



Oral Testimony of Ana María Méndez Dardón before the Tom Lantos Human Rights  
Commission of the U.S. House of Representatives Committee on Foreign Affairs

Hearing: The State of Exception in El Salvador: Taking Stock

December 10, 2024

Chairmen McGovern and Smith, thank you for calling this hearing. It's an honor to be with you today.

I am going to talk about the state of the judicial system in El Salvador, which today lacks independence and has failed to provide justice for Salvadoran citizens, and how this impacts the search for justice for the cases of gross human rights violations committed during the country's civil war.

A cornerstone of any democracy is the separation of powers, but President Bukele has eroded the system of check and balances by different measures including blocking the access to public information and threatening members of the judiciary<sup>1</sup>.

Bukele concentrates power and has control over the judiciary and legislative branch, where his party, Nuevas Ideas, has a supermajority of 54 seats out of 60. He ran for a second term in 2022, despite a clear constitutional ban for consecutive re-election<sup>2</sup>.

Recently, the Legislative Assembly elected two thirds of the magistrates for the Supreme Court, in a process that lacked transparency<sup>3</sup>, citizen participation, or technical evaluations, as required by national and international standards. The legislative process, in general, as well as the election of judicial officials, takes place without any debate, discussion, or citizen participation, which is a serious threat to the standards of a democratic state.

Why does this matter?

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<sup>1</sup> <https://www.wola.org/2021/05/el-salvador-attorney-general-constitutional-court/>

<sup>2</sup> <https://www.wola.org/analysis/el-salvador-election-integrity-under-scrutiny/>

<sup>3</sup> <https://drive.google.com/file/d/1AyRITW0v8xaQ6esJHoQ7nPNM3wiJp44S/view>

Because the co-optation of the justice system poses a threat to democracy itself. Good security measures should be accompanied by an efficient, independent judicial system, which unfortunately has become a repressive criminalization tool, unable to address structural impunity.

The vast majority of gross human rights violations committed during the civil war remain in complete impunity. Since 2021, when Bukele called the peace accords a “farce<sup>4</sup>,” there has been a series of setbacks in transitional justice cases that were documented by the country’s Truth Commission.

For example, the 1989 murder of 6 Jesuit priests, their housekeeper, and her daughter, has never really moved forward. Although the case was reopened, this was done not by a desire for justice, but by the government’s eagerness to prosecute former-president Alfredo Cristiani, who is seen as a political opponent of Bukele and a symbol of the ARENA party.

The El Mozote case, in which over a thousand people, including hundreds of children, were executed by Salvadoran troops in December 1981, is now stalled because of the Armed Forces’ refusal to share documents as well as the dismissal in 2021 of Judge Guzman, who had presided over the case for years; now living in exile.

To facilitate access to justice for these and other historic cases of grave human rights violations, the U.S. government should work to continue to declassify U.S. documents from the civil war, such as U.S. military, diplomatic, and intelligence records.

At the same time, given the current concentration of power and lack of judicial independence, the U.S. government should place a greater emphasis on respecting and strengthening the democratic institutions in its bilateral relations with the Salvadoran government. An upcoming opportunity will be in January 2025, when the Legislative Assembly must elect a new Attorney General, as this role is essential for effective criminal investigation and access to justice.

The U.S. should also call on the Bukele government to make available public information related to the state of human rights, women’s rights, citizen security measures and even the reality of gang-related violence, as a lack of government data is making it very difficult for WOLA and the broader international community to get information on what is truly occurring in El Salvador.

Pursuing historic cases of human rights violations is not an issue of vengeance, but of healing wounds from the past that continue to damage El Salvador today. The ability to move forward with these cases will be a true test of the impartiality and effectiveness of the country’s judicial system to bring justice to victims of past and present human rights abuses.

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<sup>4</sup> <https://www.wola.org/analysis/bukele-peace-accords/>

*Peace is not the product of terror or fear.*

*Peace is not the silence of cemeteries.*

*Peace is not the silent result of violent repression.*

*Peace is the generous, tranquil contribution of all to the good of all.*

*Peace is dynamism.*

*Peace is generosity.*

***It is right and it is duty.***