the 2021 legislative elections, when Bukele came to have a large majority in

Parliament.

Anabel Belloso: From that moment on, the escalation of actions, authoritarianism, the desire to concentrate power, and the violation of transparency began even more.

Ana Luiza Albuquerque: In May 2021, Congress carried out a major judicial reform to favor the president. The deputies removed the five ministers of the Constitutional Chamber of the Supreme Court from their positions and replaced them with judges aligned with the president. They also removed the Attorney General of the Republic.

[TV Cultura report] Here, the decision was praised by federal deputy Eduardo Bolsonaro, son of President Jair Bolsonaro, who stated in a Twitter post that the decision was constitutional.

Ana Luiza Albuquerque: Political scientist Carlos Monterrosa, from the Central American University, says that the suspended judges have also begun to be monitored by the police.

Carlos Monterrosa: Monitoring through police where these people were, what they were doing.

Ana Luiza Albuquerque: And that showed that Bukele is not a person who engages in dialogue and who understands that differences of opinion can exist.

Carlos Monterrosa: He was starting to show us signs that Bukele is not, is not a person who engages in dialogue, is not a person who negotiates, who seeks democratic mechanisms.

Ana Luiza Albuquerque: Carlos says that Bukele didn't want to recognize the Supreme Court's decisions. And that's why the first thing he did was dissolve it, and also remove the Attorney General.

Carlos Monterrosa: He didn't want to recognize the decisions of the Assembly, nor those of the Constitutional Chamber at that time. That's why the first thing he did was dissolve it.

Ana Luiza Albuquerque: The government-majority Congress also forcibly retired all judges over 60 years old – who at that time represented a third of the country's magistrates. Furthermore, judges were transferred between courts without much explanation.

This was the case of Cesia Romero, a second-instance judge who worked in the only national environmental court. She recounts that in September 2021 she received a message from the Supreme Court to report the following day to another court. She had been transferred to a civil court more than an hour away from the capital. Without any justification.

Cesia Romero: No, no, no reason was ever given as to why.

Ana Luiza Albuquerque: Cesia believes she was removed from her position because environmental issues are too sensitive for the government, and the president wants judges aligned with him.

Cesia Romero: They're not interested in having people who are independent.

Ana Luiza Albuquerque: She says that many times she had to suspend projects from municipalities or even the Ministry of the Environment because of irregularities.

Furthermore, Cesia had already publicly criticized the judicial reform, which she believes may have contributed to the transfer. She says that any differing viewpoint is frowned upon by the government.

Cesia Romero: Any disagreement, any dissenting viewpoint is frowned upon.

Ana Luiza Albuquerque: Cesia says that many people don't see Bukele as totalitarian because the State doesn't go so far as to kill journalists and judges. But for her, the government has found more modern ways to silence criticism and concentrate power.

Cesia Romero: There are modern ways to also cause the same situation.

Ana Luiza Albuquerque: The new Supreme Court justices, appointed by the ruling Congress, decided in September 2021 that Bukele could run for President again. The judges contradicted the Constitution, which prohibits immediate reelection.

With this permission, Bukele was re-elected in February of this year with almost 85% of the vote.

Nayib Bukele: Today El Salvador has broken all records of all democracies in the entire history of the world.

Ana Luiza Albuquerque: In August, six months before the elections, I spoke with Luis Parada and Celia Medrano, from the centrist party Nuestro Tiempo—he was running for president and she for vice-president. They both insist on the same idea: that this might be the last chance to stop authoritarianism in the country.

Luis Parada lives in the United States and stated that he would not have run for office if the threat posed by Bukele had not been so great. He says that Salvadoran democracy is in crisis, and that is why courageous people need to participate in the electoral process.

Luis Parada: It is a moment of crisis, a moment of crisis not only for the political system, but for democracy in the country.

Ana Luiza Albuquerque: Celia Medrano called Bukele's re-election illegitimate and, a few months before the election, predicted a worrying scenario. She said that if he remained in power, authoritarianism would escalate very quickly.

Celia Medrano: It would take us very quickly, as we are already experiencing, to scenarios like Nicaragua, for example.

