

CISPES EL SALVADOR FACT FINDING DELEGATION REPORT

October 8, 2008

A report about the ongoing human rights violations in El Salvador, as well as potential for U.S. intervention, fraud and political violence in the lead up to the 2009 elections

By the Committee in Solidarity with the
People of El Salvador (CISPES)

June 2008 Fact Finding Delegation
Contact: burke@cispes.org

www.cispes.org

CISPES 2008 Fact Finding Delegation Report

On the Situation of Human Rights and Elections

Introduction

This report presents the findings of a June 2008 10-day delegation to El Salvador organized by CISPES, the Committee in Solidarity with the People of El Salvador. The delegation consisted of 17 delegates from all over the United States: professionals, professors, students, community organizers, journalists, and lawyers. We represented a diverse cross-section of ethnicities and social classes.

The purpose of the delegation was to gather facts regarding the current human rights situation in El Salvador, as well as the climate leading up to El Salvador's 2009 municipal, legislative, and presidential elections, and to compile a formal report of our findings.

We plan on using this report to raise awareness about the situation in El Salvador here in the United States as well as in the international community. This report is intended to offer elected officials, the media, and concerned citizens a description of the deterioration of human rights in El Salvador at a rate not seen since the Peace Accords were signed in 1992 as well as the potential impediments to true democracy faced by the Salvadoran people as they approach a crucial election period in their country.

The evidence we used to compile this report comes from meetings we had with a variety of individuals, government and political officials, and community organizations during the course of our delegation. Some of the people/groups that we met with include:

- *Acción Ciudadana* (Citizen Action)—a coalition of community organizations that works towards a democratic, free, and fair electoral process
- El Salvador's Human Rights Ombudsman Oscar Luna—a non-partisan government official who oversees the state of human rights in El Salvador
- Members of the Suchitoto 13—a group of former political prisoners who were arrested, tortured, and charged as terrorists for their peaceful involvement in a demonstration against water privatization; and
- Representatives of FESPAD (the Foundation for Studies of the Application of Law)—a legal organization that focuses on human rights;
- The U.S. Embassy in El Salvador.

As delegates, we believe it is our duty to present the concerns of the Salvadoran people to our communities and elected officials. The historic political and military involvement and intervention by the U.S. government in El Salvador makes the Salvadoran people's desire for self-determination and basic human rights of paramount concern to us if we hope to inhabit and encourage a just global community. We believe that all people have a right to self-determination and democracy without political or social repression.

This report is divided into four main sections:

- 1) Political context
- 2) Human rights
- 3) The upcoming elections and the electoral process
- 4) A description of our meeting at the U.S. Embassy in El Salvador

The political context section is a brief description of the current political situation in El Salvador.

The section on human rights highlights instances of human rights violations, politically-motivated violence, corruption and impunity within El Salvador's PNC (National Civilian Police), and the role of the ILEA (International Law Enforcement Academy)—a U.S. funded and administered police training academy—in the deterioration of human rights.

The section on the elections and electoral process is divided into three subsections. The first focuses on U.S. intervention in the Salvadoran electoral process. It documents past intervention as well as current intervention. The second focuses on past and potential future internal fraud and irregularities. The third focuses on the politicized nature of El Salvador's TSE (Supreme Electoral Tribunal).

The section on our meeting at the U.S. Embassy describes the concerns we presented to U.S. Ambassador Charles Glazer and other embassy officials, along with their response to our concerns.

I. Context of Current Political Situation

2008 is an immensely important political moment for El Salvador. 16 years after the signing of the Peace Accords that ended the civil war, the democratic process has made some significant advances. And yet much is at stake in the elections of early 2009, while huge questions still loom. The municipal and legislative elections on January 18 will be the first battleground between the leftist Farabundo Marti National Liberation Front (FMLN) party and the right-wing National Republic Alliance (ARENA) party, which has governed El Salvador for the past 19 years.

