



El Salvador: Incidences of violence by police or other state actors

Asylos, May 2023

Legal representatives are welcome to submit relevant excerpts cited in this report for their specific case to decision-makers (including judges) to assist in the determination of an asylum claim or appeal. However, this report should not be submitted directly, in its entirety or isolation, as evidence to decision-makers in asylum applications or appeals.

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Dear reader,

This report was researched, written and edited by Asylos, an international network of volunteers providing free-of-charge research for lawyers helping asylum seekers with their claim. Everyone engaged in Asylos believes that asylum matters and so do fair decisions, based on the best available knowledge. We believe that your work as a lawyer dealing with such cases is so important that it is a good thing to assist you for free - and we do that in our spare time.

Please note that Asylos' volunteer researchers are not legally certified experts in the matters we research and cannot be classified as expert witnesses. We compile primary and secondary information to address certain country-specific questions, but we do not provide assessment or analysis of the data. **Accordingly, this report is intended as background reference material for the asylum seeker and his/her counsel, to assist in their preparation of the case. It should not be submitted directly to asylum adjudicators.**

Further, the COI presented is illustrative, but not exhaustive of the information available in the public domain, nor is it determinative of any individual human rights or asylum claim. While we strive to be as comprehensive as possible, no amount of research can ever provide an exhaustive picture of the situation. It is therefore important to note that the absence of information should not be taken as evidence that an issue does not exist.

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Many thanks,

Your Asylos Team

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Research questions

1. Are there instances of violence by police or state actors against those associated with or alleged gang members in El Salvador?
2. Are there instances of citizens being unlawfully detained by police or state actors in El Salvador?
3. Are there instances of violence or deaths in police or state custody in El Salvador?
4. Are police or state actors held accountable for crimes they commit within the criminal justice system in El Salvador?

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Research Timeframe

The earliest source dates from OCTOBER 2021 and the most recent source dates from MARCH 2023.

Sources consulted

1. International Organisations

- United Nations Human Rights - Office of the High Commissioner
- United Nations Committee Against Torture
- Inter-American Court of Human Rights (IACHR)
- Office of the High Commissioner for Human Rights (OHCHR)

2. (Inter)governmental sources

- United States Department of State (USDOS)
- Federal Office for Migration and Refugees of Germany
- European External Action Service
- European Union Agency for Asylum

3. (I)NGOS and think tanks

- Freedom House
- Amnesty International
- Human Rights Watch
- Insight Crime

A think tank and media organization focused on research into crime and citizen security in the Americas.

4. Media

- World Socialist Website
A leftwing online publication of the World Trotskyist Movement focused on promoting anti-capitalist issues.
- Voice of America (VOA) News
- Al Jazeera English
- Context
A media platform managed by Thomson Reuters Foundation that aims to provide news and analysis contextualizing critical issues and events.

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Findings

The findings in this report are presented in chronological order within each question.

1. Instances of violence by police or state actors against those associated with or alleged gang members in El Salvador

Several sources point to instances of violence by police or state actors against those suspected of being in gangs, or with some connection to gangs.

- “Many arrests appear to be based on the appearance or social background of the detainees, or on questionable evidence, such as anonymous calls and uncorroborated allegations on social media. “Being poor is now a crime in El Salvador,” a relative of two people detained in a low-income neighborhood said.[237] Officers repeatedly searched for tattoos on people’s bodies while conducting arrests, presumably for evidence of gang affiliation, according to relatives of detained people and victims.”

Human Rights Watch, [“‘We Can Arrest Anyone We Want’: Widespread Human Rights Violations Under El Salvador’s ‘State of Emergency’”](#), 7 Dec, 2022, last accessed : 6 April 2023.

- ✎ “Alexander Eduvay Guzman Molina’s daughters want to know when he will be coming home. They have not seen their father, a 45-year-old teacher, since he was arrested by Salvadoran police on March 27 during the country’s continuing state of exception, which authorities say aims to crack down on gangs and gang-related violence. Guzman Molina has been accused of “illicit association”, but a relative told Al Jazeera the charges are unfounded.”

Al Jazeera, [“As El Salvador’s arrest wave continues, families live in worry”](#), 6 May 2022, last accessed : 6 April 2023.

- “Section 1. Respect for the Integrity of the Person
a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings
There were no reports that the government or its agents committed politically motivated killings. There were reports, however, of security force involvement in extrajudicial killings of suspected gang members. As of October 25, the Office of the Human Rights Ombudsman (PDDH) was investigating seven cases

of extrajudicial killings, six attributed to the members of the National Civilian Police (PNC) and one to the armed forces.

[...] On July 19, PNC [National Civil Police] officers in Guacotecti, Cabanas Department, killed two brothers suspected of being members of transnational gang MS-13. According to relatives, PNC officers arrived at the house to arrest the two brothers who had outstanding warrants, and the brothers fled with rifles when they saw the police officers. The victims' father said his two sons previously received threats from police, claiming the PNC officers planned the shooting and told him, "We are going to kill your children."

[...] On February 7, the First Trial Court of Santa Tecla convicted three PNC officers of aggravated homicide and sentenced each of them to 25 years in prison for the 2017 extrajudicial killings of three persons in San Jose Villanueva, La Libertad Department. The PNC officers claimed they received information that the three persons in the vehicle were armed gang members, but the prosecutor showed that the PNC officers intercepted the vehicle and shot the victims without confrontation."

US Department of State, "[2021 Country Report on Human Rights Practices: El Salvador](#)", 12 April 2022, last accessed: 24 November 2022.

€ "6. Armed confrontations and use of lethal force [...]"