Ana Luiza Albuquerque: She compared what is happening in El Salvador to the advancement of Daniel Ortega's dictatorship, which has been in power for 17 years in Nicaragua. However, according to her, with Bukele's re-election, this process will be much faster.

Celia Medrano: The situation will definitely get worse.

Ana Luiza Albuquerque: During the trip I heard this warning many times about El Salvador following the same path as Nicaragua.

Announcer: On the consolidation of an authoritarian, autocratic, and dictatorial political regime of the Ortega Murillo family.

Ana Luiza Albuquerque: It was August 18, 2022, and I was in an Uber, going to an interview in San Salvador. The day before, Ortega had confiscated the assets of the Central American University, one of the country's leading universities. The radio program's anchor began talking about the dictatorship in Nicaragua. Then, she went on to criticize Bukele's own authoritarianism.

Journalists in El Salvador still have the freedom to make this type of criticism, but they suffer harassment and threats. The Bukele administration blocks access to public information and prevents reporters from some media outlets, such as El

Faro, from participating in press conferences with government representatives. And some journalists, as you heard in the first episode, have even had their phones monitored. Several have already left El Salvador amidst this situation.

Announcer: When I speak for example of the government of El Salvador, when I say that Nayib Bukele's regime is a totalitarian and authoritarian government, which has a trace of dictatorship...

Ana Luiza Albuquerque: Bukele has just been re-elected. People are afraid of what might happen, but it's impossible to predict how much worse the situation could get in El Salvador. What we can do is observe what happened in other countries that failed to stop authoritarianism. In the next episode, I'll detail the case of Nicaragua and tell you how Daniel Ortega went from guerrilla fighter to dictator.

Daniel Ortega: Now that the coup plotters, the mercenaries, good luck, we breathe here in Nicaragua. Thanks to God. May Nicaragua live, blessed and always free.

Ana Luiza Albuquerque: I am Ana Luiza Albuquerque, responsible for the presentation, script, production, and reporting of Autoritários. Nelson Rauda collaborated on the production and reporting of this episode.


Sound editing is by Raphael Concli and Laila Mouallem. Coordination is by Magê Flores and Daniel Castro, script production by Victor Lacombe, and supervision by Gustavo Simon. Visual identity is by Catarina Pignato.

This episode used audio from AFP, TV Globo, Alfa Produções, Telemundo, TV Câmara, Leda Nagle, Associated Press, What Bitcoin Did, Band, TV Cultura and El País. And from the artists Pedro Movaz, Scarred.es, MC Benny and Angy MC and Edgar Reg.

See you next week.

Exhibit 9

Deportees from the US face torture in an El Salvador prison.

 apublica.org/2025/03/imigrantes-deportados-dos-eua-enfrentam-torturas-em-prisao-de-el-salvador

Mneesha Gellman

March 22, 2025

The president of El Salvador, Nayib Bukele, presented his offer to house “[dangerous criminals](#)” from the United States and any other country as a victory for civilization. The facts do not show this.

The transfer rate of prisoners to a newly built Salvadoran [megaprison “would be relatively low” for the US, but sufficient to make “the entire prison system of El Salvador sustainable,” Bukele wrote](#) on the social network X on February 3, 2025.

What he didn't say was that the prisoners, many of them deported undocumented immigrants who are not necessarily criminals, would be knowingly placed in a prison system that commits widespread human rights abuses , [at the hands](#) of the Salvadoran state.

The first transfer of Venezuelan deportees took place on March 16, when the U.S. government [transported](#) approximately 250 of them to El Salvador, despite a judge's [order that temporarily blocked the transfer](#).

Later, Bukele published [a video](#) showing the deportees arriving in El Salvador with their hands and feet handcuffed and forcibly bent over by armed guards.

As experts who have researched [human rights](#) and prison [conditions in El Salvador, we have documented the alarming democratic decline](#) amid Bukele's attempts to [conceal](#) the ongoing violence in prisons and throughout the country.

