

Joint submission on security presented by the Plataforma por la Seguridad Ciudadana and civil society organisations for the 4th cycle of the Universal Periodic Review

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A. Introduction

1. The civil society organisations endorsing this report make this joint submission to the Universal Periodic Review (UPR) on the human rights violations arising from the government's security policies since the last cycle. This report pays special attention to the use of counterterrorism laws to tackle criminal organisations, as well as and the rights of people in detention centres, over the last two years of the state of exception.
2. Since the president took over in June 2019, the government has imposed an autocratic model that has reduced the civic space,ⁱ suppressed democratic institutionsⁱⁱ and co-opted the justice system,ⁱⁱⁱ among other measures weakening democracy in the country.^{iv} This model has prompted a 'security' approach to tackling gang violence that, while reportedly reducing crime rates,^v also undermines the rule of law and the democratic institutions.
3. This coalition questions the official discourse that highlights the supposed success of the security policy for two main reasons. First, we have sufficient reasons to doubt the reliability of the government's statistics, since the only sources to corroborate this information are the public institutions controlled by the executive.^{vi} Second, there is widespread evidence from local investigative media of pacts between the government and the criminal gangs, challenging the effectiveness and sustainability of the government's security approach.^{vii}
4. The human rights violations committed during the so-called war against crime increased during the state of exception. We have documented 6,305 victims of rights violations over the last two years, most of them victims of arbitrary detentions and the lack of due process.^{viii} The evidence in this submission highlights the disproportionate impact that the state of exception has on low-income communities, social leaders and racialized groups as a result of the excessive use of force and racial profiling that police officers, the military and prison guards exercise. Courts and justice institutions, such as the Fiscalía General de la República (FGR) or the Attorney General's Office^{ix} and the Attorney General's Office (Public Defense), do not investigate these human rights abuses.
5. We believe that the government's security approach during the state of exception breaks El Salvador's international obligations to protect the right to life, physical and mental integrity, due process, judicial protection, freedom of association and non-discrimination. The disproportionate impact of the security policies on vulnerable groups undermines the rule of law and the fundamental freedoms of the Salvadoran population.

B. El Salvador's international human rights obligations

6. We are concerned about how the government's official discourse reinforces in the public opinion racial stereotypes that associate specific ethnic groups with criminal gangs. The Universal Declaration of Human Rights (UDHR) recognizes everyone's right to life, liberty and security of person.^x The declaration also states that 'all are equal before the law and are entitled without any discrimination to equal protection of the law'.^{xi}
7. El Salvador is a party to the International Covenant on Civil and Political Rights (ICCPR). The covenant states that everyone has the right to liberty and security of person.^{xii} The Covenant states that measures to ensure national security and public order must be compatible with the other rights recognized in the treaty.^{xiii} The ICCPR also prohibits discrimination in the enjoyment of rights on grounds of race, sex, religion, and political or other opinions, even in exceptional situations that threaten the life of the nation.^{xiv}
8. El Salvador has ratified several international treaties that contain provisions to guarantee the right to security without prejudice to other fundamental guarantees,^{xv} and prohibit practices of torture and arbitrary detention by the State.^{xvi} Similarly, El Salvador is a party to the American Convention on Human Rights (Pact of San José), which establishes several provisions to guarantee the right to security, non-discrimination and a life free from torture and ill-treatment.^{xvii}

C. Previous UPR and other relevant recommendations to El Salvador

9. The concluding observations on the seventh periodic report of the Human Rights Committee to El Salvador reminded the State Party that fight against violence must respect the guarantees of due process and avoid stigmatization of young people.^{xviii} The Committee also recommended that the State Party demilitarize public security; strengthen investigation mechanisms, punishment of those who engage in torture and reparations for victims of torture and cruel, inhuman and degrading treatment; and the ratification of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.
10. Similarly, in its concluding observations on the combined fifth and sixth periodic reports on El Salvador, the Committee on the Rights of the Child expressed its concern about the growing reports of human rights violations committed during measures to tackle criminality and urged El Salvador to increase efforts to prevent the risk that security forces' actions will result in torture, extrajudicial executions and forced disappearances of children. It also recommended strengthening the internal control bodies of the National Civil Police (PNC) and creating an

independent mechanism for the prevention of torture.^{xix} The Committee reiterated that the specialized juvenile criminal justice system should contemplate detention periods as a measure of last resort, for the shortest possible period, and with regular reviews for possible termination. On the basis of general comment No. 10 on criminal justice for children and adolescents, the Committee recommended that El Salvador take action prevent national laws from reducing the minimum levels of protection for children and adolescents, in particular those who have reached the age of criminal responsibility.