A 2020 report on extrajudicial killings from 2015-2020 by the University Observatory of Human Rights (Observatorio Universitario de Derechos Humanos - OUDH) reported that the government used the narrative of 'armed confrontations' to 'cover up abuse of lethal force by police officers' against civilians

[...] Police committed 179 extrajudicial killings between 2015 and 2020, with 25 resulting in convictions, according to the national Ombudsman. However, OUDH reported that there were 1 824 victims of lethal violence by police in the same period."

European Union Agency for Asylum, "[Crime levels, including homicides, disappearances, kidnapping and extortion; territorial presence and activities of MS-13 and Barrio 18 gangs; armed confrontations between gangs and with authorities; state response to gangs; state protection for victims \(1 January 2019 – 9 March 2022\)](#)", 10 March 2022, last accessed: 24 November 2022.

€ "F3 0-4 pts

Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? [...]

Police and military forces have been implicated in hundreds of extrajudicial killings as part of the government's militarized response to gangs, with almost complete impunity. A report by the Observatory of Human Rights at the José Simeón Cañas University of Central America found that between 2015 and 2020, killings by police peaked in 2016 at 603 but have declined since, with 88 recorded cases in 2020."

Freedom House, "[Freedom in the World 2022 - El Salvador](#)", 24 February 2022, last accessed: 24 November 2022.

€ "EXECUTIVE SUMMARY

[...] 4. During the visit, the Commission received information on serious human rights violations in the context of the State's response to the situation of violence and insecurity, in which a policy of militarization is maintained. The IACHR was informed of possible cases of extrajudicial executions committed in alleged armed clashes between police officers and armed forces against alleged gang members, and the presence of "extermination groups" or "death squads" charged with carrying out social cleansing actions against gang members."

Inter-American Court of Human Rights, "[Situation of human rights in El Salvador](#)", 14 October 2021, last accessed: 24 November 2022.

2. Instances of citizens being unlawfully detained by police or state actors in El Salvador

Multiple sources point to what may amount to unlawful detention of citizens by police or state actors as part of the crackdown on gang activity in El Salvador.

€ "Over the past year, at least 65,000 people have been detained. Some of these mass detentions, including of children, may amount to arbitrary detention, as they appear to be based on poorly substantiated investigations, on crude profiling of the physical appearance or social background of those detained."

OHCHR, "[El Salvador state of emergency: Delivered by Spokesperson for the UN High Commissioner for Human Rights Marta Hurtado](#)", 28 March 2023, last accessed: 6 April 2023.

€ "Most of the more than 60,000 arrests made during the state of emergency

were allegedly arbitrary because they did not comply with legal requirements, namely that an arrest warrant must be issued or the person caught red-handed committing a crime.

[...] Thousands of people were indiscriminately prosecuted, most of whom were denied contact with their legal representatives, access to the case file, information on the reasons for their detention or the right to be heard at the indictment hearing. According to local organizations and lawyers, hearings, which were rushed, sometimes dealt with hundreds of defendants at a time.

[...] In December [2022] alone, the military and police encircled three of the most populous and poorest cities, arresting hundreds of people on suspicion of being gang members. The Legislative Assembly approved criminal and procedural amendments contrary to international law. These included holding hearings and issuing sentences without the accused being present and withholding the identity of the judges, as well as abolishing maximum periods of pretrial detention.

According to local organizations, as of August, 89% of the habeas corpus writs filed in defence of people detained during the state of emergency had not been resolved.”

Amnesty International, [“Amnesty International Report 2022/23; The State of the World's Human Rights; El Salvador 2022”](#), 27 March 2023, last accessed : 19 April 2023.

€ “Under the state of exception, which must be renewed monthly, security forces were empowered to arrest anyone suspected of belonging to a gang or providing support to gangs. In addition, the state of exception suspended the rights to be informed immediately of the reason for detention, to legal defense during initial investigations, to privacy in conversations and correspondence, and to freedom of association. Numerous reports of arbitrary arrests, invasion of homes, unfair judicial procedures [...] followed the declaration.

[...] b. Disappearance

Under the state of exception, there were regular reports that security and law enforcement officials arrested persons and did not inform their families of their whereabouts. On May 31, Cristosal, a human rights group, reported that of the 808 complaints the organization documented during the first two months of the state of exception, 65 percent involved cases in which the whereabouts of the arrestees were unknown.

[...] Arbitrary Arrest: As of July 27, the PDDH reported 283 complaints of arbitrary or illegal detention, compared with 25 from January to August 2021. Of the total, 247 involved detentions by police officers and 36 by soldiers.

[...] As of August, the OUDH received reports of 1,673 cases of arbitrary arrests, and Cristosal reported that as of November 28, it received 3,139 complaints that persons were deprived of their rights during the state of exception, of which 97 percent involved arbitrary arrests. The specific grounds for complaints most frequently noted were that detainees were not given the reasons for their arrests, not presented with a warrant for arrest, and not given information regarding where or when they would have an initial judicial hearing. Government officials, however, claimed that arrests under the state of exception were not arbitrary. They stated the government had a database of more than 76,000 known gang members and arrests largely had been based on that database or other credible intelligence that a suspect was a gang member.

In the first months of the state of exception, police and military raided low-income and rural neighborhoods and carried out mass arrests. Local news sources and human rights groups alleged security forces frequently arrested persons for gang membership based solely on anonymous denunciations through a government hotline, for having tattoos, or for having any prior contact with the criminal justice system. El Faro gained access to court records for 690 individuals arrested under the state of exception for gang membership and found that 60 were arrested on ambiguous criteria such as having a “suspicious appearance” or being nervous.