We also heard firsthand accounts of the human rights violations that deportees and Salvadorans say they suffered while detained in El Salvador. We worked on hundreds of asylum cases as expert witnesses and testified in U.S. immigration court about the nature and scope of human rights [violations](#) in the country.

Erosion of democratic norms

[Bukele has led El Salvador since 2019](#) and won the presidency promising [to](#) crack down on crime and corruption. But he has also circumvented democratic norms – for example, by rewriting the Constitution so that he could [be re-elected in 2024](#) .

Newsletter

Find out everything we've investigated.

For the past three years, Bukele has ruled with few [checks and balances](#), in a self-imposed "state of exception." This emergency status has allowed Bukele to suspend many rights while he wages what he calls a "war against the gangs."

Repression manifests itself in [arbitrary](#) mass arrests of anyone who fits stereotypical demographic characteristics of gang members, such as having tattoos, a criminal record, or even "[looking nervous](#)."

As a result of continued mass incarceration, El Salvador now has the [highest](#) incarceration rate in the world. The proportion of the incarcerated population is more than three times that of the US and twice that of its closest neighbor, Cuba.

The safest country in Latin America?

Bukele's tough personality earned him [widespread popularity](#) at home and abroad – he fostered an immediate friendship with the new US government, in particular.

However, maintaining this popularity allegedly involved [manipulating](#) crime statistics, [attacking journalists](#) who criticized him, and denying involvement in a well-documented secret gang [pact that was dissolved shortly before the start of the state of emergency](#).

Bukele and the pro-government Salvadoran media insist that the crackdown on gangs has transformed El Salvador into [the safest country](#) in Latin America.

But in the country, Salvadorans describe how the police, the military, and Mexican cartels [have taken over](#) the exploitative practices previously carried out by gangs like MS-13 and Barrio 18. A Salvadoran woman whose son died in prison just days after being arbitrarily detained [told](#) an Al Jazeera reporter: "We are always afraid. Before it was the fear of the gangs, now it's also the security forces that take innocent people."

Torture as State Policy

Bukele's crackdown on gangs came at [a](#) huge cost to human rights – and nowhere is this more evident than in El Salvador's [prison system](#).

Bukele ordered a communication blackout between incarcerated individuals and their loved ones. This means no visits, letters, or phone calls.

This lack of contact makes it nearly impossible for people to know about the well-being of their incarcerated family members, including [parents with young children](#) who end up being cared for by relatives.

Despite the information blackout, academics, groups specializing in international and national law, and investigative journalists managed to construct an overview of prison conditions in El Salvador using testimonies from victims and their families, medical records, and forensic analysis of prison deaths.

They describe a hellish scenario.

Incarcerated Salvadorans are [crammed](#) into overcrowded cells, regularly beaten by prison staff, and denied medication even when available. Prisoners are frequently subjected to punishments that include food deprivation and electric shocks. A 2023 U.S. State Department report on El Salvador [noted](#) that "prison conditions were severe and life-threatening."

The human rights organization Cristosal estimates that hundreds of people have died from malnutrition, head trauma, strangulation, and lack of medical treatment.

Often, their bodies are buried by government officials in [mass graves](#) without notifying the families.

Although El Salvador is a signatory to the United Nations [Convention](#) against Torture, Amnesty International has concluded, after several missions to the country and interviews with victims and their families, that there is "systemic use of torture" in Salvadoran prisons.

Similarly, a case-by-case study conducted by Cristosal, which included forensic analysis of exhumed bodies of people who died in prison, concluded in 2024 that "[torture](#) has become a state policy."

"Risk of irreversible damage"

What makes it all even more worrying is the scale of potential abuses.

El Salvador now has a prison population of around 110,000 people – more than [three times](#) the number of prisoners before the state of emergency began.

To increase the country's capacity for ongoing mass incarceration, Bukele built and opened the Terrorism Confinement Center megaprison in 2023. An [analysis](#) of the center using satellite imagery showed that if the prison were to reach its

purported full capacity of 40,000 people, each prisoner would have less than 60 centimeters of space in their cells.

This is the prison where deportees from the US have been taken.

