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EL SALVADOR

ILEA Office: School of the Americas Round Deux?

On 8 June, Philip French, the business attaché for the US Embassy in El Salvador, said the nation had been selected as the new site for the International Law Enforcement Academy (ILEA), fifth ILEA site and the first in Latin America, following Secretary of State Condoleezza Rice's announcement on 6 June.

The US attempted to negotiate with Costa Rica in '02 about establishing an academy there, but the Costa Rican Legislature rejected the measure (Vol. 21, No. 7). The US currently has academies in Budapest, Hungary; Bangkok, Thailand; Gaborone, Botswana; and Roswell, New Mexico, US.

According to the US Department of State, the training program will focus on "attacking international terrorism, financial crimes, illegal trafficking in drugs, aliens and stolen cars and promoting transparency and accountability in the government." Participants will include "students" from Costa Rica, Honduras, Guatemala, El Salvador, Nicaragua, Panama, Belize, the Dominican Republic, Colombia, Venezuela, Ecuador, Peru, Bolivia and Brazil.

Normally, the US pays for the travel, courses and other needs of students, while the host country is responsible for the facilities and their maintenance, although French indicated that "this can also be negotiated." Currently, the US and El Salvador are engaged in discussions about the infrastructure, maintenance and the exact location of the academy.

The Office of the Attorney General for the Defense of Human Rights is concerned about this development and considers the establishment of the ILEA academy as threatening to national sovereignty. French maintained that the other international academies did not feel they had lost sovereignty by accepting ILEA. French also said that ILEA would give prestige and an image of a stable and professional government with a serious commitment to fighting international crime.

Another fear is the similarities between the ILEA and the infamous School of the Americas, which exacerbated the military situation in El Salvador in the '80s. In response to criticism, French indicated

that the critics were ill-informed and had not done enough research about the institution. Human rights offices in El Salvador are calling the plan “disastrous.”

FMLN Split, FDR created

Three hundred and fifty party members, including four legislators, renounced their membership in the Farabundo Martí National Liberation Front (FMLN), claiming differences with the current FMLN leadership. The FMLN has been struggling with internal conflict between the orthodox trend in the direction of the party, represented by the veteran leftist leader and ex-presidential candidate Schafik Handal, and the new “social democrats.”

In '04 Handal lost the presidential election to the National Republican Alliance (ARENA) candidate, current President Tony Saca. During the '03 elections the FMLN captured 31 congressional seats, a majority representation. However, after the four legislators left the party in early June, the FMLN now only has 27 of the 84 seats, and has lost the ability to block ARENA initiatives.

According to the former magistrate of the Supreme Electoral Tribunal (TSE) and ex-FMLN member, Julio Hernández, in his letter to the FMLN general coordinator, the party has become less democratic, less revolutionary and less socialist; and it is now completely insensitive to Salvadoran society. The resignation of 350 members provoked an important fissure in the FMLN.

On 13 June, the FMLN dissidents announced the creation of a new political party, the Democratic Revolutionary Front (FDR). Hernández said that all those who were excluded from the FMLN created the new liberal political party, which will bring together a historic foundation of popular organization. The newly adopted name has historic significance, which had come to signify the political front of the former guerrillas during the civil war during '80-'92.

On 15 June, the FDR presented its new party proposal to the TSE, in order to register as a legitimate political party. The proposal successfully passed during the plenary session on 17 June. The political parties, including the newly formed FDR, are preparing for the legislative and municipal elections in Mar '06.

Controversy Brews over Potential “Terrorism” Laws

On 21 June, in response to an increase in homicides and violence in June and throughout '05, the administration of Antonio Saca pushed for the creation of the criminality of “terrorism acts,” sanctioned by a prison sentence of five to 20 years for those who commit murder with “messages of terror.” This “innovation” by the Saca administration and its “Super Mano Dura” program is pushing to consider especially violent murders and a wide range of other crimes to be terrorist activities.

Currently, Article 343 of the Penal Code states that acts, individually or collective, that can produce alarm, fear or terror, utilize explosive or flammable substances, weapons or devices that normally cause harm to life or personal well-being constitutes terrorism. Since the law encompasses many aspects of crime, even minor crimes, such as robbery, may be considered an “act of terrorism.”

Between Jan and Apr '05, 425 gang members were killed, in addition to another 100 without gang ties, but with criminal records. According to Pedro Gonzáles, the assistant director of the Civilian National Police (PNC), in the first five months of '05 homicides increased by 32% over the total number of homicides for all of '04. Vice Minister of Security Rodrigo Ávila recognized that there is concern that the continued unpunished violence has generated a “feeling of criminal impunity” in El Salvador. Ávila warned that this law will not only apply to gangs, but anyone who commits homicide that generates fear and terror within the population.

However, Salvadoran judges and lawyers do not agree that this is best course of action for dealing with the increasing crime that plagues El Salvador. According to Martín Zepeda, a longtime magistrate, this new idea is merely “one more project intended to give the impression that they are working and doing something.”

Carlos Sánchez, a criminal court judge, said that no legislation in any part of world confuses acts of terrorism with homicide, because the premises for the crimes are poles apart. Edgardo Amaya, from the Foundation for Applied Law Studies, believes these new “terrorist” charges will be unsuccessful in court since “a person can kill with blows from a machete, with gunshots, and can even dismember another, but that is still [just] a homicide.”

Zepeda claims there are many differences between violence committed by the *maras* and terrorist organizations who commit crimes that “are planned and carried out by organizations with political, ideological, religious or racial ends to generate social crises in order to replace a constitutionally established system; and the gangs do not have that aim, though they commit crimes that cause terror.”

Although the law is not yet official, the assistant director of the PNC, Pedro Gonzáles, explained that police officers have already been instructed to charge criminals with terrorism acts when deemed appropriate. Amaya said it seems that the police “are going to attribute any problem they can’t handle to a situation of terrorism.”

Miguel Montenegro, chairman of the El Salvador Human Rights Commission, added: “we cannot arbitrarily link criminal acts to terrorism, especially when the Attorney General’s office has said many times that no cases of that [terrorist] nature have been identified in the country.” Amaya doubts the success of adding these new boundaries on terrorism saying that, “I can tell you in advance that this is not going to produce results.”

—Catherine Golden