The winner in January will both emerge with the most seats in the Assembly and carry momentum into the March 15 presidential election. [El Salvador remains very polarized politically; therefore, small third parties are not expected to garner a significant portion of the presidential vote. However, the system of allocating national legislators favors such third parties and will likely make the PCN party – an ally of ARENA – a significant player in the new assembly.] The presidential contest will pit popular television journalist Mauricio Funes of the FMLN against former police chief Rodrigo Avila of ARENA. Should no candidate win more than 50% of the vote on March 15 there will be a run-off election between the top 2 vote-getters approximately 30 days later. Whichever candidate wins will be inaugurated as the new president of El Salvador on June 1, 2008.

The elections take place at a time of growing economic and social unrest in El Salvador, with more and more Salvadoran families unable to cover the increased cost of living. An international food crisis has raised prices of basic grains like corn and wheat, while high oil prices have forced up transportation costs. Meanwhile, more Salvadorans find themselves struggling to earn a decent wage, with some half of the labor force working in the informal sector. In particular, the agricultural sector has been devastated, and some 700 Salvadorans leave their country every week to seek employment, primarily in the United States.

The economic crisis is linked to nearly two decades of neoliberal policies implemented by ARENA with the prodding of the U.S. government. In 2005, El Salvador ratified the U.S.-Dominican Republic-Central America Free Trade Agreement (CAFTA). This agreement went into effect in the aftermath of the privatization of many formally state-run industries such as telecommunications and electricity.

Salvadoran social movement organizations have consistently challenged CAFTA, privatization, and other neoliberal policies. Their street actions and rallies have in recent years been targeted by riot police, leading to a number of high-profile cases of government repression, such as the incursion by the National Civilian Police (PNC) into the National University in July 2006 and the attack on anti-privatization protests in July 2007. The United States continues to fund and train the Salvadoran PNC.

Driven by increased poverty, inequality, and joblessness, El Salvador has become one of the more violent countries in the Western Hemisphere, with a murder rate of 12

homicides a day. Political parties and mainstream media often blame street gangs for the violence, but little has been done to prevent youth from joining such gangs.

In the summer of 2008, six months before the first round of elections, El Salvador is a country that appears poised for a significant change, and many Salvadorans are focused on the January and March 2009 elections as a major step in that process.

II. Current state of repression and human rights violations in El Salvador

Repression in El Salvador has increased over the past several years, particularly coinciding with the opening of the ILEA (International Law Enforcement Academy) in San Salvador, and the passage of the following laws:

- The Mano Dura and Super Mano Dura anti-gang laws
- The anti-terrorism law and anti-organized crime law
- Penal “reforms”

In our meetings with representatives of several human rights organizations and in personal testimonials of people who were targets of human rights violations, we heard several overlapping themes:

- The National Civilian Police (PNC) has been given authority to arrest, repress and even torture people who participate in civil demonstrations and actions that are intended to bring attention to basic human rights. The most extreme cases of such actions have been in response to popular opposition to water privatization.
- The PNC is a closed institution with military characteristics, and is in direct confrontation with the people. It is not a civil and democratic institution, as dictated by the 1992 peace accords. The PNC is given almost total impunity.
- The creation of the ILEA in 2005 and the peak in human rights violations since then is not a coincidence.
- The ILEA is also a closed and non-transparent institution. Even officials at the highest levels of government, including the Human Rights Ombudsman with whom we met, have little or no information about the curricula, students or graduates. This non-transparency prevents analysts who study the increase in human rights violations and police repression from showing a direct correlation between the opening of ILEA and the increase in such violations. They simply cannot get the necessary information from those administering the ILEA.
- Government officials rarely if ever investigate human rights violations, nor do they investigate assassinations of political activists or public officials.

Conduct of the PNC:

The PNC functions in a punitive manner, with little focus on crime prevention and rehabilitation of criminals. Consequently, the PNC has implemented the new anti-gang legislation primarily in the form of mass arrests of supposed gang members, while also utilizing the anti-gang and anti-terrorism legislation to target people who are not criminals

In terms of U.S. support, the recently approved Merida Initiative funding includes only a small percentage of resources dedicated to rehabilitation and prevention. The remaining portion focuses on violently confronting gang-related crime, and is likely that the PNC will use such funding to repress those who express opposition to the government.