The Salvadoran Police Workers Movement, a police union, received more than 20 complaints from police officers of being pressured to give false testimony to incriminate detainees and to reach a daily quota of arrests. The union also documented 50 cases in which agents refused to make arrests because they considered them arbitrary. On June 10, the founder of the union was arrested and held for four days on charges of “apologizing for crime,” which other members of the union denounced as reprisal by the police leadership for his public complaints [...] All charges against him were eventually dropped.

[...] The law allows for trials for gang membership charges to proceed without the defendants’ physical presence, although with defense counsel participating in person. Virtual trials often involved group hearings before a

judge, with defense lawyers in the courtroom but defendants appearing by video, unable to consult with their defense lawyers in real time. This practice continued with state of exception arrests, with many defendants tried virtually en masse, unable to hear the proceedings because of technical problems, complicated by the number of participants.”

US Department of State, [“2022 Country Report on Human Rights Practices: El Salvador”](#), 20 March 2023, last accessed : 19 April 2023.

€ “Over 60,000 people were detained under the state of emergency between late March and mid-December, authorities report. Many arrests appear to have been based on the appearance or social background of the detainees, and local human rights groups have documented that hundreds of people with no connection to gangs have been detained.”

Human Rights Watch, [“World Report 2023 - El Salvador”](#), 12 January 2023, last accessed : 19 April 2023.

- “Fundamental legal safeguards
- 10. While taking into account the information submitted by the State party concerning the homicide rate and serious public order disturbances attributed to the upsurge in gang violence in the country during the period under review, the Committee expresses its deep concern at the serious human rights consequences of the measures taken by the authorities under the state of emergency declared on 27 March 2022 and still in force, which to date have resulted in the detention of more than 57,000 persons. In particular, the Committee is concerned about reports of:
 - (a) Mass arrests of a discriminatory nature, carried out without an arrest warrant or explanation of the reasons for the arrests;
 - (b) Obstacles preventing persons deprived of liberty, including minors, from informing a relative or other person that they have been detained;
 - (c) Difficulties in accessing legal assistance, including free legal aid where appropriate, as a result of the high number of arrests and detentions, and despite the appointment of 40 additional public defenders attached to the Office of the Counsel General of the Republic.

(d) The extension of the deadline for detained persons to appear before a judge from 72 hours to 15 days;

(e) The ineffectiveness of the remedy of habeas corpus due to the increase in the number of habeas corpus applications filed with the Constitutional Chamber of the Supreme Court;

(f) The absence of a systematic and complete register of persons deprived of liberty, including information on transfers between detention centres [...]

14. While noting the current security challenges posed by gang violence and other criminal activities, and the impact of the Territorial Control Plan as presented by the State party's delegation, in particular the significant reduction in crime since the introduction of the state of emergency, the Committee is concerned about:

(a) Reports of arbitrary detentions [...]"

UN Committee Against Torture, "[Concluding observations on the third periodic report of El Salvador*](#)", CAT/C/SLV/CO/3, 19 December 2022, last accessed : 19 April 2023.

- "On March 30, the Legislative Assembly lowered from 16 years to 12 the age of criminal responsibility for children accused, amongst others, of the existing crimes of "terrorist organizations" and "unlawful association." The amendments allow prison sentences of up to 10 years for children ages 12 to 16 and up to 20 years for children over 16. Salvadoran law establishes that children have a right not to be held in adult detention sites.

[...]Between March and November, police officers and soldiers have conducted hundreds indiscriminate raids, particularly in low-income neighborhoods, arresting over 58,000 people, including more than 1,600 children. Officers have often targeted communities where people have, for years, suffered insecurity and lack of economic and educational opportunities.

[...]The police arrested Tomás Rivera (pseudonym), 21, a construction worker, on April 24, 2022, at his home in Chalatenango state. When his family asked why he was being detained, an officer said it was because "[I] do not like you," a relative told Human Rights Watch. Rivera had an initial hearing on May 1, and he was charged with belonging to a "terrorist organization."

On April 30, the police detained Tomás' brother, Martín Rivera (pseudonym), a 28-year-old mechanic, and his brother-in-law, Juan González (pseudonym), an 18-year-old construction worker. Officers did not provide a reason for the detention. A relative said three officers kicked and beat the two men.

Authorities did not give the family any information about the detainees' whereabouts. A family member spent 24 days sleeping outside the Mariona prison awaiting news about the three. She was pregnant and waited with her 2-year-old son and, for some days, other family members, including children.

On the night of May 24, the police dispersed the crowds outside of the Mariona prison using what several witnesses believed to be tear gas and water cannons. Officers stated that they would "beat the bugs," in an apparent threat of retaliation against their relatives in detention, the relative said."

Human Rights Watch, [“‘We Can Arrest Anyone We Want’: Widespread Human Rights Violations Under El Salvador’s ‘State of Emergency’”](#), 7 Dec, 2022, last accessed: 6 April 2023.

✎ "Police raids against gang members in El Salvador, under a state of emergency in which some civil rights have been suspended, have also affected members of the LGBTI community, and everything points to arrests motivated by hatred of their sexual identity.

Personal accounts gathered by IPS revealed that some of the arrests were characterized by an attitude of hatred towards gays and especially transsexuals on the part of police officers. [...]

The activist, who asked to remain anonymous, said that another member of his organization, a gay man known as Carlos, has been detained since Jul. 13, after he complained about the arrest two months earlier of his sister Alessandra, a trans teenager.

