

# THREE YEARS OF THE STATE OF EXCEPTION: Systematic torture in El Salvador's prisons



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# ABBREVIATIONS AND ACRONYMS

**CDN:** Convention for the Rights of the Child

**CECOT:** Center for Confinement of Terrorists

**CIDH:** Interamerican Commission for Human Rights

**CONAPINA:** National Council on Infancy, Childhood, and Adolescence

**DDHH:** Human Rights

**DGCP:** General Directorate of Prisons

**DPLF:** Foundation for the Due Process of Law.

**EDH:** *El Diario de Hoy*

**EHPM:** Multi-purpose Survey of Homes

**FAES:** El Salvador Armed Forces

**FESPAD:** Foundation for the Study of the Application of Law

**FGR:** Attorney General of the Republic

**IML:** Institute for Legal Medicine

**IGSP:** Inspector General for Public Security

**LCJ:** Law to Grow Together for the Protection of Infancy, Childhood and Adolescence

**LECO:** Special Law Against Organized Crime

**LP:** Prisons Law

**LPG:** Graphic Press

**LPJ:** Penal Juvenile Law

**MDN:** Ministry for National Defense

**MOVIR:** Movement for Victims of the State of Exception

**MTP:** Movement of National Civil Police Workers

**NNA:** Boys, Girls and Adolescents

**ONEC:** National Office of Statistics and Census

**ORMUSA:** Organization of Salvadoran Women for Peace

**OSC-DDHH:** Organizations for Human Rights and a Civil Society.

**LOUDH:** University Observatory for Human Rights

**PDDH:** Prosecutor's Office for the Defense of Human Rights

**PNC:** National Civil Police

**PPL:** Persons deprived of their liberty

**SSPAS:** Passionist Social Service

**UIAP:** Access to Public Information Unit

**UNICEF:** United Nations International Children's Emergency Fund

# INTRODUCTION

For the last three years, El Salvador has found itself in a State of Exception, after a sharp increase in homicides occurred between March 25th and 27th of 2022, which, according to journalist investigations, came about as a result of the possible rupture of an agreement reached between the gangs and the Salvadoran Government.<sup>1</sup> The resulting State of Exception has become the central element of security policy of the government of Nayib Bukele<sup>2</sup> and has led to the indiscriminate capture of persons with no prior investigations conducted, and the utilizing of incarceration as a generalized preventive measure. As this report goes to print, more than 85,000 persons<sup>3</sup> have been detained in El Salvador under the State of Exception.

This report will detail the findings of cases of human rights violations recorded by civil society organizations, in an effort to document, systematize and expose the impact of the State of Exception on vulnerable populations; specifically on victims who have been mistreated, tortured, and subjected to inhumane conditions during their incarceration, against the backdrop of a lack of transparency and access to official information from the government.

The first section of this report will describe the situation of violence and criminality in El Salvador, the deterioration of access to public information, and reforms or decrees approved during the last year of the State of Exception. The second section will address cases of possible human rights violations occurring within the time frame of the State of Exception from March 2022 to February of 2025 received by human rights organizations, or DDHH organizations, who have contributed to this report, and will include the primary characteristics of victims, types of violations, and presumed institutions responsible for said conduct.

The third chapter contains estimates performed by the DDHH organizations, calculations on the current prison population and rates of overcrowding, in order to shed light about persons being deprived of their freedom.

This report shall further characterize deaths in state custody from the time the national media began monitoring the situation amid the lack of access to official information by Salvadoran public authorities.

<sup>1</sup> Martínez, Carlos (May 17, 2022). Audios of Carlos Marroquín reveal that the March massacre occurred as a result of a rupture between the government and MS. El Faro. [https://www.elfaro.net/es/202205/el\\_salvador/26175\\_Audios-de-Carlos-Marroquin-revelan-que-masacre-de-marzo-ocurri%C3%B3-por-ruptura-e-tre-Gobierno-y-MS.htm](https://www.elfaro.net/es/202205/el_salvador/26175_Audios-de-Carlos-Marroquin-revelan-que-masacre-de-marzo-ocurri%C3%B3-por-ruptura-e-tre-Gobierno-y-MS.htm)

<sup>2</sup> SSPAS, Idhuca, AMATE, Cristosal, FESPAD, Azul Originario y Red Salvadoreña de Defensoras de Derechos Humanos (2024). The Bukele Model: Security without human rights. El Salvador, two years into the state of exception. <https://sspas.org.sv/sspas/project/seguridad-sin-ddhh/>

<sup>3</sup> Legislative Assembly. (March 4 2025). #EnVivo | Plenary Session N°46 [Video archive]. YouTube. <https://www.youtube.com/live/V0YvHdBL5w?si=KkzZUf-3RoGhbUJT&amp;t=5526>

The fourth section will chronicle the situation of persons placed under alternative measures to prison under the State of Exception, including victims, prison conditions, possible human rights violations during detention, the process of being freed, as well as the side effects on detainees of said detention. Statistical data and testimony of those who suffered the ravages of a security policy being carried out on the margins of human rights will be provided. Finally, we shall present conclusions and recommendations made by the DDHH organizations who authored this report.

Three years into the State of Exception, it is urgent that the Salvadoran State take measures to address the multiple human rights violations that have occurred in this context.

## **METHODOLOGICAL NOTE**

An integrated methodology was used for this study, utilizing qualitative and quantitative techniques that enabled us to characterize, document, and shed light on the impact of the State of Exception on persons deprived of their liberty, as well as those who were placed under alternative measures to detention, as well as the impact of detention on family members.

### **Recognized data on cases of human rights violations**

Data on documented cases of human rights violations that have occurred during the State of Exception was provided by DDHH organizations, that looked at cases for the period March 27th, 2002, through February 28th, 2025.

For purposes of this study, the organizations reached consensus in defining a matrix of variables to verify the information on documented cases, with the goal of systematizing data gathered for the general characterization of the victims, in accordance with existing information in each case, compiling 6 variables related to sociodemographic data and 28 modalities on human rights violations.

### **Data on deaths under state custody**

Data presented on detainees who died while in custody are the result of a monitoring process by national media: La Prensa Gráfica (LPG), and El Diario de Hoy (EDH), and SSPAS. This data was compiled using this methodology due to the lack of access to public information during the State of Exception,<sup>4</sup> and the declaration of withholding of information by the Government. The media monitoring was conducted for the period March 27th, 2022, through December 31, 2024.

In order to systematize the information obtained through the above-mentioned monitoring process, a matrix was developed to allow for the compiling of data on cases documented in the media notes of LPG and EDH. There are 11 variables that show the general information of the deceased person, 18 variables about that person's death, and six variables related to the moment of that person's detention.

<sup>4</sup> Prior to the declaration of the state of exception, in February 2022, the Directorate General of Penal Centers (DGCP), with the resolution UAIP-0075-2022 denied access to this information, arguing it to be part of the security policy of the institution, and thus, reserved information.

## **Data on persons placed in alternate measures to prison**

Statistical information on persons placed on alternate measures to prison was compiled utilizing documentation of cases previously recorded by DDHH organizations. Information was gathered from questionnaires completed by the organizations that authored this report, on cases documented from April 2022 through January of 2025.

The questionnaire contained the following variables: sociodemographic data of detainees and their family members, jail conditions where they were housed, side effects suffered during and after their incarceration, possible human rights violations, and the process by which they acquired their freedom, as well as side effects on the detainees' nuclear family members.

## **Testimonies of the direct victims**

To compile qualitative information, five interviews were conducted with persons placed in the system of alternative measures to prison under the State of Exception (identified as Interviews Numbers One through Five). The following categories were analyzed during the interviews: Detention process, prison conditions, side effects suffered during and after imprisonment, possible human rights violations committed, and the process of being granted freedom.

Secondary sources were also utilized to bolster the report, consisting of information obtained from human rights organizations, including stories of two more persons placed under alternative measures (identified as Testimonies Numbers Six and Seven). These additional testimonies allowed for greater understanding of the impact of the State of Exception on the lives of detainees and their nearest family members, as well as documenting and shedding light on the abuses, mistreatment, and inhumane conditions experienced by persons deprived of their freedom.

# Context of the State of Exception



## 1.1 Situation of violence and criminality in El Salvador

Violence and insecurity in El Salvador were for decades the main problem in the eyes of the Salvadoran population. The widespread presence of gangs throughout the country caused various governments to try out different modalities of heavy-handed policies, known for their repressive nature, leading to the creation of new crimes and an increase in punishments, massive detentions, prioritization of police and military actions, and an absence of measures to confront the structural causes of the violence and criminality.<sup>5</sup>

Within this scenario, in June of 2019, President Nayib Bukele (2019-2024) assumed the presidency, and in less than a month he published his Territorial Control Plan, which consisted of a mobilization of thousands of police and military personnel in the areas with the highest crime rates in the country. From that time on, a systematic decline in homicides was announced by the Government to the public. However, several criminal and journalistic investigations<sup>6</sup> have revealed that the most probable reason for the decline in homicides was the negotiations between the Government and the country's main gangs.

In late March of 2022, the gangs provoked a sudden rise in homicides throughout the country, to which the Government responded by enacting a State of Exception, that remains in place to the present day. The media has documented<sup>7</sup> that this increase in homicides and the enactment of the State of Exception could have occurred as a consequence of the breakdown in talks between the gangs and the Nayib Bukele Government

The following information shall chronicle the occurrence of some crimes, primarily homicides, as well as the limitations encountered in terms of access to trustworthy and disaggregated information from the time the State of Exception was implemented

### 1.1.1. Homicides from 2022 to 2024

From the declaration of the State of Exception, the agencies that make up the Security Cabinet have placed an embargo on all information relative to policies and security plans, disaggregated data on detainees and crimes they committed,<sup>8</sup> and among other things, official statistics on homicides and femicides. During this period, it has been common practice to resort to the websites of institutions or functionaries in order to obtain up to date information on the incidence of homicides in the country. Nevertheless, civil society in El Salvador has no access to methods of verification, nor independent institutions with which to compare against information they see on social media.

<sup>5</sup> Foundation for Studies for the Application of Law (FESPAD) (2010). Security plans fail. <https://www.fespad.org.sv/planes-de-seguridad-fracasan/>

<sup>6</sup> Martínez, O. & Reyes, D. (January 18, 2023). Chronology of the pact between the Bukele government and gangs. El Faro.

[https://elfaro.net/es/202301/el\\_salvador/26676/Cronolog%C3%ADa-del-pacto-entre-el-Gobierno-de-Bukele-y-las-pandillas.htm](https://elfaro.net/es/202301/el_salvador/26676/Cronolog%C3%ADa-del-pacto-entre-el-Gobierno-de-Bukele-y-las-pandillas.htm)

Ávalos, Silva H. (January 20, 2021). Irregular releases of imprisoned gang members reaffirms the pact theory in El Salvador. Insight Crime.

<https://insightcrime.org/es/noticias/analisis/presos-pacto-pandillas-el-salvador/>

<sup>7</sup> Martínez, Carlos (May 17, 2022). Audios of Carlos reveal that the March massacre occurred as a result of a rupture between the government and MS. El Faro.

<sup>8</sup> Cristosal (2024). Silence is not an option. Investigation of the practices of torture, death, and failed justice in the state of exception.

With the lack of access to information and limited official data provided by the security agencies, the only way to compare information that exists is through monitoring of social media, and the registry of cases of violations related to the right to life, posted by many civic organizations, and whose data contrasts sharply with that provided by official government sources.<sup>9</sup>

For the period 2022 to 2024, institutions like the Attorney General's Office (FGR) and the National Civil Police ((PNC) show inconsistencies in their statistics; the FGR reported one more case in 2022 than the data of the PNC in its report.

**Table 1: Homicide Statistics 2022 - 2024**

Institution	2022	2023	2024	Total
National Civil Police	495	154	114	763 <sup>10</sup>
Attorney General's of the Republic	496	154	114	764 <sup>11</sup>

**Source: Official figures from the PNC and FGR (2022-2024)**

The lack of publicly available information on homicides from the Tripartite Group, composed of the FGR, the PNC and the Institute of Legal Medicine, does not allow for consolidated data on homicides in El Salvador. Nevertheless, according to data from the FGR from 2019 to 2024, a considerable reduction in homicides and femicides has taken place.

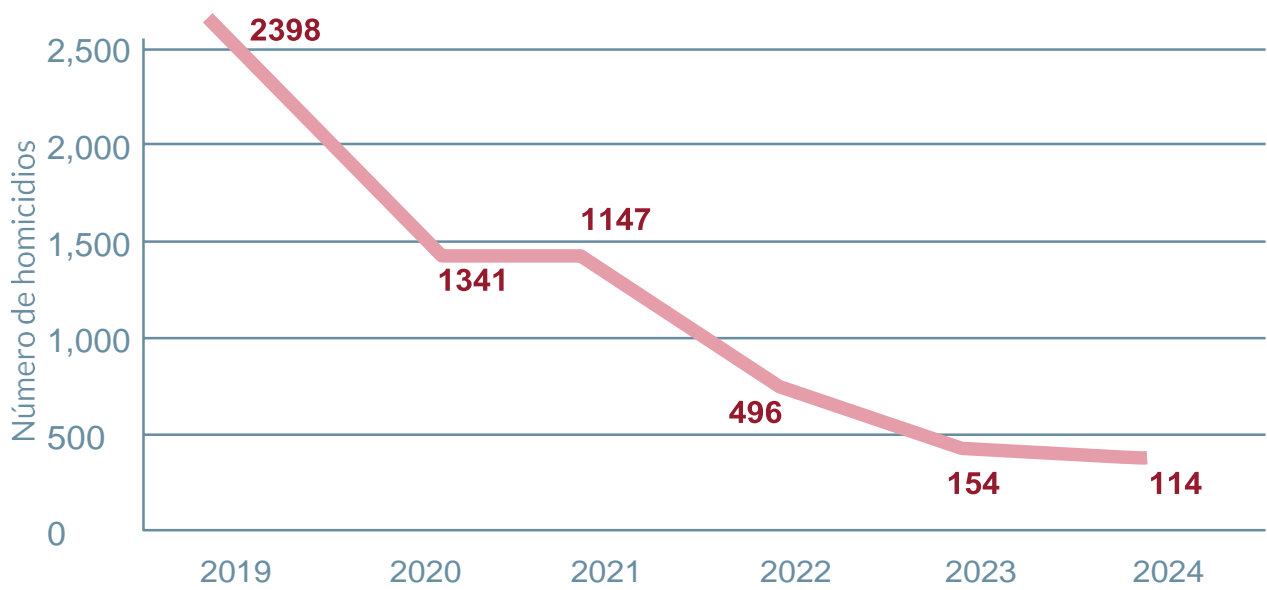
<sup>9</sup> Pasionist Social Service (SSPAS). Report on cases of violence and violations of human rights 2021-2022.

<http://sspas.org.sv/sspas/project/informe-sobre-casos-2021-2022/>

<sup>10</sup> National Civil Police (2025). Achievements and memories. <https://www.pnc.gob.sv/logros-y-memorias/>

<sup>11</sup> Office of the Attorney General of the Republic (2025). Statistics. <https://www.fiscalia.gob.sv/estadisticas/>

**Graphic 1: El Salvador, History of Homicides, (2019 – 2024)**



Source: prepared based on FGR (2022) and (2024).<sup>12</sup> Año

There has been a decrease in homicides registered by Salvadoran government authorities. However, government data failed to include deaths that should have been included as homicides, as per the Bogotá Protocol, which collects data on homicides occurring in Latin American and the Caribbean. The University Observatory of Human Rights (OUDH) of UCA calculated that in 2022 there were a total of 659 violent deaths, in contrast to the 496 homicides reported by the FGR. In other words, a 75% underreporting by the Salvadoran government.

For the year 2023, the OUDH reported a total of 309 violent deaths, while the FGR reported 154 homicides. The difference lies in the fact that the OUDH report includes data from the Government on skeletal remains found, persons who died in armed conflict, individuals (presumed to be gang members), and deaths of persons deprived of liberty;<sup>13</sup> categories that should be included by the Salvadoran state as per the guidelines of the Bogotá Protocol.

On this matter, the OUDH states that the Salvadoran State continues using a data collection system that underreports violent deaths. In other words, the official data does not reflect the totality of the incidence of violent deaths, only reporting 49.83% of the violent deaths that occurred in 2023.<sup>14</sup>

For the year 2024, the monitoring of media by the Passionist Social Service (SSPAS) of the official count of X by the PNC (PNCSV) shows that only 105 of the violent deaths were reported as homicides. Meanwhile, the SSPAS found that during the same period four more cases of civilian deaths (identified as terrorists in the X PNC count), and 41 deaths of persons

<sup>12</sup> FGR (2025). Center of Analysis, Techniques of Investigation and Information, Department of Statistics. Quantity of victims of homicides and femicides reconciled in the Tripartite Operational Table (PNC, IML, FGR) <https://portaldetransparencia.fgr.gov.sv/documentos/Homicidios%20y%20Femicidios%20desde%20enero%202020%20hasta%20febrero%202022.xls>

<sup>13</sup> University Observatory of Human Rights (2025). 2023 Annual Report. The state of human rights in El Salvador.

[https://drive.google.com/file/d/1PQcEjq0NA9J9v3XmqNyYSb5ovg2h95Mx/view?usp=drive\\_link](https://drive.google.com/file/d/1PQcEjq0NA9J9v3XmqNyYSb5ovg2h95Mx/view?usp=drive_link)

<sup>14</sup> University Observatory of Human Rights (2025). 2023 Annual Report.

in state custody (monitored by issues of La Prensa Gráfica and El Diario de Hoy).<sup>15</sup> In other words, in 2024, 150 homicides and deaths of detainees in state custody were reported (all of which should have been classified as homicides at the outset).

## 1.1.2 Femicides 2022 through 2024

For the three years of the State of Exception, there is no official data<sup>16</sup> or statistical breakdown on the number of femicides; the only available reporting is that of the PNC in its official count by X (PNCSV), and the monitoring of media done by the civic society organization ORMUSA.<sup>17</sup> The ORMUSA data does not coincide with the data reported by the PNC in 2023 on its X account, which showed only 21 female deaths, only two of which were reported as femicides.<sup>18</sup>

**Graphic 2: El Salvador, Femicide Statistics, 2022-2024**



Fuente: ORMUSA media monitoring data<sup>19</sup>

According to OUDH's 2023 annual report, The State of Human Rights in El Salvador, in 2023, the Salvadoran Government only reported 45.6% of the victims of femicide identified by ORMUSA, an underreporting similar to the official data on violent homicides.<sup>20</sup> For the year 2024, of the 114 homicides reported by the Attorney General's office, more than a third of the victims as reported by police were women.<sup>21</sup>

<sup>15</sup> This data counts people deprived of liberty who died in the penal center and people who died outside of the penal center due to health complications acquired during their deprivation of liberty.

<sup>16</sup> National Civil Police. Information requests with references PNC-UAIP-201-2022 y PNC-UAIP-350-2022; Office of the Attorney General of the Republic. Information requests with references UAIP-FGR-199-2022 y UAIP-FGR-328-2022. Both institutions have embargoed information about femicides.

<sup>17</sup> Organization of Salvadoran Women for Peace, ORMUSA.

<sup>18</sup> University Observatory of Human Rights (2025). 2023 Annual Report.

<sup>19</sup> ORMUSA (March 17 2025). Femicide Violence Indicators, various years. <https://observatoriodeviolenciaormusa.org/violencia-feminicida/>

<sup>20</sup> University Observatory of Human Rights (2025). 2023 Annual Report.

<sup>21</sup> El Diario de Hoy (January 5 2025). 2024 homicide figures do not coincide between the police and the prosecutor's office. El Diario de Hoy. <https://www.elsalvador.com/noticias/nacional/indice-de-homicidios-pnc-fiscalia-general-san-salvador-regimen-excepcion-diputados-bukele-1191508/2025/>

### 1.1.3. Information Coverup

In spite of the reduced numbers of homicides and femicides reported by the Salvadoran security authorities, due to the coverup of information,<sup>22</sup> and the government's withholding of information, these figures cannot be contrasted nor verified in their entirety, impeding the ability to understand clearly and authentically the situation of violence that El Salvador finds itself in.

Regarding this situation, US Congressman James Patrick McGovern cast doubt on the Salvadoran government's homicide figures before the Tom Lantos Human Rights Commission of the US, declaring that "it isn't even clear that the Salvadoran Government's publicized data on reductions in homicides is credible. An ex-commandant of the US Special Forces looked at the data and discovered that the Salvadoran Government had undercounted the number of homicides by 47%. How? By excluding bodies found in ditches, police killings, and homicides in prisons."

Further, the homicide rate presented by the Salvadoran Government could not be compared directly with other countries in the region, since, as was mentioned previously, El Salvador does not follow the Bogotá Protocol, the standard used for measuring murders in the region, so it is possible that this data overestimates the reduction in violence in El Salvador, because it does not include confrontations between security forces and presumed gang members, nor does it include cases in which the bodies were found in communal graves,<sup>23</sup> nor deaths occurring inside prisons.

According to SSPAS media monitoring, from, April 1, 2022 until December 31, 2024, 278 cases of deaths to inmates in state custody were counted,<sup>24</sup> a number that the Salvadoran authorities have repeatedly refuted. During an audience in front of the Interamerican Commission on Human Rights (CIDH), Salvadoran Government authorities denied the existence of violent deaths of people in its custody, as well as the occurrence of torture in Salvadoran jails in overcrowded conditions since the State of Exception went into effect in March of 2022.<sup>25</sup>

Meanwhile, data embargoed by the Salvadoran Government also includes information on disappeared persons. According to Victor Barrientos, officer of the Due Process Foundation Program (DPLF), "since 2021, information on disappeared persons, clandestine ditches, among other things, is completely embargoed, to such an extent that it is difficult to document patterns of cases and it is not possible to do an analysis of the types and modalities of disappearances affecting victims."<sup>26</sup> This implies that the Salvadoran Government does not recognize occurrences of forced disappearances in the country, although complaints continue to be filed by various social organizations.

<sup>22</sup> National Civil Police. Information requests with references PNC-UAIP-201-2022 y PNC-UAIP-350-2022; Office of the Attorney General of the Republic. Information requests with references UAIP-FGR-199-2022 y UAIP-FGR-328-2022. Both requests have embargoed the information on homicides.

<sup>23</sup> Manjarrés, J., Newton, C., Cavalari, M (February 26 2025). InSight Crime's toll of the homicides in 2024. InSight Crime. [https://insightcrime.org/es/noticias/balance-insight-crime-homicidios-2024/?utm\\_source=twitter&utm\\_medium=social&utm\\_campaign=n=homicide\\_campaign](https://insightcrime.org/es/noticias/balance-insight-crime-homicidios-2024/?utm_source=twitter&utm_medium=social&utm_campaign=n=homicide_campaign)

<sup>24</sup> SSPAS (2022-2024). Monitoring of national media: La Prensa Gráfica y El Diario de Hoy.

<sup>25</sup> Dimas, A. (13 de julio de 2024). Government denies before the CIDH the deaths and torture of the regime despite evidence. FOCOS TV.

<https://focostv.com/gobierno-nego-ante-la-cidh-muertes-y-torturas-del-regimen-pese-a-evidencias/>

<sup>26</sup> Amaya, Miriam A. (August 30 2024). El Salvador does not know the number of disappeared persons. DW. <https://www.dw.com/es/el-salvador-no-sabe-cu%C3%A1ntas-son-sus-personas-desaparecidas/a-70065257>

## 1.14. Resolutions on Information Embargoes

Human rights organizations that monitor complaints on crimes and human rights violations have reported a general tendency by the Salvadoran Government to embargo information within the framework of the State of Exception, on the pretext, in the majority of cases, of national security concerns, or to avoid interference with ongoing investigations. Information embargoes are imposed even when an application refers only to sociodemographic data that excludes confidential and private information on victims and/or perpetrators. What follows is a recounting of some of the information that is currently under embargo.

The National Civil Police (PNC) has categorized as embargoed information since 2022, under Resolution DG/COP/DIEP/166/2022, statistics on number of arrests, detentions of police officers for diverse crimes and detentions of presumed gang members. In addition, since 2023, under Resolution PNC/SDG/CICOP.2.1-A-001-01-2023, embargoed is all data on the number of complaints for crimes and illegal aggressive acts (armed confrontations between police or military personnel and private persons) occurring within the country of El Salvador.

The Salvadoran Attorney General's Office (FGR), from the enactment of Resolution 328-UAIP-FGR on August 23, 2022, refused to provide information on the numbers of police and military personnel implicated, the number of confrontations between State security officials and presumed gang members, data on numbers of detainees receiving judicial due process, gang members receiving judicial due process, total numbers of homicides and femicides, and data on clandestine ditches discovered throughout the country. The same resolution declared non-existent the total number of complaints of crimes and numbers of civilians subjected to due process.

In the case of the General Directorate of Prisons (DGCP), Resolution UAIP-0075-2022, dated February 17, 2022, embargoed information on the total capacity of installations and persons in custody, on the premise that such information constituted institutional security policy. With respect to the number of deceased detainees, and number of medical visits, that information was also embargoed as part of national security policy.

For its part, the Ministry of National Defense (MDN), with its Resolution UAIP-012-2023, dated April 12, 2023, denied access to data on members of the military assigned to public safety duties, military personnel assigned to joint tasks with the PNC, military personnel receiving bonuses for participating in public safety duties, drug seizures, deaths by homicide of members of the FAES, and numbers of FAES members with complaints filed against them. The Institute of Legal Medicine (IML), with regard to, in Resolution UAIP-019-2023, declared statistics on disappeared persons and clandestine ditches as non-existent, and further decreed that cases of sexual aggression were not tracked.

For its part, the Ministry of National Defense (MDN), with its Resolution UAIP-012-2023, dated April 12, 2023, denied access to data on members of the military assigned to public safety duties, military personnel assigned to joint tasks with the PNC, military personnel receiving bonuses for participating in public safety duties, drug seizures, deaths by homicide of members of the FAES, and numbers of FAES members with complaints filed against them.

The Institute of Legal Medicine (IML), with regard to, in Resolution UAIP-019-2023, declared statistics on disappeared persons and clandestine ditches as non-existent, and further decreed that cases of sexual aggression were not tracked.

In spite of the difficulties involved with accessing official information, various social organizations have taken on the task of monitoring, documenting and systematizing complaints filed since the inception of the State of Exception in El Salvador.