US President Donald Trump invoked the [Alien Enemies Act](#) of 1798 to transfer detainees. This wartime legislation has only been used three times in history, including to justify the [detention](#) of Japanese citizens in the US during [World War II](#).

There are serious concerns about the process and legality of transferring American prisoners to a nation that has failed to protect the human rights of its detained population.

Although Trump claimed that the deportees were members of the Aragua Train and MS-13 gangs, the incarcerated individuals did not have [hearings](#) to contest the allegations, which raised doubts about the claim.


Furthermore, the agreement that forms the basis for the transfer of migrants detained in the US to El Salvador faces scrutiny under international law, given what is known about prison conditions in the country.

International human rights are governed by laws that prohibit nations from transferring people to dangerous places, whether [by returning](#) foreigners to countries where "there are substantial grounds for believing that the person would be at risk of suffering irreparable harm," or [by transferring](#) detainees to jurisdictions where they are at risk of being tortured or subjected to cruel, inhuman, or degrading treatment.

Efforts by human rights organizations, [journalists](#), and academics to document prison conditions point to one unequivocal conclusion: El Salvador does not meet the necessary requirements to protect the human rights of deported and incarcerated migrants. On the contrary, the government of El Salvador has been repeatedly [accused](#) by human rights groups of committing crimes against humanity, including against its prison population.

Exhibit 10

El Salvador: the country's daily life amid Bukele's no-holds-barred fight against crime

 veja.abril.com.br/mundo/el-salvador-o-cotidiano-do-pais-em-meio-ao-vale-tudo-de-bukele-contra-o-crime

VEJA

May 2, 2025

Under the hot Friday afternoon sun, boys enjoy the Easter holiday playing a soccer tournament in Ilopango, in central El Salvador. On the dirt field, the game is decided in a lively penalty shootout. Everything is very peaceful now. Just over two years ago, Ilopango was a city divided between the country's two main gangs: Mara Salvatrucha, known as MS-13, and Barrio 18. Those who lived in one gang's territory couldn't circulate in the other's and lived under the threat of being shot in the urban war. The normality that VEJA's report witnessed is a result of the hardline policy implemented by President Nayib Bukele to combat crime. For decades the "global capital of homicides," El Salvador has seen this rate plummet from 36 to 1.9 per 100,000 inhabitants—the lowest in Latin America and more than ten times lower than Brazil's. From outsider, Bukele became a politician adored by the Argentinian Javier Milei and even by Donald Trump, who sees him as an ally in "the largest mass deportation in American history."

Less publicized—and closely observed by VEJA in various corners of daily life—are the costs involved in this crusade that has crumbled the foundations of a democratic regime on paper. In its place, a state of exception has emerged, with mass incarceration as one of its pillars. There are 85,500 people in prisons. Almost 10% of the young male population is behind bars, the highest incarceration rate on the planet. The containment of crime achieved thanks to this extreme hardline policy has attracted politicians to El Salvador, not only from the radical right, to see the "miracle" firsthand. Among Brazilians, influencer Pablo Marçal has already been to the country for this purpose. Also honoring the Salvadoran is the licensed congressman Eduardo [Bolsonaro](#), who landed in San Salvador in 2023 with sixteen members of the Chamber's Security Commission. The most recent announced visit is that of the mayor of Rio de Janeiro, Eduardo Paes, scheduled for Sunday the 4th.

Dismantling the *maras*, as the local gangs are called, was urgent and necessary—an undeniable achievement of Bukele. Formed by immigrants on the streets of Los Angeles in the late 1970s, the factions moved their headquarters two decades later in the wake of deportations promoted by the American government and established a powerful and complex structure in El Salvador. MS-13 took root in

both urban and rural areas, while Barrio 18 controlled part of the capital, San Salvador. At their peak, the two together had 70,000 members, who terrorized with the cruelty of their methods and enriched themselves by extorting merchants—it is estimated that crime consumed 16% of the national GDP. “Under threats, I lost more than \$100,000 and had to close my bakery,” Joel Ayala, 49, from La Campanera, once the most dangerous city in the country, told VEJA.