The authorities have accused them of 'illicit association,' the charge used to arrest alleged gang members or collaborators, under the state of emergency. 'The case against Carlos was staged, it was invented,' said the source. 'He is a human rights activist in the trans community, we have documents that show that he participates in our workshops, in our activities.'"

Inter Press Service News Agency, [“Arbitrary Arrests in El Salvador Hit the LGBTI Community”](#), 21 November 2022, last accessed : 19 April 2023.

✎ "Hundreds of people are suffering from abuse. But some groups face

heightened risks to their life and health in detention. A particularly egregious example is the people with disabilities. In one case, four months ago, police officers detained a 23-year-old man with autism at his home in a rural community. Authorities accused the man of belonging to a gang and ordered him held in pretrial detention for six months. No one in the family has seen or talked to him since.”

Human Rights Watch, [“Living Without Rights Feels Normal in El Salvador. It Shouldn’t Be.”](#), 13 September 2022, last accessed: 24 November 2022.

€ “Multiple local surveys show that 70% of Salvadorans support his government's tough measures to reduce gang crime, as did Elizabeth before the arrests began in her family. "We were happy when they (the government) said everything was going to change. But we thought gang members and not innocent people would be arrested," said Elizabeth, who like many small business owners paid extortion money to gang members. Local human rights groups and London-based Amnesty International have accused Salvadoran authorities of committing "massive human rights violations" in the crackdown, including arbitrary arrests of suspected gang members - sometimes simply on the grounds that they have tattoos. Bukele said on Twitter in April that "1%" of people captured could be innocent, but added that "in such a big operation, there will always be mistakes to correct". A month later, five government officials told Reuters dozens of innocent people had been arrested after superiors forced police officers to meet daily arrest quotas - an accusation denied by a police spokesperson.

[...] Adding to their financial difficulties, some families of jailed relatives have taken out loans to hire lawyers. Elizabeth and other relatives borrowed money from co-workers, the church and money lenders, with 10% monthly interest, to afford a lawyer charging \$4,000 in legal fees. "So far I've paid \$500 to a lawyer, who's offering us freedom for my relatives that isn't guaranteed," she said.”

Context, [“El Salvador's war on gangs leaves poor families reeling”](#), 5 September 2022, last accessed: 6 April 2023.

€ “One significant difference is that while judges swiftly released many people who were wrongly detained during past operations, the current government has **seized control of the judiciary**, enabling it to carry out its strategy of arbitrary arrests and mass illegal incarceration unencumbered by checks or balances.”

Amnesty International, [“Eviscerating human rights is not the answer to](#)

[El Salvador's gang problem](#)", 31 August 2022, last accessed: 24 November 2022.

- € "Tens of thousands of mostly young workers are being detained arbitrarily, processed in mass hearings of up to 500 defendants at a time, and forced to sleep on the floor in packed cells in a pandemic and with little food. Dozens are reportedly being beaten to death. [...] In one case, Rosa Mejía, a 70-year-old woman, was arrested based on claims that she sold drugs. Two weeks later, a judge set her free, but after eight minutes, the police held the woman and her family at gunpoint and re-arrested her, disregarding the judge's orders."

World Socialist Web Site, ["El Salvador's President Bukele arrests 1 percent of population in four-month 'state of exception,'" 22 August 2022, last accessed: 24 November 2022.](#)

- € "Over the past 10 weeks, El Salvador's security forces have arrested more than 36,000 people since the congress granted President Nayib Bukele the power to suspend some civil liberties to pursue powerful street gangs. Lawmakers extended those powers by another 30 days last week as public opinion polls showed broad popular support. However, a growing number of the arrests — like Dominguez's — appear arbitrary or unjustified, human rights groups allege. Cristosal, a nongovernmental organization, has documented more than 500 cases of arbitrary arrests since the state of exception was imposed March 27, according to its director Noah Bullock. Amnesty International said Thursday that its investigators found that thousands of people had been arrested without legal requirements being met."

VOA News, ["A Crackdown in El Salvador, and Fears of Arbitrary Arrests"](#), 4 June 2022, last accessed: 24 November 2022.

- € "Amnesty International found that thousands of people are being detained without the legal requirements being met – there was no administrative or judicial arrest warrant and the person was not apprehended in flagrante delicto – purely because the authorities view them as having been identified as criminals in the stigmatizing speeches of President Bukele's government, because they have tattoos, are accused by a third party of having alleged links to a gang, are related to someone who belongs to a gang, have a previous criminal record of some kind, or simply because they live in an area under gang control, which are precisely the areas with high levels of marginalization and that have historically been abandoned by the state."

Amnesty International, ["El Salvador: President Bukele engulfs the](#)

[country in a human rights crisis after three years in government](#)", 2 June 2022, last accessed: 24 November 2022.

- € "The government has claimed that nearly all of the people detained under the emergency decree have been gang members. But reports of arbitrary detentions are widespread, and police union officials have alleged that officers are facing pressure to meet arrest quotas and provide false statements against detainees. Human rights monitors and local press have also documented multiple deaths of inmates in custody."

Insight Crime, "[Will Soaring Arrests in El Salvador Overwhelm its Prisons?](#)", 16 May 2022, last accessed: 24 November 2022.

- € "El Salvador: State of emergency extended, about 20,000 people arrested in connection with gang violence

On 24.04.22, parliament extended the state of emergency, including numerous restrictions on constitutional guarantees, for another 30 days (cf. BN of 28.03.22 and 04.04.22). President Bukele has informed that 20,000 suspected pandilleros were arrested by 28.04.22. However, scientists and NGOs have voiced doubts that all those arrested are gang members."

