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Congress of the United States
House of Representatives

Washington, DC 20515-2103

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July 23, 2007

The Honorable Elías Antonio Saca González
President of El Salvador
Casa Presidencial
Avda. Dr. Manuel Enrique Araujo 5500
San Salvador, El Salvador

Dear President Saca,

I write to express my grave concern about the detentions that took place in and around the municipality of Suchitoto in the department of Cuscatlán, on July 2, 2007, and the charges that are being brought against those detained.

It is my understanding that on July 2nd, four members of the Salvadoran organization *Asociación para el Desarrollo de El Salvador* (CRIPDES), Marta Lorena Araujo, Rosa Valle Centeno, María Haydee Chicas, and Manuel Antonio Rodríguez, were detained while on their way to Suchitoto to attend a protest against the decentralization policy that you were to announce in the town that morning. According to reports, these four individuals were arrested several kilometers outside of the location where the protest was going to take place and prior to their arrival at the protest. They did not at any time participate in the protest activities that occurred in the town on July 2nd.

I also understand that ten other individuals were also detained by the anti-riot unit (*Unidad para el Mantenimiento del Orden, UMO*) of the National Civilian Police in the context of the protests that took place in several locations in Suchitoto on this day. It is my understanding that at least one police officer was injured during these events, as well as a number of demonstrators. Many of the detainees allege that they were physically and psychologically abused during their detention and transfer to the police headquarters.

I am especially concerned that these 14 individuals were charged with "Creating Public Disorder, Destruction of Property and Acts of Terrorism" under El Salvador's Anti-Terrorist Law. This is particularly troubling in the case of the four members of CRIPDES who never arrived at the protests and where there is no apparent evidence of any criminal activity. It is difficult to avoid the conclusion that their arrests were intended to prevent them from participating in the demonstration and were politically motivated.

While the Salvadoran government has the task of ensuring public security, charging demonstrators under an "anti-terrorism law" which can mete out sentences in excess of forty years in prison, does not appear to be the measured response of a government seeking to maintain order while observing basic civil rights, such as the right to freedom of association and the right to protest. Rather, it appears more like a measure to criminalize *a priori* some forms of social protest in El Salvador. I believe that there is an important distinction between acts of protest, even those that run afoul of the law, and "terrorist" acts. Respect for democracy and freedom of speech demand that this distinction be observed. My concerns reflect those expressed by Salvadoran Human Rights Ombudsman Oscar Luna, who stated on July 9th: "I am not in agreement with the weakening of public liberties, like the right to expression,

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assembly, protest, and free association. These rights should be guaranteed by the constitution. To me, it seems like the Special Law against Acts of Terrorism is not the most appropriate for this situation, it seems somewhat excessive.”

According to media descriptions and reports we have received, there are differing accounts about the course of events at the demonstration in Suchitoto and much remains in dispute. I agree that government has an obligation to protect local citizenry and public order, and if there is clear evidence that some demonstrators engaged in illegal activities or committed assault, then appropriate legal action for these actions may indeed be warranted. However, there is a profound difference between throwing rocks, which may be grounds for assault charges, and acts of terrorism; and that it is an important matter of law that the latter not be confused with or diminished by delinquent acts or petty crime.

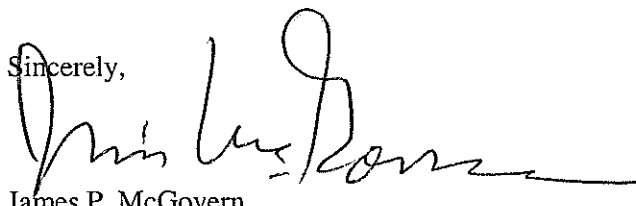
The charges under the Special Law Against Acts of Terrorism and the rhetoric that has ensued over the days following the protests and arrests do not contribute, in my opinion, to an atmosphere that promotes the kind of dialogue that might prevent similar clashes in the future. Instead they help create a climate of fear, intimidation, and social polarization in El Salvador. Such an atmosphere is not only contrary to the spirit of the 1992 Peace Accords, but also undermines years of investment by so many, of all political persuasions, in healing El Salvador’s deep social wounds.

I urge your government and Attorney General Garrid to drop all charges against the four members of CRIPDES who did not participate in the demonstration, and further encourage you to withdraw the anti-terrorism charges in all cases pertaining to the events of July 2nd. Should further investigation result in clear evidence against specific individuals having committed illegal acts, then those investigations and prosecutions should move forward under common criminal law.

It is my understanding that you have recently requested of the judge assigned to this case to review and clarify the facts of the case; and that you have requested the charges be changed from acts of terrorism to public disorder. Please know that I appreciate and support this decision and your actions on this matter. I remain troubled, however, by continuing reports that the individuals arrested for the July 2nd demonstration who remain in prison still suffer deprivations (for example, a lack of bedding) and have been placed in the same cells as some of the country’s most violent prisoners, a situation which directly endangers their physical well-being. I hope you will take positive action to alleviate these conditions, as well.

I look forward to hearing from you on these requests. Please know that I will continue to monitor this situation closely.

Sincerely,



James P. McGovern
Member of Congress

cc: Thomas Shannon, Assistant Secretary of State for Western Hemisphere Affairs
Barry F. Lowenkron, Assistant Secretary of State for Democracy, Human Rights and Labor
Charles L. Glazer, U.S. Ambassador to El Salvador