Salvadoran organizations have also documented the torture of people who are arrested for demonstrating against government proposals and policies. The techniques that the PNC now uses to torture individuals are generally related to military-style training. These practices may be further evidence that the existence of the ILEA in El Salvador since 2005 has led to an increase in repression, including arrest and torture of citizens involved in peaceful protests. The Suchitoto demonstration against water privatization in July, 2007 exemplifies this. In that case, international pressure following the arrest of 14 individuals who were peacefully demonstrating—some were actually arrested before arriving at the demonstration—resulted in the release and, eight months later, dropped charges against all those arrested. The conclusion of this case is unusual in that justice ultimately prevailed, but probably only because of the intense pressure and publicity created by the international community. We can only assume that in the myriad cases that do not receive such media coverage, such unjust arrests and torture go unaddressed.

Failure of the Peace Accords:

From an international perspective, the 1992 Salvadoran Peace Accords were seen as a model for El Salvador's future. However, the accomplishments of the accords have been limited. Within five years of the signing of the accords, the UN effectively ended its oversight, and consequently the conservative government of El Salvador began ignoring laws that the accords created. Some "reforms" to the legal and penal system are actually counter-reforms of the peace process. One such reform undermines the legal system: the Attorney General, an appointee of the president, now has increased power over the legal process. The Attorney General and the executive branch control the country's prisons as well as its legal system, meaning that people who are arrested are denied their legal rights such as access to an impartial legal system. Instead, the Attorney General's office has created a punitive system, using anti-gang and anti-terrorism laws to incarcerate people without due process of law.

Penal "reform" laws created in the past decade have led to a significant increase in the number of people in jail. The jails, which were able to accommodate the number of people incarcerated in the decade following the peace accords, now exceed their capacity by more than fifty percent. Prisons function on the corruption of employees, including a significant drugs and arms trade within prisons. Conditions are likened to those in concentration camps: inhumane living conditions, little or no access to basic needs, and minimal or no access to health care for problems often resulting from such dire conditions.

Who's to blame:

How and why has this level of human rights violations come about? The short answer is that the government has made gangs the number one enemy in El Salvador, with the resulting justification that any sort of police crack-down is based on the need to fight gangs and their supposed outgrowths: terrorism and organized crime. The anti-gang and anti-terrorism laws give the police the ability to act with impunity. Politically-motivated

crimes continually go uninvestigated, thus creating an environment of fear and repression. The focus on gangs and terrorists is dangerously similar to the “enemy within” concept that preceded and was promoted during the civil war, which led to disappearances and death squad executions.

The ability of the executive branch, including the Attorney General, to control the legal and penal systems has led to a breakdown in which the people running these systems do not have the training or background for the authority they are given. They are also able to create laws and reform policies to benefit their political goals.

Moreover, the punitive approach is not solving the problem of violence in the country; rather, violence is increasing drastically. Those who are in a position to speak out against institutional violence, such as judges, human rights organizations, or church leaders, are often persecuted and accused of promoting violence.

The leadership of the Catholic Church has taken a conservative stance in the area of human rights. The Church often marginalizes priests who speak out about social injustices, as it did during the war. In addition, the Human Rights Institute of the University of Central America (IDHUCA), a Jesuit institution, is participating in the ILEA by providing human rights trainings. The head of the IDHUCA justifies this relationship by claiming that the institution can monitor the ILEA from the inside. The human rights community, however, feels that this involvement supports and condones the ILEA, rather than exposing its failings as a punitive, ineptly run system that heightens the atmosphere of repression in the country.

Political Violence and the Elections:

In terms of the upcoming elections, this repression is creating fear and terror, similar to what occurred in the 2004 and 2006 elections. Recent, uninvestigated assassinations of leftist political leaders not only heighten fear, but also create the potential for repressive tactics against those involved in election-related activity. For all of these reasons, it is imperative that the international community be aware of the current situation and that we exert pressure to ensure monitoring of the elections throughout the country. It is also imperative that the international community raises awareness of uninvestigated assassinations, the atrocities in the prisons, and the general heightened level of repression that exists. We must call the attention of the UN and other international organizations to address the impunity under which the government and police are operating.