Federal Office for Migration and Refugees (Germany), "[Briefing Notes Group 62 – Information Centre for Asylum and Migration](#)", 2 May 2022, last accessed: 24 November 2022.

- € "Since the state of emergency adopted on 27 March, police and military forces have been deployed to gang stronghold areas and reportedly resorted to unnecessary and excessive use of force. More than 5,747 people have been detained without an arrest warrant, and some have reportedly been subjected to cruel, inhuman or degrading treatment."

United Nations Human Rights - Office of the High Commissioner, "[El Salvador: Concern at measures in response to rising gang violence](#)", 5 April 2022, last accessed: 24 November 2022.

- € "Due process rights are constitutionally guaranteed but systematically violated. Human rights advocates report that police routinely carry out arbitrary arrests and detentions and fabricate and plant evidence. Defendants—especially those in pretrial detention—are provided inadequate access to effective legal counsel."

Freedom House, [“Freedom in the World 2022 - El Salvador”](#), 24 February 2022, last accessed: 24 November 2022.

- € “Over the last 30 days, President Bukele’s government has trampled all over the rights of the Salvadoran people. From legal reforms that flout international standards, to mass arbitrary arrests and the ill treatment of detainees, Salvadoran authorities have created a perfect storm of human rights violations, which is now expected to continue with the extension of the emergency decree. [...] Civil society and the families of those detained have reported arbitrary detentions by security forces.”

Amnesty International, [“El Salvador’s president Bukele must change course before it’s too late”](#), 1 December 2021, last accessed: 24 November 2022.

- € “153. In its Judgment, the Court concluded that the imposition of preventive detention was arbitrary and violated the right to the presumption of innocence to the detriment of Manuela, since the resolution that ordered her provisional detention was not sufficiently reasoned and was based on legislation contrary to the American Convention.”

Inter-American Court of Human Rights, [“Judgment of the Case of Manuela et al. V. El Salvador: The State is responsible for the detention, conviction and death of a woman who suffered an obstetric emergency”](#), 2 November 2021, last accessed: 24 November 2022.

3. Instances of violence or deaths in police or state custody in El Salvador

A variety of sources discuss poor conditions of detention, incidences of violence against, and the deaths of people in police or state custody in El Salvador.

a) Instances of violence

- € “We have received allegations of serious violations of prisoners’ rights, such as prolonged solitary confinement and inmates with chronic disease not receiving prescribed medication. There have also been reports of other forms of ill-treatment. It is especially worrying that 90 people have allegedly died in custody since the state of emergency was first enacted, and only limited information is available on how the investigations into these deaths are proceeding. The national human rights institution has so far collected about 7,900 complaints of human rights violations against prisoners.”

OHCHR, [“El Salvador state of emergency: Delivered by Spokesperson for the UN High Commissioner for Human Rights Marta Hurtado”](#), 28 March, 2023, last accessed: 6 April 2023.

- “Extreme overcrowding resulted in violations of the right to life and physical integrity and caused serious sanitation problems and shortages of food and basic hygiene supplies, seriously affecting the health of detainees. Cases were documented where prisoners were ill-treated by prison guards, as well as cases of torture by gang members, including beatings, lynchings and constant threats, which prison officials did not attempt to prevent.”

Amnesty International, [“Amnesty International Report 2022/23; The State of the World's Human Rights; El Salvador 2022”](#), 27 March 2023, last accessed : 19 April 2023.

- € “From the start of the state of exception, the government frequently advertised on social media the overcrowded conditions and lack of adequate food in the prisons as appropriate treatment for gang members.”

US Department of State, [“2022 Country Report on Human Rights Practices: El Salvador”](#), 20 March 2023, last accessed : 19 April 2023.

- “Over 54,000 people arrested during the state of emergency went into pre-trial detention, contributing to prison populations increasing to an estimated 97,000 detainees, over three times official capacity. Historically poor conditions in detention—overcrowding, violence, and poor access to such services as food and drinking water—worsened.”

Human Rights Watch, [“World Report 2023 - El Salvador”](#), 12 January 2023 , last accessed : 19 April 2023.

- € “22. Conditions of detention

While noting the information provided by the State party on the implementation of a new prison management model and on investment made in improving prison infrastructure, the Committee remains concerned about overcrowding in the country’s prisons, which has been aggravated by a significant increase in the prison population – from 39,500 inmates in March 2022 to more than 94,000 in October 2022, according to information available to the Committee. The Committee regrets that the State party has not provided up-to-date information in this regard. It is concerned at reports of failure to execute release orders, the lack of strict separation of untried prisoners and convicted prisoners and the ill-treatment of persons deprived of their liberty. Also of

concern are reports documenting inadequate water supply, sanitation and hygiene in some prisons and police stations, with a consequent risk to the health of persons deprived of their liberty. The Committee takes note of the resources allocated to medical and health care in prisons and of the existing programmes for the prevention and treatment of diseases among the prison population; however, it is concerned about reports of inadequate medical care.

[...] 24. Violence in places of detention and deaths in custody

[...] Also of concern are complaints of sexual assaults and violence committed by prison officers and inmates against transgender women incarcerated in male prisons. Finally, the Committee notes that no information has been provided on the training of medical personnel in contact with persons deprived of their liberty in the detection of torture and ill-treatment [...]"

UN Committee Against Torture, [“Concluding observations on the third periodic report of El Salvador*”](#), CAT/C/SLV/CO/3, 19 December 2022, last accessed : 19 April 2023.

€ “Official social media accounts have relentlessly broadcast images of tattooed men detained in police and military roundups. When one of them appeared roughed up and bloodied, Bukele mockingly suggested on Twitter that the detainee wasn’t bleeding, but rather had been “eating fries with ketchup.”