11. The Committee on Economic, Social and Cultural Rights recommended that El Salvador respected the principles of temporality, proportionality, necessity and others established by international human rights standards. It also called for the ratification of human rights treaties, in particular the International Convention for the Protection of All Persons from Enforced Disappearance and the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.^{xx}
12. During its review of the third periodic report of El Salvador, the Committee against Torture recommended that the existing exceptional measures of the state of emergency be brought into line with international human rights law.^{xxi} With respect to persons deprived of their liberty, the Committee made several recommendations, including: the modification of the rules that allow administrative detention for periods of up to 15 days, the reduction of administrative detention to 48 hours, the speeding up of the habeas corpus proceedings and the efficient registration of persons deprived of liberty, among others. It also recommended that anti-terrorism legislation be made compatible with the State's obligations under international law, with particular attention to the Convention against Torture.
13. Finally, resulting from the working sessions of the third UPR cycle,^{xxii} El Salvador received several relevant recommendations on its security approach: among them, the importance of strengthening the rule of law and reducing impunity rates through the exhaustive investigation of human rights violations by security agencies.^{xxiii} Some member States also recommended that El Salvador take measures to ensure respect for human rights in the context of security policies^{xxiv} and strengthen efforts to combat extrajudicial executions and enforced disappearances.^{xxv}

D. The COVID-19 pandemic and the state of exception

14. Since March 2022, we have recorded multiple abuses by authorities and systematic violations of human rights during the government's actions to tackle the health emergency of the COVID-19 pandemic – especially during the first half of 2020 – and following the declaration of the state of exception in 2022.
15. The government's decision to restrict the right to movement and freedom of assembly during the health crisis of 2020 granted police officers and the military extraordinary powers that resulted in cases of excessive use of force against the civilian population.^{xxvi} Simultaneously, the constitutional justice system quickly ruled on several actions alleging unconstitutionality against various decrees declaring discretionary power for the executive and multiple habeas corpus cases filed on behalf of persons deprived of liberty or referred to containment centres.^{xxvii}
16. In April 2020, the human rights situation worsened due to a surge of violence that the government attributed to the actions of gang leaders in detention centres. Via social media, the government raised the level of alerts in the prisons and escalated the intervention of military forces in public security tasks. The decision, followed by the declaration of a 24-hour confinement for the civilian population and an indefinite period for the population in detention centres, resulted in several constitutional resolutions -- such as amparo appeals – which, in turn, led to disputes between the executive and the judicial branches.^{xxviii}
17. Another example of the increasing military presence in the public space was the occupation of the Legislative Assembly on February 2020. By executive order, the president and a large group of soldiers took over the premises of the legislative branch to demand the approval of a budget of millions of US dollars for the implementation of the government's security programs. Since then, police forces and the army have been carrying out combined patrolling tasks and anti-gangs raids, raising great concern among the public about the progressive militarization of security policies. The following sections detail the implications of this process for the exercise of the fundamental rights of the Salvadoran population.

E. Militarisation of security and use of counterterrorism policies during the state of exception

18. On 27 March 2022, the Legislative Assembly approved Decree No. 333 and established the fundamental provisions of the state of exception in response to the security crisis resulting from violence of the criminal gangs.^{xxix} Since 2022, the national assembly has issued 27 extensions of Decree No. 333,^{xxx} expanding the duration of the state of emergency for more than two years. Furthermore, in 2022, the government entered a notice of derogation from its treaty obligations under the ICCPR.^{xxxi}