## 1.2 Approval of the state of exception

For three years, El Salvador has been under a state of exception, declared after a wave of homicides from March 25-27, 2022, that resulted in 92 murders committed by alleged gang members, according to official Government statistics.<sup>27</sup>

The state of exception is governed by Articles 29, 30, and 31 of the Republic of El Salvador's Constitution, and can be declared in circumstances of war, territorial invasion, rebellion, sedition, catastrophe, epidemic, or other general disaster.<sup>28</sup> However, Nayib Bukele's government has turned the suspension of fundamental rights into its primary security policy tool.

Currently, this state of exception has been renewed 36 times, the last extension approved on March 4, 2025, at plenary session no. 46, during which it was calculated that more than 85,000 people have been arrested for suspected membership in criminal organizations.<sup>29</sup> That extension renewed the suspension of Article 7; Article 12, subsection 2; Article 13 subsection 2; and Article 24 of the country's Constitution. These articles address the right to be informed of the reason for arrest, the right to remain silent, the right to immediate access to legal defense, the right to privacy in communications, and the length of administrative detention, currently increased to 15 days.<sup>30</sup>

This measure has resulted in an increase in illegal and arbitrary arrests, affecting rights such as bodily autonomy, personal safety, access to justice, and health care, among others.

Three years after the approval of the state of exception, renewed consecutively by the Legislative Assembly, regional and international<sup>31</sup> human rights organizations have called attention to the Salvadoran state and the need to end the state of exception and develop a comprehensive policy that conforms with the human rights standards to which it is party.

<sup>27</sup> Government of the Republic of El Salvador. (2024). A new El Salvador. Second edition.

<sup>28</sup> Platform for Citizen Security (2022). Report on citizen security in El Salvador: <https://ormusa.org/informe-sobre-seguridad-ciudadana-en-el-salvador/>

<sup>29</sup> Legislative Assembly. (March 4, 2025). #Live | Plenary Session N°46 [Video file]. YouTube.

<sup>30</sup> Cristosal (2024). Silence is not an option. Investigation into torture, deaths and failures of justice under the state of exception.

<sup>31</sup> Interamerican Human Rights Commission (IAHRC) (2024). Report on the State of Emergency and Human Rights in El Salvador. OAS/Ser.L/V/II.doc.97/24 [https://www.oas.org/en/iachr/reports/pdfs/2024/Report\\_StateEmergencyHumanRights\\_ElSalvador%20\(1\).pdf](https://www.oas.org/en/iachr/reports/pdfs/2024/Report_StateEmergencyHumanRights_ElSalvador%20(1).pdf)

Nevertheless, the indefinite suspension of rights has become the central element of the Bukele government's security policy,<sup>32</sup> as it allows for the indiscriminate arrest of individuals without prior investigation, using pretrial detention as a generalized measure for months or years based solely on the type of charge issued (illegal groups or organizations). In addition, the state of exception has allowed for threats of arrest against various social groups, including unlicensed vendors as well as individuals obligated to vacate lands the government has determined to be useful for public purposes.

With regard to this situation, the Interamerican Commission on Human Rights Commission (IACHR) believes that limits on certain rights are only permitted under extraordinary circumstances that are extremely dangerous or pose an imminent threat. Furthermore, it indicates that such measures are not a means to address common criminality.<sup>33</sup> The IACHR has also emphasized that an indefinite state of exception affects the institutional functions of the rule of law and encourages the Salvadoran state to repeal the state of exception, reiterating that indispensable judicial guarantees should remain in effect in all circumstances.<sup>34</sup>

The three year suspension of fundamental rights has become a grave situation given institutional weaknesses and the concentration of power undertaken by the Executive.<sup>35</sup> Since 2021, the country has faced weakening judicial independence and the erosion of the autonomy of the three branches of the State, beginning with the official party, Nuevas Ideas (2021-2024), approving the dismissal of five magistrates of the Constitutional Court during the first plenary session and immediately replacing them with judges allied with President Bukele, ignoring the constitutional procedures for dismissal and election. In this same plenary session, the country's Attorney General was also dismissed<sup>36</sup> and replaced by an ally of the president.

Prior to that, in 2020, during the first suspension of rights requested by Bukele, he violated various resolutions of the Constitutional Court, which declared unconstitutional a dozen executive orders and measures taken by the government, believing that he had exceeded his authority.<sup>37</sup> This counterweight to executive power that the Constitutional Court offered was ultimately eliminated by the newly elected Legislative Assembly, seriously weakening judicial authority and the rule of law.

The dismissal of lawyers and judges carried out in August 2021 was also a severe blow to judicial independence in the country. The Nuevas Ideas representatives unexpectedly, and without review by commission, approved Decree 144, which allowed the removal of judges over 60 years of age or with 30 years of active service.<sup>38</sup> In response, some judges announced

<sup>32</sup> SSPAS, Idhuca, AMATE, Cristosal, FESPAD, Azul Originario and Red Salvadoreña de Defensoras de Derechos Humanos (Salvadoran Network of Human Rights Defenders) (2024). The Bukele Model: Security without human rights. El Salvador: two years of the state of exception.

<sup>33</sup> Interamerican Commission on Human Rights (IACHR) (2024). Report on the State of Emergency and Human Rights in El Salvador.

<sup>34</sup> Interamerican Commission on Human Rights (IACHR) (2024). Report on the State of Emergency and Human Rights in El Salvador.

<sup>35</sup> Interamerican Commission on Human Rights (IACHR) (2024). Report on the State of Emergency and Human Rights in El Salvador.

<sup>36</sup> Alvarado, J., Lazo, R., & Arauz, S. (May 2, 2021). Bukele uses the new Assembly to take control of the Constitutional Court and the Public Prosecutor. El Faro. [https://elfaro.net/es/202105/el\\_salvador/25451/Bukele-usa-a-la-nueva-Asamblea-para-tomar-control-de-la-Sala-de-lo-Constitucional-y-la-Fiscal%C3%ADa.htm](https://elfaro.net/es/202105/el_salvador/25451/Bukele-usa-a-la-nueva-Asamblea-para-tomar-control-de-la-Sala-de-lo-Constitucional-y-la-Fiscal%C3%ADa.htm)

<sup>37</sup> Alvarado, J., Lazo, R., & Arauz, S. (May 2, 2021). Bukele uses the new Assembly to take control of the Constitutional Court and the Public Prosecutor. El Faro.

<sup>38</sup> Miranda, E. (May 16, 2022). May 1 blow consolidated with judicial purge. El Diario de Hoy. <https://www.elsalvador.com/noticias/nacional/el-golpe-del-1m-se-consolido-con-la-depuracion-de-jueces/956501/2022/>

a rejection of the decree, considering it unconstitutional, and urged international human rights organizations to intervene.<sup>39 39</sup>

The president's control over the three branches of government has not only allowed the continuation of the state of exception, approved by a Legislative Assembly in which his party holds the majority, but also enabled the commission of multiple arbitrary human rights violations in the absence of an independent judicial body or legal representation independent of the president's interests.

### 1.3. Number of individuals released under alternative measures to pretrial detention.

According to statistics provided by the Minister of Justice and Public Security, Gustavo Villatoro, 7,000 people arrested under the state of exception had been released through alternative measures to pretrial detention through August 2023.<sup>40</sup> The State of Exception Victims' Movement (MOVIR) had estimated approximately 10,000 individuals released under such measures as of March 2024.<sup>41</sup>

Regarding this situation, in December 2024 Nayib Bukele declared in a press conference in Costa Rica "...we have already released 8,000 people and we will release 100% of the innocent."<sup>42</sup> However, this speech, in addition to acknowledging that innocent people have been arrested under the state of exception, is a clear example of disinformation on the part of the government,<sup>43</sup> given that, according to social organizations and news media, the majority of these people have been released under alternative measures to pretrial detention; that is, they are still being processed under the state of exception and awaiting trial to determine whether or not they will be sentenced. These people have not been found innocent by the judicial system.

With respect to this situation, human rights organizations have advocated that it is necessary for the State to recognize these people as victims of arbitrary arrest in order to open a pathway to comprehensive compensation.<sup>44</sup>

<sup>39</sup> Cáceres, M. (May 3, 2022). The dismissal of judges and lawyers was a second strike against judicial authority. *El Diario de Hoy*. <https://www.elsalvador.com/noticias/nacional/destitucion-jueces-fiscales-segundo-golpe-poder-judicial/952445/2022/>

<sup>40</sup> Espinoza, C. (August 22, 2023). 7,000 people have been released under the state of exception, as reported by the Minister of Security. *La Prensa Gráfica*. Available at: <https://www.laprensagrafica.com/elsalvador/Ministro-de-Seguridad-informa-que-7000-perso-nas-han-sido-liberadas-durante-el-regimen-de-excepcion-20230822-0044.html>

<sup>41</sup> Sandoval, W. (March 29, 2024). Number of released already exceeds 10,000, but there is no compensation. *La Prensa Gráfica*. <https://www.laprensagrafica.com/elsalvador/Cifra-de-liberados-ya-supera-los-10000-pero-no-hay-reparacion-20240329-0044.html>

<sup>42</sup> EFE. (December 4, 2024). Salvadorans released under the state of exception are not recognized as victims, Idhuca says: "It is necessary to undertake comprehensive compensation." *La Prensa Gráfica*. <https://www.laprensagrafica.com/elsalvador/Salvadorenos-liberados-en-regimen-de-excepcion-no-son-reconocidos-como-victimas-dice-el-Idhuca-Es-necesario-emprender-reparaciones-integrales-20241204-0053.html>

<sup>43</sup> UCA Editorial (December 9, 2024) Without liberty, without rights, without guilt. *Noticias UCA*. <https://noticias.uca.edu.sv/editoriales/sin-libertad-sin-derechos-sin-culpa>

<sup>44</sup> EFE. (December 4, 2024). Salvadorans released during the state of exception are not recognized as victims, Idhuca says: it's necessary to undertake comprehensive compensation. *La Prensa Gráfica* <https://www.laprensagrafica.com/elsalvador/Salvadorenos-li-berados-en-regimen-de-excepcion-no-son-reconocidos-como-victimas-dice-el-Idhuca-Es-necesario-emprender-reparaciones-integra-les-20241204-0053.html>

In addition, cases of individuals who received release orders issued by a judge in order to continue their legal processes outside detention, but who have nonetheless remained incarcerated, have also been reported. Furthermore, there are cases of individuals who have been re-arrested by security forces after being released.<sup>45</sup> According to criminal attorney Otto Flores, these individuals are facing "double jeopardy," and this is a sign of the "grave deterioration of the rule of law" that has occurred under the state of exception.<sup>46</sup>

## 1.4. Reforms and decrees approved

As mentioned above, individuals released under alternative measures to pretrial detention remain in open legal proceedings, yet procedures are not followed, and no decisions are issued. This means that many people could once again be arrested, rendering the release measures ineffective.

Compounding this situation, the timeframe for legal proceedings for those in detention has been increased under the state of exception; in accordance with Decree No. 803, which includes "special transitory regulations for governing the processing of detainees within the framework of the state of exception, issued March 22, 2022," the Attorney General was authorized to extend the investigation period by two years, during which detainees will be subject to relevant proceedings in order to group them by criminal organization and issue collective judgments. In addition, the modifications of the timeframe made under a parallel reform of the Special Law against Organized Crime (LECO) includes the possibility that such judgments may be carried out through 2026.<sup>47</sup>

These reforms imply that many people being released under alternative measures to pretrial detention will be unable to resolve their legal situations immediately because of these extensions, including many people for whom alternative measures will be rendered ineffective when they are judged collectively upon being grouped under the same criminal organization.

This reform implies that individuals processed will continue to face mass hearings, where defense procedures are limited, given that the evidence presented is collective, that is, that they will be judged for crimes attributed to the criminal organization and not individually.<sup>48</sup>

Taking into account the many reports of arbitrary arrests of people with no criminal history or gang connections, attributed to anonymous reports and arrest quotas, there is the grave possibility that these people may be tried without quality standards, verifiable evidence or due process.<sup>49</sup>

<sup>45</sup> Oliva, X. (April 11, 2023). A "release card" in the state of exception is a useless piece of paper. Gato Encerrado.

<https://gatoencerrado.news/2023/04/12/las-cartas-de-liberacion-simple-papel/>

<sup>46</sup> Oliva, X. (April 11, 2023). A "release card" in the state of exception is a useless piece of paper.

<sup>47</sup> SSPAS, Idhuca, AMATE, Cristosal, FESPAD, Azul Originario and Red Salvadoreña de Defensoras de Derechos Humanos (2024). The Bukele model: Security without human rights. El Salvador: two years of the state of exception.

<sup>48</sup> Cristosal. (2023). La excepción se volvió la norma. Una mirada a las reformas penales y su impacto en las garantías ciudadanas.

<https://cristosal.org/ES/la-excepcion-se-volvio-la-norma-una-mirada-a-las-reformas-penales-y-su-impacto-en-las-garantias-ciudadanas/>

<sup>49</sup> SSPAS, Idhuca, AMATE, Cristosal, FESPAD, Azul Originario y Red Salvadoreña de Defensoras de Derechos Humanos (2024). El modelo Bukele: Seguridad sin derechos humanos. El Salvador a dos años de régimen de excepción.

In addition, recent reforms to the Juvenile Crime Law (LPJ), the Penitentiary Law (LP) and the Law against Organized Crime (LECO), adopted under Decrees No. 225, 226, and 227, approved February 12, 2025, will make the situation much worse for detainees, particularly children and adolescents.

### 1.4.1 Juvenile Crime Law Reform

Regarding Decree No. 225, the reformed Juvenile Crime Law establishes new regulations for dealing with adolescents involved in organized crime. This reform allows individuals under the age of 18 who have been remanded into custody or sentenced to prison for organized crime to be held in prison facilities run by the General Directorate for Detention Centers, in special sectors. However, once they become adults, they will be subject to standard adult procedures.<sup>50</sup>

This is a clear violation of international standards for the protection of children and adolescents. Both the Convention on the Rights of the Child (CDN) and the Beijing Rules establish that juvenile offenders must receive distinct treatment oriented toward rehabilitation not simply punitive imprisonment.<sup>51</sup>

In El Salvador, the Grow Together for the Comprehensive Protection of Infancy, Childhood and Adolescence Law (LCJ) reaffirms in Articles 64, 65, and 67 protection against mistreatment, torture, and cruel, degrading and inhumane punishment, as well as protection against illegal or arbitrary imprisonment, internment, and institutionalization.<sup>52</sup>

In this regard, international human rights organizations have expressed concern over El Salvador's Juvenile Crime and Penitentiary Laws and indicated that "placing them in an adult center or prison endangers their basic safety, health, especially their psychological and emotional development, as well as their ability to remain free of crime in the future and to reintegrate positively into society."<sup>53</sup>

<sup>50</sup> Asamblea Legislativa (2025). Decreto 225: Reformas a la Ley Penal Juvenil.

<https://www.asamblea.gob.sv/sites/default/files/documents/decretos/690BE4F5-5426-4138-AC6F-C468A4E1D4BF.pdf>

<sup>51</sup> Amnistía Internacional (26 de febrero de 2025). El Salvador: Reformas a la legislación penal profundizan violaciones a los derechos humanos de la niñez y la adolescencia. <https://www.es.amnesty.org/en-que-estamos/noticias/noticia/articulo/el-salvador-reformas-a-legislacion-penal-profundizan-violaciones-a-derechos-humanos-de-la-ninez-y-adolescencia/>

<sup>52</sup> Gobierno de El Salvador (2023). Ley Crecer Juntos 2023. [https://crecerjuntos.gob.sv/dist/documents/DECRETO\\_LEY.pdf](https://crecerjuntos.gob.sv/dist/documents/DECRETO_LEY.pdf)

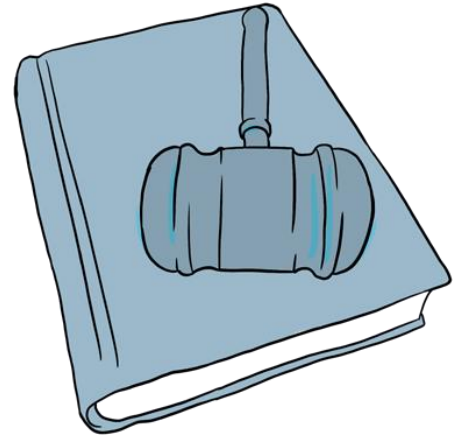
<sup>53</sup> UNICEF (February 13, 2025). Joint Statement by CRC, OHCHR, UNICEF and UNFPA on reforms to the Juvenile Penal Law and Penitentiary Law in El Salvador <https://www.unicef.org/lac/comunicados-prensa/declaracion-conjunta-reforma-ley-juvenil-penal-penitenciaria-el-salvador>

## 1.4.2. Penitentiary Law Reform

Furthermore, Decree No. 226, approved February 12, 2025, reforms the Penitentiary Law and modifies Article 6, which establishes that "all sentences will be carried out under the strict control of the Judge for Penitentiary Monitoring and Sentencing Implementation, and the relevant Chamber." In addition, for those "convicted under the Law against Organized Crime" the Tribunals and Chambers against Organized Crime will be responsible for carrying out this function." This means that adolescents who have been convicted for organized crime offenses will go on to be monitored by specialized tribunals, as described in Article 37-A, which confers on these tribunals and chambers the necessary jurisdiction and responsibilities for the sentencing execution phase.<sup>54</sup>

In addition, Decree No. 226 introduces specific regulations for handling adolescent offenders. A special sector for underage individuals and adults up to age 21 will be created but does not ensure an appropriate procedure for protection and reintegration. Regardless, the simple separation by age does not protect against violence or abuse, nor ensure access to education and rehabilitation programs.<sup>55</sup>

In this way, "the Salvadoran state is sentencing adolescents to a penitentiary system designed for adults, in which torture, extreme overcrowding and 300 deaths in custody have already been documented. Instead of ensuring their protection and reintegration, authorities are exposing children and adolescents to inhumane conditions that may include torture and other cruel, inhumane and degrading treatment,"<sup>56</sup> according to Ana Piquer, Amnesty International director for the Americas.



<sup>54</sup> Legislative Assembly (2025). Decree 226: Reforms to the Penitentiary Law. <https://www.asamblea.gob.sv/sites/default/files/documentos/decretos/50F81190-9B84-49A3-A316-5940ED7254B8.pdf>

<sup>55</sup> Amnesty International (February 26, 2025). El Salvador: Reforms to penal legislation.

<sup>56</sup> Amnesty International (February 26, 2025). El Salvador: Reforms to penal legislation.

### 1.4.3. Reform of the Law against Organized Crime

Finally, what is stipulated in Decree No. 227, reform of the Law against Organized Crime, seeks to control the sentencing execution phase for those convicted of offenses connected with organized crime. In addition, a new article, 3-A, was added to the Law against Organized Crime. This article establishes that "persons convicted of offenses that fall under the category of organized crime are not eligible for conditional or early release benefits."<sup>57</sup> This undermines the possibility of reintegration, in violation of the Mandela Rules and the American Convention on Human Rights.<sup>58</sup>

According to Ana Piquer, Amnesty International director for the Americas, "These changes to prisons legislation consolidate a model of incarceration based on punishment and repression, with no effective judicial oversight mechanisms. Rather than guaranteeing justice, the reforms reinforce existing violations of due process and increase the risk of torture and inhumane treatment in detention centers."<sup>59</sup>

Finally, these reforms worsen prison conditions for persons convicted of organized crime offenses, limiting their opportunities to obtain conditional release and establishing stricter judicial control. Further, imprisoning children under the age of 18 in detention centers with adults will impact them and may have negative consequences on their development and social reintegration.



<sup>57</sup> Legislative Assembly (2025). Decree 227: Reforms to the Law against Organized Crime <https://www.asamblea.gob.sv/sites/default/files/documents/decretos/D95543E9-32D8-4FBB-92D3-346EB7B77757.pdf>

<sup>58</sup> Amnesty International (February 26, 2025). El Salvador: Reforms to penal legislation.

<sup>59</sup> Amnesty International (February 26, 2025). El Salvador: Reforms to penal legislation.

**Complaints Received  
for the Violation of  
Human Rights**

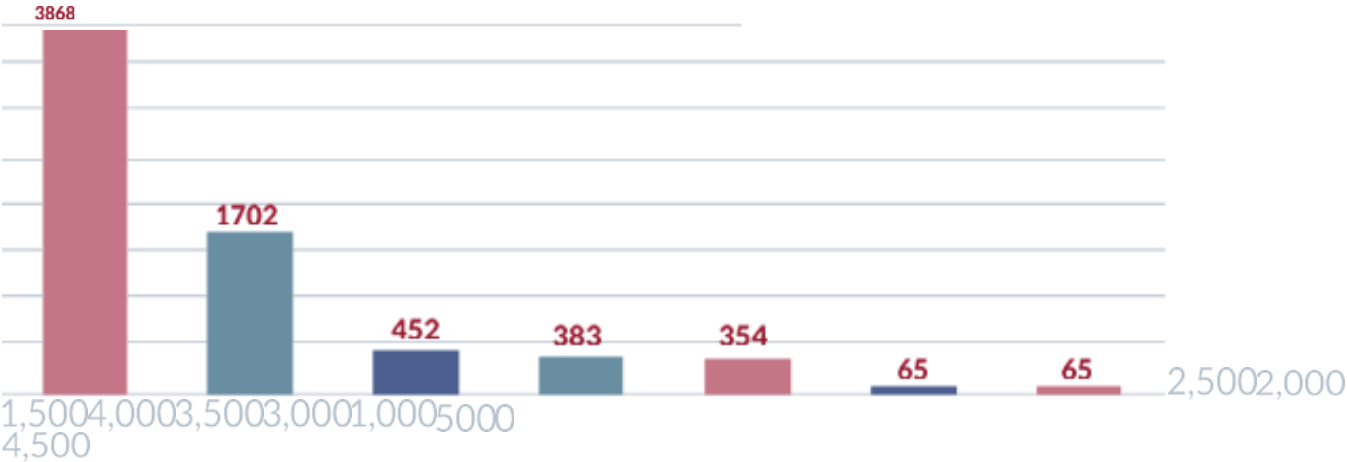


This section presents a compilation of the reports received by the human rights organizations contributing to this report, in connection with possible human rights violations under the state of exception, from March 2022 to February 2025.

It is important to clarify that these data do not reflect the total number of possible human rights violations reported through different digital platforms, news media and other social organizations. The data reflected in this report are cases of individuals who approached or registered their information with different human rights organizations, but there are a great number of victims whose cases have not been uncovered due to lack of information, scope, fear or other motives.<sup>60</sup> In addition, it is important to emphasize that the effort to synthesize this information has limitations; among them, the scope at the national level given organizations' operational ranges, and the possible duplication of cases, due to the confidentiality of victims' information.

Since the state of exception was initiated, the number of victims reported by human rights organizations increased to 6,889 through February 2025, of which 5,082 were reported during the first year of the state of exception, 1,223 the second year and 584 cases of possible human rights violations during the third year.

**Graphic 3: Reports of human rights violations received per organization, March 2022 to February 2025.**



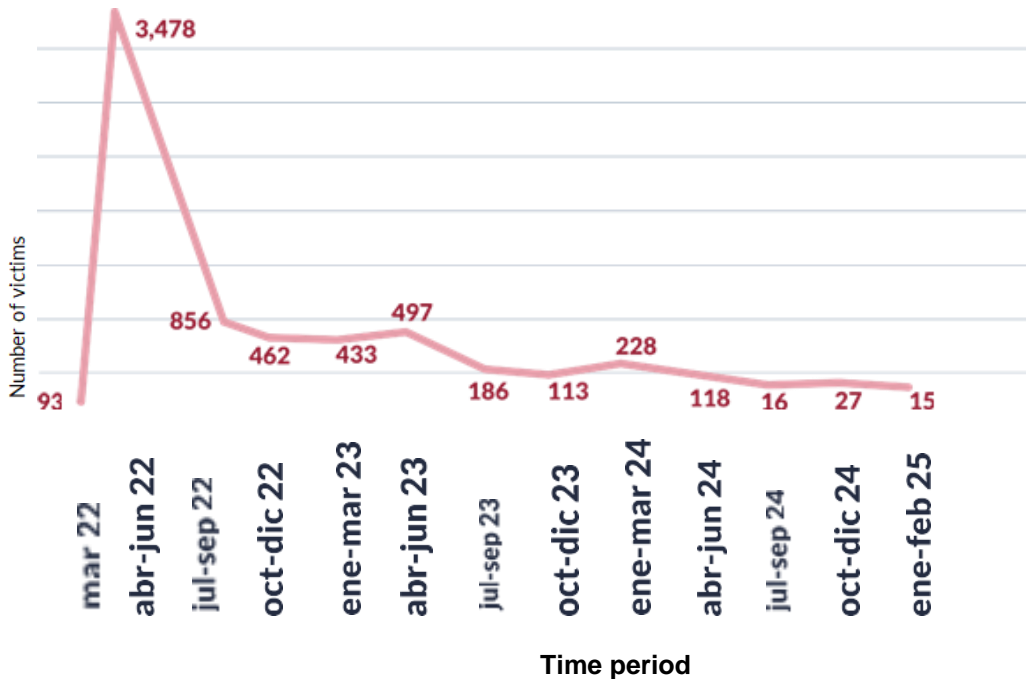
Source: OSC-DDHH consolidated database (March 2022-February 2025)

<sup>60</sup> SSPAS, Idhuca, AMATE, Cristosal, FESPAD, Azul Originario and Red Salvadoreña de Defensoras de Derechos Humanos (2024). The Bukele model: Security without human rights. El Salvador: two years of the state of exception.