International Crisis Group, [“Latin America Likes Bukele’s ‘War on Gangs.’ That’s a Problem”](#), 15 December 2022, last accessed : 19 April 2023

€ “Tens of thousands of mostly young workers are being detained arbitrarily, processed in mass hearings of up to 500 defendants at a time, and forced to sleep on the floor in packed cells in a pandemic and with little food. Dozens are reportedly being beaten to death.”

World Socialist Web Site, [“El Salvador’s President Bukele arrests 1 percent of population in four-month “state of exception,””](#) 22 August 2022, last accessed: 24 November 2022.

€ “IC: Could the mass arrests provide new criminal income streams, such as extortion?

DF: What you see is the family members at the prison gates are desperately trying to find out where their family members are. I think that is going to offer this whole new revenue stream to protect your kids in prison. You can extort to keep them alive, to get them food. I think it creates a whole chain of corruption in the prison system because people are going to pay to get their kids fed, and

they're going to pay to keep their kids safe. People are going to pay for anything.”

Insight Crime, [“Mano Dura Redux: The Price of Mass Gang Arrests in El Salvador”](#), 15 June 2022, last accessed: 6 April 2023.

€ “Under the current state of emergency, the Salvadoran authorities have committed massive human rights violations, including thousands of arbitrary detentions and violations of due process, as well as torture and ill-treatment, and at least 18 people have died in state custody, Amnesty International said today, following its research into the crisis in the country. President Bukele’s government declared a state of emergency on 27 March, following a spike in homicides allegedly committed by gangs, which has since been extended twice.

[...] In one case, the police arrested a woman, who was a single parent and works as a food vendor, in her home at the beginning of April, without an arrest or search warrant, for allegedly being a gang member. At the court hearing, which dealt with more than 500 people at the same time, a Specialized Court imposed a pre-trial detention order on her for the crime of membership of an illegal group, despite the fact that, according to her family, there was no evidence of this. Years ago, police had arrested the vendor on the same charge and beat her severely in detention. In addition to their being unable to prove the charges, she was awarded financial reparation after she reported the police officers for abuse of authority. Since then, she and her children have been forcibly displaced as a result of constant threats from the police. The vendor and her family had returned to their home a few months before her arrest in April.”

Amnesty International, [“El Salvador: President Bukele engulfs the country in a human rights crisis after three years in government”](#), 2 June 2022, last accessed: 24 November 2022.

€ “Now, the family fears for his safety, as Guzman Molina has missed his physical therapy appointments for a bone fracture in his hand and never made it to a doctor’s appointment after being told he was vulnerable to suffering a stroke. “I’m worried that they aren’t giving him medical attention and that something could happen to him,” his relative, who asked not to be identified for fear of retaliation from authorities, told Al Jazeera. ‘They [authorities] are doing horrible damage, because behind him is a wife, children, mom, dad and siblings, who are all suffering terribly because of this situation.’”

Al Jazeera, [“As El Salvador’s arrest wave continues, families live in](#)

[worry](#)”, 6 May 2022, last accessed: 6 April 2023.

- € “In five cases, witnesses said that police or soldiers hit people as they were detained. In another five cases, police officers told detainees’ relatives that they were going to be detained if they did not “stop asking questions.” In almost all of the cases, witnesses said, detainees were taken to a nearby police station. Only 10 of those detained were allowed to see or talk with their families before being transferred to another police station or a prison. Twenty-four were held in incommunicado detention for days or weeks.”

Human Rights Watch, [“El Salvador: Evidence of Serious Abuse in State of Emergency”](#), 2 May 2022, last accessed: 24 November 2022.

- “On March 28, Bukele tweeted that ‘We have 16,000 ‘homeboys’ in our power. Aside from the 1,000 arrested these days. We seized everything they had, even their mattresses, we’ve rationed their food, and now they won’t see the sun. STOP KILLING NOW or they will pay too.’ He was referring to the 16,000 gang members allegedly in the country’s prisons and more than 1,000 arrests since the recent killings.

Punishing detainees for the actions of people outside prison is a form of collective punishment that violates multiple human rights, and the harsh treatment of detainees described by Bukele may amount to cruel, inhuman or degrading treatment or punishment, Human Rights Watch said. Depriving detainees of adequate clothing, light, bedding, access to the outdoors, food, and water is also inconsistent with international standards on the treatment of detainees.”

Human Rights Watch, [“El Salvador: Broad ‘State of Emergency’ Risks Abuse; Basic Rights Suspended after Spike in Homicides”](#), 30 March 2022, last accessed : 19 April 2023.

- € “Videos have also circulated purportedly showing ill treatment of the detained by security forces, such as a video in which a uniformed individual appears to be standing on the head of a subdued prisoner. This [video](#) was allegedly posted on the Twitter account of the National Police before being taken down. President Bukele has also made comments on [Twitter](#) suggesting that the detained would not receive full food rations or fresh air, in contravention of international standards.”

Amnesty International, [“El Salvador’s president Bukele must change course before it’s too late”](#), 1 December 2021, last accessed: 24 November 2022.

b) Instances of deaths in police custody

- “At least 90 men were reported to have died in state custody as of November [2022]. Civil society organizations reported that numerous death certificates documented signs of torture.”

Amnesty International, [“Amnesty International Report 2022/23; The State of the World's Human Rights; El Salvador 2022”](#), 27 March 2023, last accessed : 19 April 2023.