19. Following the relevant recommendations for El Salvador during the third UPR cycle, the government implemented the so-called Territorial Control Plan to address the increasing armed violence. The plan, the details of which remain confidential, includes six phases: two intended for the prevention of violence and four designed to increase police and military operational capacities.^{xxxii}
20. The increasing participation of the Armed Forces (FAES) in security tasks violates provisions of the Constitution and undermines the role of the PNC in the defence and maintenance of peace.^{xxxiii} Our records show a total of 20,237 military personnel involved in security tasks in 2022,^{xxxiv} a figure that the executive expects to double in the coming years.
21. The intervention of the armed forces has permeated the domain of civic space. During the general elections of February and March 2024, the government ordered the militarization of the main cities a few days before the elections took place.^{xxxv} Such a decision contradicts the multiple recommendations received by El Salvador to withdraw the armed forces from public security tasks,^{xxxvi} and prevent an increase of human rights violations allegedly committed by the military, including sexual violence against minors under 18 years of age.^{xxxvii}
22. We have recorded multiple cases of abuses committed by the military forces. From the total of cases, 94 percent correspond to arbitrary and illegal detentions and 87 percent to the absence of due process. The records also show significant number of illegal body searches; torture; cruel, inhuman and degrading treatment; forced disappearances and attacks on life. Seventy-eight percent of the victims in these cases were young men and 52 percent were people between 18 and 30 years old. In 75 percent of the cases, victims pointed at the police as the sole perpetrators of abuses. Additionally, 90 percent of the cases reflect a joint intervention of both the police and the Armed Forces. The combined actions of the police and the military have also resulted in 699 cases of internal forced displacement.^{xxxviii}
23. Although the data confirms that the main group of victims of these human rights violations have been young men between the ages of 19 and 30, women are also significantly affected by abuses by law enforcement officers.^{xxxix} The lack of a gendered approach in the government security policies, stemming from a disregard for women's specific needs and the denial of the security crisis, undermines the role of the security forces and institutions for rights protection.
24. The government's approach measures the country's level of security based on the prevalence of killings. However, the record number of violent deaths of women in contexts of relationships of trust, especially by partners or ex-partners, highlights the inability of the State to protect and guarantee women's right to life even during

the states of emergency. The government must incorporate and prioritise women's right to a life free of violence in the development of its security policy, during and after the state of exception. This is particularly important due to a) the upward trend in femicides committed in the framework of relationships of trust;^{xi} b) the prevalence of acts of violence against women, by men, in the framework of family or similar relationships.^{xii}

25. The punitive apparatus and the androcentric criminal justice and prison systems expose women to sexist practices that undermine their rights. Security agents apply discriminatory and selective procedures that mainly affect women,^{xiii} whose aggressors leverage these to go unpunished. In addition, the social expectation of care placed on women results in a double or triple burden of responsibility for the partners of people deprived of their liberty.^{xiii}
26. Another critical component of the government's security approach is the increasing use of counterterrorism laws during the state of exception, which law enforcement officers use to tackle the alleged activities of criminal gangs.^{xiv} The exceptional nature of counterterrorism measures serves as an argument for the government for the continued extension of the state of exception and the progressive militarization of public space, undermining the role of civil society in the defense and promotion of rights.
27. Although El Salvador has had counterterrorism legislation since 2006,^{xv} the government has ramped up its efforts to enact new legislation over the past few years.^{xvi} For example, the reform of Article 6 of *Ley Especial Contra el Crimen Organizado* allows the use of intelligence from new technologies as evidence in judicial proceedings conducted by specialized courts, including the FGR.^{xvii} Justice operators lack the guidance to identify legitimate sources of information and data management procedures to ensure the right to privacy and freedom of expression of those prosecuted in court. In this context, the state's cyber-patrolling practices occur in an environment of opacity about how the state acquires and uses these technologies.
28. The misuse of counterterrorism laws during the state of exception undermines the fundamental guarantees that the government should ensure even in context of a national emergency, while restricting the role of civil society in the promotion and protection of human rights.
29. The Global Study conducted by the Office of the Special Rapporteur on counterterrorism and human rights to assess the impact of counterterrorism measures on civil society and civic space exposes some of the most common impacts of these measures in the region, including in El Salvador. The Special Rapporteur notes that governments often use counterterrorism policies to prolong states of emergency, persecute human rights defenders and exercise massive control and surveillance practices through new technologies.^{xviii}

30. The lack of a legally binding definition of ‘terrorism,’ something that the Office of the Special Rapporteur on the defense and promotion of human rights in the fight against ‘terrorism’ had widely documented,^{xlix} is one of the gateways for States’ use of counterterrorism measures to criminalize the role of civil society and women’s rights defenders. Also, the absence of an internationally agreed definition restricts the ability of victims of counter-terrorism measures to access justice and reparation mechanisms in a timely manner.^l

31. Therefore, the arbitrary use of ‘terrorism’ to designate the alleged activities of violent gangs has no basis in international law, prompting the misuse of these policies against vulnerable groups with no links to criminal organisations. These narratives undermine the rule of law and further exacerbate the root causes of the state of emergency.

