Salvadoran Government Nixes Guatemala-Style Anti-Impunity Commission

Benjamin Witte-Lebhar

Follow this and additional works at: https://digitalrepository.unm.edu/noticen

Recommended Citation
https://digitalrepository.unm.edu/noticen/10272
Salvadoran Government Nixes Guatemala-Style Anti-Impunity Commission

by Benjamin Witte-Lebhar
Category/Department: El Salvador
Published: 2015-08-13

Guatemala’s Comisión Internacional contra la Impunidad (CICIG), a powerful judicial instrument established nearly a decade ago in collaboration with the UN, has become a major subject of debate in neighboring El Salvador following remarks made last month by a key US diplomat.

During an early July visit to San Salvador, Thomas Shannon, a top-level US State Department advisor who has also been active of late in Venezuela (NotiSur, May 1, 2015), suggested to reporters that El Salvador and Honduras would do well to follow Guatemala’s lead and set up anti-impunity commissions of their own. "Each country would have to determine what the structure would be, but the CICIG has worked well," he said.

El Salvador, together with Honduras and Guatemala, form what security analysts call the Northern Triangle, an area plagued by crushing poverty and a ghastly homicide rate that ranks among the world’s highest. Shannon’s visit was part of a diplomatic push involving the US government’s Plan of the Alliance for Prosperity in the Northern Triangle (NotiCen, April 30, 2015), which calls for some US$1 billion to be spent on development and crime-fighting efforts as a way to stabilize the three countries and reduce the number of US-bound immigrants they produce (NotiCen, Aug 14, 2014, and Aug. 28, 2014).

The US government firmly supports the work being done by CICIG, as evidenced by remarks made by US Vice President Joe Biden during his own Alliance for Prosperity visit to Central America this past March. "Impunity is a huge problem in the Northern Triangle, period. For that reason it’s very important that the CICIG continue to operate," he said.

Since going into operation in 2007, the internationally funded CICIG has participated in a number of high-profile cases, including the Caso Rosenberg, which began in 2009 when Rodrigo Rosenberg Marzano, a Guatemalan attorney, was found dead after first posting a video insisting that, in the event of his murder, then President Álvaro Colom (2008-2012) should be held directly accountable (NotiCen, Jan. 21, 2010).

The commission is currently involved in a massive customs-fraud investigation that led to the resignation, in May, of Vice President Roxana Baldetti and forced Guatemalan President Otto Pérez Molina—who is also implicated in the scandal and had been openly opposed to CICIG—to extend its mandate an additional two years (NotiCen, April 23, 2015, and July 2, 2015).

"Not very appropriate"

Salvadoran administration officials, along with members of the governing Frente Farabundo Martí para la Liberación Nacional (FMLN), bristled at Ambassador Shannon’s CICIG recommendation even though former President Mauricio Funes (2009-2014), also of the FMLN, made a similar proposal during a 2010 appearance at a UN General Assembly gathering in New York.
Franzi Hasbún, a top government security official, told reporters July 8 that the administration of President Salvador Sánchez Cerén has no plans whatsoever to follow the Guatemalan model. "We've never put [that option] on the table," he said.

Government spokesperson Eugenio Chicas also rejected the idea, saying that El Salvador already has the institutional mechanisms in place to tackle its corruption and impunity problems. "Those kinds of instruments," he said of CICIG, "operate in countries that have lost their institutionality ... something that occurred, for example, in Guatemala."

Asamblea Legislativa (AL) president Lorena Peña of the FMLN gave an even testier response, saying in a July 13 television interview that a foreign-backed commission is neither necessary nor desired in El Salvador. "Inviting international involvement into affairs as delicate as the administration of justice isn't very appropriate," she said. "What has Guatemala gotten out of CICIG? They haven't managed to stop drug trafficking. They haven't stopped the internal war. They haven't stopped corruption."

But others in El Salvador—including church officials, media outlets, and even members of the far-right opposition—aren't so quick to dismiss the idea. San Salvador Auxiliary Bishop Gregorio Rosa Chávez said that El Salvador should be open to seeking outside assistance when and if the need arises. "I understand that what can be handled in-house, should be handled in-house. But if that's not possible, international help should be sought," he said.

Human Rights Ombud David Morales suggested that a CICIG-like body could be a valuable tool in the fight against impunity, particularly regarding high-level government corruption and cases involving major human rights abuses. "A commission of this nature isn’t something we should be afraid of," he said.