- “There were reports that the government or its agents committed arbitrary or unlawful killings, largely stemming from deaths of detainees while in prison during the state of exception.

[...] On April 4, La Prensa Gráfica reported a man died after his arrest on March 30 in El Refugio, Ahuachapan. The IML stated that the cause of death was severe blunt chest trauma and that he had other injuries to his eyes, knees, and shoulders. Witnesses to the arrest said they saw PNC officers beat him during the arrest, demanding that he confess to being a gang member. The PNC declared he received his injuries from other inmates after he was transferred to Izalco Prison.”

US Department of State, [“2022 Country Report on Human Rights Practices: El Salvador”](#), 20 March 2023, last accessed : 19 April 2023.

- “Violence in places of detention and deaths in custody
24. The Committee notes the information provided by the State party regarding the violent deaths in 2018 of nine persons deprived of their liberty, but regrets that it has not received full disaggregated statistical data on deaths in custody and violent incidents during the period under review. The Committee has received no information on the outcomes of investigations into those deaths or on measures taken to prevent the recurrence of such cases. In this regard, the Committee expresses its concern at reports of more than 90 deaths in custody since the entry into force of the state of emergency. It takes note of the investigations opened by the authorities, but remains concerned that the causes of these deaths reportedly included a lack of timely medical care, inadequacies in the supply of medicines, and homicide.”

UN Committee Against Torture, [“Concluding observations on the third periodic report of El Salvador*”](#), CAT/C/SLV/CO/3, 19 December 2022, last accessed : 19 April 2023.

- € “Tens of thousands of mostly young workers are being detained arbitrarily, processed in mass hearings of up to 500 defendants at a time, and forced to sleep on the floor in packed cells in a pandemic and with little food. Dozens are reportedly being beaten to death. [...] The organization Cristosal, moreover, has documented the killing of at least 63 people captured, with many presenting signs of beatings.”

World Socialist Web Site, [“El Salvador’s President Bukele arrests 1 percent of population in four-month “state of exception,”](#) 22 August 2022, last accessed: 24 November 2022.

- € “The body of Walter Sandoval shows a number of dark bruises on his arms and knees, as well as lacerations on his left eye and on his head – signs that he suffered some kind of violence before dying in a Salvadoran prison, accused of being a gang member.

The evidence of the beating is clear in photographs that Walter’s father, Saúl Sandoval, showed to IPS.

Walter, 32, was one of those who died in Salvadoran prisons after being detained by the authorities in the massive raids that the government of Nayib Bukele launched at the end of March, under the protection of the decreed state of emergency and the administration’s fight against organized crime and gangs.

The young man, a farmer, died on Apr. 3, in the parking lot of the hospital in Sonsonate, a city in the west of the country where he was transferred, already dying according to the family, from the police station in Ahuachapán, a city in the department of the same name in western El Salvador.”

Inter Press Service News Agency, [“The Price of Bukele’s State of Emergency in El Salvador”](#), 5 August 2022, last accessed : 19 April 2023.

- € “Under the current state of emergency, the Salvadoran authorities have committed massive human rights violations, including thousands of arbitrary detentions and violations of due process, as well as torture and ill-treatment, and at least 18 people have died in state custody, Amnesty International said today, following its research into the crisis in the country. President Bukele’s government declared a state of emergency on 27 March, following a spike in homicides allegedly committed by gangs, which has since been extended twice.”

Amnesty International, [“El Salvador: President Bukele engulfs the country in a human rights crisis after three years in government”](#), 2 June 2022, last accessed: 24 November 2022.

- € “Walter Vladimir Sandoval Peñate, a 32-year-old agricultural worker, died on April 3. Police had arrested him on March 30, in La Trinidad. Relatives who witnessed the detention said police officers detained him claiming he belonged ‘to an unlawful association.’ On April 3, his family went to the police station where he was detained to bring him food and water.

Officers told a relative that he should “return the next day early in the morning to speak with the public defender who was assigned to the case.” A few hours later, a person who works at a mortuary went to Sandoval Penate’s house and told his family he had died. A report by El Salvador’s Institute of Legal Medicine says he died due to “severe thorax trauma.” Photographs of his body show multiple bruises.”

Human Rights Watch, [“El Salvador: Evidence of Serious Abuse in State of Emergency”](#), 2 May 2022, last accessed: 24 November 2022.

- € “According to media reports, at least four people have allegedly died in detention in the context of the state of emergency.”

Amnesty International, [“El Salvador’s president Bukele must change course before it’s too late”](#), 1 December 2021, last accessed: 24 November 2022.

4. Prosecutions for crimes committed by police or state actors in El Salvador

Multiple sources suggest that there is impunity for crimes committed by police or other state actors in El Salvador. However, one source – the US Department of State’s Country Report on El Salvador covering events in 2021 – observed the case of three police officers being convicted for the murder of alleged gang members.

- “In a large number of cases, organizations reported that the authorities did not officially inform the families of the deaths [in custody]. There was no publicly available evidence that these events were being diligently investigated.”

Amnesty International, [“Amnesty International Report 2022/23; The State of the World's Human Rights; El Salvador 2022”](#), 27 March 2023, last accessed : 19 April 2023.

- “The Attorney General’s Office investigates whether security force killings were justifiable and pursues prosecutions. The National Civilian Police (PNC) reported that as of August, no police officers had been accused of homicide.