III. 2009 Elections and the Electoral Process

Since the peace accords in 1992, El Salvador has held three presidential elections and five municipal and legislative elections. El Salvador holds a presidential election every five years, and local elections every three. The spring of 2009 is an extremely important election because it is one of the rare years in which both local and presidential elections will be held. It is also a unique moment for the left-wing party, the Farabundo Martí National Liberation Front (FMLN), which is ahead in the polls and has the chance to win the presidency for the first time.

However, the transparency and legality of the 2009 elections is in jeopardy due to both U.S. intervention and unfair political machinations by the ruling elite. As in 2004, there are signs that the United States is already intervening in an attempt to bolster support for the ruling conservative Party, ARENA, through ill-founded attacks on the FMLN and other forms of support. Furthermore, the ARENA party has done nothing to correct the rampant irregularities in the voter rolls and has allowed the body that oversees the electoral process, the Supreme Electoral Tribunal (TSE), to become a partisan body. CISPES and our Salvadoran partners believe that instability within the electoral process in this important election year, and the lurking warnings of election-day fraud, need to be addressed.

A. U.S. Intervention

Leading up to the 2004 presidential elections, U.S. officials such as Rose Likens, Roger Noriega, Otto Reich, and Rep. Tom Tancredo all implied that an FMLN victory would jeopardize the relationship between the U.S. and El Salvador. Congressman Tom Tancredo went the furthest by threatening to introduce legislation to restrict remittances from the U.S. to El Salvador if the FMLN were to win the elections. Such statements interfered with the ability of Salvadorans to choose their preferred candidate and instead caused many Salvadorans to vote against the FMLN so as to avoid negative repercussions from the U.S.

Many Salvadoran organizations strongly believe that such involvement from the U.S. affected the outcome of the 2004 Salvadoran elections and turned what was a close race into a decisive victory for the right-wing ARENA party. These statements are highly irresponsible and outright manipulative. It is one thing to announce new immigration policy initiatives; it is quite another to say that the implementation of such policies are contingent on a specific party winning an election. When Congressman Tancredo made such misleading claims—it would have been impossible to restrict all remittances as he proposed—the American embassy in El Salvador could have corrected these statements in order to avoid a distortion of Salvadoran voting preferences. However, the embassy failed to do so, thereby shifting the responsibility for such intervention from the shoulders of one congressperson to the U.S. State Department as an institution. Such inaction proved the overt partisan involvement of the U.S. government on behalf of the right-wing party.

Though more subtle than in 2004, there have been similar patterns of U.S. political involvement in the period leading up to the 2009 elections. The strategy has been to tie the FMLN with Latin American governments and organizations unfriendly to the U.S., especially those classified as “terrorist”. In February of 2008, the Annual Threat Assessment issued by the Director of National Intelligence for the U.S. Senate stated that it “expected [Venezuelan President] Chavez to provide generous campaign funding to the Farabundo Martí National Liberation Front (FMLN) in El Salvador in its bid to secure the presidency in the 2009 elections.” Although purely speculative and providing no evidence of campaign financing from Chavez, this assessment has been used by the Salvadoran press and U.S. officials to create fear about an FMLN victory.

Then, in June of this year, Salvadoran newspapers such as La Prensa Gráfica, El Diario de Hoy, and El Mundo reported that the FMLN is an active supporter of the left-wing FARC guerrillas in Colombia, even though there is no reputable proof of such support. U.S. officials have made similarly invalid claims. In the presence of the U.S. Ambassador to El Salvador Charles Glazer, Deputy Secretary of State John Negroponte declared that the U.S. will oppose any party that participates in or supports “terrorism.” Shortly thereafter, the ambassador addressed the Salvadoran press with a statement that “any organization that is friends with, assists or works with the FARC will not be viewed in a friendly way by the United States.”

