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Mike Leffert

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Anti-terrorism Legislation And The Seeds Of Revolution In El Salvador

by Mike Leffert

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The killing of two policemen in El Salvador has prompted the conservative ARENA government to seek new anti-terror legislation that opponents say will unleash a wave of repression and return the country to revolutionary times. There is some evidence that the seeds of revolution have already been sown.

The alleged killer of the two cops said he is a member of the Brigada Revolucionaria de Estudiantes Salvadoreños (BRES). BRES members are thought to be the children of revolution. They come, say informants, from the San Salvador suburb of Mejicanos, where many ex-fighters from the civil war live in poverty.

An unnamed source told reporters, "They come from a culture of social consciousness; they live in poverty and in a community that has been packed with weapons." The weapons are presumed to be leftovers from the civil war, ended in 1992 with a peace agreement. Ballistics reports have determined the weapon used was a US-made M-16.

Speculation has arisen that the shooting, which occurred at a demonstration against rising bus fares and utility rates, signals a return to revolution as an option in the struggle for justice and equality in the country. "We have to admit that a new revolutionary fringe is forming. It's an open secret," said El Salvador's human rights ombud (Procuradora de Derechos Humanos, PDDHH) Beatrice de Carrillo.

Political analyst Leonel Gomez says the lack of progress on social problems is reaching a breaking point. "This is a very patient country where the people have not yet seen any solution to their social and economic problems," he said. "If there are no solutions, people start to yell. If you don't answer them, they yell more. If even then you don't listen to them, they will start to shoot at you."

The opposition political party Farabundo Martí para la Liberación Nacional (FMLN) issued a quick declaration of its "emphatic condemnation of the use of violence" at the demonstration outside the Universidad Nacional de El Salvador (UES). The FMLN was the umbrella rebel force during the civil war and became a political party with the signing of the peace accord.

Just as quickly, President Antonio Saca told the media following the demonstration, "I formally accuse the FMLN of being behind these actions." Saca is also reported to have pledged to appeal to the UN to declare the FMLN an armed terrorist organization that should lose its right to political participation. Saca's pronouncements obscure the circumstances of the demonstration and the context in which the officers were killed.

The police presence at the Universidad Nacional was immense, repressive, and prolonged. Police snipers and attack helicopters were deployed, and police fired tear gas and rubber bullets at students. The police occupied the campus for four days in apparent violation of the university's autonomy, evacuated more than 700 people, and arrested 30 students, all of whom were subsequently released. Police shot a university administrator.

De Carrillo called it the worst human rights abuse documented since the signing of the peace accord. Trade union offices were raided as police said they were looking for stashed arms, which they did not find, and riot police stormed the home of FMLN Deputy Blanca Flor Bonilla.

Saca goes global

The situation left Saca with an opportunity to go global, hitching his enmity with the FMLN to international terrorism (see NotiCen, 2005-03-03). On July 6, the day after the demonstration-turned-riot, ARENA introduced an anti-terrorism bill in the Congress. Saca brushed aside suggestions of opportunism and claimed El Salvador must adopt legislation consistent with international anti-terrorism initiatives. Beyond the anticipated opposition in the legislature, the bill served to polarize institutions in general. De Carrillo said the bill could not be passed because it does not clearly define terrorism, while Chief of the Policia Nacional Civil Rodrigo Avila retorted terrorism is a broad concept, but the bill clearly states what crimes it considers terrorism.

In the legislature, ARENA and its partner the Partido de Conciliacion Nacional (PCN) lined up against the FMLN and the Convergencia Democratica (CD). Following a heated debate, an ad hoc committee was set up to study the bill. ARENA would need 43 votes to pass the bill, if and when it comes out of committee. Deputies Walter Duran (FMLN), Ernesto Angulo (ARENA), Oscar Kattan (CD), Antonio Almendariz (PCN), and Arturo Argumedo of the Partido Democra Cristiano (PDC) formed the group. The commission was not given a deadline, killing ARENA hopes for quick action. ARENA wanted the process to conclude within two or three weeks, but Angulo has said he wants to avoid duplication of penalties with existing laws, and Kattan wants to have the bill debated by all sectors of the population.