F. Deprivation of liberty: overcrowded detention centres, tortures and death under custody

32. Over the last two years of the state of exception, security institutions have carried out mass and arbitrary detentions that have resulted in a significant increase in the population deprived of their liberty. By June 2024, the Legislative Assembly confirmed that the number of people detained during the state of exception amounted to 80,500,^{li} many of whom are facing ‘terrorism’ charges. For example, according to our records, the Terrorism Confinement Center (CECOT) remains at 36 percent of its capacity, while the rest of the country’s prisons exceeded their capacity by 357 percent.^{lii} The majority of those detained on ‘terrorism’ charges are not at CECOT, but are held in harmful conditions in smaller prisons across the country.

33. In total, there are approximately 111,844 people detained across the country. However, the official figures show that the capacity of the national detention system is 67,280 people. These records represent a proportion of 1,764 individuals deprived of their liberty per 100,000 inhabitants, comprising 1.7 percent of the country's total population and 2.5 percent of the adult population.^{liii}

34. The government must respect, even during states of emergencies, the safeguards to protect the fundamental freedoms and guarantees established in the national constitutions.^{liv}

35. State security institutions conduct mass and arbitrary detention practices with impunity, violating principles such as the inviolability of the home and non-discrimination on ethnic and racial grounds.^{lv} For example, law enforcement officers often detain those who have tattoos allegedly associated with the gang

codes, reflecting social profiling practices based on racial and gender stereotypes.

36. From 27 March 2022 to 27 March 2024, we have registered the deaths of 261 people in state custody. From the total number of these deaths during the state of emergency, 244 were men (93.5 percent) and 17 were women (6.5 percent). In the same way, there are records of the deaths of two boys and two girls during the same period.^{lvi}
37. In addition to these practices, the reforms of the criminal code and the criminal procedure laws by the Legislative Assembly contravenes El Salvador's international obligations to protect the right to liberty and the right to a fair trial, and ensure due process without discrimination. These reforms have included: the Penal Code^{lvii} and Criminal Procedure,^{lviii} the Special Law against Acts of Terrorism,^{lix} the Law Regulating Activities Related to Drugs^{lx} and the Juvenile Criminal Law.^{lxi}
38. One of the most problematic aspects of these reforms is the extension of the period of pretrial detention, which, prior to the state of emergency, was restricted to 12 months for minor crimes and 24 months for serious crimes, with the possibility to extend the latter for further 12 months. We want to bring to the Committee's attention two particular issues with these reforms: (i) for certain alleged crimes, a maximum period of pretrial detention will not be applied, and (ii) the pretrial detention will have an indefinite duration.^{lxii}
39. Similarly, prior to the declaration of the state of emergency, parties to proceedings could request changes from pretrial detention to another precautionary measure. However, following a series of recent reforms, parties can no longer request alternative measures or replace pretrial detention,^{lxiii} preventing individuals accused of certain crimes from having freedom while undergoing prosecution, and ensuring their permanent stay in prisons for indefinite periods.^{lxiv}
40. The incorporation of the figure of "faceless judges" is another of the reforms recently introduced. Through this measure, judges can conceal their identity and deliver so-called 'secret justice'.^{lxv}
41. Finally, the prosecutor's office has the power to decide on judicial jurisdiction and carry out collective trials. This allows judges to group in a single criminal proceeding several people accused of belonging to the same criminal structure.^{lxvi} Many of these proceedings take place even when another tribunal is already dealing with the case, and it is the prosecutor who determines the judicial seat that will hear the process.^{lxvii} These reforms violate the guarantee of a fair and impartial judge, the guarantee of equality before the courts and tribunals, and the equality of procedural means.^{lxviii} Another change arising from these reforms is the

effective use of witnesses and collaborators as the sole evidence in criminal proceedings in the state of emergency,^{lxix} and trial in absentia is also allowed.^{lxx}

42. Finally, the arbitrary use of ‘terrorism’ measures by judicial authorities prompts the practice of mass and arbitrary detention. For example, in addition to the indefinite extension of the pretrial detention periods, the reform of Article 8 of the Code of Criminal Procedure (CPP) allows the provisional detention of alleged members of terrorist organisations, among others accused of crimes outlined in Article 1 of the Law on the Proscription of Gangs, Groups, Associations, and Organisations of a Criminal Nature.^{lxxi}

G. Final recommendations

Based on the evidence and analysis in this submission, the undersigned organisations encourage Member States to issue the following recommendations to El Salvador:

- End the state of emergency and reinstate the constitutional guarantees that were suspended, such as the right to security of the person and population.
- Reform the laws that allow competent bodies to use pre-trial detention powers as a first measure. Provide relevant guidance for justice operators to use alternative measures to pre-trial detention.
- Take effective measures to address the disproportionate impact that security policies have on racialized groups, women, and low-income communities through the implementation of human-rights-based protocols for law enforcement officers.
- Allow regular inspections by the *Procuraduría para la Defensa de los Derechos Humanos* (PDDH) in detention centres and guarantee the rights of the population deprived of liberty and their families, including the right to due process.
- Create an independent institutional mechanism to monitor the State’s compliance with its international human rights obligations and the recommendations received from the UN treaty bodies.
- Protect the freedom of association, the right to a fair trial, and the right to non-discrimination for the entire population and ensure that security laws, policies, and programs align with El Salvador’s international human rights obligations.
- Take concrete steps to develop and implement a human-rights-based security policy in compliance with El Salvador’s international obligations.
- Guarantee free access to information on the situation in the detention centres by creating a public record accessible to civil society organisations and the families of people deprived of their liberty.
- Increase channels of cooperation with the international community for more effective monitoring and advice on the implementation of security policies.
- Develop and implement policies for effective reparations to the victims of gang violence.

- Establish clear regulations to investigate deaths in custody and take effective measures to prevent and punish those responsible for serious human rights violations in detention centres.

ⁱ Cristosal. Sociedad civil en alerta: investigación sobre afectaciones al derecho de asociación. 2023. Available at: <https://cristosal.org/ES/wp-content/uploads/2023/11/Sociedad-civil-en-alerta-informe.pdf>

ⁱⁱ El Diario de Hoy. El camino que llevó a Bukele a concentrar poder a golpe de decretos. 30 April 2024. Available at: <https://www.elsalvador.com/noticias/nacional/concentracion-poder-golpe-decretos-bukele/1139365/2024/> ; Plaza pública. Nayib Bukele y su camino «irreversible» hacia el control total del Estado. 2 February 2024. Available at: <https://plazapublica.com.gt/centroamerica/informacion/nayib-bukele-y-su-camino-irreversible-hacia-el-control-total-del-estado>

ⁱⁱⁱ DPLF. Justicia Amordazada: La captura del sistema de justicia en El Salvador. 2022. Available at: https://dplf.org/sites/default/files/justicia_amordazada_-_captura_sistema_justicia_el_salvador_1.pdf

^{iv} Arteaga, L y Ahern, H. Crimes against humanity in El Salvador? An independent query is needed to investigate human rights abuses. 17 May 2024. Available at: <https://dplfblog.com/2024/05/17/crimes-against-humanity-in-el-salvador-an-independent-query-is-needed-to-investigate-human-rights-abuses/>

^v Plataforma por la Seguridad Ciudadana. Informe sobre Seguridad Ciudadana en El Salvador. Medición de indicadores 2018 – 2020. P. 12 - 13. 2021 Available at: <https://sspas.org.sv/sspas/wp-content/uploads/2022/01/Informe-sobre-seguridad-ciudadana-2018-2020.pdf>

^{vi} Cristosal. Reporte sobre el Estado de la transparencia: La instauración de la opacidad. 2024. Available at: <https://cristosal.org/ES/wp-content/uploads/2024/01/Reporte-sobre-el-estado-de-la-transparencia-enero-2024.pdf>

^{vii} El Faro. Cronología del pacto entre el Gobierno de Bukele y las pandillas. 2023. Available at https://elfaro.net/es/202301/eL_salvador/26676/Cronolog%C3%ADa-del-pacto-entre-el-Gobierno-de-Bukele-y-las-pandillas.htm

^{viii} The total number of victims could be significantly higher due to the limitations that civil society organisations encounter in collecting reliable data.

^{ix} Indacochea, U. et al. Noche oscura para la independencia judicial en El Salvador. In: Justicia en las Américas, 20 May 2021. Available at: <https://dplfblog.com/2021/05/20/noche-oscura-para-la-independencia-judicial-en-el-salvador/>; DPLF. Justicia Amordazada: La captura del sistema de justicia en El Salvador.

^x Article 3 UDHR.

^{xi} Article 7 UDHR.

^{xii} Article 9 ICCPR.

^{xiii} Article 12 ICCPR.

^{xiv} Article 20 ICCPR.

^{xv} Article 5 ICERD; article 14 CDPD and article 2 CEDAW.