The independent news site El Faro chimed in on the issue as well, using interviews with several Guatemalan journalists to defend CICIG’s legacy and challenge Lorena Peña’s dismissal of the commission. The mandate of CICIG, which began operating in 2007, was never to stop drug trafficking or halt Guatemala’s "internal war," Enrique Naveda, director of the Guatemalan newspaper Plaza Pública, told El Faro. "Its mandate is to investigate and help break up illegal security bodies and clandestine security apparatuses—a mandate, in other words, that is far from what [Deputy Peña] suggested."

**Destabilization campaign?**

Interestingly, some members of the hard-right Alianza Republicana Nacionalista (ARENA)—which governed El Salvador for two decades starting in 1989 when it pushed through an Amnesty Law guaranteeing impunity for war-era human rights violators (NotiCen, April 11, 2013)—say they, too, are open to the CICIG idea. "I totally agree with creating an international commission against impunity in El Salvador," ARENA Deputy René Portillo Cuadra said last month.

Fellow ARENA lawmaker Margarita Escobar also supports having such an institution in El Salvador and, in a July 24 interview with the Salvadoran daily La Prensa Gráfica, challenged the FMLN argument that, by opening itself up to a CICIG-type institution, the country would sacrifice its sovereignty. "The Peace Accords [1992] were signed thanks to the collaboration of the United Nations and friendly governments," she said. "From there the ONUSAL [United Nations Observer Mission in El Salvador] was established. The Truth Commission was established. We had a top
human rights representative in the country for the first time. ... And with all that, sovereignty wasn’t lost."

FMLN leaders accuse ARENA of using the issue for political gain and say the CICIG debate is one of several things the political right has pounced on of late to destabilize the country and force President Sánchez Cerén, a former guerrilla commander, to resign. Other aspects of the destabilization campaign, according to FMLN secretary-general Medardo González, include a recent public transportation strike, demands within the armed forces for a pay hike, and a June decision by the Corte Suprema de Justicia's Sala de lo Constitucional to prevent the government from publishing the names of delinquent tax payers. "There is an oligarchic class in the country that won't accept [that the FMLN is in power]," González said late last month.

The FMLN, which began as a coalition of guerrilla forces during El Salvador’s dozen-year civil war (1980-1992), won power for the first time in 2009 by partnering with Mauricio Funes, a political moderate and former journalist (NotiCen, March 19, 2009). He was replaced last year by Sánchez Cerén, an FMLN veteran who served as Funes’ vice president. Sánchez Cerén beat ARENA candidate Norman Quijano, a former San Salvador mayor, by fewer than 6,400 votes in a March 2014 runoff (NotiCen, March 20, 2014).

**March massacre**

Whether there is any truth to González’s claims remains to be seen. What is clear is that El Salvador is facing particularly troubled times because of a surge in violence between competing street gangs, between gangs and state security forces (police and soldiers), and with innocent civilians caught in the crossfire (NotiCen, July 30, 2015).

Homicide numbers have risen significantly since the Funes government, in the months leading up to the 2014 presidential elections, withdrew support from an experimental gang truce it helped organize in 2012 (NotiCen, July 12, 2012). The situation has deteriorated even more since January, when President Sánchez Cerén publicly rejected the idea of further negotiations with gang leaders and Vice President Óscar Ortiz, two weeks later, gave police what amounts to a license to kill (NotiCen, Jan. 29, 2015). In cases where they feel threatened, he said, police are free to shoot gang members "without any fear of suffering consequences."

In March, El Salvador experienced its deadliest month in more than a decade, with at least 482 homicides, a 52% increase over the same period last year, the Instituto de Medicina Legal (IML) reported. Police were responsible for approximately 140 of those killings. Eight of the victims died on March 26 in what was reported as a shootout between police and gang members on a rural coffee plantation.

A recent El Faro exposé challenges the official story, suggesting that police launched what was essentially a commando-style raid that involved summary executions and possible evidence planting. One of the victims, a 20-year-old named Dennis Alexander Martínez, worked on the farm as a bookkeeper and had no affiliation with the gangs. He telephoned his uncle just before police burst in to his room and shot him pointblank in the head. The young man's cell phone disappeared from his room. And his uncle, the caretaker of the plantation, showed up dead on April 14, strangled and with his face sliced and crushed by machete blows.

Since then, the monthly body counts—in what is more and more being described as a "war"—have jumped higher still. In May, 641 people were killed. For June, police reported 677 people murdered,
numbers unheard of since the country’s Peace Accords were signed more than 23 years ago. As of Aug. 1, an estimated 2,870 have been murdered this year, 357 more than in all of 2013.

-- End --