

## **INCREASED MILITARIZATION OF CITIZEN SECURITY: A RECIPE THAT HAS PROVEN INEFFECTIVE**

Washington DC and San Salvador, July 21, 2021.- The Due Process of Law Foundation (DPLF) expresses its concern regarding the militarization measures reported by the government of El Salvador this week, as they lead to a further denaturalization of the civilian model of security.

The government of El Salvador [announced](#) from its Twitter account that it will substantially increase the number of military personnel involved in citizen security tasks as part of the questioned Territorial Control Plan: 9,825 soldiers -the highest number of military personnel in the fight against crime since the end of the civil war-. Likewise, on Twitter, President Nayib Bukele [stated](#) "we will increase our Armed Forces in the next 5 years, starting today [...]. It starts today with 15,000 [troops...], and this new order is to increase it to 40,000 brave and patriotic men and women".

These actions demonstrate that the current administration continues to support repressive security policies that privilege militarization over prevention and technical investigation of crimes.

### **Why should the militarization of public security be eliminated?**

1. **It contradicts the Constitution and constitutional jurisprudence.** Article 159 of the Constitution of El Salvador establishes that "[n]ational defense and public security shall be assigned to different ministries. Public security shall be the responsibility of the National Civil Police, which shall be a professional body, independent of the Armed Forces and free from any partisan activity". Although Article 168.12 recognizes the president's exceptional power to use the Armed Forces in internal security tasks, all executive decrees authorizing this militaristic practice -including this week's governmental decisions- do not comply with the temporary and extraordinary character granted to the President of the Republic by the Constitution.

Likewise, this decision contradicts the criteria of the constitutional jurisprudence that concludes that "military leadership in institutions of civilian nature and the intervention of armed forces in the streets to carry out public security tasks inverts the principle of rational use of force in the Constitutional and Democratic State of Law, since it places trained military subjects dedicated to the maximum use of force, in the role of regular or ordinary recourse for the protection of the citizenry, multiplying the risks of excess"<sup>1</sup>.

2. **Failure to comply with obligations established in international instruments and jurisprudence.** As determined by the Inter-American Court of Human Rights, "States must limit to the maximum the use of the armed forces [...] since the training they receive is aimed at defeating the enemy, and not at the protection and control of civilians or

---

<sup>1</sup> Unconstitutionality 4-2012. Constitutional Chamber of the Supreme Court of Justice of El Salvador, May 17, 2013. Page 17.

training that is proper for police forces”<sup>2</sup>. Furthermore, the Inter-American Commission on Human Rights has warned that the progressive militarization of the police has not significantly contributed to reduce the climate of insecurity; on the contrary, many countries have experienced an upsurge in violence in addition to reports of abuses, arbitrariness and human rights violations by State security forces<sup>3</sup>.

- 3. Contradicts the content of the 1992 Peace Accords.** As indicated, one of the most significant achievements of the negotiation process, which culminated in the pacification of the country, was the suppression of the former security forces that were organically and functionally linked to the Armed Forces. This linkage was an important factor for the execution of serious human rights violations and for the lack of investigation of these terrible events, leading to a generalized pattern of impunity that persists to this day. Likewise, the Armed Forces were reduced in their personnel and budget, given that in times of peace, high military expenditures are not justified.
- 4. It has not proven to be an efficient measure in the fight against crime.** There is no evidence of the impact that these measures or policies have had on the improvement of the real levels of security; on the contrary, the increase in the number of military personnel in the last few years, that the government has gambled on, has coincided with the increase of criminality and new forms of violence in El Salvador, resulting in a negative balance in terms of human rights, institutional credibility and higher military expenditures<sup>4</sup>. This concern only adds to the lack of transparency, accountability and weak internal controls that have characterized the Armed Forces; and that, in the current presidential administration, is even more evident.

Faced with this developing situation, DPLF calls on President Bukele to:

1. Annul the announcement to increase the military presence in citizen security tasks, initiate a gradual process of decreasing military troops, and proportionally strengthen the technical capacities of the National Civil Police in order to have a professional, effective and independent police force.
2. Comply with the State's international obligations, especially in the application of standards for a democratic criminal policy that respects human rights.
3. Open spaces for dialogue with the civil society organizations on the practices of abuse of power in the application of security policies.

---

<sup>2</sup> Inter-American Court of Human Rights Case of Montero Aranguren et al. (Catia Detention Center) v. Venezuela Judgment of July 5, 2006 (Preliminary Objections, Merits, Reparations and Costs) Page 42.

<sup>3</sup> Cfr. IACHR. *Violence, children and organized crime*. Washington: OEA/Ser.L/V/II. Doc. 40/15, 2015, p. 15.

<sup>4</sup> Human rights organizations reported that between May 2019 and March 2020, 1,560 complaints were registered regarding abuses by state agents, 53% of which held the PNC responsible for some human rights violation. *Informe de Organizaciones de Derechos Humanos El Salvador: Entre la represión y la militarización de la seguridad pública*, December 2020.