^{xvi} Article 2, 6, 10 y 11 UNCAT.

^{xvii} Article 27 IACHR.

^{xviii} UN Human Rights Council. Concluding observations on the seventh periodic report of El Salvador. CCPR/C/SLV/CO/7. (9 May 2019). Para 20, 22 and 24. Available at: <https://undocs.org/Home/Mobile?FinalSymbol=CCPR%2FC%2FSLV%2FCO%2F7&Language=E&DeviceType=Desktop&LangRequested=False>

^{xix} UN Committee on the Rights of the Child. Concluding observations on the combined fifth and sixth periodic reports of El Salvador. CRC/C/SLV/CO/5-6. (29 November 2018). Para 24 and 51. Available at: <https://undocs.org/Home/Mobile?FinalSymbol=CRC%2FC%2FSLV%2FCO%2F5-6&Language=E&DeviceType=Desktop&LangRequested=False>

^{xx} UN Committee on Economic, Social and Cultural Rights. Concluding observations on the sixth periodic report of El Salvador. E/C.12/SLV/CO/6 (9 November 2022). Para 5 and 66. Available at: https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=E%2FC.12%2FSLV%2FCO%2F6&Lang=es

^{xxi} UN Committee against Torture. Concluding observations on the third periodic report of El Salvador. CAT/C/SLV/CO/3 (19 December 2022). Para 11, 13 and 15. Available at: https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CAT%2FC%2FSLV%2FCO%2F3&Lang=es

^{xxii} UN Human Rights Committee. Report of the Working Group on the Universal Periodic Review. A/HRC/43/5. (2 January 2020). Available at: <https://undocs.org/Home/Mobile?FinalSymbol=A%2FHRC%2F43%2F5&Language=E&DeviceType=Desktop&LangRequested=False>

^{xxiii} 103.46 Investigate and prosecute human rights violations and abuses by security forces and other government officials, including extrajudicial killings (United States of America); 103.69 Reinforce the rule of law and fight against

impunity by investigating violent crimes in a prompt, thorough and impartial manner, whereby those responsible are prosecuted and punished and victims receive full reparation (Belgium).

^{xxiv} 103.50 Put in place measures to ensure that its domestic security policies and actions respect human rights, including mechanisms to prosecute human rights violations by security forces (Australia).

^{xxv} 103.49 Deepen its efforts to combat extrajudicial, summary or arbitrary executions, enforced disappearances, torture and all other acts of violence, strengthening the capacity and resources of the institutions for their investigation and punishment (Argentina).

^{xxvi} DPLF. (2021). *Pandemia y justicia constitucional. La respuesta de la Sala de lo Constitucional de la Corte Suprema de Justicia de El Salvador*. P. 5. Available at: https://www.dplf.org/sites/default/files/pandemia_y_justicia_constitucional_-_el_salvador.pdf

^{xxvii} Ibid.

^{xxviii} Ibid.

^{xxix} Asamblea Legislativa, Decree No 333. Available at: <https://www.asamblea.gob.sv/sites/default/files/documents/decretos/4214B3CA-A3AA-4435-8229-49C097CAB14D.pdf>

^{xxx} Asamblea Legislativa. Decree No 27. 27 March 2024. Available at: <https://www.asamblea.gob.sv/sites/default/files/documents/decretos/4214B3CA-A3AA-4435-8229-49C097CAB14D.pdf>

^{xxxi} United Nations. El Salvador Notification Under Article 4(3). Reference: C.N.96.2022.TREATIES-IV.4 (Depositary Notification). 2022. Available at <https://treaties.un.org/doc/Publication/CN/2022/CN.96.2022-Eng.pdf>

^{xxxii} Gobierno de El Salvador. President Nayib Bukele announces Phase VI of the Territorial Control Plan 2020-2022. Available at: <https://www.seguridad.gob.sv/presidente-nayib-bukele-anuncia-fase-vi-del-plan-control-territorial/>

^{xxxiii} Article 159 *Contitución Nacional*.

^{xxxiv} Public information request to the Minister of National Defence. September 2022. (Reference No.: 077/19OCT022). *Monitor del Uso de la Fuerza Letal en América Latina y el Caribe*. El Salvador 2024.

^{xxxv} La Prensa Gráfica. ‘Piden explicación por militarización previo a las elecciones’. 1 February 2024. Available at: <https://www.laprensagrafica.com/elsalvador/Piden-explicacion-por-militarizacion-previo-a-elecciones-en-El-Salvador-20240131-0073.html>

^{xxxvi} Inter-American Commission of Human Rights (IACHR). Human Rights Report in El Salvador. 14 October 2021. (OAE), p. 52.