## 2.1 Timeline of violations

The majority of the offenses suffered by victims occurred during the first months of the state of exception's implementation, due to the mass arrests during the period April to June, when the largest number of cases were registered (53.3%); this was followed by the period April to June 2023, with 7.6% of cases, and another increase in the first four months of 2024, representing 3.5% of the total

**Graphic 4: Timeline of violations**



Source: OSC-DDHH consolidated database (March 2022-February 2025)

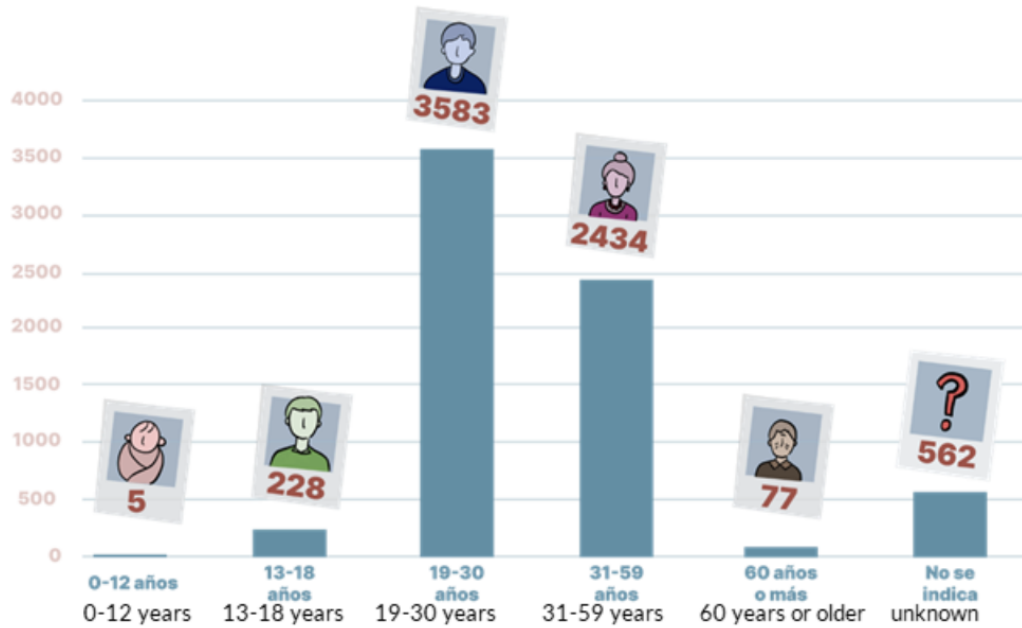
Note: graphic does not include 367 cases for which the date of the offense is unknown

## 2.2 Description of the victims of human rights violations

### 2.2.1 Victims' ages

The population most impacted has been young adults between 19 and 30 years of age, representing 52% of all cases; this is followed by adults 31 to 59 years of age, with 35%. In addition, the inclusion of 233 children and adolescent victims of human rights violations, equal to just over 3%, is alarming. Finally, 1% of victims are 60 years of age or older.

Graphic 5: Age range of victims

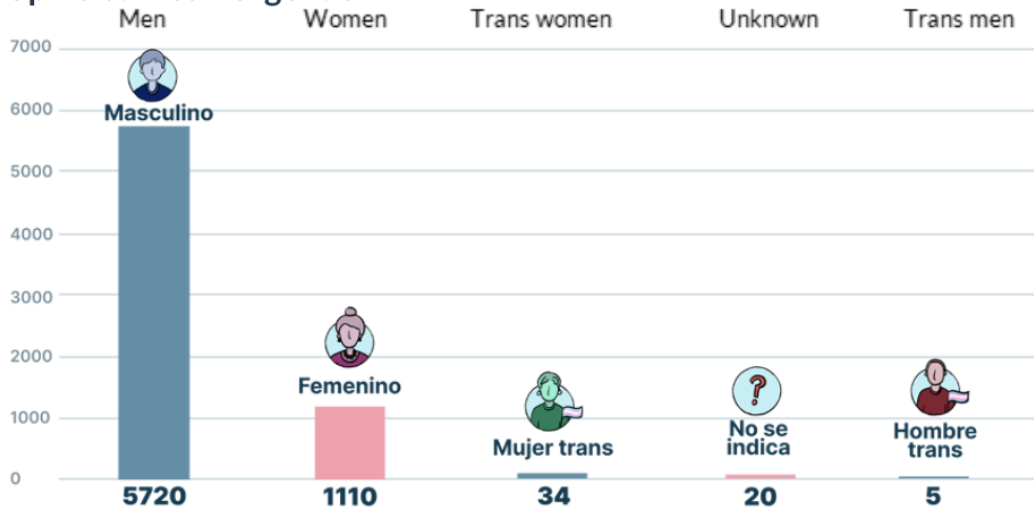


Source: OSC-DDHH consolidated database (March 2022-February 2025)

### 2.2.2 Victims' gender

The gender most affected is men, a total of 5,720 cases representing 83%, followed by women, with 1,110 cases (16%). Further, 34 trans women and five trans men made reports, representing less than 2%.

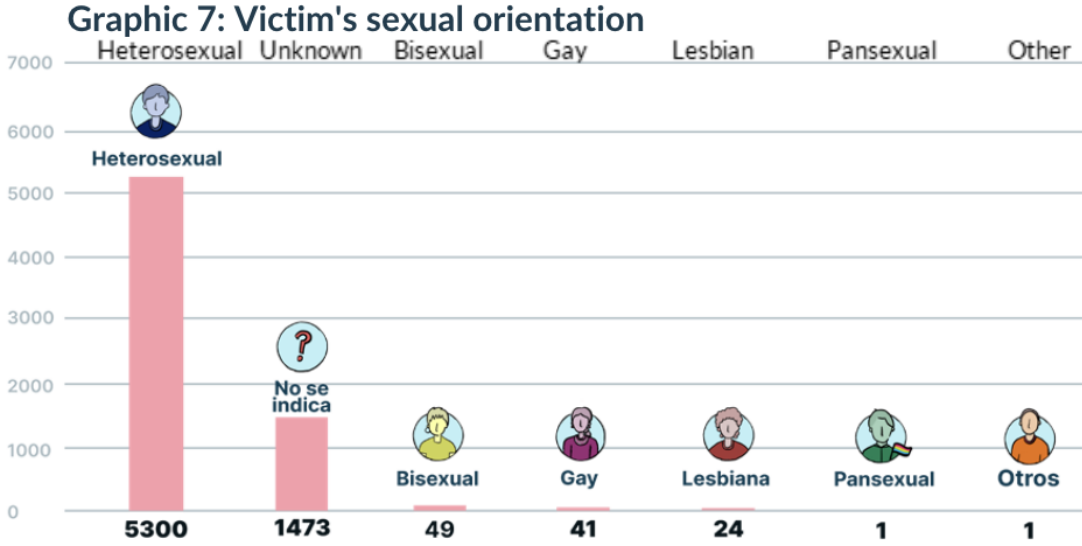
Graphic 6: Victims' gender



Source: OSC-DDHH consolidated database (March 2022-February 2025)

### 2.2.3. Victim's sexual orientation

Seventy-seven percent of victims are heterosexual, followed by 1.7% of victims of varying sexual orientations, among which are 49 bisexual individuals, 41 gay persons, 24 lesbians, one pansexual and one person of unknown diverse orientation.



Source: OSC-DDHH consolidated database (March 2022-February 2025)

### 2.3. State agencies reported

The most reported state agency continues to be the National Civil Police, representing 75% of cases, or 5,158 victims. This percentage increases to 82% if instances in which members of the PNC worked in conjunction with El Salvador's Armed Forces are included.

**Graphic 8: State agencies reported by victims**



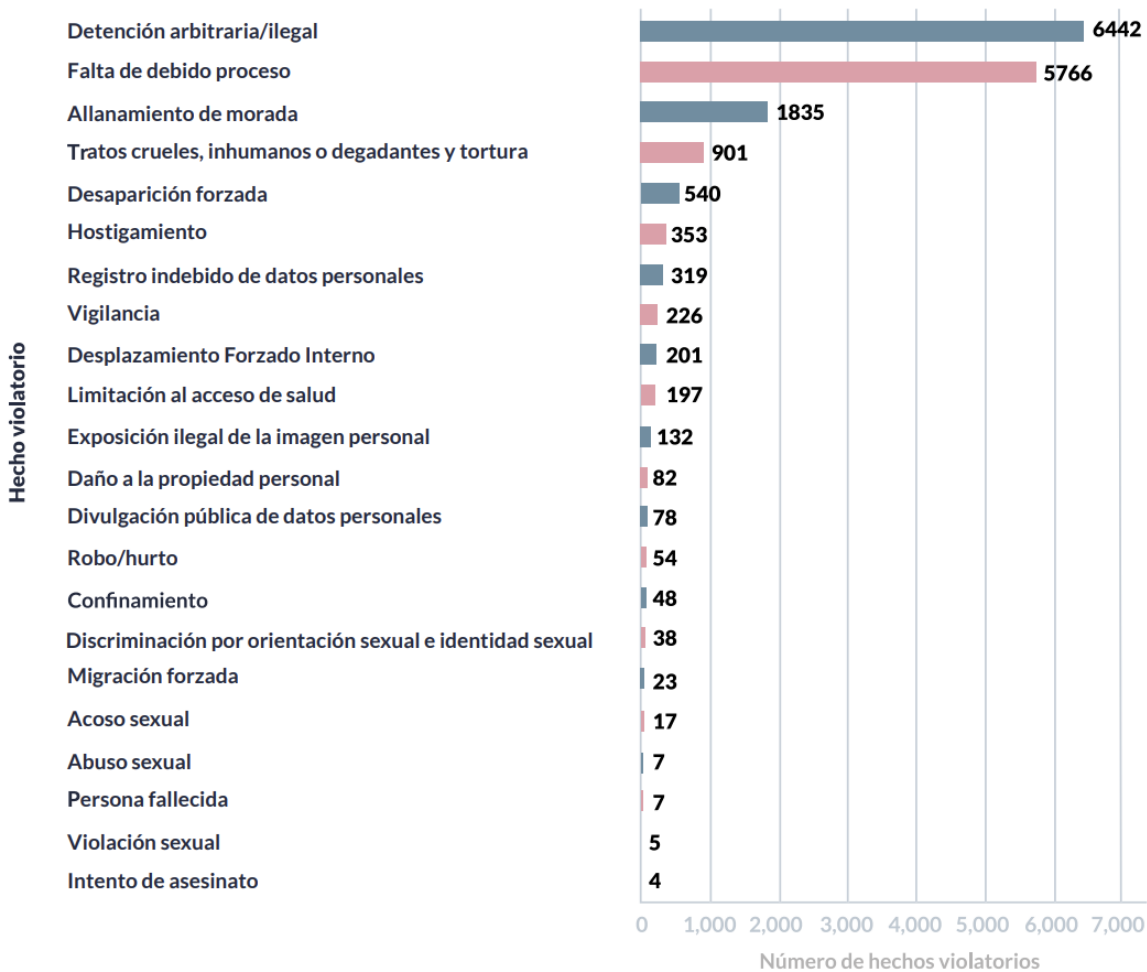
Source: OSC-DDHH consolidated database (March 2022-February 2025)

## 2.4 Violations reported

Between March 27, 2022, and February 28, 2025, more than 17,298 actions violating the rights of 6,889 individuals in El Salvador under the state of exception have been registered. The offense with the greatest number of victims has been arbitrary arrest, with 6,462 cases, equal to 94% of all victims.

This is followed by lack of due process with 5,766 cases (84%) and breaking and entering with 1,835 cases (27%), among others. In fourth place, incidents of torture, mistreatment and cruel, inhumane or degrading treatment have been reported.

**Gráfica 9: Agentes estatales denunciados por las víctimas – VDH**



Fuente: Base de datos consolidada OSC-DDHH (marzo 2022- febrero 2025)

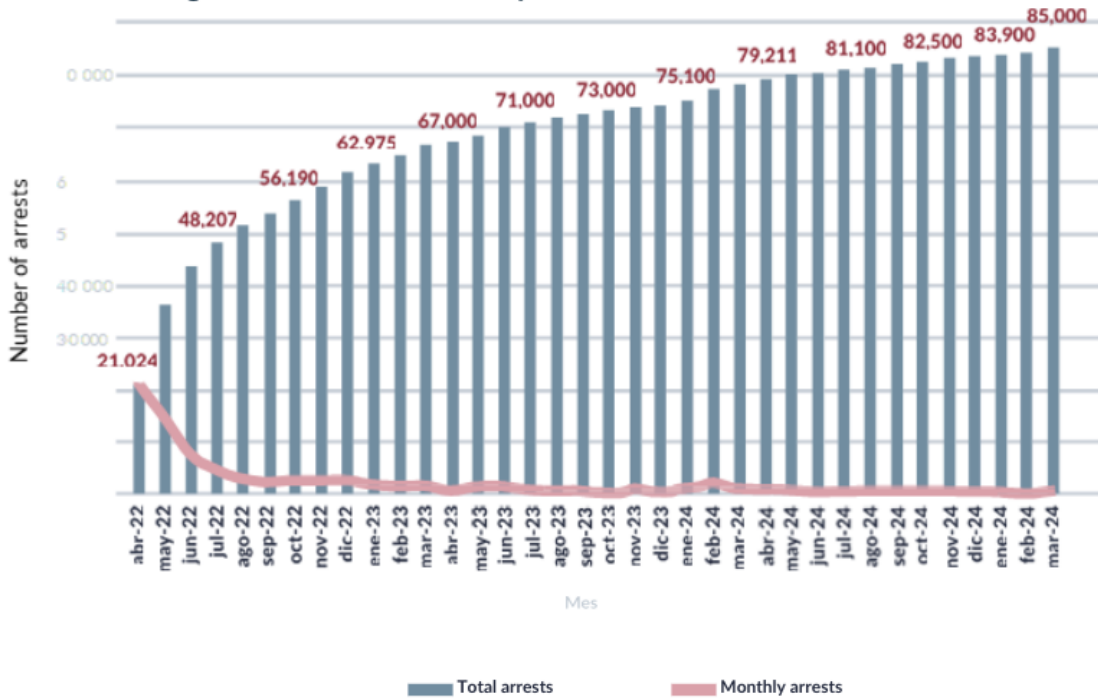
# Situation of Persons Deprived of Freedom



### 3.1. Penitentiary system

Regarding the number of arrests, according to the most recent extension of the state of exception by the Legislative Assembly on March 4, 2025, more than 85,000 arrests had been recorded through the completion of this report.<sup>61</sup>

**Graphic 10: Number of monthly arrests and total arrests throughout the state of exception 2022-2025**



Source: Annual report on Human Rights Violations during the State of Exception in El Salvador (2023) and Legislative Assembly of El Salvador (Legislative Decrees)

According to SSPAS's own estimates, currently there is significant overcrowding within El Salvador's penitentiary system, with overcrowding at 369.5% as of March 2025 (without including the Terrorism Detention Center, CECOT), based on the assumption that capacity has not been increased recently. CECOT is estimated to be at 37% capacity, including the 261 individuals transferred from the United States to the facility. These estimates have been calculated despite the absence of official information; information about individuals being held in detention centers has been declared classified.

<sup>61</sup> Legislative Assembly. (March 4, 2025). #Live | Plenary Session N°46 [Video file]. YouTube. <https://www.youtube.com/live/V0YvvHdBL5w?si=KkzZUF-3RoGhbUJT&t=5526>

**Table 2: Estimate of adults incarcerated, March 2025 - EHPM, 2023.**

A. State of exception arrests (March 2025, Plenary Session No. 46)	85,000
B. (-) Individuals released <sup>62</sup>	8,000
C. (-) Under 18 <sup>63</sup>	1,194
D. (+) PDL pre- state of exception <sup>64</sup>	39,538
E. (+) Incarcerated individuals deported from US <sup>65</sup>	261
<b>Total = A-(B+C) +D</b>	<b>115,605</b>

Source: own calculations with data from legislative decrees through March 2025.

**Table 3: Estimated incarceration rate and percentage, March 2025**

Incarcerated adults	Pop. total 2023	Adults 2023
115,605	6,338,881	4,446,339
Rate for every 100 thousand residents	1,824	2,600
Percentage of the population	1.82%	2.6%

Source: Own preparation and calculations using ONEC data (2024).

Based on estimates, the rate of incarcerated individuals per every 100,000 inhabitants in El Salvador is 1,824, the highest in the world. Further, nearly 2.6% of the country's total adult population is currently incarcerated.

**Table 4: Penitentiary capacity and overcrowding, March 2025.**

Penitentiary capacity and overcrowding	March 2025		
	Spaces	Occupation	% overcrowding
Detention Centers	27,280	100,812	369.5%
CECOT <sup>66</sup>	40,000	14,793	37% <sup>67</sup>
<b>Total</b>	<b>67,280</b>	<b>115,605</b>	<b>171.8%</b>

Source: own preparation with data from the DGCP-UAIP-014-2021 final resolution.

<sup>62</sup> Peñate, Susana. (November 12, 2024). Bukele affirms that 8,000 innocent people arrested during the state of exception have been released. El Diario de Hoy.

<sup>63</sup> Sandoval, William. (February 22, 2024). 1,065 juveniles have already been convicted during the state of exception. La Prensa Gráfica. <https://www.laprensagrafica.com/elsalvador/1065-menores-de-edad-ya-fueron-condenados-durante-el-regimen-de-excep-cion-20240222-0042.html>

<sup>64</sup> Urbina, Javier. (June 14, 2022). State of exception doubled the prison population. La Prensa Gráfica. <https://www.laprensagrafica.com/elsalvador/Regimen-de-excepcion-duplico-la-poblacion-carcelaria-20220613-0067.html>

<sup>65</sup> Bernal, David. (March 19, 2025). El Salvador spends \$5.90 per day on domestic detainees and will have \$54.80 per day for each deportee. La Prensa Gráfica. <https://www.laprensagrafica.com/elsalvador/GOES-invierte-5.9-diaros-en-privados-de-libertad-local-les-y-dispondra-de-54.8-diaros-para-deportados-20250319-0080.html>

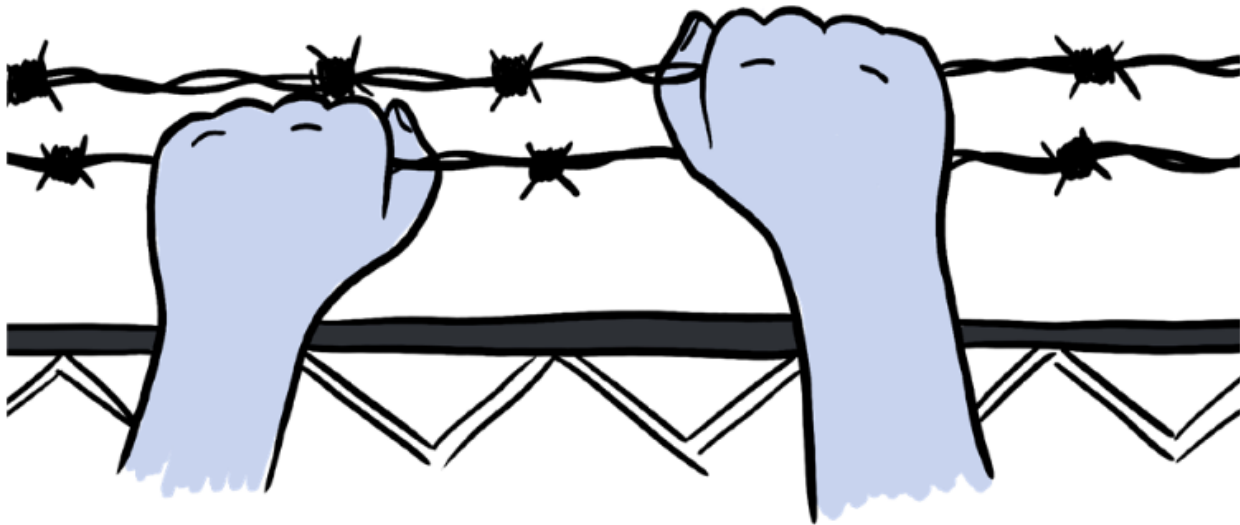
<sup>66</sup> Bernal, D. (June 11, 2024). 2,000 detainees moved to CECOT, the Salvadoran mega prison that now holds 14,532 inmates. La Prensa Gráfica. <https://www.laprensagrafica.com/elsalvador/Trasladan-2000-privados-de-libertad-al-CECOT-el-megapenal-de-El-Salvador-que-ya-llego-a-la-cifra-de-14532-reclusos-20240611-0083.html>

<sup>67</sup> This data point does not represent the percentage of overcrowding in CECOT, rather the proportion of its capacity that is currently being used.

Prison overcrowding has historically been a problem for the country, however, the mass detention of individuals has led to new overcrowding and overpopulation conditions. Despite the absence of official data, the estimates provided show overcrowding at nearly 370% in detention centers, with the exception of CECOT. Further, if all of the space in CECOT were used, taking into consideration the estimated incarcerated population to date, the country's penitentiary system would still have an overcrowding rate of 171.8%.

CECOT was built in 2023 to house members of gangs classified as extremely dangerous. This center, according to SSPAS news media monitoring, is the only one that is not experiencing overcrowding, currently at 37% capacity. In February 2025, President Bukele offered the use of Salvadoran prisons to detain individuals arrested in the United States,<sup>68</sup> in exchange for a payment per individual.

The offer became official on March 16, 2025 with the arrival of 261 individuals deported from the US of which 238 have been identified by the Salvadoran government as alleged members of the Venezuelan gang "Tren de Aragua," and 23 Salvadorans as members of the "MS" group.<sup>69</sup> Further, it is important to note that, according to US officials, of the 238 Venezuelans, 137 were deported under the Foreign Enemies Act, while the remaining 101 were deported through standard immigration procedures.<sup>70</sup>



<sup>68</sup> Labrador, G. (February 5, 2025). Bukele offers US overcrowded prisons that use torture. El Faro. [https://elfaro.net/es/202502/el\\_salvador/27730/bukele-ofrece-a-ee-uu-carceles-hacinadas-en-las-que-se-tortura](https://elfaro.net/es/202502/el_salvador/27730/bukele-ofrece-a-ee-uu-carceles-hacinadas-en-las-que-se-tortura)

<sup>69</sup> Bernal, David. (March 19, 2025). El Salvador spends \$5.90 per day on domestic detainees and will have \$54.80 per day for each deportee. La Prensa Gráfica.

<sup>70</sup> La prensa Gráfica editorial. (March 20, 2025). CBS News reveals the name of everyone the US deported to El Salvador. La prensa Gráfica <https://www.laprensagrafica.com/internacional/CBS-News-revela-los-nombres-de-todos-los-deportados-de-EUA-a-El-Salvador-20250320-0055.html>

## 3.2 Deaths in custody

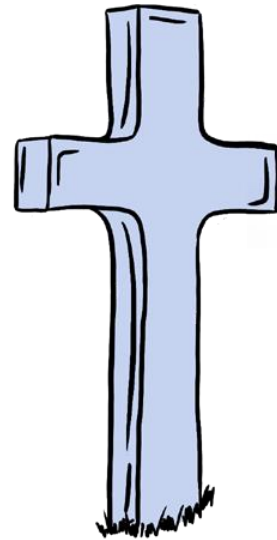
According to the report "El silencio no es opción" ("Silence is not an option") published by Cristosal, from March 27, 2022, through April 15, 2024, 265 deaths in state custody had been recorded, including 261 adults and four children.<sup>71</sup> Of these, 75% had been imprisoned in detention centers.

Regarding these deaths, the Salvadoran government has denied that "torture and violent deaths occur in detention centers" among incarcerated individuals under the state of exception, disavowing all responsibility for these incidents.<sup>72</sup> In this regard, the Inter-American Court of Human Rights has been emphatic in affirming that "the most important judicial consequence generated by this guarantor situation is the presumption *iuris tantum*, that is that the State is internationally responsible for violations of the right to life or personal integrity committed against individuals in its custody, unless the State can nullify such legal presumption with sufficiently effective evidence."<sup>73</sup>

In this regard, between April 2022 and December 2024, SSPAS has documented, through media monitoring, the deaths of 278 individuals in State custody. This does not represent the total number of deaths in State custody, however; despite the absence of official statistics and information, the known information regarding deaths in custody is presented below

### 3.2.1 Gender of individuals who died in custody

Of all recorded cases, 77.3% were men and 6.8% women, while in 15.8% of cases, such information could not be identified in news reports.

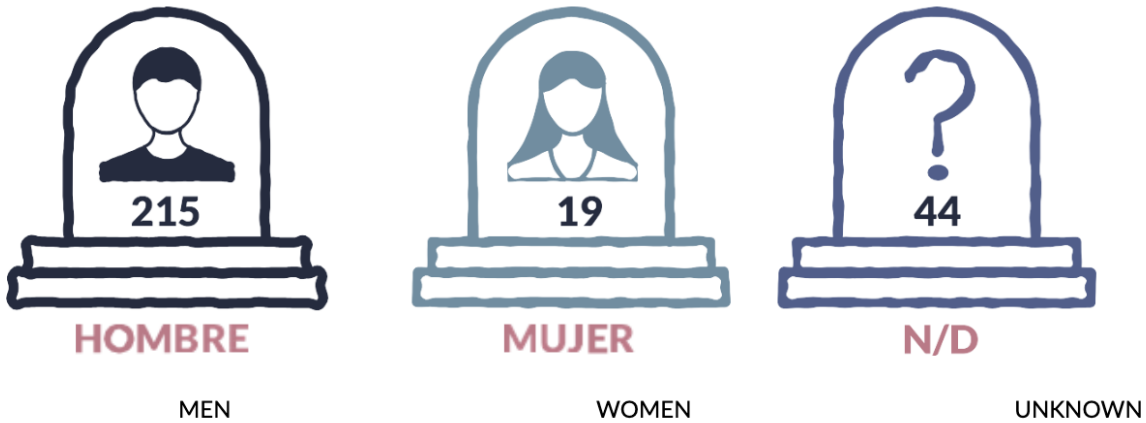


<sup>71</sup> Cristosal (2024). Silence is not an option.

<sup>72</sup> Dimas, A. (July 13, 2024). Before the IACHR, government denies deaths and torture under the state of exception despite evidence. FOCOS. <https://focostv.com/gobierno-nego-ante-la-cidh-muertes-y-torturas-del-regimen-pese-a-evidencias/>

<sup>73</sup> Cristosal (2024). Silence is not an option.

**Graphic 11: Deaths in state custody by gender, 2022-2024**



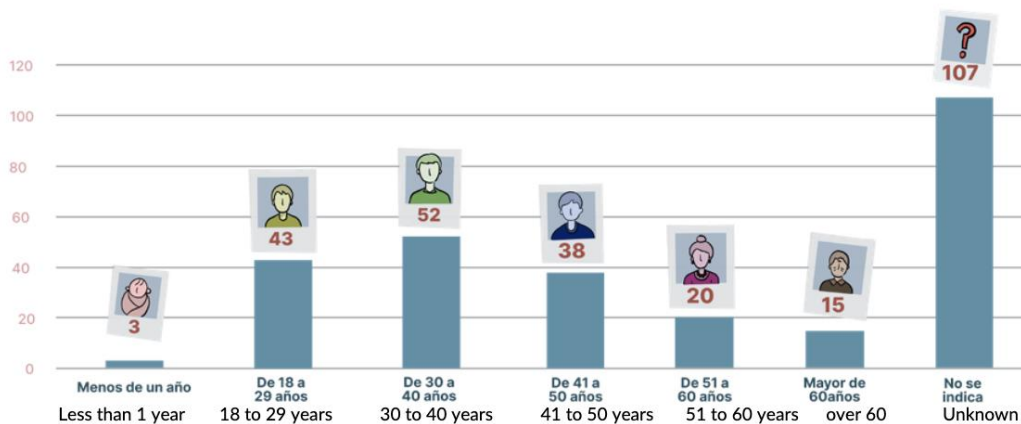
Source: SSPAS monitoring of social and news media.