Even though these claims did not specifically mention the FMLN or any other Salvadoran political party, the claims were interventionist and partisan in two ways: a) they fed previous rumors in Salvadoran papers about alliances between FARC and the FMLN; b) they expressed no concern about Salvadoran organizations or parties who might be supporting the right wing, paramilitary United Self-Defense Units of Colombia (AUC), which is also on the United States’ list of terrorist organizations. These selective claims by U.S. officials are thereby aligned with those of the right wing government and media in El Salvador.

These U.S. interventionist practices are compounded by – and help legitimate – election manipulation and dirty campaigning occurring in El Salvador.

B. Internal Fraud and Irregularities

The country is dealing with a host of problems, including enormous inconsistencies in the voter roles and registries, as well as a history of election-day fraud that has not been adequately addressed. Furthermore, the current administration has undermined the system of checks and balances that the Salvadorian constitution requires. Laws, regulations and institutions that favor one party and its allies have weakened the potentially fair and transparent system. This process has allowed corruption, abuse of power and fraud to occur without penalties for those who exploit the system for their own benefit.

In December of 2007, the Organization of American States (OAS) released a detailed evaluation on the state of the Salvadoran electoral system. This report exposed which reported over 100 problems with El Salvador's electoral system to El Salvador's Supreme Electoral Tribunal (TSE)—most of which have not been addressed—including problems with the registry and identification card system.

The OAS report found that 2.7% of the people in the electoral registry, which is equivalent to 109,707 voters, have incorrect information. Over 100,000 dead people were still in the voter registry. The electoral registry also has voters (with the same first, middle and last name, same mother, location of residency and birthday) appearing more than once.

Among the irregularities cited by the elections oversight group *Acción Ciudadana* (or "Citizen Action") is the fact that the OAS audit found the electoral registry to contain 330,000 names which could not be backed up by a birth certificate. In theory, every DUI (national identification card which must be presented at the time of voting) must be backed up by a sealed birth certificate which can only be obtained through the municipality which first issued the certificate. Furthermore, the audit found that approximately 600,000 DUI's do not possess the code corresponding to the place the person was born; approximately 400,000 DUIs do not have the current address of the individual; still other DUIs possess *both* irregularities. Meanwhile, an article by the *Prensa Grafica* on May 22, 2008 pointed out that there are 236,000 people in the Electoral Registry with DUIs that do not appear in the government census conducted in 2007.

This erroneous information could, among other things:

- Hinder these individuals' ability to cast a vote in the next election, since they cannot properly identify themselves at the polls.
- Create the opportunity for another individual to take the place of the voter.
- Result in the annulations of legitimate votes
- Allow an individual the ability to vote in any municipality, even one that does not correspond to his or her residence, creating an unfair disadvantage and a misrepresentation of the actual residents of that municipality.
- Allow individuals to obtain multiple DUIs under alias names and/or the ability to have non-Salvadoran citizens voting.

Other Potential problems on Election Day based on past elections include:

- The possibility that people from neighboring countries such as Nicaragua and Honduras could pose as Salvadorans in order to vote. In 2004 one witness reported that: "Busses were loaded with foreigners and taken to critical municipalities in order for them to cast their votes towards the ARENA party to win such municipalities."
- Potential for ballot box stuffing and the casting of invalid ballots exists. In previous elections a member of each party had to sign and seal every ballot to ensure its authenticity; however the politicized TSE has repealed this rule. According to a representative of *Acción Ciudadana*: "If the secretariat has been

- striped of their power and their seal and signature no longer holds power the validity of the ballots is at risk since it opens the door to stuffing the boxes.” If in past elections the signature and seal prevented certain types of fraud, the removal of that requirement has now opened the door wider for the duplication of ballots.
- The possibility of votes for non-ruling party candidates being disqualified. The regulations of the TSE states that votes that have marks outside the flags have to be counted at a later time. In the 2006 election, as stated by a witness: “The ARENA representatives will rub their wrist, in which they carried a bracelet, to smear the marks outside the party flag of those they believe to be voting for the FMLN with the hopes of disqualifying the ballot.”
 - The likelihood that other smaller parties might sell their credentials to ARENA since they cannot fill every voting table. One of the many instances when this took place was in the 2006 San Salvador elections when ARENA purchased credentials from their allies in smaller parties in order to obtain more votes and have control of the polling table’s presidency and secretary roles.