On August 15 [2022], the Human Rights Ombudsman's Office (PDDH) stated it had opened 28 investigations of prisoner deaths during the state of exception. Human Rights Ombudsman Apolonio Tobar said the investigations were based on complaints from persons who attributed the deaths of their relatives to the state of exception. The investigations aimed to examine the culpabilities of the Attorney General's Office and if prisoners were victims of neglect or murder while in government custody. On August 26, the daily newspaper La Prensa Gráfica reported that 73 detainees died in prison following the start of the state of exception. Government officials stated they were investigating all deaths in prison to determine if they were committed by government authorities but that, to date, they had not identified any such cases.

[...] On May 16, officials from the Attorney General's Office and PNC told family members of the disappeared they had suspended investigations into disappearances because they were prioritizing activities supporting the state of exception."

[...] "On August 22, the PDDH reported it had received more than 400 complaints of possible abuses during the state of exception.

[...] The PDDH did not visit prisons to verify prison conditions or prisoner treatment until 107 days after the start of the state of exception, and in November the PDDH announced prison officials had once again denied them access.

[...] Impunity was a problem in the PNC and armed forces. Factors contributing to impunity included politicization and corruption. The government provided annual training to military units to diminish gross abuses of human rights, such as the training provided to the Marine Infantry Battalion by the navy's legal unit on the need to respect human rights.

[...] "Independent Monitoring: The government suspended visits to prisons in March 2020 due to the COVID-19 pandemic. The suspension continued as of October, long after the government lifted all other pandemic-related restrictions. The suspension of visits to prisons included most institutional inspections, visits by international organizations, nongovernmental organizations (NGOs), churches, and others."

US Department of State, ["2022 Country Report on Human Rights Practices: El Salvador"](#), 20 March 2023, last accessed : 19 April 2023.

- "In July 2019, the government changed the way killings are counted, excluding

cases in which police officers were reported to have killed alleged gang members in confrontations.”

Human Rights Watch, [“World Report 2023 - El Salvador”](#), 12 January 2023, last accessed : 19 April 2023.

- “[...] the [UN Committee Against Torture] is concerned about reports of: [...] (g) The lack of sufficient information on investigations and disciplinary or criminal penalties imposed on law enforcement officers for failing to comply with procedural safeguards to prevent torture and ill-treatment (art. 2) [...]”

14. While noting the current security challenges posed by gang violence and other criminal activities, and the impact of the Territorial Control Plan as presented by the State party’s delegation, in particular the significant reduction in crime since the introduction of the state of emergency, the Committee is concerned about: [...]

(c) Reports of scant progress in investigations or prosecutions following complaints of excessive use of force, torture, ill-treatment and enforced disappearance allegedly committed by police officers or military personnel in the context of the fight against gang violence; the dismissal of many criminal cases in relation to alleged extrajudicial executions or excessive use of force; and the small number of convictions for acts of torture in recent years [...] ”

UN Committee Against Torture, [“Concluding observations on the third periodic report of El Salvador*”](#), CAT/C/SLV/CO/3, 19 December 2022, last accessed : 19 April 2023.

- [...] On February 7, the First Trial Court of Santa Tecla convicted three PNC officers of aggravated homicide and sentenced each of them to 25 years in prison for the 2017 extrajudicial killings of three persons in San Jose Villanueva, La Libertad Department. The PNC officers claimed they received information that the three persons in the vehicle were armed gang members, but the prosecutor showed that the PNC officers intercepted the vehicle and shot the victims without confrontation.”

US Department of State, [“2021 Country Report on Human Rights Practices: El Salvador”](#), 12 April 2022, last accessed: 24 November 2022.

- € “2. Homicides and disappearances: trends from 2019-2022
[...]Disappearances ‘are committed by a range of actors, including gangs and the police’ with few being investigated by authorities.
[...] 6. Armed confrontations and use of lethal force

[...] Police committed 179 extrajudicial killings between 2015 and 2020, with 25 resulting in convictions, according to the national Ombudsman. However, OUDH reported that there were 1 824 victims of lethal violence by police in the same period.

[...] 7.2 State Integrity

[...] Sources also report that the government and security forces carried out abuses with impunity, and the civilian authorities 'did not maintain effective control' over such forces. Relating to the prosecution of state security forces' abuses, OUDH noted that there are 'institutional weaknesses that exist in the administration of justice in general, and in justice operators in particular, which result in deficient investigative processes' as well as long processing times and a context of 'high impunity'. Recent statistics report on the prosecution of abuses by state forces:

- The OUDH study found that between 2015-2020, 92 % of cases where police or military officers have been prosecuted for violent deaths have been dismissed and only 2% of cases of those charged resulted in a conviction.
- According to the Attorney General Public Prosecutor's Office, there were 924 complaints and accusations against the national police made between 1 January 2017 and 15 March 2021, for offences such as homicide (419 complaints), fraud (98), deprivation of liberty (98), and torture. Of all 924 complaints, 12 (2 %) were found guilty and convicted."

European Union Agency for Asylum, ["Crime levels, including homicides, disappearances, kidnapping and extortion; territorial presence and activities of MS-13 and Barrio 18 gangs; armed confrontations between gangs and with authorities; state response to gangs; state protection for victims \(1 January 2019 – 9 March 2022\)"](#), 10 March 2022, last accessed: 24 November 2022.

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Is there protection from the illegitimate use of physical force and freedom from war and insurgencies?

[...] Police and military forces have been implicated in hundreds of extrajudicial killings as part of the government's militarized response to gangs, with almost complete impunity. A report by the Observatory of Human Rights at the José Simeón Cañas University of Central America found that between 2015 and 2020, killings by police peaked in 2016 at 603 but have declined since, with 88 recorded cases in 2020."

Freedom House, ["Freedom in the World 2022 - El Salvador"](#), 24 February 2022, last accessed: 24 November 2022.



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