### 3.2.2 Ages of individuals who died in state custody

Of all persons who died in State custody, no information is available in 38.49% of cases. However, from the available records, it is known that the majority of those who died in custody were young people and adults of reproductive age. Of these, 18.71% were between 30 and 40 years of age, followed by 15.47% between 18 and 29 years of age. Third, 13.67% were between 41 and 50 years of age, and 7.19% were between 51 and 60 years of age. Finally, 5.40% were seniors and 1.08% were under one year of age.

These data suggest a significant impact among the youth and adult populations, which raises questions about the conditions in detention centers and risk factors associated with death in the penitentiary system.

**Graphic 12: Individuals who died in state custody by age range 2022-2024**

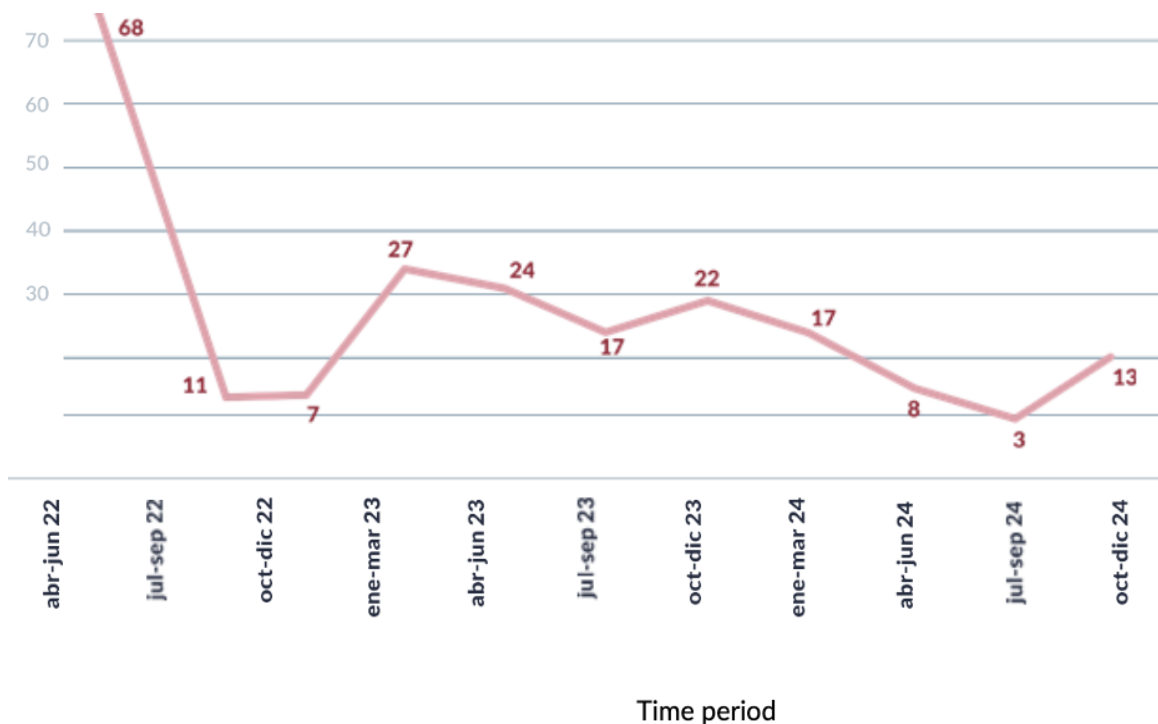


Source: SSPAS monitoring of social and news media.

### 3.2.3 Month and year of death

Regarding the timeline for these deaths in State custody, the largest number of cases was recorded during the first four months of the state of exception's implementation. From April to June 2022, 31.3% of these deaths were recorded, with another increase seen in the first half of 2023, when 23.5% of cases were recorded. In 2024, a decrease in cases was recorded, based on media monitoring, with 18.9% of cases. This trend suggests a significant concentration of deaths in the first years of the state of exception, in addition to the conditions in detention centers, which have not provided the necessary protection to prevent these deaths.

**Graphic 13: Deaths of individuals in state custody by month and year 2022-202**



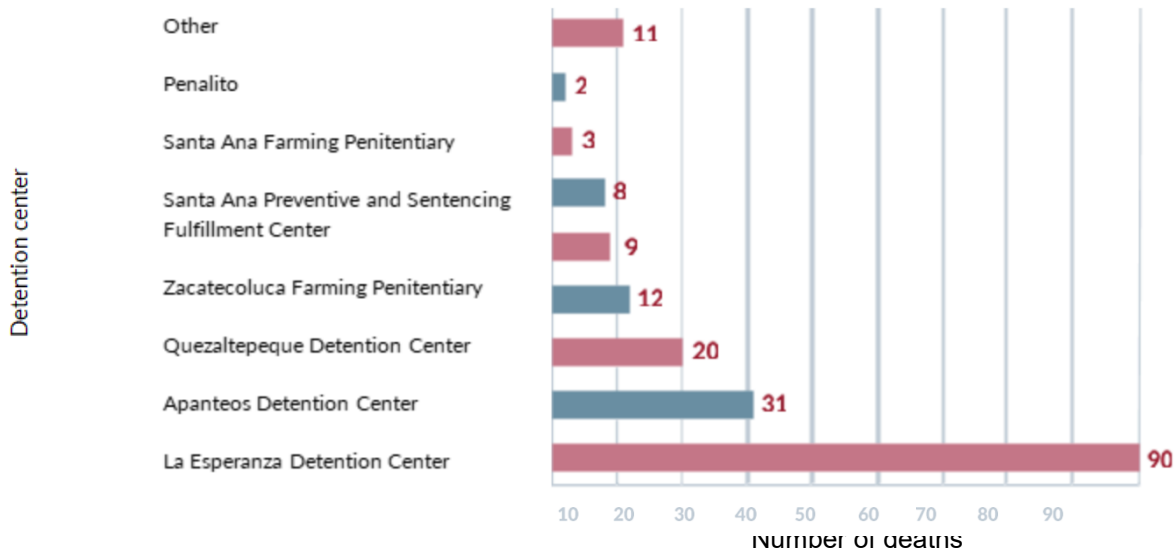
Source: SSPAS monitoring of social and news media.

Note: graphic does not include 61 cases for which the date of death is unknown.

### 3.2.4 Detention centers in which deaths occurred

Of the 186 cases in which the location of the victim was known prior to their death, the detention centers with the greatest number of deaths recorded between 2022 and 2024 were the Izalco Detention Center, with 90 deaths, followed by La Esperanza Detention Center, where 31 cases were recorded. Ranking third was the Apanteos Detention Center, with 20 deaths, followed by the Quezaltepeque Detention Center, with 12 cases. However, in 92 cases information was not obtained on the place of death.

**Graphic 14: Deaths in state custody under the state of exception by detention center**



Source: SSPAS monitoring of social and news media.

Note: graphic does not include 92 cases for which the date of death is unknown.

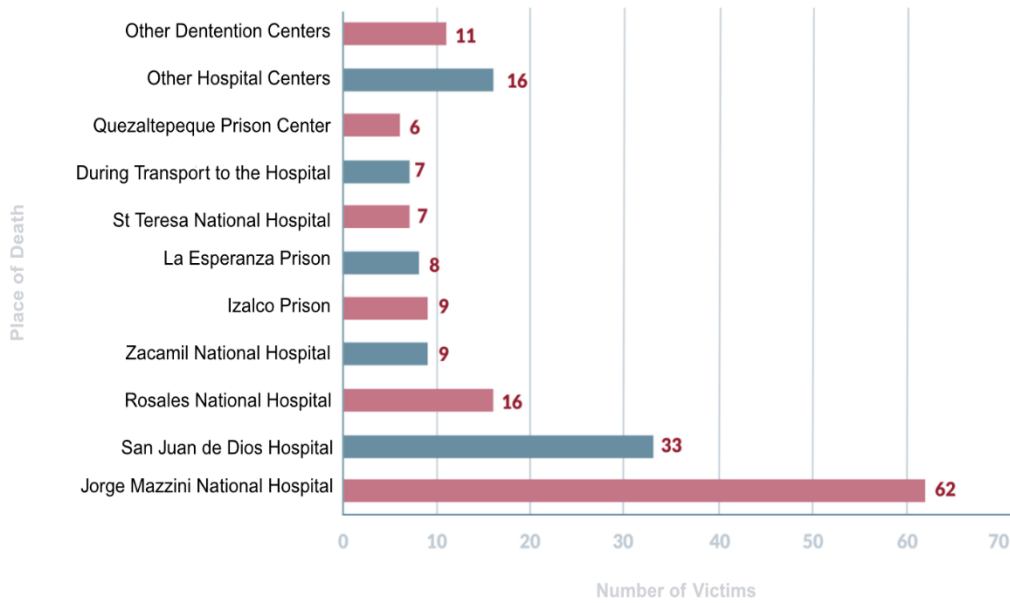
### 3.2.5 Place of Death

The deceased were in state custody in the aforementioned prisons. However, the deaths may have occurred in detention centers, hospitals, or during transfers. Media monitoring recorded 18.5% of the deaths within prisons, while the majority of deaths occurred in hospitals, accounting for 77.7%. Furthermore, it was reported that 3.8% of the deaths occurred during the transfer to a hospital. In 94 cases, there is insufficient information regarding the place of death.

Among hospitals, the centers that recorded the highest number of deaths were the "Dr. Jorge Mazzini Villacorta" National Hospital, with 33.7% of deaths, followed by the San Juan de Dios National Hospital, with 17.9% of cases, and the Rosales National Hospital, with 8.7% of total cases.

Regarding deaths within prisons, the Izalco Penitentiary Center reported the highest number of deaths, accounting for 4.9% of the total, followed by the La Esperanza Penitentiary Center, with 4.3%, and the Quezaltepeque Penitentiary Center, with 3.3% of the deaths. These data suggest that a significant portion of deaths occur after the transfer to hospitals, which could be related to the lack of timely medical care within prisons.

## Graphic 15: Deaths in custody under the emergency regime by Place of Death



Source: Monitoring of SSPAS social networks and media.

Note: The graph does not include 94 cases for which birth dates are not know

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# Situation of Persons Placed Under Alternative Measures to Detention



Since the implementation of the emergency regime on March 27, 2022, the human rights organizations that signed this report have recorded 36 cases of people detained under the emergency regime who have been released under alternative measures to provisional detention (hereinafter, "people released under alternative measures"). This number of cases does not represent the total number of people who have been released under measures so far under the emergency regime, as according to official figures, 8,000 people have been released to date.<sup>74</sup>

Many of these arrests have been carried out under the imposition of daily quotas, anonymous accusations, and discriminatory factors such as having tattoos or residing in communities stigmatized by poverty and gang violence. This represents serious human rights violations committed under the state of emergency, reflecting a widespread pattern of state abuse that includes thousands of arbitrary arrests, the adoption of a policy of torture in detention centers, and hundreds of deaths in state custody.<sup>75</sup>

## 4.1. Cases of people released under measures

As mentioned above, these data do not represent all individuals released under alternative measures under the emergency regime. However, for the purposes of this report, we seek to document the main demographic characteristics, the prison conditions in which the direct victims were held, and the possible human rights violations committed. Likewise, an effort has been made to highlight the impact on the families of the detainees.

This section presents a consolidated list of cases of individuals released under alternative or substitute measures to provisional detention who were detained under the emergency regime and have been registered by human rights organizations from March 2022 to January 2025. Human rights organizations registered a total of 36 cases of individuals released under alternative measures, which for the purposes of this report will be considered direct victims.

### 4.1.1. Duration of Detention of Direct Victims

Regarding the date of arrest, 77.8% of the recorded cases occurred in 2022, with April and June being the months with the majority of arrests. For 2023, only three cases were recorded, and for 2024, only five cases were documented. This trend coincides with the mass arrests reported in the first months of the emergency regime.<sup>76</sup>

<sup>74</sup> EFE. (December 4, 2024). Salvadorans released under the state of emergency are not recognized as victims, says Idhuca: "It is necessary to undertake comprehensive reparations." La Prensa Gráfica. <https://www.laprensagrafica.com/elsalvador/Salvadorenos-liberados-en-regimen-de-excepcion-no-son-reconocimientos-como-victimas-dice-el-Idhuca-Es-necesario-emprender-reparaciones-integrales-20241204-0053.html>

<sup>75</sup> Amnesty International (December 20, 2024). El Salvador: A thousand days of state of emergency, a "security" model at the expense of human rights. <https://www.amnesty.org/es/latest/news/2024/12/el-salvador-mil-dias-regimen-excepcion-modelo-seguridad-a-costa-derechos-humanos/>

<sup>76</sup> Supreme Court of Justice (2025). Compilation of legislative decrees on the state of emergency 2022-2025. <https://www.jurisprudencia.gob.sv/DocumentosBoveda/D/2/2020-2029/2022/03/EE856.PDF>

**Graphic 16: Date of arrest of the direct victim**



Source: Prepared with data obtained from cases of individuals released under alternative measures who were detained during the CSO-Human Rights exception regime (2022-2025).

### 4.1.2. Territorial origin and place of detention of the direct victim.

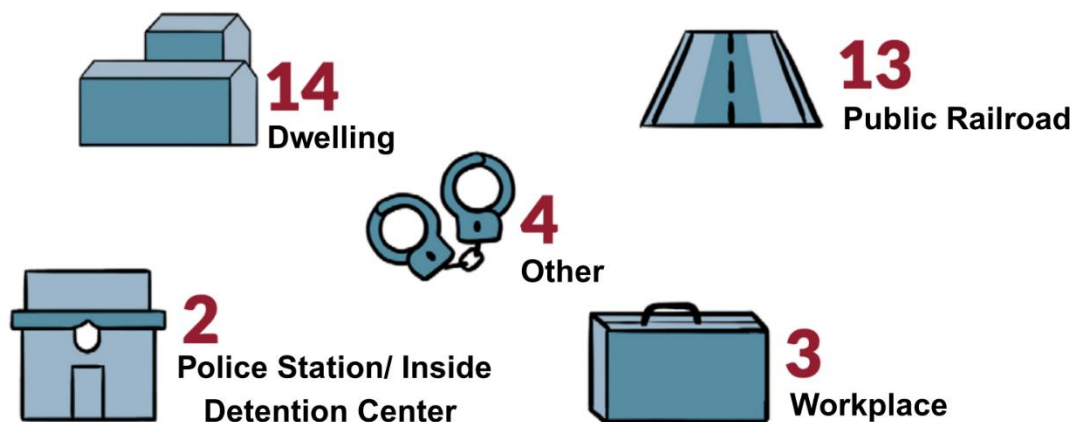
The arrests of direct victims under the state of emergency occurred in municipalities located in 12 departments of the country: San Salvador, La Paz, La Libertad, Chalatenango, Cabañas, Cuscatlán, San Vicente, Usulután, Santa Ana, Sonsonate, Morazán, and San Miguel.

Fifty percent of the arrests occurred in the department of San Salvador (18), with the municipalities of Central San Salvador (9) and East San Salvador (5) reporting the most cases. Similarly, the districts of Cuscatancingo, San Salvador, Soyapango, and San Marcos stood out as the places where the most direct victims were arrested. These last three districts are known to be areas where military cordons have been installed.

Military cordons are part of the fifth phase of the Territorial Control Plan. Some security experts have assessed that their implementation has received more media attention, serving to criminalize areas of the country, but also with possible low effectiveness due to the potential displacement of gang structures by permanently maintaining them in these locations.<sup>77</sup> Furthermore, they could have led to the arbitrary detention of people simply for residing in these areas.

<sup>77</sup> Urbina, J. (January 15, 2024). Military fences in El Salvador are not sustainable over time, according to experts. La Prensa Gráfica. <https://www.laprensagrafica.com/elsalvador/Cercos-militares-en-El-Salvador-no-son-sostenibles-en-el-tiempo-segun-expertos-20240114-0064.html>

**Chart 17: Place of detention of the direct victim**



Source: Prepared with data obtained from cases of people released under alternative measures who were detained during the CSO-HR exception regime (2022-2025).

On the other hand, the suspension of the right to be informed of the cause of arrest has led to a considerable number of arbitrary arrests and violations of due process. Regarding the location where arrests occurred most frequently, 38.9% of the cases were in the victims' homes, without any arrest warrant. This situation has been verified in the victims' testimonies.

*“ They told me: get on the floor. And they entered the room and surrounded me, with all their weapons pointed, as if there was a criminal there, but not even criminals could be attacked like that. They ransacked the entire house, searched everything, left everything lying around, and everything was in front of my children. They asked me about “the men of the house,” and I explained that I only lived with my children and my mother. They told me they were going to take us all for criminal associations.” (Testimony 3, pregnant woman)*

*“During the morning, the police officers came to my house to ask for my DUI and to tell me that, following a complaint from two neighbors, I was under arrest.” (Testimony 3, pregnant woman)*

Secondly, cases have been reported where people were detained in public places (36.1%), followed by workplace arrests (8.3%). In 94.4% of the reported cases, there was no arrest warrant, and arbitrary arrests by security officers were possible.

Two cases were also reported where the arrest occurred while already in a police station or detention center. Some of the people interviewed indicated that they were tricked into going to the police stations, as described in the following testimony:

*“They told me I had to accompany them to the police station to confirm information. Later, I realized it was the typical lie they told everyone. I think my mistake was being on the street and not inside the house, because once they take you to the police station, you never come back.” (Testimony 5, man with a disability)*

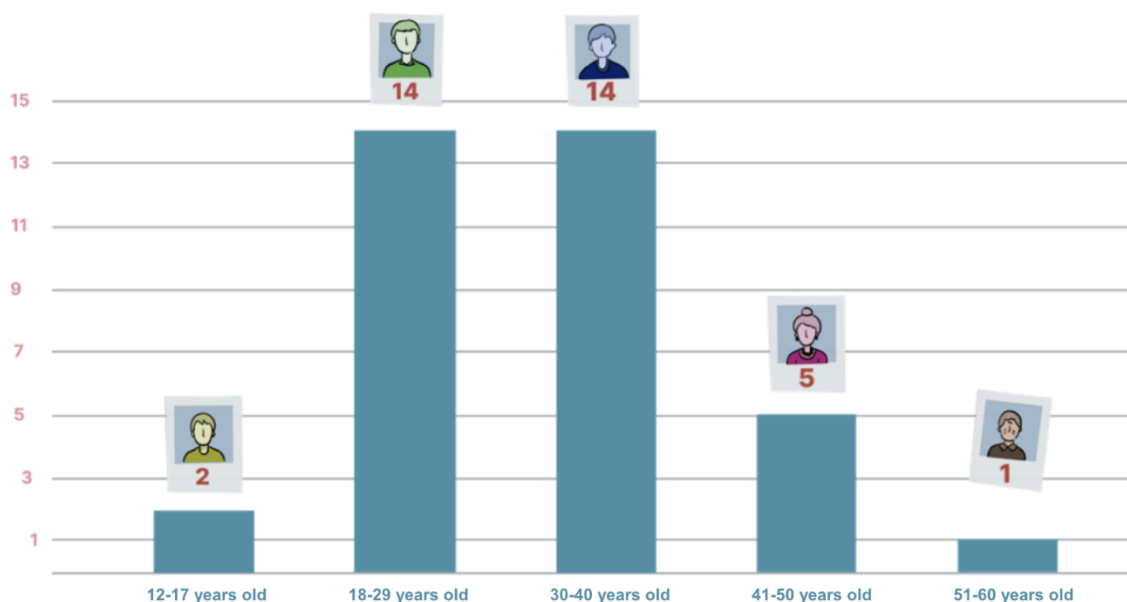
There have also been reports of arrests at police checkpoints, markets, and schools. Of the 36 cases, two involved the arrest of adolescents.

## 4.2. Characterization of direct victims

The following section presents the main characteristics of the victims registered by human rights organizations who have been released under alternative measures to provisional detention. As mentioned above, 36 direct victims were reported.

### 4.2.1. Age range of the victims

**Chart 18: Age range of direct victims**



Source: Prepared with data obtained from cases of people released under alternative measures who were detained during the CSO-HR exception regime (2022-2025).

According to the age variable, 38.9% of arrests were of young people between the ages of 18 and 29, the same percentage (38.9%) was recorded for people between 30 and 40 years old, and 16.7% of cases were between 41 and 60 years old. An important fact was that cases were reported in two priority population groups for protection: children and adolescents (5.6%).

## 4.2.2. Gender and sexual orientation

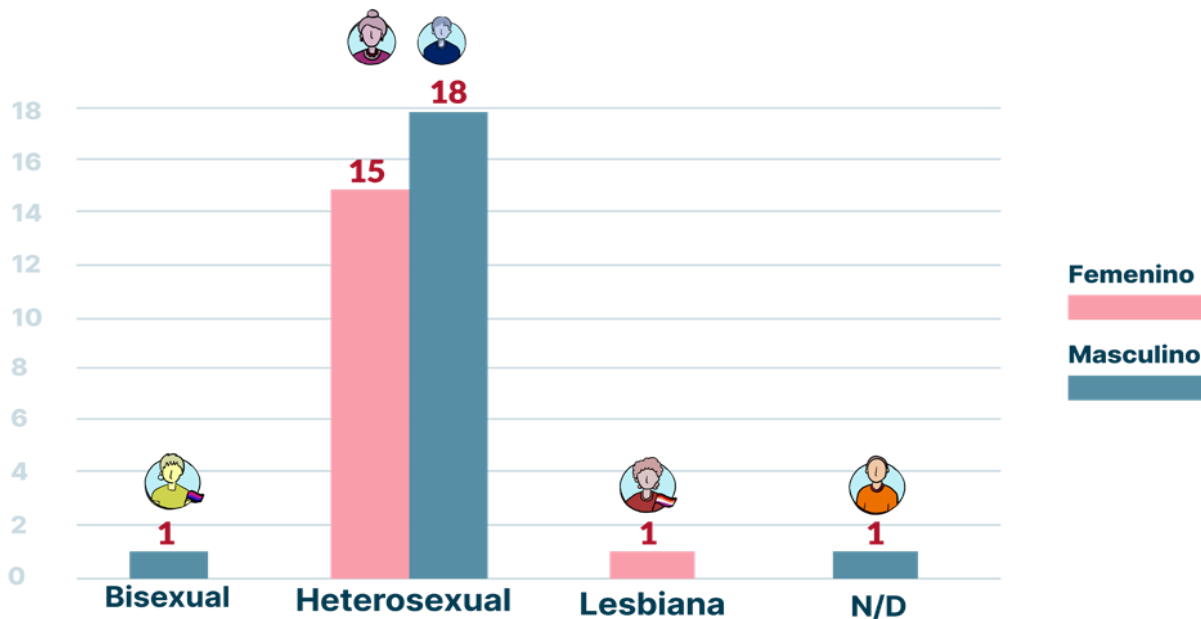
According to case records, 55.6% of the victims identified as male and 44.4% as female. 2.8% did not provide information. Regarding sexual orientation, 91.6% identified as heterosexual, one as bisexual, and one as lesbian. In only one case was the victim's sexual orientation unidentifiable.

According to the total number of registered cases, 44% were women (including diverse women), which implies that this group experiences differentiated impacts due to their specific characteristics and needs, such as the lack of adequate conditions for personal hygiene in prisons and basic sexual and reproductive health needs.

In the reported cases, three women were pregnant, yet they lacked access to prenatal checkups and medication within the prison system. These particular situations continue to perpetuate various forms of violence against women.

*"When we arrived, my companion, who was in front, fell on her stomach, and the guard did nothing to help her. She told me let her get up on her own; I couldn't help her. She was pregnant, as if she were a worm, she wriggled to get up, until she managed to get up"*  
**(Testimony 3, pregnant woman)**

**Chart 19: Gender and sexual orientation of direct victims**



Source: Prepared with data obtained from cases of people released under alternative measures who were detained during the CSO-HR exception regime (2022-2025).

The recorded cases and collected testimonies reveal discriminatory treatment of LGBTIQ+ people, where the State failed to guarantee respect for their identities, created risky conditions, and directly attacked the LGBTIQ+ population.

*“It was 11:00 at night, and all they told us was, ‘Everyone in boxers!’ Because they treat us like men, everyone in boxers.” (Testimony 1, trans woman)*

*“...they started to abuse me vulgarly, saying that you “assholes” are undesirable, so you have to be put away. Because you are like this, in the eyes of society, we don’t want you here.” (Testimony 1, trans woman)*

### 4.3. Arbitrary detentions

This section describes the state agents identified as responsible for the arrests. It also presents information on the crime for which the victims were detained and the length of time the individuals were detained.

#### 4.3.1. Institution responsible for the detention of the direct victim

According to the information collected, the National Civil Police is the institution identified as responsible for the arrests of victims. If the participation of the PNC in conjunction with the FAES is added to this percentage, the latter would be responsible for 91% of the arrests. The FAES only reports its participation in 24.9% of the arrests in the cases recorded by human rights organizations. To a lesser extent, cases have been reported where the people who carried out the arrest were detectives.

**Chart 20: Institution responsible for the detention of the direct victim**



Source: Prepared with data obtained from the cases of people released under alternative measures detained during the OSC-DDHH exception regime (2022-2025).

### 4.3.2. Possible reasons for the arrest of the direct victim

36.1% of the victims identified their arrest as due to living in a stigmatized area, followed by anonymous reporting (22.2%) and police patrols (22.2%). It is important to note that retaliation by the PNC/FAES (National Police Force) represents 19.4% of the possible reasons for arrest.