C. The Politicized Nature of the TSE (Supreme Electoral Tribunal)

At the time of the Peace Accords, the Salvadoran Supreme Electoral Tribunal (*Tribunal Supremo Electoral* or TSE) was created to be an unbiased and non-partisan arbitrator of elections. In 2009, all municipal, local and national officials are up for an extremely important election, which requires a fully competent and impartial electoral body to execute the process properly. However, the TSE has largely failed to reduce the risk of fraud and has been slow to implement recommendations by the Organization of American States (OAS) for increasing electoral transparency and efficiency. Furthermore, the Tribunal has recently been composed in a partisan manner, in violation of the Salvadoran constitution. Although the possibility of various types of fraud have surfaced, it appears that the TSE is doing very little when it comes to investigating the accusations and addressing these issues.

Some examples follow:

- The voting rules of the TSE have shifted and it is no longer necessary for 4 of the 5 magistrates to approve decisions; therefore, the three right-wing magistrates have the power to approve many potentially undemocratic changes to the electoral process without the consensus previously necessary.
- TSE officials are controlling accessibility to the electoral registry. At the time of our delegation, only one FMLN official had been allowed to look at the registry.

Considering that the TSE controls the ballot boxes, transportation and the counting of the votes, it is essential that the TSE be a non-partisan entity; however it is dominated by the party in power, ARENA, and its allied, smaller right-wing parties. This gives them the opportunity to manipulate results illegally and potentially question the validity of votes cast for the opposition parties. The TSE also has control of the voter registration lists and, consequently, is aware of the political inclinations and the pattern of voters’ past

political choices. According to *Acción Ciudadana*, “the TSE has lost that character of being the referee, as it has lost their balance since they do not act according to the constitution. The TSE must be depoliticized.”

The TSE has dismissed many of the recommendations of the OAS. Its president and its members, by a majority 3-2 vote, presented a plan that sought to reduce the role of the OAS and its technical assistance in improving the election system in El Salvador. The OAS has not followed through on improving the electoral system and pressuring the government to take action. All of the irregularities could have a major impact in the results of the elections, especially in the case of a tight election like the San Salvador municipal election of 2006, in which the FMLN candidate won by just 41 votes. 109,707 bad entries in the electoral registry can very well determine the results of the 2009 election, creating an unfair and unreliable system.

D. International Institutions Involved in the Salvadoran Elections:

As a member of the OAS, the U.S. government has a responsibility to be attentive to the irregularities found in the electoral registry audit. The participation of institutions like the OAS is important for fair elections in El Salvador, not only in 2009 but to set a precedent for future elections in which any political party can participate in a political system that allows the people of El Salvador the opportunity to vote and decide on the candidates of their choice.

The state of the voter registry and partisan management of the registration process creates problems both leading up to the election as well as on the day of the election. In a meeting with the U.S. Embassy, representatives claimed that fraud in the 2009 elections would be limited because there will be an unusually heavy presence of international observers. Organizations and governments they said would provide international observers include the IRI (International Republican Institute) and the NDI (National Democratic Institute) of the United States, as well as Canada, the European community, the OAS, the Salvadoran University of Central America, and Costa Rica’s Institute for Human Rights, among others.

However, some of these organizations are in fact partisan and may use their power to affect the election results. The IRI, which is headed by Sen. John McCain, has overtly supported the administration of the current president Antonio Saca. Last year the IRI presented Saca with its “Freedom Award” despite his troubling human rights record. In the acceptance speech, President Saca effectively invited U.S. intervention in the 2009 elections. Warning the IRI of a “socialist cancer” spreading in Latin America, Saca said that the U.S. “can help out a lot in preventing citizen support for certain proposals offered in the upcoming elections.” These comments reference ARENA’s fear campaign against the FMLN; a campaign that the U.S. openly supported leading up to the 2004 elections. As other parts of this report show, actions by the U.S. Embassy feed and condone ARENA’s current fear campaign.

