

United States Senate
WASHINGTON, DC 20510

May 14, 2024

The Honorable Antony Blinken
United States Secretary of State
The State Department
2201 C Street Northwest
Washington, D.C. 20520

Dear Secretary Blinken,

You have rightly underscored that U.S. foreign policy in the Western Hemisphere must be fundamentally rooted in shared interests of human rights, the rule of law, and support for fragile democracies. The provisions laid out in the Inter-American Democratic Charter provide an excellent baseline for all democracies in the region, including our own.

As the State Department works with Salvadoran President Nayib Bukele and his administration on immediate and mutual security priorities, we ask that you ensure the Department is dedicating equal effort to the longer-term protection of Salvadoran citizens, civil society stakeholders, and democratic institutions. It is through this balanced approach that we can best work together to mitigate migration to the United States' southern border and counter the influence of corrupt criminal actors in El Salvador and across the region. Maintaining this delicate balance is always challenging, but it is crucial to guaranteeing a vibrant Salvadoran democracy, protecting independent associations, bolstering independent media, and guarding human rights. Only in doing so will the United States most effectively maintain a strong and sustainable partnership with El Salvador that is reflective, across generations, of the shared democratic values of the U.S. and Salvadoran people.

President Bukele has enjoyed success in reducing the impact of criminal gangs in El Salvador, but his means of doing so – the ongoing “state of exception” – raises serious concerns about whether this approach is sustainable. Tens of thousands of Salvadorans have been detained under this state of exception, rarely receiving due process or formal charges. These arrests often involve extended pre-trial detention and little to no access to legal counsel or information regarding the status of their detention. Hundreds of habeas corpus petitions have been denied. Notably, the Department of State has previously warned that several U.S. citizens have also been detained under the State of Exception. While states of exception are permissible under Salvadoran law, they are intended for exigent circumstances and cannot come at the expense of basic due process guarantees.

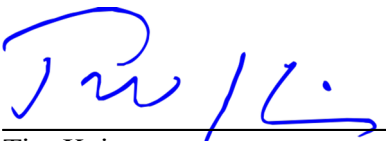
We ask that the State Department press the Bukele administration on its obligations to democratic principles and the rule of law, including the termination of this antidemocratic state of exception and re-introduction of due process for those detained over the past two years. This should further include an investigation into the reported 230 deaths in custody during the two years of the state of exception – the highest level of death in custody in the Western Hemisphere

during the same timeframe. We recommend the State Department press for invitations to the United Nations Special Rapporteur on Torture and the United Nations Special Rapporteur on Counter-Terrorism and Human Rights to provide an independent examination.

Another way in which the Salvadoran government could bolster its commitment to democratic principles is through stronger protections for the rights of opposition parties, and we would welcome enhanced engagement from the State Department in that effort. It is fundamental to any democracy that the political opposition be able to engage in electoral processes without intimidation, favoritism, or legal barriers, and the Department should encourage El Salvador to refrain from legal or constitutional reforms that undermine equal competition. Civil society stakeholders, local community and nonprofit organizations, and business groups must remain free to organize, gather in public, and express their views without fearing reprisals from the government. Freedom of the press is also crucial in all democracies to ensuring accountability and transparency, and we are deeply troubled by credible reports that journalists are facing increased threats and harassment from the Salvadoran government officials and nongovernment parties. The Department should remind the Salvadoran government that, consistent with our shared democratic values, journalists should be protected from violence and from arbitrary laws that restrict access to their work or put reporters at risk of prosecution simply for doing their jobs.

The United States and El Salvador have a long history of friendship. We share the same interests – a safe and prosperous future for our people – and the ties between the United States and Salvadoran people are stronger now than they have ever been. But friends and fellow democracies must also be frank with each other, and the Bukele administration must work harder to fulfill its obligations to basic human rights and democratic principles. Failing to commit to upholding human rights would be severely detrimental for the Salvadoran people, Salvadoran democracy and the safety and security of the United States. We hope that you can expeditiously bring these matters to the attention of the Salvadoran government.

Sincerely,



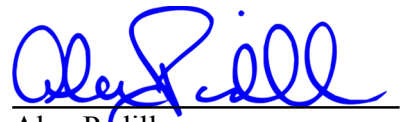
Tim Kaine
United States Senator



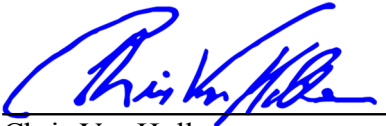
Benjamin L. Cardin
United States Senator




John Hickenlooper
United States Senator



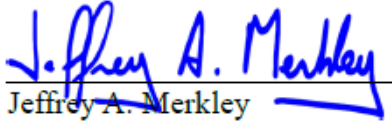
Alex Padilla
United States Senator



Chris Van Hollen
United States Senator



Robert Menendez
United States Senator



Jeffrey A. Merkley
United States Senator