Likewise, one case was reported where the arrest was due to reporting the arrest of other family members. The victim's family reported the harassment and police persecution they were receiving. This led to their family members also being detained, as shown in the following story:

*“When I got out, they told me about the arrest of my father and brother. My family was at the family business when the police arrived and took them away” (Testimony 3, pregnant woman).*



**Table 5: Possible reasons for the arrest of the direct victim**

Possible Reasons for Arrest	Frequency
Police Patrol	8
Prior Investigation of Personal Information	2
Retaliation by PNC/FAES	7
For Reporting the Arrest of Family Members	1
Anonymous Report	8
For Having Tattoos	3
For Living In a Stigmatized Area	13
Retaliation by Neighbors	3
Home Invasion	4
For Criminal Record	4
Activism/Community Work	2
Others	2
N/A	1

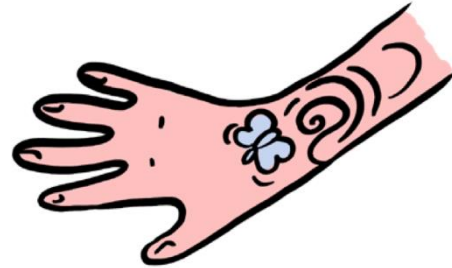
Source: Prepared with data obtained from cases of people released under alternative measures who were detained during the CSO-HR exception regime (2022-2025).

Note: One direct victim (36) may have been detained for more than one reason.

Less frequently reported were cases of arrests for having tattoos (3), retaliation by neighbors (3), home invasions (4), and criminal records (4), among others. Two cases were also reported in which people were arrested for their activism and community work (2).

*“...I told them they can't arrest us because we are a legally constituted NGO with an official newsletter and legal status. Article 29 states that we are an entity, that we are excluded from the regime. – You shut up, I don't want to hear it.” (Testimony 2, female human rights defender)*

Of the total cases registered, only two reported that an arrest warrant had been issued at the time of arrest. No arrest warrant was issued in the remaining 34 cases.



Despite the lack of an arrest warrant or prior investigation, 86.1% of the victims were arrested for the crime of criminal association. This was followed by gang collaboration at 33.3%, and in third place was terrorist association at 8.3%.<sup>78</sup>

According to social organizations such as Cristosal, in the vast majority of cases, arrests are based on previous police records or anonymous reports, without prior investigation and without any evidence directly linking the detainees to specific crimes or criminal organizations. Despite this, the FRG has widely used the charge of Illicit Assembly (Article 345 of the Criminal Code), but it does so without factual basis and without complying with the legal and jurisprudential standards required.<sup>79</sup>

Given this situation, Marvin Reyes, leader of the National Civil Police Workers Movement (MTP), stated that at the beginning of the state of emergency, National Civil Police personnel were required to set quotas for the number of people detained per day, which led to abuses by members of the institution.<sup>80</sup>

Regarding this situation, in January 2025, the media reported that a police officer had been arrested for several crimes, including possible arbitrary detentions of individuals with no ties to gangs carried out within the framework of the state of emergency.<sup>81</sup>

It has also been reported that many of these arrests were made in exchange for payments or bonuses, as shown in the following testimonies:

<sup>78</sup> Una persona pudo haber sido acusada de uno o más delitos.

<sup>79</sup> CRISTOSAL. (2024). El silencio no es opción. Investigación sobre las prácticas de tortura, muerte y justicia fallida en el régimen de excepción.

<sup>80</sup> EFE. (27 de julio de 2023). La Policía estableció “cuotas de detenidos” en El Salvador, según dirigente de movimiento. La Prensa Gráfica. <https://www.laprensagrafica.com/elsalvador/La-Policia-establecio-cuotas-de-detenidos-en-El-Salvador-segun-dirigente-de-movimien-to-20230727-0076.html>

<sup>81</sup> Beltrán Luna, J. (20 de febrero de 2025). Capturan a policía señalado de capturar inocentes bajo el régimen de excepción. El Diario de Hoy. <https://www.elsalvador.com/noticias/nacional/policia-capturado-acusado-encarcelar-inocentes-regimen-excepcion/1201458/2025/>

"They explained to me that they had taken me because of a bonuses they were given, \$150, which they were grabbing left and right. so we understood. But I tell you, the majority of us are in because they have taken the bonuses because of the regime." (**Testimony 1, trans woman**)

"...They asked us for a meeting... in which they threatened us by saying that we would be detained by police officers being paid bonuses" (**Testimony 2, female human rights defender**)

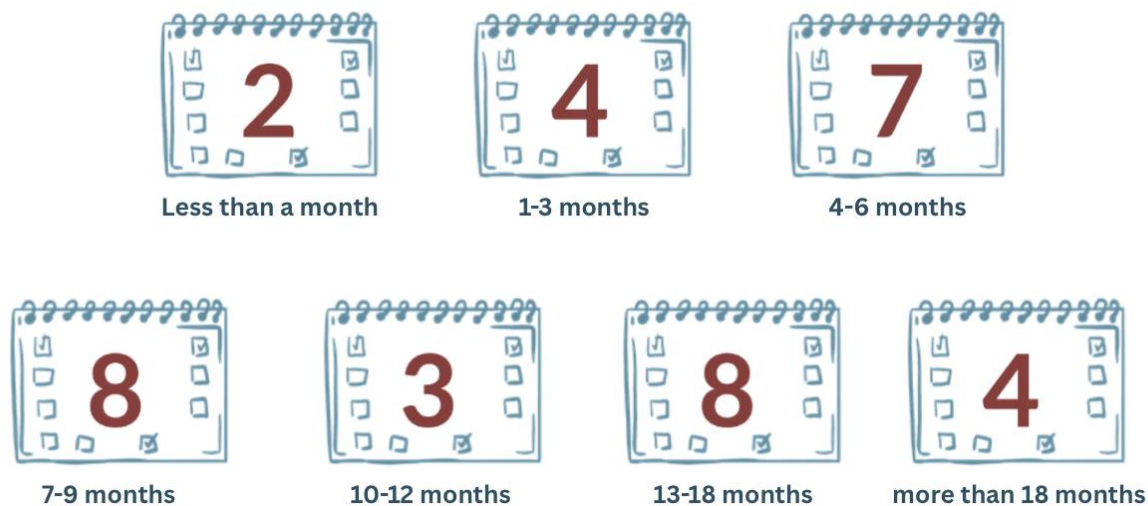
"...They asked us for a meeting... in which they threatened us by saying that we would be detained by police officers being paid. bonuses" (**Testimony 2, female human rights defender**)

The testimonies and recorded cases reveal possible arbitrary arrests under the state of emergency, highlighting the detention of individuals based on social stigma and the criminalization of poverty, as well as arrests based on anonymous complaints or discriminatory factors such as having tattoos. The imposition of quotas or financial benefits for security agents is also evidence of the irregular and illegal operation of this state policy.

### 4.3.3. Time of deprivation of liberty of the direct victim

Regarding the time the direct victims spent in detention, 30.5% spent between 1 and 6 months in detention. The same proportion, 30.5% spent between 7 and 12 months in detention, and the remaining third (33.3%) of victims spent more than a year in a detention center. Only two cases of adolescents who spent less than a month in detention were recorded.

**Chart 21: Time of deprivation of liberty of the direct victim**



Source: Prepared with data obtained from the cases of people released under alternative measures detained during the OSC-Human Rights exception regime (2022-2025).

Considering that many of these arrests were carried out without meeting quality standards, verification of evidence, and due process, many people faced the possibility of spending more than a year suffering inhumane conditions, torture, cruel, inhuman, and degrading treatment, as well as irregular judicial proceedings.

*“...I spent 15 months in that hell and I'm only telling you the things that stand out, because a day inside Mariona is a day of overcrowding, illness, hunger, beatings and great psychological torture” (Testimony 4, young man)*

In view of this situation, the IACHR has recommended that the Salvadoran State "develop and implement a comprehensive reparation plan for victims of human rights violations perpetrated within the framework of detentions under the state of emergency, taking into account the gender perspective and the intersectionality of other factors of vulnerability and discrimination.”<sup>82</sup>

Human rights organizations have also emphasized that individuals captured under the regime and released under alternative measures, who also remain in open criminal proceedings, are not being recognized as victims of arbitrary detention by the Salvadoran State.<sup>83</sup> This, in turn, complicates the provision of comprehensive reparations to direct victims and their families.

#### 4.4. Prison conditions in detention centers

This section presents testimonies and statistical data on the conditions to which individuals were subjected during their stay in the country's various prisons. These conditions include access to food and water, sleeping conditions and spaces, sanitary conditions, overcrowding, among others.

##### 4.4.1. Detention centers where the victims were held

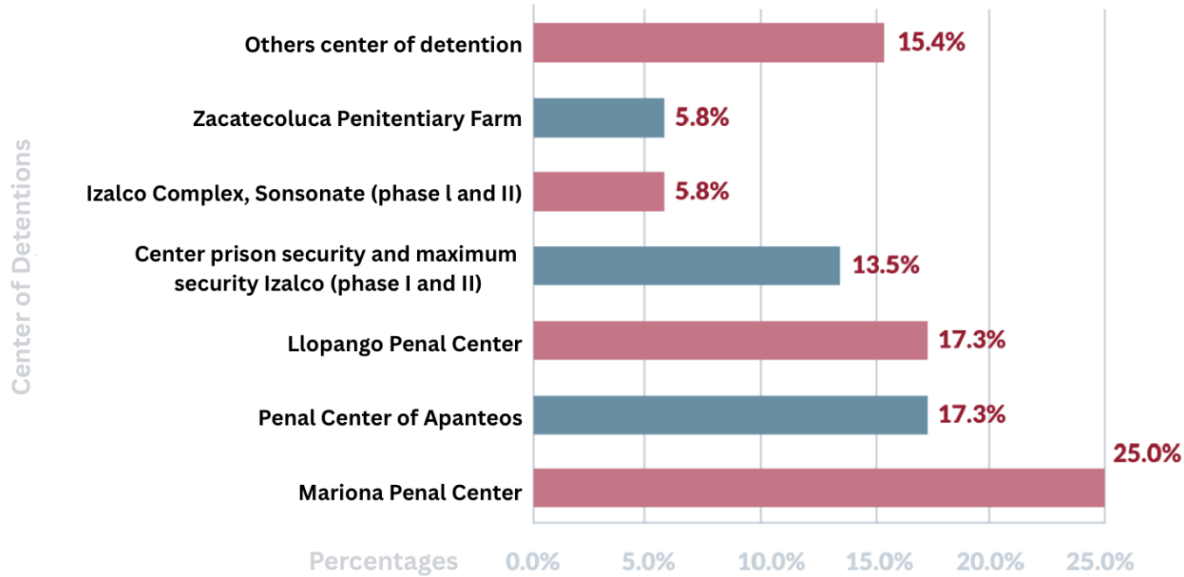
The following graphic indicates the centers where the direct victims were held. It is important to note that some were transferred two or three times to different prisons during their time in custody.



<sup>82</sup> Inter-American Commission on Human Rights. (2024). Report on the State of Exception and Human Rights in El Salvador.

<sup>83</sup> Efe (December 9, 2024). Salvadorans released under the state of exception are not recognized as victims by the State. La Prensa Gráfica. <https://www.laprensagrafica.com/Salvadorenos-liberados-en-regimen-de-excepcion-no-son-reconocimientos-como-victimas-por-el-Estado-vy202412050002.html>

**Chart 22: Prisons where the victims remained**



Source: Prepared with data obtained from cases of individuals released under alternative measures detained during the OSC-Human Rights exception regime (2022-2025).

Note: One direct victim (36) may have been detained in more than one prison.

The prison where direct victims were most frequently detained was the La Esperanza Penitentiary Complex (known as Mariona), with 25% of the recorded cases. This was followed by the Apanteos Women's Preventive and Sentence Serving Center (17.3%), and the Ilopango Preventive, Sentence Serving and Security Center (17.3%). In fourth place is the Izalco Maximum Security Penitentiary, with 13.5% of the recorded cases. These most frequently occurring prisons have been described as detention centers with significant overcrowding rates.<sup>84</sup> According to SSPAS projections, current overcrowding is estimated to be over 300%.<sup>85</sup>

Below are accounts from victims about the conditions in which they were held in the aforementioned prisons.

### La Esperanza Penitentiary Complex (known as Mariona)

*“...the next day they took us to Mariona. There, the reception was the most terrible thing that could happen to anyone. We arrived around seven at night, but they didn't receive us until 11. When they transferred us, they had run out of handcuffs, so a group of us had our hands*

<sup>84</sup> Espinoza, C. & Segura, E. (May 28, 2022). Incarceration rate exceeded 1.7% of the population under the state of emergency. La Prensa Gráfica. <https://www.laprensagrafica.com/elsalvador/Encarcelamiento-sobrepaso-el-1.7-de-la-poblacion-por-regimen-de-excepcion-20220527-0087.html>

<sup>85</sup> Espinoza, C. & Segura, E. (May 28, 2022). Incarceration rate exceeded 1.7% of the population under the state of emergency.

*... tied with plastic straps. We were there for about ten hours, and I remember that the circulation in my hand... There was a time when I couldn't feel my hands anymore because of how tight they were bound. When they finally brought us in, a commander appeared and said, "Welcome to hell, here we're going to make you cry." Then they had us kneeling on the field from around 11 p.m. until 1 a.m. That's how the party began, as they said." (Testimony 4, young man)*

*"The difference is that in Mariona, everything was dark; we didn't know what time it was. In the area where I was, there's no light, only total darkness at night. You only know it's daytime by the sunlight. But at 6 p.m., there was no light anymore, only shadows." (Testimony 4, young man)*

## **Preventive and Sentence Serving Center for Women, Apanteos**

*"...I tell you, a complete shed like a chicken coop, like a normal chicken coop or like a maquila factory, like a pile of... but all rooted. And on top of that, the roof. Whenever it rained, we would get wet because as it poured down, all the water came in, and it was like normal rain was falling on us." (Testimony 2, female defense attorney)*

## **Ilopango Preventive Center and Center for the Execution of Sentences and Security**

*"They took me there, to Ilopango (...) that's where the suffering begins. That's when they shaved my head (with razor). They beat me with batons for about half an hour, kicking me and everything, and then I was left on my knees on the ground for another half hour. Several people who were being transferred to Ilopango spent half an hour kneeling in the sun, and then when they took me there was a bucket." (Testimony 1, trans woman)*

*"When we arrived at the women's prison in Ilopango, they treated us like the worst criminals. From the start, they threw buckets of water at us. Welcome to hell, they told us, welcome to hell, and go take a shower, you're all dirty, and you have to come in here clean. There were about 40 of us women at that moment alone." (Testimony 2, defender of women)*

*"In the cell, everything was scarce: food, water, everything. Only on the day there was going to be a hearing or something, then the day before they would take us out to wash our clothes so we could wear them white, they told us, because we were going before the judge. Other than that, they hardly ever took us out, just for the famous count. They would rush us out and have us standing there in the sun. There were older women there, and they didn't care." (Testimony 3, pregnant woman)*

## **Izalco Maximum Security Penitentiary Center**

*"After the cellblock, they took me to the Izalco prison, which was a maximum security prison. There, everything I suffered in Mariona was doubled. To tell you just one thing: in Izalco, they beat us every day." (Testimony 4, young man)*

### **4.4.2. Amount of food and water inside the prisons**

Regarding the amount of food provided to direct victims, 86.5% stated that they received insufficient food. Only two people (3.8%) stated that they received sufficient food inside the prisons. However, in 9.6% of the recorded cases, this information is unknown.

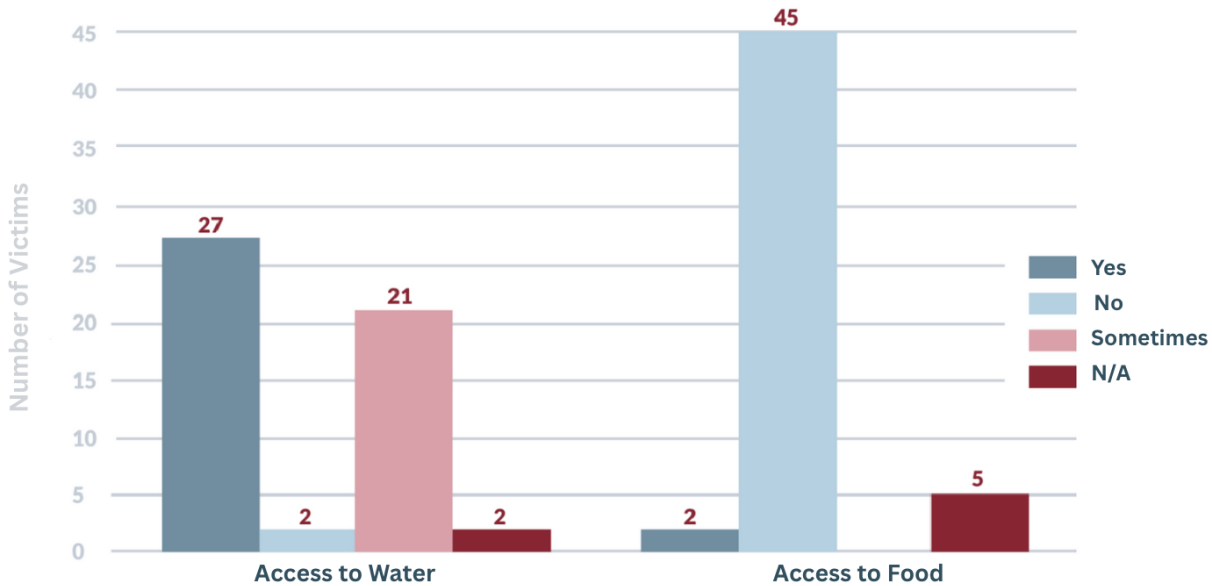
*“The first food I was given was a spoonful of beans, two tortillas, and a spoonful of rice. Everything came in a single dish in portions for four people which we called ‘the topper,’. The next meal came the next day, at two in the afternoon. They did not give us a set meal time each day.” (Testimony 4, young man)*

Regarding access to water, 51.9% reported having access; however, 40.4% did not receive water regularly, and two people (3.8%) reported never having received water during their stay in the prison. This information is not available in only two cases.

*“Water was also scarce. They put a bucket outside the cell, one of those used for paint. And only one glass. With that glass, we had to drink 4 ounces of water in the morning and 4 ounces of water at night. That was the only thing we got” (Testimony 3, pregnant woman)*

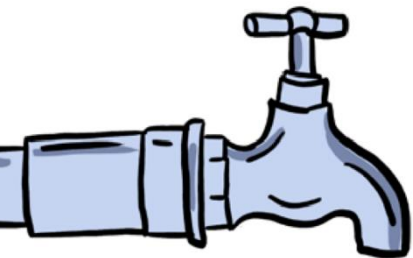
*“All day, sweating, not eating well, not drinking good water, because we used to drink from the tap... that's why people give in. And the people who are dying are the regime's people.” (Testimony 5, a man with a physical disability)*

**Chart 23: Access to water and access to sufficient food within prisons.**



Source: Prepared with data obtained from cases of people released under alternative measures who were detained during the CSO-HR exception regime (2022-2025).

Note: One direct victim (36) may have been detained in more than one prison.



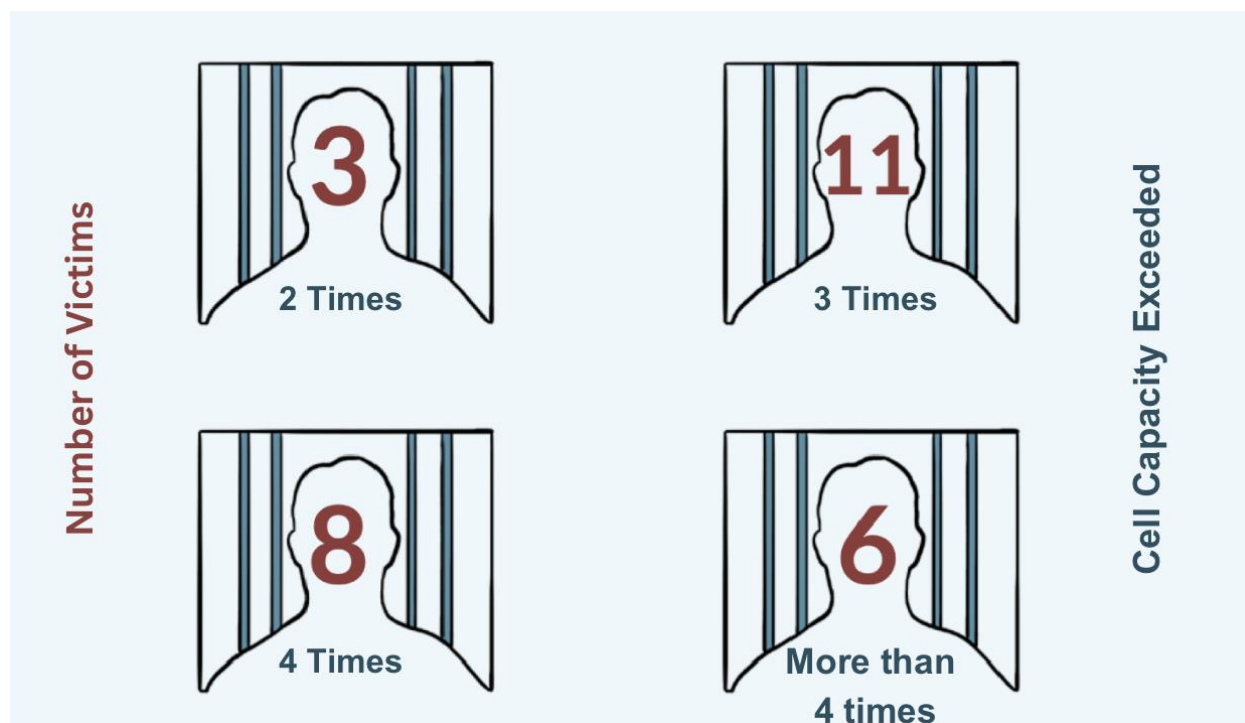
The lack of access to water also led to deplorable hygienic conditions, allowing diseases to spread among the people who remained in these detention centers.

*“To use the bathroom, we had to go in groups of 15. Often, there was no water, and we had to rely on what we could fill from buckets or urinate in those same buckets. There were people who, thirsty, couldn't wait and drank the urine of all the detainees there.”*  
**(Testimony 3, pregnant woman)**

*“We were without water, all those sick people, for 27 days. Can you imagine what torture that was like? How many diseases were there inside?”*  
**(Testimony 4, young man)**

### 4.4.3. Prison overcrowding according to direct victims

**Chart 24: Prison overcrowding according to the experiences of people released under alternative measures.**



Source: Prepared with data obtained from cases of people released under alternative measures who were detained during the CSO-HR exception regime (2022-2025).  
Note: One direct victim (36) may have been detained in more than one prison.

The graph above shows 28 cases in which it was possible to estimate the level of overcrowding the victims experienced during their detention. It can be seen that 39.3% of the victims stated that the cell they were held in exceeded three times its maximum capacity; that is, cells with a maximum capacity of between 10 and 30 people contained groups of up to 60 people.

In 28.6% of the cases, the cell exceeded four times its capacity; that is, the estimated space was for less than 60 people, but groups of more than 100 people were held there. In 21.4% of the cases, the cell exceeded five times or more its capacity; that is, the space for a maximum of 10 people was used for groups of between 10 and 100 people.

Victims' testimonies describe the cells as being overcrowded, with the number of people far exceeding capacity, leading to deplorable living conditions, with poor ventilation and natural light, unsanitary conditions, and the proliferation of diseases.

*"There were 800 women in the cell, but it quickly filled up, and we ended up with 1,200. The cell was a two-story rectangle, all fenced. There were stairs, but the lower section couldn't connect to the upper section." (Testimony 3, pregnant woman)*

*"They took out about 70 of us. That day, I do remember it was more relaxed, because we all managed to sit down. No one had beds or mattresses, but at least we could sit down. But two days later, they brought in another 50 people, because the regime kept bringing them in and bringing them in... The regime was just beginning." (Testimony 4, young man)*

*"There were 110 of us in a cell with a capacity for 30. It was terribly overcrowded. During the first week of detention, we didn't eat." (Testimony 4, young man)*

*"...there were about 345 of us, because we were all there. We were trans and transgender people. They're all mixed up now... The ventilation was through a small window; there was no door or anything, nothing. There was no way for us to breathe... We didn't have access, not even to sunlight or anything." (Testimony 1, trans woman)*

According to international principles,<sup>86</sup> penitentiary centers must have segmented spaces to separate persons deprived of liberty "according to their sex, age, the reason for their deprivation of liberty, the need for protection of life and integrity (...)". However, these recommendations are not being taken into account, as evidenced by the following testimonies.

*"In the cell where I was, which probably, if crammed, could fit 30 people, there were 97 of us. I was a civilian, but when they put us in there, there were all kinds of people. There were people with spots, people with disabilities, people from the South, there were all kinds. "God, what am I doing here?" I asked myself." (Testimony 4, young man)*

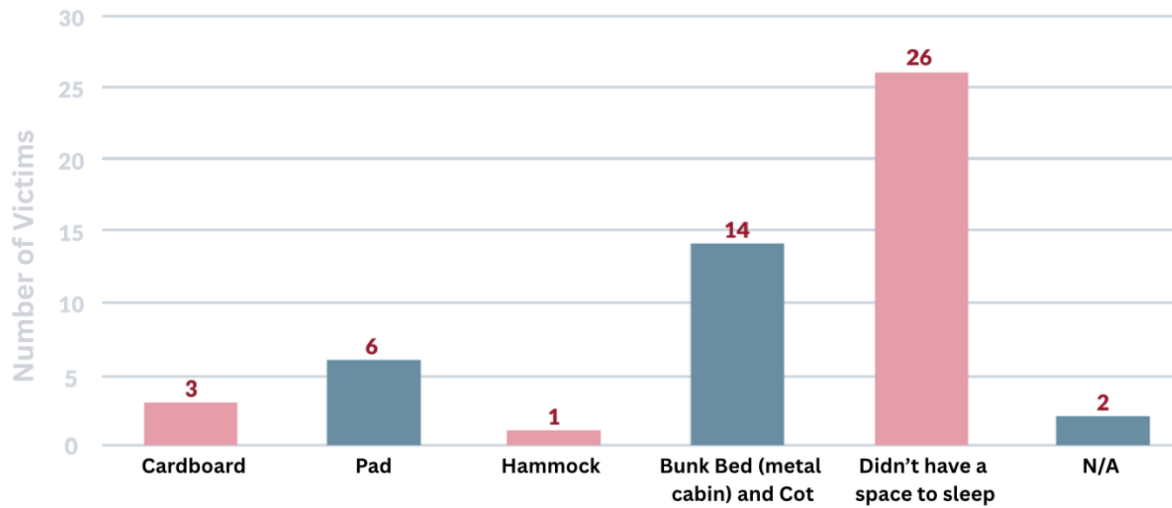
In this regard, the IACHR, in its Principles and Good Practices on the Protection of Persons Deprived of Liberty in the Americas, in relation to measures against overcrowding, establishes that "occupancy of an establishment above the established number of places shall be prohibited by law. When this results in a violation of human rights, it shall be considered cruel, inhuman, or degrading treatment or punishment. The law shall establish mechanisms to immediately remedy any situation of housing above the established number of places."<sup>87</sup>

<sup>86</sup> Inter-American Commission on Human Rights (IACHR) (2008). Principles and Good Practices on the Protection of Persons Deprived of Liberty in the Americas. <https://www.oas.org/es/CIDH/jsForm/?File=/es/cidh/mandato/basicos/principiosppl.asp>

<sup>87</sup> Comisión Interamericana de Derechos Humanos (CIDH) (2008). Principios y Buenas Prácticas sobre la Protección de las Personas Privadas de Libertad en las Américas. <https://www.oas.org/es/CIDH/jsForm/?File=/es/cidh/mandato/basicos/principiosppl.asp>

#### 4.4.4. Sleeping spaces according to the victims

Chart 25: Sleeping spaces according to victims.