^{xxxvii} La Prensa Gráfica, ‘Los soldados de Mizata no son los únicos acusados por violencia sexual’, 4 October 2023; Focos, ‘El régimen de Bukele despertó a un tirano que acosó a niñas en Puerto El Triunfo’. 6 November 2023. Available at: <https://focostv.com/el-regimen-de-bukele-desperto-a-un-tirano-que-acoso-a-ninas-en-puerto-el-triunfo/>

^{xxxviii} Amaya, E. El modelo Bukele: seguridad sin derechos humanos. El Salvador a dos años de régimen de excepción. (2024). AMATE, Azul Originario, Cristosal, Fespas, Idhuca, Red Salvadoreña de Defensoras y Servicio Social Pasionistas. Disponible en: <https://sspas.org.sv/sspas/wp-content/uploads/2024/05/Informe-regimen-de-excepcion-2024.pdf>

^{xxxix} Ibid.

^{xl} In 2021, 17% of violent deaths of women were committed in the sphere of trust, in 2022 they represented 29% and by 2023 57%. See National System of Data, Statistics, and Information on Violence Against Women, ‘Annual Report on Acts of Violence Against Women,’ El Salvador 2016-20217, 2019, 2020 & 2021, and 2022 with data from CSJ. Available at: http://aplicaciones.digestyc.gob.sv/observatorio.genero/informe_violencia/index.aspx

^{xli} In El Salvador, the Supreme Court of Justice deals with an average of 11,756 cases of domestic violence each year. Women are the main victim in 82% of these cases, whereas men act as perpetrators in 77.1% of the cases.

^{xlii} For example, in order to grant alternative measures to pretrial detention, the arraigo tests do not consider the gender situation and condition of Salvadoran women and require family arraigo with proof of marriage; labor roots with proof of formal work, which is unlikely in a country where the majority of women, especially impoverished, are placed in the informal sector of the economy; domicile roots with proof of ownership of the home, which is absurd, in a country where 70.2% of land or homes are in the hands of men, while the remaining 29.8% are in the hands of women. Beatriz Menjívar, June 6, 2021. Women have less access to land or housing than men. La Prensa Gráfica. Available at: <https://www.laprensagrafica.com/elsalvador/Mujeres-tienen-menor-acceso-a-tierra-o-vivienda-que--los-hombres-20210605-0072.html>.

^{xliii} Additional assignment of tasks of upbringing and care of young children, in situations of abandonment, and less protection of them, tasks and care that are assumed at the community level by women, in solidarity; a decrease in income and investment of time, in order to investigate the whereabouts of their relatives, obtain certificates and solvencies and go to different institutions (PNC, PGR, Penal Centers, among others); deepening of the feminization of poverty, food crisis, shortages and scarcity of products, due to the lack of suppliers; loss of resources for their subsistence and that of their dependent family members; long-term physical, emotional, and mental health impacts, as well as mortality; detentions of women, at high risk of sexual violence and torture, STIs, supervening deaths, as well as trans people, given overcrowding; a decrease in autonomy based on distracting women's agenda, especially territorial organization, installed by fear and persecution and denial of a quality technical defender's office.