E. Conclusions

International observation on Election Day cannot effectively counteract the electoral fraud and voter intimidation that has already begun; however, many Salvadoran organizations focused on the elections have expressed the importance of nonpartisan international observers being present during the elections. As one representative from Acción Ciudadana stated, “observers that are neutral and objective, without passions for a particular party, and with a strict respect for human rights, are essential for our [electoral] process.” ARENA has however threatened to pass legislation restricting the presence of international observers during the elections.

In demanding transparent and fair elections, Salvadorans we met with demanded that the TSE follow the OAS recommendations, including: full public access to the voter registry, which is currently outdated with inaccurate data that allows for corruption and fraud; a reinstatement of the past electoral process in which electoral officials of each party sign and seal ballots as they count them; and a general de-politicization of the TSE, which should be a non-partisan entity. We stand in solidarity with those who call for fixing these irregularities through their own governmental processes, which will ensure a democratic and smooth election process and also make El Salvador less vulnerable to U.S. and international intervention.

IV. Meeting at the U.S. Embassy in El Salvador

The delegation met with the Embassy Labor Attaché Jami Thompson on June 27 and made statements regarding its concerns about the electoral process and the state of human rights in El Salvador while presenting demands for how the U.S. government should address its concerns about the relationship between the U.S and El Salvador.

Among our demands were that the Embassy and U.S. State Department should:

- Refrain from making any statements that could be interpreted by the Salvadoran press and population as being partisan and/or favoring any particular party in the lead up to the 2009 elections;
- Make a statement that the U.S. will respect the results of a free and fair electoral process in January and March of 2009, and not try to undermine any future government;
- Make a statement recognizing the special status of international observers under the 1992 Peace Accords and their important role in helping to ensure free and fair elections;
- Stop funding the International Law Enforcement Academy (ILEA) and the National Civilian Police through the Merida Initiative and other sources;
- Not use relief and/or development funds for political purposes. For example, do not use Millennium Challenge Corporation (MCC) funds to manipulate the electoral process; and
- Recognize the obligation of the U.S., as a member of the Organization of American States, to encourage the implementation of OAS recommendations concerning the electoral process regarding transparency, access to the voting process and the integrity of the vote.

Ms. Thompson responded to the delegation statements in an informed and cordial manner and made comments regarding U.S. positions on several issues. However, several of her comments were problematic. For example, she stated that she was unaware of changes in the electoral procedures eliminating the requirement for the ballots to be signed at each polling station at the close of voting and certified with a stamp of the TSE. She promised to look into this matter. She also indicated that she would look into the allegation that there are 100,000 names of deceased persons on the electoral rolls, while discounting the significance of this problem.

While the delegation reported that the TSE was backing away from OAS recommendation, Ms. Thompson indicated that it was her belief that the TSE is under great pressure to improve the electoral process and is on the path to implementing the recommendations. Specifically, she stated that she expected the TSE to conduct another audit of the electoral rolls and make the necessary changes in time for the elections. However, the delegation has noted that delays by the TSE, dating back many years, make it unlikely that any substantive changes in the rolls can be implemented before the rolls are certified in September.

Ms. Thompson stated that she expects there to be many domestic and international NGOs involved in election monitoring. The U.S. will play an active role in promoting the involvement of the National Democratic Institute (NDI) and the International Republican Institute (IRI). The NDI and/or the IRI will train civil society groups, monitor media activity relative to the elections and assist in a “quick-count” of the votes. Our delegation responded that CISPES considers the involvement of the NDI and IRI to be problematic, given these groups’ questionable involvement in past elections. The NDI and IRI operate under the auspices of the National Endowment for Democracy (NED), a quasi-non-governmental organization that receives a large appropriation from Congress every year and has been implicated in intervention in previous Latin American elections.