Source: Prepared with data obtained from the cases of individuals released under alternative measures detained during the OSC-Human Rights exception regime (2022-2025).

Note: One direct victim (36) may have been detained in more than one penitentiary.

Regarding the sleeping space available to the victims, 50% were found to have no sleeping space. This was followed by 26.92% who slept on bunk beds (23.07%) and cots (3.85%). Only 11.5% had access to sleeping on a mattress. It is important to mention that due to overcrowding, many people had to share mattresses, bunk beds, or bunks. That is, although they had a designated sleeping space, it was sometimes shared with more people than expected, as evidenced in the testimonies.

*“On the two-person cot I was on, five of us slept. I slept in the middle, with the feet of two others on my sides. Others slept in hammocks hanging from the railings. During the day, we had to sit, spaced about 30 centimeters apart, because no one could stand, as standing blocked the airflow.” (Testimony 5, a man with a physical disability)*

*“The cots, instead of being for two, had three. For each cot they would assign 75 people. I slept there. There was the entrance gate, the cot was at the entrance gate. There were seven cells. In each cell there were two rows of cots. So, on each mattress, the women slept like this, three on each 1.20-meter mattress. (Testimony 2, defender of women)*

Although some people managed to find a shared sleeping space, others reported having to sleep on the floor, in some cases taking turns sleeping.

*“I spent five days sleeping on the floor, with nothing, until a girl tore a blanket to pieces and gave me part of it. One day I even fainted when we lined up, and then they discovered I was pregnant. With the piece of blanket they gave me, I managed to make a kind of hammock and spent three days there. I only got out for the count, because if I didn't go, I would be punished. The punishment was that they took us to a notorious cave, a room without light, where there were rats and cockroaches.” (Testimony 3, pregnant woman)*

*“On the first day, when we arrived at the cell, the guard who admitted us told us: “This isn't a hotel. Here you can figure out where you can place yourself and where you're going to sleep. You don't have the right to a blanket, you don't have the right to anything. You lose all your rights, because I remind you that we're under a regime, and under a regime, you don't have the right to anything, not even a lawyer or anything.” We had to sleep on the floor.” (Testimony 3, pregnant woman)*

In other cases, due to a lack of sleeping space, prisoners were sleeping in makeshift hammocks, which were unsafe and led to accidents resulting in fractures, as evidenced by the following testimonies:

*“...since there was no space, they put these boys and girls in, uh, hammocks. Like hammocks tied to this. Then the hammocks would come loose and fall to the ground. Then, one of those times, a cellmate fell. A girl. But of the two times I witnessed it, it was a boy with a cracked skull, and the other time the boy fell and broke his arm.” (Testimony 2, defender of women)*



According to the Principles and Good Practices on the Protection of Persons Deprived of Liberty in the Americas, the State “must provide a single bed, appropriate bedding, and other essential conditions for a good night’s rest to persons deprived of liberty in its custody.”<sup>88</sup>

<sup>88</sup> Inter-American Commission on Human Rights (IACHR) (2008). Principles and Good Practices on the Protection of Persons Deprived of Liberty in the Americas.

#### 4.4.5. Access to food and hygiene kits<sup>89</sup>

Regarding the food kit, 69.2% reported receiving an incomplete food kit. These packages mostly included bags of cereal (54.1%), incaparina (51.4%), powdered milk (62.2%), oats (45.9%), and basic grains (64.9%). The foods they received least frequently were sugar, sliced bread, cookies, sweet bread, and Maruchan soups.

According to international principles:<sup>90</sup> "Persons deprived of liberty have the right to receive food that meets, in quantity, quality, and hygienic conditions, adequate and sufficient nutrition. Such food shall be provided at regular times, and its suspension or limitation, as a disciplinary measure, shall be prohibited by law."

*"They don't give us anything, nothing. They don't give us anything. But go see the warehouses they have there. It's full of everything which they take for themselves. Supposedly, they give it to those they trust, but imagine how difficult it is for one's family. My friend had a hard time, and to get through that, she didn't even give me a pound of sugar. There were people who only received 2 lbs of sugar, a small bag of cornflakes, a pound of milk."* **(Testimony 1, trans woman)**

These food packages, which were brought by the families of detainees, were rarely delivered in full; often, the prisoners had to consume spoiled food in small quantities. This caused many of the detainees to emerge with malnutrition, gastric problems, and other health complications.

*"We hadn't eaten because they didn't give us food, and when we got there, they told us there was no food there. I was already in need, since I already had another life with me (pregnancy), so it was worse, I felt even hungrier."* **(Testimony 3, pregnant woman)**

*"Sometimes, at lunch, they also gave me a little bit of plain boiled rice. If I was lucky, they gave me a little bit of macaroni, which was all we were given to eat. At dinner, it was boiled rice and a little bit of mashed beans, but without anything, anything bad"* **(Testimony 5, man with a physical disability)**

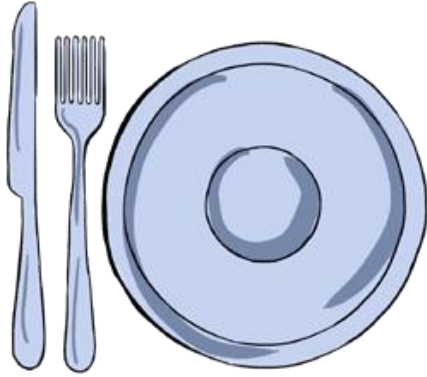
The restriction on mealtimes was accompanied by poor-quality food, with small and spoiled portions frequently reported in the collected testimonies.

*"...as for the food, sometimes they gave us one Tupperware for two. How were we going to fill up with a Tupperware for two? Two tortillas, a little bit of beans, a little bit of cream, and the cream is just water, the beans and everything. The food is terrible. Also the lunch, Macaroni swimming in soy sauce. The food was terrible."* **(Testimony 1, trans woman)**

*One woman got me a tortilla they gave her with a little bit of rice and beans. She didn't eat. After eating that, I started to feel bad, I started to vomit, and they took me to the infirmary and gave me an IV. They had me in the school (a sector for pregnant women), in a little room. They told me that they saved me, because the other women in the school had been punished and they left they without food or water for a month. – My stomach saved me, they told me.* **(Testimony 3, pregnant woman)**

<sup>89</sup> Of the direct victims (36), more than one may have been in two or three prisons, which is why 52 records were obtained.

<sup>90</sup> International Commission for Human Rights (CIDH) (2008). Principles and Good Practices for the Protection of People Deprived of Liberty in the Americas



The restriction of water and food was used as a form of punishment according to some accounts, where the guards produced unhealthy conditions for the detained people.

*“they gave us two trays, look, one to do what we do and the other to urinate. And I feel like they did it out of pure spite. Look they go with, pure trickery, they only wiped them where we urinated, they only wiped the tray there they gave us soda and coffee. So I feel like all that made us sick”.* **(Testimony 1, trans woman)**

The inadequate food, in quantity, time and quality, also generated an impact on the health of detained persons, provoking a loss of body weight, but also the generation of health conditions that weren't present prior to incarceration.

*“From 145, or from being a little filled out, like how now they're 145, 160 to weighing 105 or something”.* **(Testimony 2, female advocate)**

In relation to hygiene kits, 69.2% expressed that they received an incomplete hygiene kit, with toilet paper (35.9%), soap (33.3%), toothbrush (28.2%), toothpaste (25.6%), cloths – shirt and swimsuit- (25.6%) and underwear (25.6%) being the supplies they were most frequently given. On the other hand, the supplies they were given less frequently were white yinas, shampoo, bar of deodorant, powdered detergent and sanitary napkins.

This situation was worsened for women, who didn't receive hygiene supplies like sanitary napkins, toilet paper or underwear. The accounts signaled that the central prison required certain products that weren't provided by their family members.

*“There wasn't a blanket, there wasn't a container and there was only half of the soaps, the toilet paper, she put in 24, and only eight or ten got to me, the bleach didn't get to me, the smells(disinfectant) didn't get to me. They were asking them for chairs, brooms, and according to what she mentioned to me, they put in chairs, broom and pans (pans)”.* **(Testimony 2, female advocate)**

You can gather information from the testimonies about the conditions for women in particular, that indicated the absence of personal hygiene products. Furthermore, people that couldn't count on their families to buy the hygiene products had to work inside of the prison or suffer sexual abuses to obtain some product.

*“and the last one (shirt) we made it into rags to be able to use it like a little trap (use it like a sanitary napkins)”.* **(Testimony 2, female advocate)**

“...the girls that were lesbians, that the majority of them didn't have anyone to get them to them(packet), so they had to work. So they had to get into the bowls and they got us to gourd of water, nothing more because they didn't adjust the water. There were times that – they gave two cells without bathing. For cleaning up too, every day they take you to a different cell And for the use of clothes the same. Two gourds of water we had for washing, even if it was underwear or a brasier or shorts or a shirt, depending on, because they would throw out the rest”. **(Testimony 2, female advocate)**

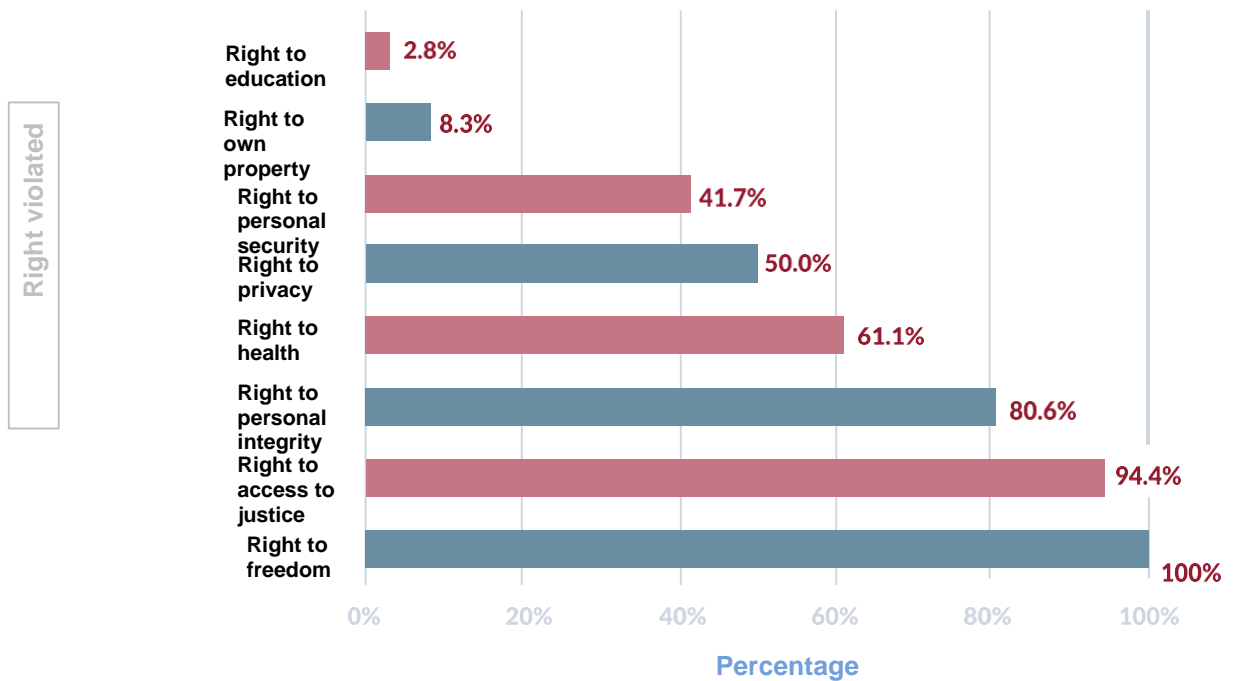
“There were a lot of women that...do you know what a rusa is, no? A rusa is a person that doesn't have anyone to get her the packet. So they were victims of the guards that, for sex, they got Kotex, toilet paper, hygiene accessories, etc. ...”  
**(Testimony 2, female advocate)**

These accounts evidence the grave situation of abuse and exploitation that were in the penal centers, where the access to hygiene products of prime necessity were converted into a means of coercion and sexual violence by the guards.

## 4.5 Human rights violations

This section addresses a series of possible human rights violations that were recorded from the testimonies and registered cases of the persons freed under alternative means of detention in the state of emergency.

**Chart 26: Registered human rights violations**



Source: Prepared with data obtained from the cases of people freed under alternative detention methods during the state of emergency of OSC-DDHH (2022-2025).

Note: One direct victim (36) could have had more than one right violated

In relation to the violated rights of the victims, in first place with 100% of the total registered cases (36) the right to freedom (illegal or arbitrary detentions, among others), in second place, is the right to access to justice (lack of due process, delaying and obstruction of justice, among others) with 94.4%.

In third place, the right to personal integrity (threats, mistreatment, cruel inhumane or degrading treatment, torture, sexual aggression, sexual violence, among others) recorded 80.6%, with the right to health following (lack of medical attention, treatment, among others) with 61.1%. Likewise, 50% reported the right to privacy (illegal or arbitrary searches, illegal use of personal information, interference in life or private information, among others) and 41.7% the right to personal security (persecution or illegal indignations, intimidation, coercion, among others).

Other victims also reported an infringement to their right to own property and one more on their right to an education. In this last one, it is important to highlight that two cases of adolescents deprived of liberty were reported, who had this right infringed.

Below, we present testimonies from the rights violated and rights infringed upon from the direct victims that remained imprisoned in different prisons. The arrests reported by the victims were carried out without any arrest warrant, some people were taken by fraud to the delegations, under previous threats and without clear explanations, violating the victims right to liberty, as evidenced in the following testimony:

*“...you know that this is an extortion, this is an income that they’re putting on me, you are delinquent and please leave us alone. But that was in the morning and at 3:30 they were already detaining me. Or, I lost everything, I lost it all, except for my life”. (Testimony 2, female advocate)*

From the moment of detention, victims are subject to physical and verbal violence, including blows, mistreatment, torture and intimidation, affecting their right to personal integrity, as is evidenced in the following accounts:

*“I was handcuffed with my hands behind my back. A police threw me with my legs up. On the way they were hitting me with open hands on my head and they were insulting me, saying that they were going to take me to jail. They told me to accept everything they were accusing me of, but I didn’t know what they were accusing me of”. (Testimony 3, pregnant woman)*

*“...they hit me with batons, here on my legs so that I fell, or if not they hit me here (ribs) so I couldn’t look at them. They were always looking at me, so, but my companions were telling me to tolerate it, tolerate it. And so that’s how we were surviving”. (Testimony 2, female advocate)*

*“So what I did it was better to hide myself so I didn’t have to tolerate, well, so that they weren’t bothering me. In the end, they moved me to a cell just for me, because they promised me that they were going to put me with them from UMO [Public Order Unit] so they from the UMO could finish beating me. When they promised me that the UMO was going to give it to me hard, maybe it was like the last day that they beat me. Well, they put me in a punishment cell. And I could see there when they were beating others. So because it was the punishment (cell) one is completely isolated there. And yes, when they wanted they could go by throwing gas”.*

**(Testimony 2, female advocate)**

Nevertheless, the detained women also faced violence, harassment, and sexual abuse, including forced undressing and invasive searches, violating their right to intimidation and integrity.

*“–We left naked to bathe ourselves here, right by the front entrance gate. All of the men from the garrison were here, the soldiers, they were filming us. They were filming us.*

*–While you bathed?*

*–Yes, because there was a guardian... He brought the young girls and he said to me: you that, I don't know what...”*

**(Testimony 2, female advocate)**

*“We were only two women in the group. The other girl was younger than me. There were two male police in the room and they made us undress in front of them. We told them we weren't going to undress in front of a man–All of you here aren't here to pidan por su gusto. You are going to do it and now, because we are the authority, or do you want to spend twenty more years here?, one of the police told us. We had to undress, and the police, with gloves on their hands, searched our entire bodies, even our intimate parts. I only bent down one time and he searched all my parts. For the other companion, no.–Bend over more, they were telling the girl, – because I can't feel if you have something. And he touched all her parts. –I can't feel, he was telling her.*

*–I feel like you have something in your parts, so we're going inside again. –Bend over good. He did it three times. And I told the police that that wasn't ok, and he responded to me that I shouldn't worry, that there were more people watching behind a window they had in the room and everything was legal. **(Testimony 3, pregnant woman)***

Violation of the right to health of the victims is a constant in detention centers, where they aren't provided medical attention or access to their medications.

*“- I asked if a doctor could come, to give a referral for my case, because outside, specialists looked after me, but with the signatura of a general physician they didn't let them go with me, to justify that they could tolerate the same treatment as the others, that they didn't have the problems that I have”. **(Testimony 5, man with physical disability)***

Victims also were faced with massive hearings in which they weren't allowed to be present or have access to an adequate technical defense, as is evidenced in the following account:

*“...A collective hearing and we heard the telephone ring, but the technician didn't answer it. So a convict reached out and disconnected it. She came to disconnect, not the telephone but she came to disconnect the switch. And I asked the technician – Look, I told him, we have a hearing, I tell him – what's happening? – I need to communicate with the senior judge, I need him to know my condition. – Look, he told me, look I'm just here I'm an employee of the Supreme Court...and the judge didn't open the hallway for all of you, he told me. But I heard when the call was dropping, well when I had worked one has to open...or the call and do the commands. But he didn't want to do it. We were there at 7:30, right. And we had left at noon without seeing anything. Or, we couldn't listen to anything or we couldn't hear*



anything. At 2:00 in the afternoon they were notifying us six months. Or that we didn't have a hearing".  
**(Testimony 2, female advocate)**

Facing this situation the CIDH [International Commission for Human Rights] has emphasized “the obligation of the State for investigating the crimes that consist of violations of human rights, effectively looking for the truth of what happened, and to judge and sanction those responsible; underscoring the relevance of the instances of administration of justice to assure the rights of the victims.”<sup>91</sup>

## 1. Preexisting medical conditions and access to medications

**Table 6: Preexisting health conditions of the detainees**

PREEXISTING HEALTH CONDITIONS	F
Psychological and psychiatric conditions	1
Respiratory illnesses	6
Pregnancy	3
Hypertension	3
Back pain	2
Deafness	1
HIV+	1

Source: Prepared with data obtained from the cases of people freed under alternative detention methods during the state of emergency of OSC-DDHH (2022-2025).

Note: The direct victims that registered prior health condition (13) could have had more than one illness prior to their detention.

In relation to pre-existing health conditions 46.2% of the victims reported respiratory illnesses, 23.1% suffered hypertension. Other health conditions were back pains, deafness, psychological and psychiatric conditions and HIV+. It is important to bring to light that three of the victims were found to be in a state of pregnancy when they were captured.

Nevertheless, of all the cases (13) that presented with previous health conditions, only 53.8% had access to their medical treatment. The rest of the victims were not supplied their medication, which provoked that their state of health deteriorated much more, threatening people’s lives. This situation is evidenced in the following victim accounts.

<sup>91</sup> Interamerican Commission of Human Rights (CIDH) (2024). Report State of emergency and human rights in state of exception in El Salvador.

*“When I asked for my treatment they gave it to me maybe a month later, I was already feeling bad. They never took me to a clinic. Never. Look when they do the seizures, they threw out our pills and them knowing that we need this pill, because of what we were telling them there – die “pussies”, it’s time- and come back again to activate so they return to give your pill or treatment”. (Testimony 1, trans woman)*

*“...I was asking that they bring them to me, but that didn’t arrive there and my medicine got in – it always entered to the caretaker, but that medication had to go to the clinic, or, they were taking it to someone in charge at the clinic, but already being in the clinic they didn’t come to me, like three or four times they gave it to me”. (Testimony 2, female advocate)*

*“They never took me to a hospital. I just had to wait for the director to give his signature so I could go, but he never gave it”. (Testimony 1, trans woman)*

*“There are companions that are dying of HIV. You see because the population inside has a few infected, I see the majority, so they are there and sleeping in the caves and I tell them it’s going to give you an allergy, they get full of everything and they’re there but withered in nutrition. They don’t have treatment, or anything, not vitamins, nothing”. (Testimony 1, trans woman)*

*“And I recovered a few times, or, I finished made into a pozole, two times they knocked me out, well they knocked me out with a medication. How I was so, but so skinny I got out weighing 105 lb. So that medication, how I was losing it that I doubled over, well I doubled over two times .They gave it to me two times, but they didn’t want to take me to the psychiatrist and maybe the only thing they gave me were pills...my pills for the colon, because how I already had hemorrhoids, they gave me, called Dorival. That always came in the packet”. (Testimony 2, female advocate)*

*“So she explained to me – to me because a not had me imprisoned and the child came to me, they took me to the hospital. They had me in the hospital those days – he told me, and they left me a series of medications that when they ran out, I found out a black pus was leaking from my breasts.” (Testimony 2, female advocate)*

*“Like that at midnight -emergency, emergency – from another area. We were all informed that a baby had been born at that moment. It was about to be a Sunday. We had understood that when they did the count they took the girl to the hospital. And we already had reference of her. At about 6:00 the one in charge of the prison arrived and he made all of us that were probably birthing age, or that they still had their period, they gave them a pregnancy test. 60 women left like that and they took them to the Farm (prison where they have the pregnant women)”. (Testimony 2, female advocate)*

These accounts reflect the grave lack of access to medical treatment and the devastating consequences that this has for the health of people deprived of liberty in the reign of exception.

## 1. Illnesses contracted during detention and access to medications

**Table 7: Illnesses contracted during detention**

ILLNESSES CONTRACTED	F
Aggravation of preexisting chronic disease	6
Anemia	9
Deterioration of mental health	13
Skin Illnesses	28
Gastrointestinal Illnesses	9
Respiratory Illnesses	3

Source: Prepared with data obtained from the cases of people freed under alternative detention methods during the state of emergency of OSC-DDHH (2022-2025).

Note: Direct victims that contracted illnesses during detention (34) may have acquired more than one illness during detention.

With respect to illnesses contracted during the stay in the detention centers, in first place are skin conditions with 82.4%, followed by a deterioration in mental health (38.2%) and, in third place, gastrointestinal illnesses (26.5%). In fourth place, are cases of anemia (26.5%) and 17.6% had complications from their previously diagnosed conditions.

Of the total of the victims that presented with illnesses as a result of deprivation of liberty, 52.94% were denied the right to health by not providing treatments for these illnesses. This situation is evidenced in the following accounts.

*“inside the prison there is no medicine, they only give them to the people who have chronic illnesses, I asked for a consult and medicine on two occasions, one time for dengue fever and the other time for chicken pox, and I got a fungus on my foot, they took me to the little hospital and after they isolated me with the other sick people, in all that time they only gave me acetaminophen and loratadine”. (Testimony 4, young man)*

*“When I got out they admitted me to the hospital, since my health condition had worsened even more. Luckily I had gotten out of prison, because if it had gotten me inside, I wouldn’t have tolerated it, because I needed special medical attention”. (Testimony 5, man with a physical disability)*

The testimonies demonstrate that the persons that were released with alternative methods had the immediate necessity of a medical review, some resuming their preexisting health conditions and others for attention for illnesses acquired during detention.

*"I got out and I had tachycardia, gastric problems because I didn't eat well, beginnings of diabetes...One doctor told me that was due to stress from what I lived inside the prison".*  
**(Testimony 5, man with a disability)**

*"I got out completely sick. The day after getting out under monitoring with a psychiatrist, under monitoring with a psychologist, under monitoring for skin, under monitoring for my stomach, for my lungs, for my anus. Look, they've spent almost nine months in trying to get me to stabilize. They gave me a medication that I had to take three times a day. I was taking 24 pills a day, not just the usual medications, but because of the new acquired illnesses".*  
**(Testimony 2, female advocate)**

The conditions from unhealthiness and overcrowding also provoked grave side effects to the health of the detained persons. Who reported not having received adequate attention required by the guard personnel.

*"After two months something happened that could be categorized as an internal pandemic: everyone, all who were in the cell, we contracted scabies".* **(Testimony 4, young man)**

*"...when there were boils, when I arrived, they were pinching the boils be able to extract everything, all the dirty things(...) they were treatments for dogs, well because you only used soap to wash things or you used toothpaste. Toothpaste or you used salt. Those who could get salt, because they didn't, they didn't allow you to get in salt".* **(Testimony 2, female advocate)**

*"They threw them out, they only allowed me to enter with a brush and a white paste. They also took away my medicine".* **(Testimony 5, man with a physical disability)**

*"...when I got sick with chicken pox, that was the other of the worst tortures because in prison they aren't going to treat any illness. The only thing they did was isolate me, because chicken pox is very contagious, so the others didn't get infected. They put me in another cell where there were 100 people with chicken pox. And one didn't even have a loratidine to lower the fever, the aches, the outbreaks on the skin. 97, 100 people with varicella, without..."* **(Testimony 4, young man)**

*"...the difficulty was that the doctors gave the order to not bring in people from the jail. And there was one, ok when I realized, there was a medical campaign, but they only attended to 75 selected people".* **(Testimony 2, female advocate)**

These accounts, demonstrate that the lack of treatment or medical attention was a determinate factor for health complications that the victims presented, as much pre-existing conditions as the ones acquired during detention, violating in this way their right to health. According to the Minimum Standard Rules of the United Nations for the Treatment of Prisoners (Nelson Mandela Rule), the State is responsible to present and guarantee medical services to people deprived of liberty without discrimination.<sup>92</sup>

<sup>92</sup> United Nations Office on Drugs and Crime (1990). Minimum Standard Rules of the United Nations for the Treatment of Prisoners (Nelson Mandela Rules). [https://www.unodc.org/documents/justice-and-prisonreform/Brochure\\_on\\_the\\_The\\_UN\\_Standard\\_Minimum\\_the\\_Nelson\\_Mandela\\_Rules-S.pdf](https://www.unodc.org/documents/justice-and-prisonreform/Brochure_on_the_The_UN_Standard_Minimum_the_Nelson_Mandela_Rules-S.pdf)

### 4.5.3 Mistreatment, cruel, inhumane and degrading treatment of detainees while imprisoned

**Table 8: Mistreatment of detainees during their detention**

<b>MISTREATMENTS</b>	<b>F</b>
<b>Punishment cells</b>	<b>5</b>
<b>Leaving them in underwear</b>	<b>1</b>
<b>Electric shocks</b>	<b>1</b>
<b>Excessive exercises</b>	<b>13</b>
<b>Shoves</b>	<b>18</b>
<b>Exposing to the sun for a long time</b>	<b>17</b>
<b>Beatings with a club</b>	<b>14</b>
<b>Beatings with a fist</b>	<b>9</b>
<b>Shouts</b>	<b>26</b>
<b>Kneeling for a long time</b>	<b>11</b>
<b>Deny medical treatment</b>	<b>1</b>
<b>Kicks</b>	<b>7</b>
<b>Spray them with tear gas</b>	<b>16</b>
<b>Without prenatal care</b>	<b>1</b>
<b>Prolonged use of handcuffs</b>	<b>3</b>
<b>Sexual violence</b>	<b>3</b>

Source: Prepared with data obtained from the cases of people freed under alternative detention methods during the state of emergency of OSC-DDHH (2022-2025).