The PCN has somewhat surprisingly proposed adopting Cuban anti-terrorism legislation, except that the party does not want to adopt life sentences or the death penalty. Duplication of existing law As written, the bill defines terrorism as any attempt against the physical integrity or freedom of government officials; armed occupation of buildings; adulteration of substances; incitement of terrorist acts; use of weapons of mass destruction; hostage-taking; and destruction or hijacking of airplanes.

For many observers, there are problems. Legal expert Henry Campos noted that the bill is not crafted to prevent internal terrorism so much as it is based on the legal systems of other countries, a charge that Saca freely admitted at the outset. Judge Ulises del Dios Guzman of the Corte Suprema de Justicia (CSJ) noted duplication; most crimes in the bill are already in the penal code. "The difference is that the new law imposes harsher sentences and focuses on the intention to cause fear and terror," he said. That point had been brought up by Campos who gave as example that the

crimes committed in the demonstration, attempted murder, grievous bodily harm, etc, are already punishable felonies.

Columnist Rene Hurtado confronted the intent of the legislation head-on. "For the Salvadoran oligarchy, freedom and democracy mean no demonstrations, no labor unions, no wage increases, and no protests against the rising cost of electricity and transport," he wrote. De Carrillo and others have agreed that a law coming from this bill will be used to intimidate protestors.

Risking the remittances

The anti-terrorist legislation even threatens to complicate one of El Salvador's most sacrosanct institutions, the remittances from abroad that hold the country's economy together. Rolando Monroy, head of the Unidad de Investigacion Financiera de la Fiscalia, has told the members of the ad hoc committee that the systems through which the remittances come must be subject to surveillance because they could be used to transfer funds to terrorists.

He told the panel that El Salvador must comply with a series of recommendations of the Financial Action Task Force (FATF), an organization created in France in 1989 to deal with money laundering. He said the Superintendencia del Sistema Financiero should be in charge of an elaborate surveillance system. Monroy told the committee that failure to do this could result in UN sanctions for noncompliance in the war against terrorism.

As the debate percolated through El Salvador's many-layered society, Saca countered the criticisms by going global again. He linked his pending legislation to recent news from England of the foiling of an alleged plot to blow up a dozen or more airliners to reassert on Aug. 12 the need for an anti-terrorism law at home. "I believe there is sufficient international legislation, which we can compare with the bills in the legislature, to choose the best law to protect the country or give the authorities more tools to combat terrorism." The wire services reported the president's remarks straight, while the largest national daily helped Saca's argument along by setting his remarks in its own story of the events in Britain and commentaries on air travel from local travel agencies and regional airlines. "Without a doubt," said a TACA airline official, "the security measures are annoying, they change our passengers' routines, but there is a high level of understanding about them." The anti-terrorism law is not a stand-alone item.

The legislature is also taking up other punishing bills that would allow chemical castration for sexual offenses, prosecution of minors as adults, and increase some penalties for extortion. The pending legislation has been characterized as "a shower" of initiatives. There are no fewer than 30 for the Ley Penitenciaría alone.

The bills are coming from both sides of the aisle. As the conservatives pile on punishments, the left is looking for revisions in the law against torture. The FMLN is now calling for public forums for discussing this march toward draconian justice. The party has also demanded that Beatrice de Carrillo be consulted on these bills. She has demanded that the Congress inform her of every bill that affects fundamental rights.

The left party is seeking an integrated approach to all these bills and amendments. Since 1997, the Penal Code has undergone more than 300 modifications, leading the PDC's Argumedo to observe, "The Salvadoran Code resembles Cantinflas' pants, because it's full of patches."

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