

30 April 2020

OPEN LETTER TO PRESIDENT NAYIB BUKELE OF EL SALVADOR ON BEHALF OF INTERNATIONAL ORGANIZATIONS

Dear Mr. President:

We, the undersigned organizations, recognize the efforts of the government of El Salvador to respond to the unprecedented public health crisis posed by the global COVID-19 pandemic. We write to you, however, to express our deep concern about reported abuses committed by security forces within the current emergency context, as well as recent government actions and declarations that may undermine and sometimes directly violate the rule of law.

Since March 21, when the mandatory national quarantine took effect, the office of the Ombudsperson (PDDH) has received hundreds of complaints of human rights abuses purportedly committed by security forces, including reports of excessive use of force in violation of the right to physical integrity. At the same time, hundreds of people detained for alleged quarantine violations have been taken to government “containment centers” or even to police stations, as if they had committed a criminal offense.

Almost 200 writs of habeas corpus have been filed in reaction to these detentions. In response, the Constitutional Chamber of the Supreme Court of Justice has issued a number of rulings, including Resolution 148-2020, which establishes that authorities may not deprive people of their liberty for failure to comply with the home quarantine order, and that forced confinement in “containment centers” without evidence of symptoms or exposure to COVID-19 is not constitutionally permissible or authorized by the current emergency decree. Public health experts, as well as many of those detained, have also noted that sanitary conditions at some of these centers do not seem to adhere to public health protocols or meet standards for preventing the spread of COVID-19.

The signatory organizations find it alarming that even after these rulings, detentions for quarantine violations, including prolonged detentions in “containment centers,” have continued unabated. As both the High Commissioner for Human Rights of the United Nations and the Inter-American Commission on Human Rights have emphasized, while a state of emergency may imply the temporary restriction of certain rights, all government measures, including quarantine orders and their enforcement, must be necessary, proportionate, and carried out within a framework of respect for international human rights norms.

The excessive use of force by police and the military and the mass arbitrary detentions reported over the past weeks do not meet these criteria, and the Salvadoran government should take immediate steps to remedy this situation. As coercive approaches often target disadvantaged communities, authorities should build an effective response to the public health crisis that prioritizes community engagement and respects human rights. This includes guaranteeing accessible and clear public information about the measures implemented by the State and ensuring that the essential needs of those living in poverty, as well as all other vulnerable groups, are met.

We would also like to express our deep concern regarding recent statements made on your Twitter account, Mr. President, that reject the rulings of the Constitutional Chamber of the Supreme Court as invalid. We are equally alarmed by other recent statements that appear to condone excessive use of force by police and military agents working to enforce the home quarantine order. In discussing the enforcement of measures meant to safeguard the health and security of the Salvadoran people, any suggestion of actions that may cause physical harm is alarming and should be unacceptable.

In addition, we noted with consternation your recent order, via Twitter, to the Minister of Defense to impose a military lockdown on the city of Puerto de La Libertad, and the subsequent positioning of tanks and military equipment around its perimeter. A similar order to cordon off San Salvador’s historic Downtown of was made by the mayor, and the capital city lockdown (now extended to May 5), is being managed by the national police, metropolitan agents, and members of the armed forces. These actions are particularly distressing given El Salvador’s recent history of atrocities under international law committed by security forces during the country’s armed conflict.

We have also noted a number of presidential statements regarding civil society groups, including journalists and human rights organizations, that have the potential to discourage public scrutiny and stigmatize those who seek greater government transparency. Limiting spaces for public dialogue would be particularly counterproductive in the present context, in which the government should aim to work in collaboration with non-governmental institutions and all sectors of civil society to confront the COVID-19 crisis.

Our region, and the world at large, will continue to grapple with the threat posed by this pandemic and its devastating effects. It remains the responsibility of world leaders such as yourself, President Bukele, to ensure that the rights of all persons are protected, without exception, throughout the public health emergency and hereafter.

We urge you to uphold the rule of law, including through immediate compliance with the orders of the Constitutional Chamber of the Supreme Court. We thank you for your attention to the urgent matters addressed in this letter, and trust that you will take the necessary steps to ensure that all policies undertaken to confront the pandemic in El Salvador will respect and guarantee human rights and the rule of law.

Our organizations also remain committed to these efforts, and we would be pleased to discuss these issues with you at any time.

Sincerely,

Amnesty International

Center for Justice and International Law (CEJIL)

Due Process of Law Foundation (DPLF)

Iniciativa Mesoamericana de Mujeres Defensoras de Derechos Humanos (IMD)

Washington Office on Latin America (WOLA)

World Organisation Against Torture (OMCT)