Note: Of the direct victims, 33 expressed having received mistreatments and they could have suffered more than one violation.

In relation to the mistreatment that the victims received in the prisons, in first place is shouting by the guard staff (78.8%), followed by shoves (54.5%), exposing them to the sun for a long time (51.5%). Some victims mentioned that they threw tear gas at them (48.5%), hit them with a club (42.4%) and forcing them to do excessive exercises (39.4%). Additionally three cases of suffering sexual violence were recorded.

Persons deprived of liberty in the state of exception are constantly subject to acts of violence by the guard personnel, as is evidenced in the following accounts:

*“Bad, due to fever I wasn’t able run to go to the counts. We had to run with our hands on our heads, but I couldn’t run. So they gassed me and hit me”.* **(Testimony 4, young man)**

*“Sometimes they also punished us, for making a lot of noise or just to punish us. They would open the door halfway and throw a can of teargas inside. The first time was during the welcome. The little thing fell there and started to flow gas. I didn’t know what it was. I felt like it covered my breathing...it’s like a feeling of chili I don’t know...One can’t breathe, your eyes cry. I fainted at first”.* **(Testimony 3, pregnant woman)**

The beatings and mistreatments by the guard personnel have created grave injuries to the physical integrity of detained persons, according to the following testimonies:

*“...a boy, at the time of the morning count, the floor was wet, he slipped, and when he stood up he got a beating on the head and they shattered him. The guards couldn’t hide it to the point that the director arrived and asked what had happened. The guard threatened around that, if he said what had happened, he was going to kill him... But like on the camera you could see what had happened, they fired the guy for real. But it just became a warning for the guard”.* **(Testimony 5, man with disability)**

*“In a formation, in a count, a companion couldn’t run, who knows if it was because of weakness or some chronic illness. So, the guard came and hit him, and with the same, the companion fell on his head on the floor and they hit his head. They put him unconscious.”* **(Testimony 4, young man)**

Testimonies also showed an institutionalized practice of sexual violence inside the jails, which appeared to occur under the consent of the state authorities.

*“Los reos de fase de confianza are those that rape the new ones that are coming in and they make them have sex with them, they have their half hour each one with the new men that are coming in, they want it or no they make them their woman and they have to keep having sex until they get bored”.* **(Testimony 5, man with a disability)**

Excessive exercises and sun exposure for hours were practices noted in the collected testimonies. These acts are utilized by the guards as punishment for supposed offences committed by the detained persons.

*“To other people they tied up in the field, when they were pointing to a grave offense. Without breakfast, without lunch, under the sun. They had them there, all day long, tied up in the field. Or they made them walk around the field, curled up or making little frogs. This was under the curled up stairs and they made them do laps in the field. Others they threw in the cancha, with the hot steam, they threw them belly up”.* **(Testimony 5, man with a disability)**

*“...inside the prison there isn't medicine, they only give them to the people that have chronic illness, I asked for a consult and medicine on two occasions, one time for dengue and the other for chicken pox, and I got a fungus on my foot, they took me to the little hospital and afterwards they isolated me with the other sick people, in all that time they only gave me acetaminophen and loratadine”.* **(Testimony 4, young man)**

*“Mistreatment, on the personal. Ah, I received a lot of punches from the guards, with the batons, with elbows too and they put me in handcuffs and they left me there for three, four, or five hours, just to give an example”.* **(Testimony 2, female advocate)**

Some accounts describe mistreatment, cruel and inhumane treatment, such as torture by the guard personnel. These acts aren't done in isolation by one person, but demonstrate an institutionalized conduct, that diverse staff from the detention center take part in.

*“At 11:00 at night, at the time when one was sleeping and they took us out for one and they put us tied up to one another like around the whole surrounding, where they were doing the comprehensive count at 11:00 at night and we were looking at one another that there were like six buckets full of like soap and they started to to give it...give it hard to everyone, some that didn't tolerate it... And they went by us, one by one, and they put us in the swirl of the bucket they took us out again, they put us in again and like three times they put us in the bucket and they put us in on the way back, they put us in and we had to sit looking a the wall. Maybe at a half hour or at the hour, until they whistled, we had to get up to go back to bed”.* **(Testimony 1, trans woman)**



*“One time, in the race to the count, a woman fractured her foot, her bone was almost popping out and they didn't do anything. Just amongst the same companions we fixed her up. We carried her because at the same time she had to go out to the count the following days. The woman was crying all the time and complaining about pain.”* **(Testimony 3, pregnant woman)**

Beatings, threats and constant intimidations to accept the charges that they are accused of is a constant account in the victims, insisting that they admit their belonging to gangs.

*“They were making us pass the test (polygraph) after doing a thousand squats and with the guards affirming that we were gang members, intimidating us, and the others up to hitting us. They did it to force us to accept that we were gang members. And I wasn't a gang member. So I left it very clear there, and it cost me a pair of beatings”.* **(Testimony 4, young man)**

The testimonies indicate that the people deprived of liberty are subject to physical and psychological torture, that includes beatings and humiliations by the guard personnel. Nevertheless, what stands out is the lack of medical attention for the detainees that presented with health complications due to these mistreatments.

The Principles and Good Practices of the Protection of People Deprived of Liberty in the Americas dictates “to protect against all kinds of threats and acts of torture, execution, forced disappearances, cruel, inhumane or degrading treatments or punishments, sexual violence, bodily injury, collective injury, forced intervention or coercive treatment, methods that have as an end goal to destroy the personality or diminish the mental or physical capacity of the person”. Additionally, it expresses that in circumstances like states of emergency, “you should not avoid the fulfillment of the obligations of respect and guaranty of humane treatment for all persons deprived of liberty.”<sup>93</sup>

### 1. Side effects on inmates because of treatment received during incarceration

**Table 9: Side effects on inmates because of treatment received during incarceration**

SIDE EFFECTS OF MISTREATMENT	FREQUENCY
Anxiety	27
Complications of chronic illness	5
Depression	21
High risk pregnancy	2
Posttraumatic stress	17
Fractures	2
Hemorrhages (internal or external)	3
Fungus	19
Immobility of some part of their body	1
Fear of being captured (of leaving their house)	17

Source: Prepared with data obtained from the cases of people freed under alternative detention methods during the state of emergency of OSC-DDHH (2022-2025).  
 Note: Of the total direct victims, 32 suffered side effects from mistreatments and they could have suffered more than one side effect during the detention.

<sup>93</sup> Interamerican Commission on Human Rights (CIDH) (2001). Principles and Good Practices of the Protection of Persons Deprived of Liberty in the Americas.

Relating a to the effects of mistreatment, the majority of victims attested that they suffered from mental health side effects like anxiety (84.4%), depression (65.6%) and post-traumatic stress (53.1%). More than half of the victims suffered with skin fungus (59.4%).

Other people presented with complications from their chronic conditions (15.6%) fractures (6.3%) and hemorrhages (internal and external) from the mistreatment (9.4%). It is important to mention the cases of two women that presented with complications with their pregnancy as a result of the mistreatments. Additionally, one case was noted of a person who suffered immobility of a part of their body.

With respect to these side effects, the direct victims mentioned the following:

*“Every time they accosted me, I had to boil those clothes. My children couldn’t get close to me, not even the little girl could get close to be, because it’s a very ugly mite that one has because I had herpes, I had scabies”.* **(Testimony 2, female advocate)**

*“I’ve always had the nightmares and maybe the same thing that happens to one with depression. I was hypertensive. The doctor told me what was happening to me, that now that I went to the appointment I had done that (...) that they had given me a stronger pill for blood pressure.”.* **(Testimony 1, trans woman)**

The mistreatments received could be associated with complications with pregnancy in detained women.

*“When they examined me to confirm my state, I remember that my blood was strange and even the doctor that arrived got scared because my blood was bad. He said that it was a product of the tear gas and that that could also affect the baby”.* **(Testimony 3, pregnant woman)**

*“I had a complication. It was the middle of the night, when it was close to three in the morning I had pregnancy complications. So they took me to the hospital in emergency- they took me out in emergency. Upon arriving at the hospital, the doctor that attended me scared me, he told me that he had attended to many women with abortions, all of them from the farm, and that had done a curettage because they’d lost them... In the hospital they asked us if we had eaten or what we had done because there were so many women having abortions. I remember that one day before, in the course of the day, they had taken a woman a woman to the clinic in an emergency and they said that a doctor in the farm had injected her Diclofenac and with that she had more pain and more bleeding and more release”.* **(Testimony 3, pregnant woman)**

*“The little girl was born in February and upon birth presented with deformity in her joints (hip dysplasia). So, the little bones didn’t form well and it didn’t help to have slept on the floor, to have spent so much time standing up, or the conditions that I suffered in the jails”.* **(Testimony 3, pregnant woman)**

## 4.5.5 Deaths of inmates while in state custody

At least 50% of the direct victims were present for the death of people inside the prison they were found in. Of the causes of death identified what stands out: lack of medical attention (83.3%), by beatings or torture (72.2%) carried out by guards, lack of treatment/mediation for their chronic illness (61.1%), lack of food or water (22.2%). One person mentioned that it was due to overcrowding and three mentioned that it was due to suicide.

**Table 10: Presumed cause of death of detainees in state custody witnessed by inmates during detention**

PRESUMED CAUSE OF DEATH	FREQUENCY
Lack of food or water	4
Lack of medical attention	15
Lack of treatment/medication for their illness	11
Beatings or torture	13
Overcrowding	1
Suicide	3

Source: Prepared with data obtained from the cases of people freed under alternative detention methods during the state of emergency of OSC-DDHH (2022-2025).

Note: Of the total direct victims (36), 32 could have witnessed more than one death of persons in custody and mentioned more than one presumed cause.

This situation is evidenced in the following accounts from the direct victims that saw or were present at the death of persons inside the penal centers, where negligence, beatings or torture, overcrowding, or lack of food and water, were the possible causes of death of these people.

*“In this time I got an allergy cough, a cough from the heat, I was going to the bathrooms, to grab some air from a little window there was there. I had another big allergy in the skin, and nothing. That day was really hard because there were people who died. They said it was illness, but no, that was from malnutrition or dehydration from the heat”. (Testimony 5, man with physical disability)*

*“There were days where people fainted, were dying from the heat. From the cell where I was, they took us out like 150, and they had us in the yard, like some three hours, so the steam could go down. There was a day where they took out like 30, thrown on the floor, fainted. They came from the cells from above. There was worse, because the steam rises, but how it didn't get out, it clings inside the cell. Those were horrible days.”. (Testimony 5, man with a physical disability)*

Conditions of overcrowding and lack of ventilation provoked fainting and, probably, the death of persons due to asphyxiation. Nevertheless, the majority of cases were reported as lack of medical attention or of lack of treatment for illnesses, just like mistreatments.

*And there wasn't help. The clinic, that was a farce (...) At that point, people arrived convulsing due to the heat here and the only thing the doctors could do was to take their pulse. Nothing of ordering examinations or anything, meanwhile people were dying". (Testimony 5, man with a physical disability)*

*"They hit us, I saw various times how they tortured people, they beat them, to the point they threw tear gas, sometimes they spent 10 hours making us kneel and putting us under the sun, I saw 10 people die due to illness and torture". (Testimony 4, young man)*

*"On another occasion they ordered all of us to be quiet, to not make any noise. Two cells down, someone had died and Medical Legal had arrived. Then, on the lower floor of my sector, another three fell dead. I counted seven deaths". (Testimony 4, young man)*

*"In fact, there in, in the sector two women died...one was a reporter, that she had signed a consent form that they wouldn't give any type of medical assistance, but she had a mountain of sores all over. But everyone had sores. Everyone had skin illnesses... her stomach was pretty pronounced, but she couldn't stand up. And every time she was trying to sent up she fell down. So the last time, unfortunately, I scolded her and I told her that she shouldn't have signed (...), or that spark of life, well I still had it and she sat there looking at me and she started to cry, but in reality she already couldn't stand it. And the other woman was, um, a situation where the convicts entered sick with a big cough like whooping cough or something like that". (Testimony 2, female advocate)*

*"...a companion died inside. What they did was wrap her up well because she was HIV+ they just said that she had died and she was dead and that was it. –¿And in this case was it from her illness? –It was from the illness and the hits that she couldn't tolerate, well right, the behaviors they give there and we say, the really low defenses". (Testimony 1, trans woman)*

*"In that place I met an 80 year old woman, because well they took me out into the sun and thee I started to chat with her. She was really active, in spite of suffering depression and she was diabetic, but they didn't give her her medications. The woman died with time and I felt horrible, because she yelled me and she sang to me and she was telling me that she wanted to meet the little boy or the little girl when they were born. They took her only because she had a spot in the market. She died there, in the jail. (Testimony 3, pregnant woman)*

In relation to the previous, authorities have been denounced for blocking the supervision of the prisons by the PDDH<sup>94</sup> like access to the Institute of Legal Medicine to carry out medical surveillance, failing to carry out including judicial<sup>95</sup>.<sup>95</sup> This allows that these situations keep perpetuating without the existence of control and vigilance from this type of action by agents of the State.

<sup>94</sup> Prosecutor's Office for the Defense of Human Rights (PDDH) (2024). Report on the work of the woman procured for the Defense of Humann Rights 2023-2024. <https://www.pddh.gob.sv/portal/wp-content/uploads/2024/10/Memoria-PDDH-2024.pdf>

<sup>95</sup> Amnesty International (20 of December 2024). El Salvador: One thousand days of state of exception, a model of "security" at the cost of human rights.

## 4.6 Liberation process for detainees

With respect to the release process of the direct victims, 94.4% left under alternative means to provisional detention, that is to say, that they continued with their open criminal processes (only in two cases was it recorded that they got out without any alternative method). Nevertheless, before providing them with their freedom letters, the scenario became more complex for detained persons due to the conditions they are subject to, this includes mistreatments, humiliations, manipulations, harassment, intimidation, coercion, among others.

In summary, many of the victims are faced with harassment and threats after their release on behalf of security agents, as well as their family privacy and of their life plan.

### 4.6.1 Process for obtaining alternative measures to incarceration

**Table 11: Process for getting alternative measures**

WAYS IN WHICH THEY GOT OUT	FREQUENCY
Review of methods hearing	12
Habeas Corpus	2
No knowledge of the reason	11
Judge's order of freedom without other considerations	2
Economic payment for liberation of people (bail)	2
Irregular process (payment to get someone out, decision by PNC)	5
Use of polygraph	8

Source: Prepared with data obtained from the cases of people freed under alternative detention methods during the state of emergency of OSC-DDHH (2022-2025).

Note: A direct victim (36) could have been freed by more than one method

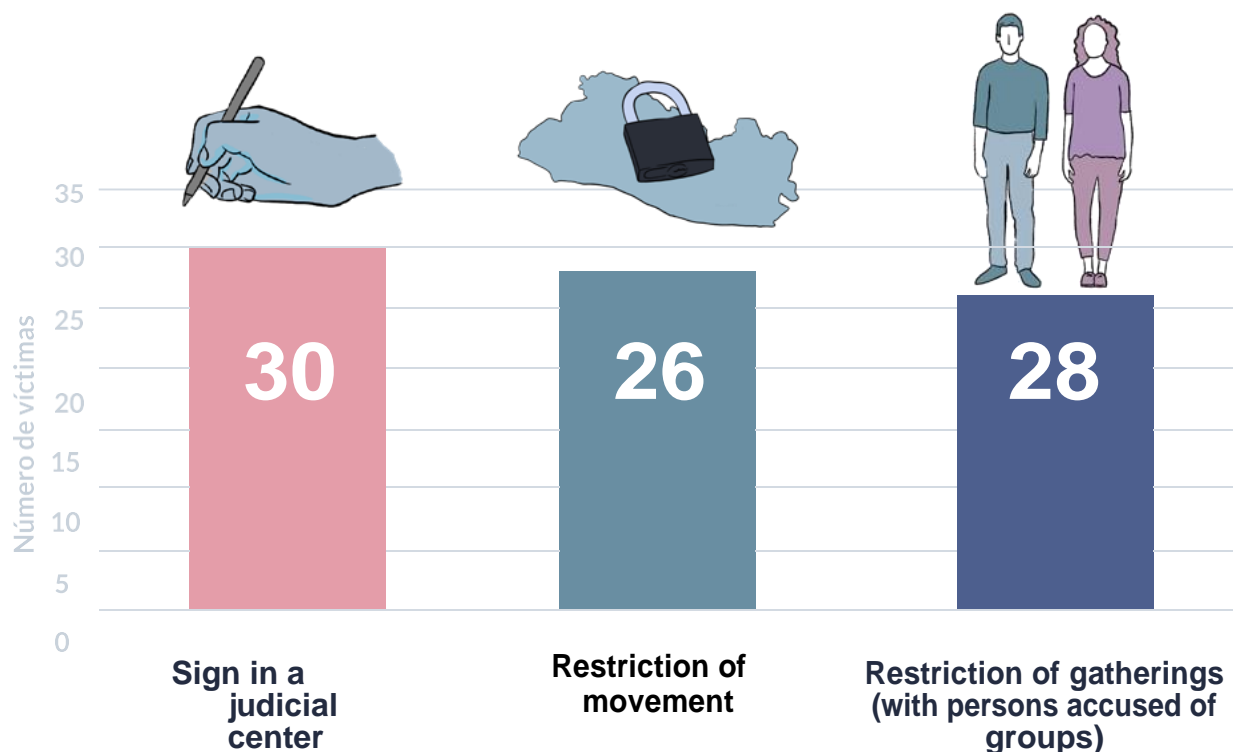
Regarding the form by which they obtained their release letter under alternative means, 33.3% were released by means of a review of methods hearing. On the other hand, 30.6% expressed that they didn't have knowledge of the reasons and 22.2% said that it was by the use of a polygraph.

In some extraordinary cases, the reasons were with an irregular process or a means of finance. Only two persons registered that it was by the legal complaint of habeas corpus. Also, in the case of two people, they reported that they were released under the order of a judge without an alternative method.

## 4.6.2 Alternative measures imposed on detainees

Relating to the steps with which the direct victims had to comply, 93.8% identified that they had to go to sign at a judicial center, 77.8% have restrictions of movement (unable to leave the country and cannot change home address without prior notice)<sup>96</sup> and 72.2% have restrictions on gatherings (with persons accused of groups).

**Chart 27: Alternative measures imposed on victims**



Source: Prepared with data obtained from the cases of people freed under alternative detention methods during the state of emergency of OSC-DDHH (2022-2025).

Note: A direct victim (36) could have been received more than one alternative method

Relating to the release process, 75% of the direct victims identified that they weren't explained the reasons for which they were going to be released. Only 7 of the 36 direct victims were explained that they were getting out under alternative methods of temporary detention. Two cases were registered in which they don't have information on that subject.

There was also evidence in the cases of lack of access to justice and lack of due process. Some testimonies revealed that the persons were subject to manipulations, humiliations and mental games, making them believe that they wouldn't leave the prison, in spite of having their release letters.

<sup>96</sup> Espinoza, C. & Segura, E. (23 de octubre de 2024). La mayoría de los liberados durante el régimen de excepción en El Salvador siguen procesados. La Prensa Gráfica. <https://www.laprensagrafica.com/elsalvador/La-mayoria-de-los-liberados-durante-el-regimen-de-excepcion-en-El-Salvador-siguen-procesados-20231023-0017.html>

*“Leaving was worse, it was a mental game. When we left they started to question us. You go through like five reviews to get out, they take off your clothes, they put you through a scanner, they take photos of you and they go saying “you are this, you are this”. And I denied everything. The fair thing would to give you your freedom papers and you go, but no, it’s a mental game. The last guard said to me : - It depends on me if you leave here. –Ah ok, I told him, if your word is more than the word of a judge, I can’t do anything. And he kicked me out again of everything they were accusing me of. And I denied everything again.– I’m not anything of what they say there, I responded. And suddenly he said to me: –You messed it up, you aren’t going to get out of here”. (Testimony 5, man with a physical disability)*

*“He told me that I was going to sign again, to remained detained again, and one without knowing, you don’t stop having fear. And, at the end, they told us:– No, all of you are going out.–It was all a mental game”. (Testimony 4, young man)*

*“-Already, they told him, you’re free, but we’re going to take a day to see if there is another crime from you – and they had him seated there, because they came to get me out at nine days and they have me there seated looking at the wall on a chair (...) they took me out at like 1:00 in the afternoon, they came me the freedom at like 5:00 in the afternoon”. (Testimony 1, trans woman)*

Other accounts show that, upon having release papers, they were released many days later.

*“She (the judge) said and explained – If the person had gotten worse what would we have done in that case and who would it have fallen on? –On us, it all falls on us for not investigating and the police didn’t provide the facts well, because they’re bringing people just to bring them. So I’m going to going to give you freedom immediately...In the moment they said that she was free they put her back in the jail, to wait ten days to see how her case is. (Testimony 1, trans woman)*

They also demanded that the victims sign their release letters without permitting them to read them, which generated suspicion and anxiety over their legal situation, since they didn’t know what they were signing.

*“They took us to a cell and they had us there some 40 minutes. In there they came to tell us that our freedom papers had arrived, but they didn’t let us read them. They told us to sign them, but they had folded them”. (Testimony 4, young man)*

*“Another one of the imprisoned girls told us, - you’re already getting out changes those faces. We arrived to the other area and the guard made us fill out a book and in that I managed to say that it said -freedom papers for women from Apanteos- Then they took me to another área to sign, but I signed with fear because they didn’t explain to me what I was signing then they took us to the other side and they didn’t tell us anything, they didn’t give us information until like at 6:00 pm they let us leave, but they didn’t take us out through the main door because they told us -so the director doesn’t see you because you’re going to return because he doesn’t want anyone to leave”. (Testimony 7, young woman)*

Nevertheless, a case happened where the person had freedom papers, but they were captured again and they opened new trials against them:

*“-After signing them, they raise the exit gate, they told us. A guard accompanied us and me with that excitement, but all the happiness lowered when we arrived outside, when I go seeing three patrols from the delegation... So an attorney appeared and said: -Ok, you all are the ones who are going in freedom, and he took out a list... You are leaving from illicit groups, but you’re going to enter a trial for terrorist organizations. And in this phase you are going to remain recaptured so you are at the disposition of this unit”. (Testimony 4, young man)*

The direct victims also faced limitations in their ability to move when they were free of the penal centers, now that, in the majority of the cases they couldn’t communicate with their families about their release and they had to look for alternatives to get them back to their homes.

*“-Your president has prohibited us from making phone calls, we don’t have lines set up, there outside maybe there is someone who can help you – they told me in the penal center” (Testimony 7, young woman)*

*“Outside there were people, they gave me a dollar, two dollars. The people who were outside waiting to see if maybe their family members would get out. And they said to me – You’re released? You don’t have a way to leave? – and there they gave me so I could leave”. (Testimony 1, trans woman)*

*“I didn’t have a way to leave and a police officer at the exit told me that they would watch how I left, because if a patrol got back it was was going to put me in again. The police officer recommended some taxis that were close by, but he advised me that they charged by the distance where one was going. – From \$150 to \$500 dollars, he told me. The taxi driver took pity on my health condition, and he took me to a zone close to my home”. (Testimony 3, pregnant woman)*



#### 4.6.3 Harassment of inmates by security forces and types of harassment

41% of the direct victims reported having received harassment from state agents and among the types of harassment stand out, in first place, 11 of the 15 direct victims received harassment (73.3%), in second place, online harassment and stalking stand out with 40% respectively. In third place, they suffered from intimidation (26.7%) and three people reported that they were victims of persecution from state agents.



**Table 12: Harassment of inmates by security forces and type of harassment**

TYPE OF HARASSMENT	FREQUENCY
Harassment	11
Online harassment	6
Intimidation	4
Persecution	3
Surveillance	6
N/D	1

Source: Prepared with data obtained from the cases of people freed under alternative detention methods during the state of emergency of OSC-DDHH (2022-2025).

Note: The direct victims (15) may have had more than one type of harassment.

These incidents are demonstrated in the following account from a woman who had to leave her business due to police harassment she received.

*“The police arrived where I have my business and said – The delinquents are already getting out -They surrounded me and were looking at me. I decided it was better to go back to my house” (Testimony 7, young woman)*

Upon asking the victims directly if they have received threat after their detention, 10 expressed that they had. Of these, they expressed threats to detain them again (9) and, as well as the threat of also detaining their family members (1).

## 2. Side effects suffered post-incarceration by detainees

Victims showed diverse side effects alongside the release process, including familial, economic and emotional.



**Table 13: Post-detention impacts on victims.**

OTHER IMPACTS	FREQUENCY
Disintegration of the family unit	7
Forced internal displacement	6
Detention of a family member	2
Difficulty in finding a job due to discrimination	19
Police harassment	11
Fear of arrest of family members	15
Fear of re-arrest	35
Migration	1
Death of a family member	1
Loss of assets and real estate	7
Loss of job or business	14

Source: Based on data collected from cases of persons released under alternative measures detained during the CSO-HRD exception regime (2022-2025)

Note: The direct victims (36) may have experienced more than one type of after-effect.