Within the invisible lines that demarcated the territory of the two gangs, families lived separated for years. Unaware individuals who entered the wrong street or had their car headlights on were summarily executed. “I was raped and couldn’t report the crime. They would kill me or take it out on my daughters,” recounts LC, 47, about the terror that reigned in her city, Soyapango. “It was all based on fear, resulting in tyrannical rule,” political scientist Benjamin Lessing of the University of Chicago explained to VEJA.

For decades, the authorities' reaction was to negotiate with gang leaders—many operating from prison—based on a quid pro quo of privileges for a curb on violence. Bukele now denies this, but he did the same while mayor of San Salvador, from 2015 to 2019, and in the early years of his presidency. Then, in 2022, after a crime spike in which 87 people were murdered in two days, he declared a state of emergency (which he has already renewed 36 times), authorized the police to imprison anyone suspected of gang links (a simple anonymous phone call is enough), doubled the size of the army to 40,000 men, and hastily built a mega-prison with maximum security. The Terrorism Confinement Center is the largest prison in Latin America. There, the government displays the 40,000 inmates kneeling in a courtyard in advertisements.

The gang graffiti that once marked the walls has been replaced by jingoistic messages. “The State creates the paths to development,” reads a large letter on a house in La Campanera. One of these paths is the omnipresence of the Army on the streets, instilling fear and exercising total control over the population. Another is the erasure of basic rights for prisoners. None of them have been tried yet, and when trials begin—if they begin at all—they will be collective actions, with up to 900 defendants each. “They prevent us from contacting clients. Anyone in the system is practically disappeared,” says Ovidio Mauricio, a lawyer for an NGO that provides legal assistance to the families of detainees, among whom it is estimated that 30% to 50% are innocent.

The numerous accusations of abuses and human rights violations do not deter Bukele, who calls himself the "world's coolest dictator." The 43-year-old politician emerged on the scene exploiting the image of a modern and independent young man, presenting himself as an alternative to the two parties that alternated in power, the leftist FMLN and the right-wing Arena. The son of Palestinian immigrants who made a fortune in commerce, he favors tight jeans and polo shirts, leather jackets, and baseball caps—attire he sports on social media, where he is extremely active. To grease the wheels of his draconian penal system, he eliminated checks on his power. In 2021, his party, New Ideas, obtained a majority in the Assembly, paving the way to dismiss the Attorney General, who was investigating embezzlement in the government, and to forcibly retire a third of the judges, replacing them with allies even in the Supreme Court.

The allied magistrates changed electoral rules to stifle opposition parties and ruled that activists and journalists should be arrested for "spreading panic." The climate of tension is visible in daily life. Near the city of Apopa, VEJA's reporting team was surrounded by three armed soldiers who demanded access to cell phones to prove they hadn't been recorded. In 2023, the Supreme Court reinterpreted the Constitution, which prohibits reelection, to allow Bukele to run again. "It is no longer possible to ignore that we live in a dictatorship," says Cesia Rivas, head of the Vamos party, which holds one of only three opposition seats in the recently reduced Assembly of sixty deputies (foreigners entering the building have their passports confiscated at the door).

The feeling on the streets is one of constant surveillance — a pressure cooker reaching maximum capacity around the prisons, guarded by a security perimeter. Once arrested, the individual is never seen again. Maribel Amaya, 46, doesn't even know where her son Jorge Luis, 20, a student with no criminal record taken in May 2022, is being held. "I'm not even sure if he's alive," she laments. Patrícia García, 57, also doesn't know the whereabouts of her son, the businessman Alex Ernesto, 34, also arrested in 2022.

In a move driven by desperation in the face of brutality, Alex, like so many others, came to support Bukele's hardline stance. "The whole family, including my son, my husband, and two daughters, voted for him," says Patrícia. Until, suddenly, at the end of an ordinary day—after playing soccer with friends and on his way to pick up his daughter from her grandmother's house—Alex ended up arrested on suspicion of collaborating with criminal organizations. From the first custody hearing—these are collective hearings, last less than fifteen minutes, and occur online on an industrial scale—he left without knowing if his pre-trial detention

would last for months or years. "There is no due process or right to defense," states UN Special Rapporteur Margaret Satterthwaite, recently sent to El Salvador to assess the independence of the judiciary (or the lack thereof).