- ^{xliv} La Prensa Gráfica, Jueza en El Salvador: No tenemos un ataque como el ocurrido en las Torres Gemelas, pero tenemos la violencia de las pandillas. 20 March 2018. Available at: <https://www.laprensagrafica.com/elsalvador/Jueza-en-El-Salvador-No-tenemos-un-ataque-como-el-ocurrido-en-las-Torres-Gemelas-pero-tenemos-la-violencia-de-las-pandillas-20180320-0077.html>; Gobierno de El Salvador. Presidente Nayib Bukele reitera que la Guerra contra las pandillas sigue hasta acabar con todos los terroristas. 15 July 2022. Available at: <https://www.presidencia.gob.sv/presidente-nayib-bukele-reitera-que-la-guerra-contra-las-pandillas-sigue-hasta-acabar-con-todos-los-terroristas/>
- ^{xlv} Ley Especial contra Actos de Terrorismo; Legislative Decree No 108, 2006; Ley contra el Financiamiento del Terrorismo; Legislative Decree No 241.
- ^{xlvi} Ley de recompensa y eliminación de la impunidad de actos de terrorismo, Decree No 344. 30 March 2022; Ley especial para la disposición y utilización de los bienes, dinero, valores y activos incautados a las estructuras del crimen organizado, terrorismo y narcotráfico, Decree No 351. 05 April 2022; Reforma de la Ley Ley Especial contra Actos de Terrorismo, Legislative Decree No 341, 30 March 2022.
- ^{xlvii} Article 6 Ley Especial Contra el Crimen Organizado.
- ^{xlviii} UN General Assembly, “Promotion and Protection of Human Rights and Fundamental Freedoms While Countering Terrorism: Note by the Secretary-General,” A/78/520, 10 October 2023, para. 66 (containing Report of the Special Rapporteur on the Promotion and Protection of Human Rights and Fundamental Freedoms While Countering Terrorism, Fionnuala Ní Aoláin: Impact of Counter-terrorism Measures on Civil Society and Civic Space, and Counter-terrorism-Based Detention).
- ^{xliv} Ben Saul. (2021). The Legal Black Hole in United Nations Counterterrorism. IPI Global Observatory. Disponible en: <https://theglobalobservatory.org/2021/06/the-legal-black-hole-in-united-nations-counterterrorism/>
- ^l Matthew Schwartz et al., “Independent Civil Society–UN Counterterrorism Engagement: A Scoping Report,” Global Center on Cooperative Security and Rights & Security International, May 2024.
- ^{li} Servicio Social Pasionista (SSPAS), own records from official declarations and media monitoring.
- ^{lii} Ibid.
- ^{liii} Ibid.
- ^{liv} Sentencia de inconstitucionalidad 21-2020ac.
- ^{lv} Article 20.2 National Constitution.
- ^{lvi} Cristosal. El silencio no es opción: Investigación sobre tortura, muerte y justicia fallida en el Estado de Excepción. June 2024. El Salvador.
- ^{lvii} Legislative Decree No. 337. 30 March 2022. Available at: <https://www.asamblea.gob.sv/sites/default/files/documents/decretos/8EB559C4-6983-487F-99FC-6503B0DF097D.pdf>
- ^{lviii} Legislative Decree No. 339. 30 March 2022. Available at: <https://www.jurisprudencia.gob.sv/DocumentosBodega/R/2/2000-2009/2009/01/EE9EF.HTML?embedded=true>
- ^{lix} Legislative Decree No. 341. 30 March 2022. Available at: <https://www.asamblea.gob.sv/sites/default/files/documents/decretos/18515D69-2D5C-45DF-8B87-7D45156FAA97.pdf>
- ^{lx} Legislative Decree No. 338. 30 March 2022. Available at: <https://www.asamblea.gob.sv/sites/default/files/documents/decretos/E9D2E8B6-34E1-483F-9674-183642574CE2.pdf>
- ^{lxi} Legislative Decree No. 342. 30 March 2022. Available at: <https://www.asamblea.gob.sv/sites/default/files/documents/decretos/F206BC53-441C-4D71-93FF-FCEF3C15FC89.pdf>
- ^{lxii} Legislative Decree No. 339.
- ^{lxiii} Legislative Decree No. 339.
- ^{lxiv} DPLF. (In)debido proceso: Análisis de las reformas que acompañan el régimen de excepción en El Salvador. P. 7. Available at: https://dplf.org/sites/default/files/detencion_provisional_-_indebido_proceso_-_analisis_reformas_el_salvador.pdf
- ^{lxv} Ibid. p. 5
- ^{lxvi} Legislative Decree No. 547. 8 November 2022. November 2022. Available at: <https://www.asamblea.gob.sv/sites/default/files/documents/decretos/0DBB218F-96FA-40CB-A5BC-C12E9F09CFFF.pdf>
- ^{lxvii} Legislative Decree No. 803. 31 July 2023. 25 August 2023. Available at: <https://www.diariooficial.gob.sv/seleccion/31089>
- ^{lxviii} DPLF. (In)debido proceso. p. 24 -25.
- ^{lxix} Legislative Decree No. 339. 30 March 2022
- ^{lxx} Legislative Decree No. 507. 21 September 2022. 26 September 2022. Available at: <https://www.jurisprudencia.gob.sv/busqueda/showExtractos.php?bd=2¬a=995776&doc=563879&&singlePage=false>
- ^{lxxi} Article 8 Criminal Procedure Court. See also Article 1 of the Law on the Proscription of Gangs, Groups, Associations, and Organisations of a Criminal Nature.