Among the most frequently reported concerns of the victims were, in first place, fear of re-arrest (97.2%), followed by difficulties in finding a job due to discrimination (52.8%), in third place, fear that their family members would also be arrested (41.7%) and, in fourth place, the loss of employment or business as a result of their arrest.

Other impacts mentioned were police harassment, disintegration of the family unit, forced internal displacement and loss of property and real estate. Two cases were recorded where they also suffered the detention of other members of the family, one case of migration to another country and another case reported the death of a family member as a result of their detention, as evidenced in the following statement:

*“When I came back, I tried to lift up my mom. It's just that before I was imprisoned, it was just me for her and I was the one who was looking out for her. She was the one who took care of my children and at that time she had no control. Her health deteriorated. Soon after, the doctor told me that her organs were already damaged, and one day she went to sleep and would not wake up again. If the country had not fallen into the regime, if I had not gone to prison, it would have been a different story.” (Testimony 3, pregnant woman)*

Other victims have also expressed their fear of being re-arrested, as there are no judicial guarantees regarding the situation of persons released under the regime.

*“And I can see myself like that, tough, I can see myself as tough (...) but there are many people who are afraid”. (Testimony 2, woman advocate)*

*“I spent many more months like that, after another detention, after those other tortures. I had a security training, but I assure you that when I see a policeman on the street now, I start to tremble. When they ask me for the DUI... as soon as a policeman asks you for the DUI, it is up to him to decide whether to take you to jail or not.” (Testimony 4, youngman)*

*“...it scares me, yes (...) And that is my fear, that they will take me the second time and that is why I don't go out.” (Testimony 1, trans woman)*

The people released try to comply with the established measures, but they also lack confidence in the process they are following, knowing that the accusation no longer depends solely on their defense, but on the generalization of cases to accused groups.

*“I entrust myself to God and thank God the times I have been asked for my DUI, nothing has come up, I have nothing, but I know that the process continues. And I continue to go to sign, waiting for a process where I am not going to go alone to defend myself, because they are accusing a whole group. And if they condemn that group, they condemn me. That's why I would like them to make an individual case for me, but I don't know...” (Testimony 4, young man)*

On the other hand, 75% of the victims stated that they have had difficulties in accessing a job or sources of income after their arrest. As a result, they have had to rely on the support of their families or close persons.

*“My friend told me: “I'm going to feed you, don't go out. - No, I have to go out, I said, because I have to see, I have to help you, because it has cost you everything. And that's what I told her. I started crying at night... I had to go to the hospital, so that I could, let's say, stay for 15 or 20 days, and I didn't do it, I was going to work in pain”. (Testimony 1, transwoman)*

*“...they forced me to resign (...) because they gave me all the privileges. -I could help you, I was told, but as soon as you get in, I'll send you out for a year and after you get in, I'll send you back to prison. It would be assumed that, after four years, practically after leaving work (...) I would have to have my own benefits, and I have nothing”. (Testimony 2, advocatewoman)*



# Situation of Families of Persons Released Under Alternative Measures



The deprivation of liberty of a person who is part of a family has significant repercussions that go beyond the detainee. Families face a complex scenario and an endless number of effects, which include deterioration in mental and physical health, family disintegration, forced displacement, economic and educational difficulties, stigmatization, etc. These types of effects create a cycle of violence and suffering in the families, which has a significant impact on the families. These types of consequences create a cycle of violence and suffering in families, with considerable impact on the life projects of detainees and their families.

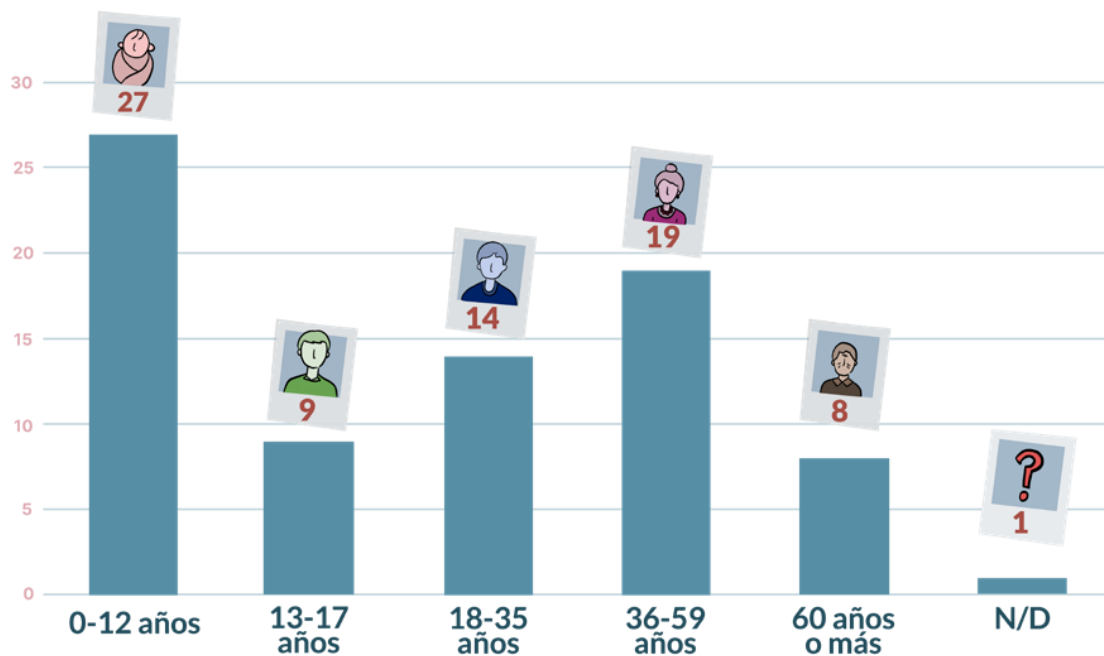
## 5.1. Characterization of indirect victims.

According to the data collected from 36 cases that human rights organizations have registered, there were 78 indirect victims, which will be understood as the people who are the closest link to the detainee and who have been indirectly affected by the deprivation of liberty of their family member.

### 5.1.1. Age of indirect victims

Regarding the age of the indirect victims, 46.1% of people most affected are children and adolescents. This is followed by adults between 36 and 59 years old. The third group is the young people between 18 and 35 years old, representing 24.4% of the cases. Only one case did not provide information on the age of the indirect victim.

**Graphic 28: Age range of indirect victims**

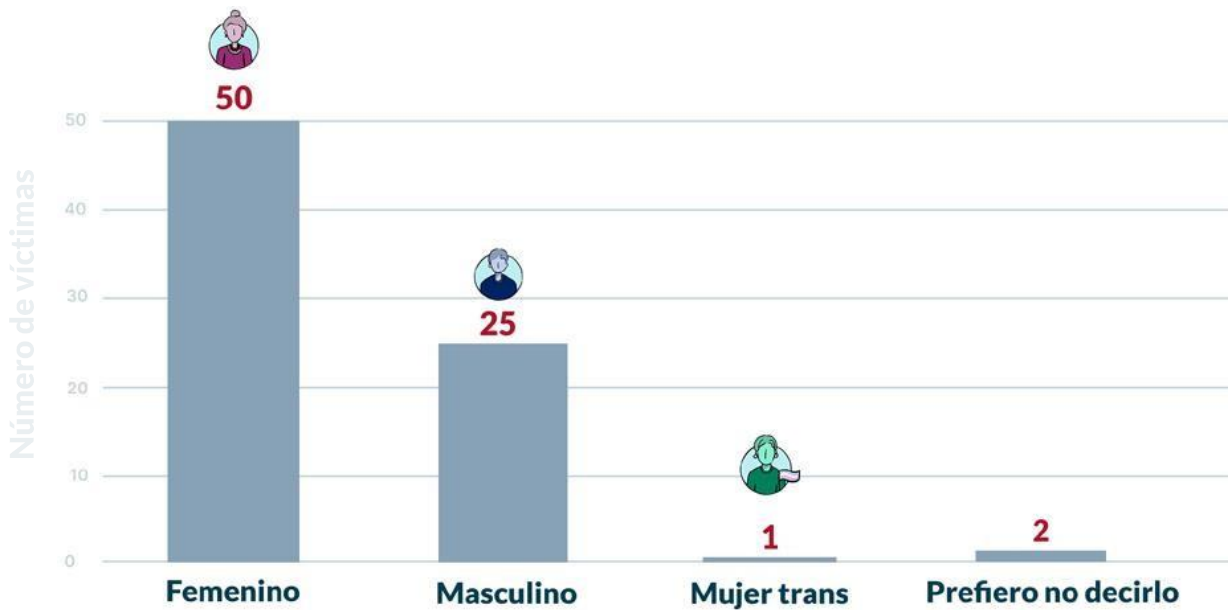


Source: Based on data collected from cases of persons released under alternative measures detained during the CSO-HRD exception regime (2022-2025).

### 5.1.2. Gender of indirect victims

In accordance with the case registry, 64% of the people identified as female and 32% as male. There were also two cases (3%) in which the indirect victims preferred not to say and one case of a trans woman. This shows that the most affected population was women and girls as a result of the detention of their family member.

**Graphic 29: Gender of indirect victims**



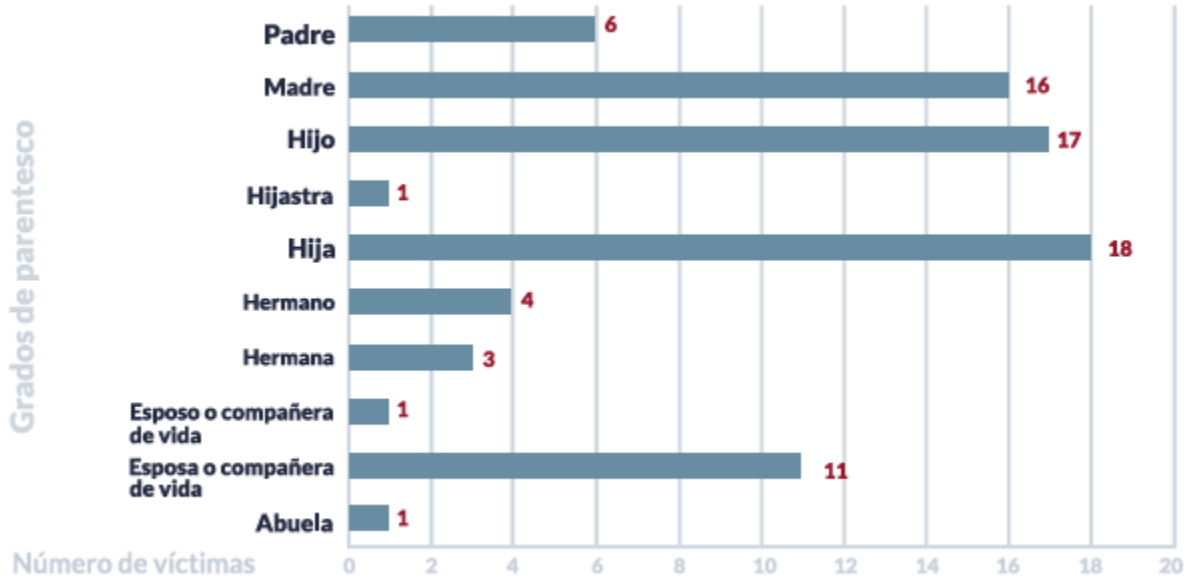
Source: Based on data collected from cases of persons released under alternative measures detained during the CSO-HRD exception regime (2022-2025).

### 5.1.3. Degrees of kinship to the direct victim

Regarding the degree of kinship, 46.2% of the indirect victims were identified as daughters (24.4%) and sons (21.8%) of the detainees. Mothers (20.5%), wives or life partners (14.1%), sisters (3.8%) and grandmothers (1.3%) represent another group that was most affected, totaling 39.7% of the total number of cases.

In the case of men, fathers (7.7%), brothers (5.1%) and husbands or life partners (1.3%) of direct victims were most affected, representing 14.1% of indirect victims.

**Graphic 30: Degree of kinship with indirect victims**



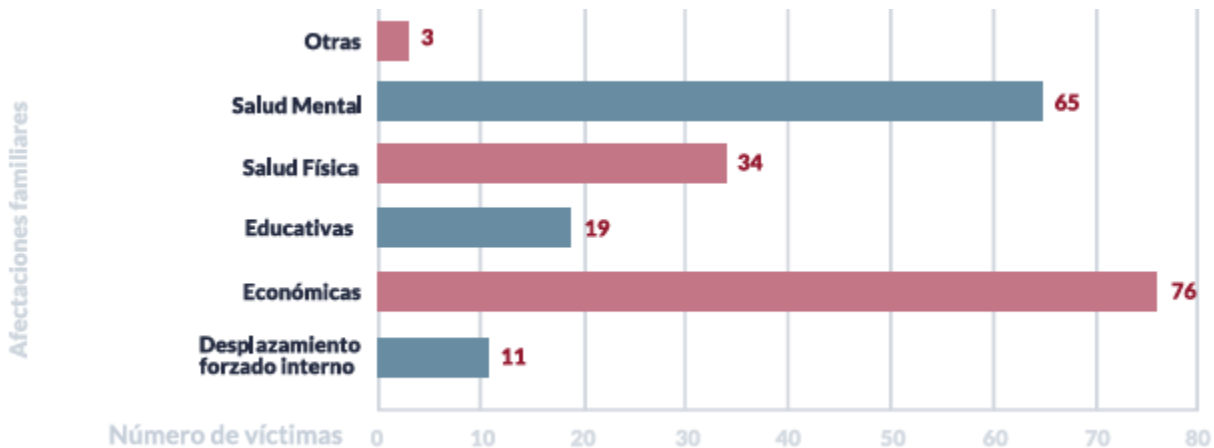
Source: Based on data collected from cases of persons released under alternative measures detained during the CSO-HRD exception regime (2022-2025)

In most cases, it was the women who became the main providers, supplying the basic needs of the family group, such as food, payment of basic services, educational expenses, among others. In addition, they also had to bear a double burden of care, following up on the cases of their detained family members, carrying food and hygiene kits, as well as medicines, which represented an even greater economic cost. This burden on women is also reflected in conditions of social stigma and fear.

## 5.2. Indirect Victims' Affects

The indirect victims reported a series of affects, most notably the following:

**Graphic 31: Afectaciones de las víctimas indirectas**



Source: Based on data collected from cases of persons released under alternative measures detained during the CSO-HRD exception regime (2022-2025).

Note: One indirect victim (78) may have been affected more than once.

Regarding the impact on the family group of the detainee, in the first place, there are economic impacts (97.4%), followed by impacts on mental health (83.3%). Physical health (43.6%) is placed in the third. Other types of effects, such as educational (24.4%) and forced displacement (14.1%), were reported less frequently. In the “other” category, the case of a family (mother of the victim and young children) who was threatened with a firearm at the time of the arrest of their family member is reported.

Households that have a family member in detention face significant economic difficulties, first, due to the loss of employment of some family members, property and real estate or their own businesses. This affects the family's ability to meet their basic needs, which places them in a precarious economic situation that can increase stress and anxiety in the households. In addition to this, there are expenses incurred by families to pay for food and hygiene packages for their family members in detention centers, including mobilization expenses, legal and institutional procedures to follow up on the case.

Due to the exacerbation of pre-existing illnesses or the health conditions of persons released from prison, they require attention and care that entails an even greater economic cost for their families.

*“So they spent a lot of money to buy all the medication, and I was left with nothing. Then I followed the process of being able to become stable because I could not even sleep.” (Testimony 2, advocate woman)*

With regard to the mental health of indirect victims, the impact on children, adolescents and adult family members who were present at the time of their family member's arrest was particularly significant. They witnessed the verbal and physical violence perpetrated by the PNC or the Armed Forces against their detained family members and, on occasions, against themselves, leaving emotional and psychological after-effects and affecting their quality of life and personal relationships.

In addition, the absence of the family member greatly affects children and adolescents who have been separated from their fathers, mothers or close relatives, and they may develop depressive disorders, anxiety, post-traumatic stress disorder or acute stress disorder.<sup>97</sup>

*“... my children are scared every time a policeman shows up, and since they arrive without their ONI, without badges, they are already traumatized, since they arrive and write down any name, number, characteristics and even the time on a piece of paper.” (Testimony 3, pregnant woman)*

This impact on their mental health may also be reflected in their physical health, since in many cases there is an aggravation of a pre-existing disease or the emergence of new diseases, such as heart problems, hypertension, diabetes, gastrointestinal diseases, etc.

<sup>97</sup> Méndez, G. (May 20, 2022). Children's mental health is affected by the detention of mothers and fathers under the Exception Regime. Cat Locked Up. <https://gatoencerrado.news/2022/05/20/salud-mental-de-la-ninez-es-afectada-por-capturas-de-madres-y-padres-en-el-regimen%EF%BF%BC/>

*“My family, everyone cried when they heard that. I told them that I was not doing anything, but they told me: - Shut up, we are in a regime and that is why I am taking you. I remember that my mother stayed at the door, she couldn't stand up or anything, so I think that all of that led to her not being able to recover. It was a trauma. Seeing her, seeing that my family was crying”.*

**(Testimony 3, pregnant woman)**

Some of the collected testimonies show that there is harassment, threats and intimidation during the detention of their family member and after their release by State agents.



*“They said, “Stop asking questions if you don't want us to detain you, you'd better go home, if you want, we'll send you to the prison as well”.* **(Testimony 7, young woman)**

*“They told her that she (life partner) had no right to question, nor to know about the crime attributed to the detainee, only the detainee. And to lower her voice, otherwise she could also be arrested.”* **(Testimony, adult man)**

*“When I got out the police did harass me, they came to my house to intimidate me, saying that because I was a former prisoner they could take my children away from me and they were going to report me to CONAPINA, and I told them, the last time, that I was going to report them for harassment so they would stop harassing me, and from that point on, they didn't come anymore”.* **(Testimony 3, pregnant woman)**

*“Once they asked me about my oldest son's age and when I told them he was 12 years old, they intimidated me saying that they could take him away because they had been killing children from the age of 9”.* **(Testimony 3, pregnant woman)**

This harassment by security agents has also caused the forced displacement of families, due to the fear that they may also be arrested, so that they choose to mobilize to protect the safety of the family unit. Other cases also report that they had to lose family businesses as a result of the persecution and stigmatization they suffer from the same community.

This forced displacement can also lead to children and adolescents dropping out of school, as moving to another area of residence tends to cause them to give up their studies and miss the school year. In other cases, the economic cost of continuing to study can no longer be covered by dependents, since the detainee was the main breadwinner of the family.

# Conclusions and Recommendations



# CONCLUSIONS

The permanent suspension of fundamental rights, carried out with the excuse of fighting organized crime, has caused conditions of unprotection of the Salvadoran population before the power of the State. Since 2021, the State has carried out an accelerated centralization of power in the Executive, with an Attorney General and a Constitutional Chamber elected by the governing party, without respecting the legality of the election process and with institutions such as the Attorney General's Office for the Defense of Human Rights in a complete silence as a sign of political favor towards the president.

The exception regime, after three years of its permanence, has become a supposed model of security that should be followed by the governments of the region. The “model” implemented is the authoritarian action of those who concentrate power, control all state institutions, criminalize poverty and forget about human rights. This “security model” is a systematic policy based on arbitrary detentions, torture in prisons and social control through fear. The CECOT has become the emblem of this policy, precisely because it represents the only response capable of being articulated by the government: imprisoning.

This third report confirms, once again, the systematic practice of human rights violations occurring in the country since March 2022, before the complicit silence of a good part of the international community that is aware of what is happening in the country, but also before the applause of the apprentices of authoritarianism in the region that are now more empowered. Those who seek inspiration in the “Bukele model” to address the violence in their country are actually only looking for formulas of punitive populism, concentration of power, democratic weakening and control strategy through fear.

The data on registered cases documented by the signatory organizations show the arbitrariness of the mass arrests occurred in the country. But with even greater gravity, they expose what has been revealed little by little: Salvadoran prisons are places of institutionalized torture. *Welcome to hell (La bienvenida al infierno)*, a phrase that has been recorded in different cases is the clear statement of a custodial staff that has in place a practice of treatment of persons deprived of liberty: welcome beatings; physical punishment, including sexual violence; the restriction of food and water; the inhuman conditions of overcrowding; the obvious decision not to provide medical care or treatment; the psychological game that extends not only to the last second of detention, but is also maintained with harassment and surveillance of the victims and their families when they try to regain the little life that is left to them. Everything documented in this report, and in others that have already been published by organizations and the media, are convincing evidence of the occurrence of an institutionalized policy of torture by the Salvadoran State.

The terror of reliving what happens in El Salvador's prisons is the greatest fear of those who have escaped from that place, knowing that an open trial could return them to that hell at any moment. return to that hell at any moment. The media's use of this “margin of error” by President Bukele is even more painful when it is corroborated that these people have not been declared innocent, but on the contrary, they continue to be unjustly persecuted by the State. These people do not show that the justice system works, but rather they are evidence of the illegal actions of state institutions.

# RECOMENDACIONES

Based on the information gathered in this report, the signatory organizations recommend to the various relevant authorities:

## To the Salvadoran State

The **Legislative Assembly** must repeal the regime of exception, reestablishing the fundamental guarantees and rights of the people, recognizing the obligation of the Executive Branch to design and implement policies that address the structural causes of violence and crime in the country, from differentiated and respectful approaches towards human rights.

Likewise, it must repeal the reforms approved in the areas of criminal law and criminal procedure that are retrogressive in terms of human rights and that contradict the Constitution, international treaties and standards for the protection of human rights.

The **Executive Branch** must design and implement comprehensive policies that prioritize the prevention of violence and care for victims of violence and allow for the investigation of crime based on scientific evidence and through respect for and compliance with existing regulatory procedures. The penitentiary system must also fulfill its constitutional obligation of rehabilitation and integration of persons deprived of liberty.

Implement independent investigations of the various allegations of serious human rights violations documented in this report, as well as those reported by organizations, victims' movements and the media. The **Attorney General's Office (FGR)** has the obligation to investigate ex officio any possible crime committed, especially if a State agent is responsible for it.

The **General Inspectorate of Public Security (IGSP)**, as well as the internal control and human rights units of the **National Civil Police**, should initiate administrative and/or criminal investigation procedures (in coordination with the Attorney General's Office), with respect to police and military personnel accused of alleged human rights violations.

The investigation of allegations of human rights violations must be carried out by independent and specialized agencies that guarantee protection to the victims and their families, preventing possible retaliation or the aggravation of their criminal situation following the report of the facts suffered by them.

The **Human Rights Ombudsman's Office (PDDH)** must resume its constitutional role of monitoring state actions and carrying out actions to alert, prevent, investigate and punish those allegedly responsible for human rights violations under the regime of exception. The PDDH must demand not only access to justice, but also protection and integral reparation for the victims, as well as compliance with the guarantee of non - repetition by the State.

We request the **Presidential Commissioner for Human Rights and Freedom of Expression** to attend in a respectful, independent and human rights-based manner to the various victims who have presented their cases for follow-up. In addition, we demand that the Commission exercises its function of supporting the fulfillment and follow-up of the State's commitments in the area of human rights, both national and international, recommending to the Presidency the timely, transparent, independent and non-retaliatory investigation of these cases, as well as the request for the repeal of regulations that are contrary to international treaties that the Salvadoran State has made its own.

The **Judicial Authority** must guarantee the implementation of a system that avoids undue delays and is based on a robust evidentiary process, as well as respect for the guarantees of due process. In cases where an unjust accusation is determined, which has caused damage to individuals and their families, reparation measures should be created.

Likewise, it should resolve the various habeas corpus, unconstitutionality and protection lawsuits that are pending in a timely manner and in accordance with the law.

The **General Directorate of Penal Centers (DGCP)**, in coordination with the Prosecutor's Office and the PDDH, should implement measures that lead to the identification, investigation and punishment of custodial personnel responsible for human rights violations, including middle or senior management who may be responsible for an institutional policy of ill-treatment, cruel, inhuman and degrading treatment, as well as acts of torture that caused deaths in State custody.

The DGCP must comply with and abide by the letters of release issued by judges in a timely manner. Likewise, it must guarantee the admission of independent, national and international institutions and organizations to verify the conditions of detention and the persons deprived of freedom. In addition, it should again allow family visits and guarantee legal visits, to ensure the right to defense and the verification of the conditions of imprisonment of detainees.

Furthermore, it should guarantee dignified conditions in prisons, ensuring adequate access to food, water, daily hygiene and medicines. This would contribute to prevent the worsening of their health condition and guarantee their dignity and the human rights of persons in detention.

The **National Council for Early Childhood, Childhood and Adolescence (CONAPINA)** should implement programs aimed at rebuilding the social network. In particular, it should develop and implement psychosocial support programs for families that have been impacted by the regime of exception, with a special attention to children and adolescents who have become direct or indirect victims from this security policy.

The Salvadoran State, from its different institutional competencies, must guarantee integral reparations for victims of human rights violations that occurred within the framework of the regime of exception and open up to a dialogue with diverse actors at the national and international level, in order to find integral and sustainable alternatives to the consequences arising from the regime of exception.

## **To the international community**

To monitor and follow up on reports of human rights violations reported by victims and organizations, supporting and demanding compliance with international human rights commitments adopted by the Salvadoran State.

Verify and demand compliance with human rights conditions for international cooperation with the Salvadoran State. We call on the European Union and its member states to ensure that El Salvador complies with these requirements.

Propose the creation of an international commission of independent experts to carry out a process of verification of the human rights situation in prisons, as well as the police and military actions within the framework of the regime of exception.

## **To the Salvadoran society**

We call on you to empathize with the victims and their families affected by the regime of exception. It is important to listen to the testimonies, to know their stories, and to look at the diverse voices with critical eyes of informed citizenry.

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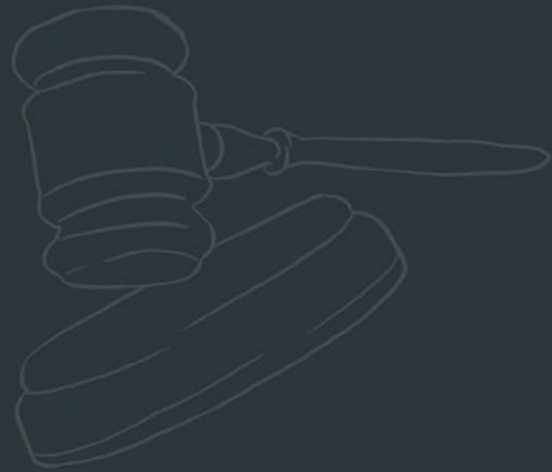
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