A report by the Salvadoran NGO Socorro Jurídico Humanitário reveals that at least 370 prisoners have died inside penitentiaries, many showing signs of torture. More than 5,000 families of inmates have formed the Victims of the Regime Movement, through which they help each other and organize protests—a risky activity. "The government uses the state of emergency to persecute opponents," says the group's leader, Samuel Ramírez, at a demonstration in front of the La Esperanza Penal Center in Mariona, where soldiers and police were taking photos and videos of the participants. "They find us with facial recognition and come knocking on our doors to intimidate us," Ramírez recounts.

The Salvadoran experience has provoked intense debates among experts, considering how this problematic dictatorial model is able to count on the massive support of the local population (Bukele's approval rating is currently at an extraordinary 91%). Hardline policies have recently become a major political platform in several countries. In today's violent Brazil, security is now the electorate's biggest concern, with a large part of the electorate attributing this to a system that is too lenient with criminals. According to a survey released by Quaest on Wednesday the 30th, 86% of respondents agree with the statement "police arrest criminals, but the Justice system releases them." Within this context, Bukele has also been gaining admirers outside his country. Due to El Salvador's unique characteristics, however, it will be difficult to replicate the experience there elsewhere—and not only because of the dictatorial aspect. It is a country with just over 6 million inhabitants, the size of Sergipe, and on the margins of international drug trafficking, the powerful engine of organized crime on the planet. A skilled marketer, Bukele paints the Pacific nation as a paradisiacal tourist destination, home to "Surf City" and events like Miss Universe. While receiving investments from China, with which he inaugurated a mammoth library in the capital and plans stadiums, ports, and cable cars, he pleases Donald Trump by opening his prisons to American deportees and even criminals. "Bukele lives in a geopolitical paradise while transforming the country into an international penal colony," criticizes Ivan Briscoe of the Crisis Group research center.

Trump has already deported hundreds of Venezuelans to El Salvador without any legal procedure, accusing them of being part of the violent Tren de Aragua gang. The expulsion turned into a criminal case when a Salvadoran, Kilmar Ábrego García, was identified among those expelled. He had a stable job, an American

wife, and an injunction against deportation. The White House admits it made a "mistake," but ignores the Supreme Court order to "facilitate" his return. Bukele, for his part, alongside Trump in the Oval Office, ruled out any chance of returning Ábrego García.

To accommodate the deportees, El Salvador received \$6 million, which, added to the \$1.4 billion loan from the International Monetary Fund (IMF), will help finance the costly prison system, which consumes \$200 million a year. Analysts warn of the high risk of mixing members of the Venezuelan gang with Salvadoran criminals. "Tren de Aragua is more powerful than the local groups and can lend them its influence," warns José Miguel Cruz, a criminal justice expert at Florida International University.

It is no surprise that societies weary of violence and impunity turn against voices denouncing abuses and applaud mega-prisons—even though throwing suspects into cages like animals defies all ethical and moral precepts. But the problems with the "Bukele model" go beyond legal and humanitarian issues. Packing thousands of people with criminal records into one place is a surefire recipe for the formation of gangs that branch out beyond the prison walls—see the Brazilian example. And the immense, unoccupied prison population is likely to, over time, fuel a cauldron of violence.

Outside the prisons, unemployment and poverty are growing—scourges that deepened after the civil war that engulfed the country between the 1970s and 1990s—leading young people without prospects to join gangs. More than 40% of the population is trapped in underemployment, as evidenced by the sea of makeshift stalls selling counterfeit goods in the historic center of the capital. The corruption frequently denounced in the Bukele government is not being combated, a fertile ground for alliances between politicians and crime. "He can flood the streets with soldiers, but unless he addresses the root causes of the spread of crime, the gangs will adapt," predicts Cruz.