When the delegates raised concerns about the possible link between the ILEA and human rights violations perpetrated by the PNC and security forces, Ms. Thompson suggested that the ILEA was simply providing “best practices” training and technical information to improve performance in such areas as fighting sex trafficking and locating lost children. She stated that she would be unable to obtain the curriculum but would pass on a request to the proper authorities.

Meeting with the Ambassador:

The delegation was surprised and, initially, pleased when Ambassador Charles Glazer entered the meeting. However, the Ambassador immediately launched into a highly contentious debate with the delegates. Prior to hearing the legitimate concerns the delegation was putting forth, the Ambassador attempted to discredit the delegation’s motives under the pretext of having a political bias. He repeatedly attempted to bait the delegates into an ideological battle with comments regarding the FARC and the supposed lack of freedom of expression in Venezuela.

The delegation objected to recent comments attributed to Ambassador Glazer in the Salvadoran press, which were portrayed as critical of the FMLN. We specifically noted an article in *Diario de Hoy* on May 25, 2008. The article quoted a group of right-wing Salvadoran editorialists who were concerned that an FMLN government would infringe upon their freedom of speech. It went on to cite statements made by the Ambassador acknowledging their concern and indicating that he was also concerned that a future Salvadoran government might limit freedom of the press.

The delegation pointed out that the Ambassadors’ comments constitute an act of intervention in the internal affairs of El Salvador, and demanded that he make the necessary clarifications. The delegates pointed out that while he may not have control over the press, he does have the obligation to rectify incorrect assumptions pertaining to U.S. policies, and that this responsibility extends to clarifying any comments of officials and non-officials, which might be misinterpreted as reflecting U.S. policy or intentions.

When the delegation raised concerns regarding human rights violations perpetrated by the PNC, the Ambassador abruptly displayed photographs of supposed violence that took place during the Suchitoto protest against the privatization of water in 2007. After a

failed attempt to distribute the photos among the delegates, he proceeded to aggressively shove them in their faces. He did not respond to the assertion that the people in the pictures were not among the 13 people arrested and charged as terrorists, nor did any of this justify terrorism charges and torture by the PNC.

While re-addressing the human rights violations associated with the PNC the delegates raised concerns regarding its relation to the ILEA and pressed for access to the full curriculum and names of ILEA students (in order to track their possible involvement in human rights violations). The Ambassador denied that he had the ability to do this, but patronizingly suggested that the delegates spend a week sitting in on classes at the ILEA.

Perhaps most significantly, when the Ambassador was directly asked if the U.S. had intervened in the 2004 elections, he replied in the affirmative. He went on to state that the U.S. would not intervene in the 2009 elections. The delegation and CISPES as an organization have pledged to hold the Ambassador to his word.

Conclusion

As the 2008 CISPES fact-finding delegation, we have come to the following conclusions regarding the information we collected during the course of our delegation:

- The state of human rights in El Salvador is declining at a rate not seen since the Peace Accords were signed in 1992.
- This deterioration in human rights corresponds to the U.S.'s opening of the ILEA (International Law Enforcement Academy) in San Salvador.
- The corruption and impunity within the PNC (National Civilian Police) is resulting in political repression and violence against members of the political opposition.
- U.S. intervention—already occurring and expected based on past practices—poses a major threat to the 2009 elections in El Salvador.
- The potential for internal electoral fraud and irregularities is present and likely to occur.
- This potential is exacerbated by the politicized nature of the TSE (Supreme Electoral Tribunal).
- The people of El Salvador have an inherent right to free, fair, and transparent elections and self-determination as a nation.
- The United States government should respect the Salvadoran people's right to self-determination and pledge to work with whichever party wins the presidential election of 2009.
- The U.S. should also encourage the TSE to implement the OAS recommendations for the electoral process.

Salvadorans deserve a system that gives everyone a fair opportunity to be part of the political process and know that their vote is counted with the same weight and power as any other Salvadoran citizen regardless of gender, religion, political affiliation, or social class.