

Translated from Spanish

Measures to eliminate international terrorism

Report of the Republic of El Salvador pursuant to General Assembly resolution 73/211

The Republic of El Salvador is submitting this report in pursuance of General Assembly resolution 73/211, by which the item entitled “Measures to eliminate international terrorism” was included in the provisional agenda of the seventy-fourth session of the General Assembly and under which all Member States have been asked to provide the Secretary-General with information concerning the status and implementation of existing multilateral, regional and bilateral agreements relating to international terrorism, including information on any incidents caused by international terrorism and any criminal prosecutions and sentencing.

Regarding this important topic, El Salvador has on many occasions expressed opposition to acts of terrorism and complete willingness to adopt any monitoring and international cooperation measures that may be necessary in order to ensure that such acts are prevented, investigated and prosecuted.

Accordingly, El Salvador is a party to most of the regional and international treaties on terrorism, including the Convention on Offences and Certain Other Acts Committed on Board Aircraft (Tokyo Convention), which it ratified in 1979; the Convention for the Suppression of Unlawful Seizure of Aircraft (Hague Convention), which it ratified in 1972; the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation (Montreal Convention), which it ratified in 1979; the Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, which it ratified in 1980; the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, which it ratified in 2000; the Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf, which it ratified in 2000; the International Convention against the Taking of Hostages, which it ratified in 1980; and the International Civil Aviation Organization Convention on the Marking of Plastic Explosives for the Purpose of Detection, which it ratified in 1999.

Article 1 of the national special law against acts of terrorism provides a legal definition of terrorism, which includes three elements that the legislature considered necessary for an act to be considered an act of terrorism: (a) the means and methods used are capable of generating collective terror, (b) the objective is to damage or endanger personal or material legal rights and (c) the act has an impact on the democratic system, State security or international peace.

This legal instrument provides a basis for binding decisions by the competent national authorities to ensure that the various sectors of the population are protected against the systematic threats and imminent danger posed by this type of crime, while paying due regard to the importance of respecting the constitutional principles of due process and respect for human rights.

With regard to criminal prosecutions and sentencing, the Constitutional Chamber of the Supreme Court of Justice of El Salvador recognized in its judgment 6-2009 of 19 December 2012 concerning unconstitutionality that the establishment and maintenance of organized criminal groups entails a significant increase in danger to the legal rights of the population, and that combating such groups, primarily through the application of criminal law, is therefore justified. The objective of the Salvadoran criminal procedure is to protect the fundamental values agreed upon in the Constitution and to affirm the norms of society by ensuring that terrorist crimes are punished.

In that connection, the Office of the Attorney General – which is responsible for, inter alia, investigating such crimes – reports that 190 trials for terrorist crimes resulted in sentences in 2018. 179 of those cases concerned terrorist organizations (article 13 of the special law against acts of terrorism); 1 concerned terrorist acts committed with weapons, devices or explosive substances, chemical, biological or radiological materials, weapons of mass destruction or similar items (article 15 of the law); 3 concerned acts of terrorism against the life, personal integrity or freedom of internationally protected persons or public officials (article 5 of the law); 1 concerned the armed occupation of towns, villages and buildings (article 6 of the law); 2 concerned criminal activities related to weapons, devices or explosive substances, chemical, biological or radiological materials, weapons of mass destruction or similar items (article 14 of the law); 2 concerned threats (article 27 of the law); 1 concerned concealment (article 30 of the law); and 1 concerned preparatory acts, incitement and conspiracy (article 31 of the law).

According to a report by the Office of the Attorney General's School for Prosecutors, prosecutors participated in 10 training activities at the national and international levels in 2018, some of which were conducted virtually. The training was primarily focused on combating terrorism and terrorist financing, and the gender perspective was included as a cross-cutting theme. The activities were as follows:

- Workshop for judges and prosecutors on combating money-laundering, terrorist financing and violent extremism
- Regional workshop on tools for investigating money-laundering in foreign trade transactions
- Course on asset confiscation and money-laundering
- Capacity-building seminar by assessors from the Financial Action Task Force (FATF), the Caribbean Financial Action Task Force (CFATF) and the Financial Action Task Force of Latin America (GAFILAT)
- Workshop on transparency and beneficial ownership
- Course on international standards related to combating money-laundering, terrorist financing and the proliferation of weapons of mass destruction, with an emphasis on international cooperation
- Forty-fifth meeting of the Group of Experts for the Control of Money Laundering
- Second course on the criminal treatment of money-laundering in Ibero-America
- Regional workshop on money-laundering
- Traineeship on asset forfeiture and money-laundering

The above-mentioned actions demonstrate the commitment of El Salvador to continuing to examine measures to eliminate international terrorism, taking into particular account the need to strengthen the institutions working on the matter, while paying due regard to the importance of compliance with the rule of law and respect for human rights.