Those who understand crime fighting emphasize that initially a more targeted approach is needed, before expanding nationally. Claudia Sheinbaum, who vies with Bukele for the title of most popular leader in Latin America, is one of the few positive examples in this regard. Before becoming president of Mexico, when she was mayor of the capital, she tested a plan involving intelligence units, the [Public Prosecutor's Office](#), and social services. In a few years, the homicide rate fell from 22 to nine per 100,000 inhabitants. "Once the level of violence is stable, it is

necessary to dry up the gangs' income," teaches Benjamin Lessing of the University of Chicago. The next step is to reduce gang recruitment by offering education and jobs.

None of this is in Bukele's plans, whose main objective at the moment is to find a way to reach a third term. Unconcerned by the controversies provoked by the policy adopted in El Salvador, countries in Latin America are showing a willingness to copy the "Bukele model." In Ecuador, overrun by drug gangs, President Daniel Noboa also declared a state of emergency, announced the construction of two mega-prisons—and was rewarded with re-election three weeks ago. Rafael López Aliaga, the mayor of Lima, mentioned a "Bukele plan" when he put the army on the streets. Argentina's Security Minister, Patricia Bullrich, and Costa Rica's President, Rodrigo Chaves Robles, were there to observe the formula. Also self-proclaimed as the "greatest jailer on the planet," Bukele continues to ride the wave of impressive results from his no-holds-barred fight against crime.

Exhibit 11

Under the state of emergency, Verónica Delgado, mother of missing young woman, is captured

 voces.org/sv/bajo-el-regimen-de-excepcion-es-capturada-veronica-delgado-madre-de-joven-desaparecida

David Ramírez

March 12, 2024

Around 5:00 p.m. on March 11, Verónica Delgado was arrested by members of the National Civil Police (PNC) under orders from the Attorney General's Office (FGR), according to members and supporters of the Missing Persons Search Group. Delgado is the mother of Paola Arana, a young woman who disappeared in May 2022.

Idalia Zepeda, a lawyer with the Salvadoran Association for Human Rights (ASDEHU) who is accompanying the group, told VOCES that Delgado was arrested at her home in Lourdes Colón. According to Delgado's family, she has been detained under the state of emergency, accused of the alleged crime of belonging to an illegal organization.

"We know Verónica as a mother searching for her missing child, who went from being a victim to a human rights defender; who, since the disappearance of her daughter Paola Arana, has played an important role in the Search Bloc for Missing Persons; always willing, accompanying the activities and giving her solidarity to the other mothers searching for their missing child who have been victims of organized crime and gangs," said the lawyer.

The last activity Delgado attended before being captured was the march commemorating International Women's Day, held on March 9 in San Salvador, where, along with other mothers who are part of the Search Bloc for Missing Persons, they denounced how their rights as mothers are violated by ignoring their pain and anguish at not having information about the whereabouts of their children.

Zepeda commented that the Search Bloc for Disappeared Persons does not rule out the possibility that there is some motivation for her activism, or that she may be another innocent victim who has been captured in the context of the state of emergency.

In response to this situation, Idalia Zepeda affirmed that ASDEHU will accompany and support Verónica Delgado as her private attorneys, intervening to ensure due process. Meanwhile, the Search Bloc stated that they will demand an objective process, in accordance with the law, and justice for Verónica, their fellow human rights defender.

Regarding Paola, Delgado's daughter, her whereabouts are still unknown since her disappearance on May 26, 2022.

Edited by Morena Villalobos

PROOF OF SERVICE

On this day, I, Otavio Haverroth Silva, served a copy of the following documents:

RESPONDENT’S COUNTRY CONDITIONS IN SUPPORT OF ASYLUM AND WITHHOLDING OF REMOVAL

To the following:

Office Location: Office of the Principal Legal Advisor Department of Homeland Security 100 Montgomery Street, Suite 200 San Francisco, CA 94104	Mailing Address: US Immigration and Customs Enforcement US Department of Homeland Security Office of the Principal Legal Advisor P.O. Box 26449 San Francisco, CA 94126-644
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by:

- o Through the EOIR Courts and Appeals System (ECAS), which will automatically send service notification to both parties that a new document has been filed.



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