

Translated from Spanish

Measures to eliminate international terrorism

Report of the Republic of El Salvador pursuant to General Assembly resolution 74/194

The Republic of El Salvador is submitting this report in pursuance of General Assembly resolution 74/194, by which the item entitled “Measures to eliminate international terrorism” was included in the provisional agenda of the seventy-fifth 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 is deeply concerned by the grave risk posed by an increase in terrorist acts around the world. Such acts represent a threat not only to the maintenance of international peace and security, but also to sustainable development, democracy and respect for human rights, in particular those of vulnerable groups.

El Salvador reiterates its opposition to acts of terrorism and expresses its 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. It also reaffirms the importance of fostering a culture of peace at the global level that gives priority to promoting, protecting and upholding human rights.

As a founding member and signatory of the Charter of the United Nations, El Salvador is firmly committed to the promotion of different counter-terrorism actions. It is a party to several international legal instruments within the framework of the United Nations and the Organization of American States and at the subregional and bilateral level that promote measures in different areas to counter this terrible scourge.

United Nations instruments:

- Convention on Offences and Certain Other Acts Committed on Board Aircraft (1963), published in Official Gazette No. 82, Volume No. 263, on 7 May 1979.

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- Convention for the Suppression of Unlawful Seizure of Aircraft (1970), published in Official Gazette No. 218, Volume No. 237, on 23 November 1972.
 - Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation (1971), published in Official Gazette No. 82, Volume No. 362, on 7 May 1979.
 - Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation (1988), published in Official Gazette No. 224, Volume No. 301, on 2 December 1988.
 - Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents (1973), published in Official Gazette No. 102, Volume No. 267, on 2 June 1980.
 - International Convention against the Taking of Hostages (1979), published in Official Gazette No. 217, Volume No. 269, on 18 November 1980.
 - Convention on the Physical Protection of Nuclear Material (1980), published in Official Gazette No.185, Volume No.373, on 5 October 2006.
 - Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation (1988), published in Official Gazette No. 207, Volume No. 349, on 6 November 2000.
 - Protocol for the Suppression of Unlawful Acts Against the Safety of Fixed Platforms Located on the Continental Shelf (1988), published in Official Gazette No. 206, Volume No. 349, on 3 November 2000.
 - International Civil Aviation Organization (ICAO) Convention on the Marking of Plastic Explosives for the Purpose of Detection (1991), published in Official Gazette No. 96, Volume No. 343, on 25 May 1999.
 - International Convention for the Suppression of Terrorist Bombings (1997), published in Official Gazette No. 47, Volume No. 358, on 11 March 2003.
 - International Convention for the Suppression of the Financing of Terrorism (1999), published in Official Gazette No. 47, Volume No. 358, on 11 March 2003.

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- International Convention for the Suppression of Acts of Nuclear Terrorism (2005), published in Official Gazette No.163, Volume No.372, on 4 September 2006.

Organization of American States instruments:

- Convention to Prevent and Punish the Acts of Terrorism Taking the Form of Crimes against Persons and Related Extortion that are of International Significance (1971), published in Official Gazette No. 156, on 24 August 1972.
- Inter-American Convention against Terrorism (2002), published in Official Gazette No. 48, Volume No. 358, on 12 March 2003.

Central American Integration System (SICA) instruments:

- Framework Treaty on Democratic Security in Central America, published in Official Gazette No. 31, Volume No. 334, on 17 February 1997.

Bilateral instruments:

- Agreement between the Republic of El Salvador and the Republic of Nicaragua on cooperation in the fight against terrorism, drug trafficking and related activities, published in Official Gazette No. 32, Volume No. 354, dated 15 February 2002.
- Agreement on cooperation between the Government of the Republic of El Salvador and the Government of the Republic of Italy in the fight against organized crime, published in Official Gazette No.71, Volume No. 375, on 20 April 2007.

As previously reported, El Salvador has a regulatory framework and case law for preventing and countering terrorism. In particular, it has passed a national special law against acts of terrorism, which was published in Official Gazette No.193, Volume No.373, on 17 October 2006. The preamble to that law establishes that:

- El Salvador is a signatory of the Charter of the United Nations, which contains fundamental principles for States, such as the maintenance of international peace and security; and of the resolutions of the Security Council, according to which effective measures must be taken to prevent, combat and eliminate threats to peace, considering terrorism and all its manifestations, including its financing, to be among the most serious; and

- Terrorism currently represents a serious threat to national security, public order and the harmony of States, directly and indirectly affects the physical and mental well-being of citizens and the enjoyment and preservation of their rights, which makes it necessary to establish a special law to prevent, investigate, punish and eradicate terrorist activities in response to the current exceptional circumstances affecting the international community.

Furthermore, in light of the link between terrorism and transnational organized crime, article 4 (m) of the special law provides that terrorist organizations are “groups with some degree of structure, through which stable or permanent links are formed, which have a hierarchy, discipline and suitable means, and which seek to use violent or inhuman methods expressly to instil terror, insecurity and alarm, to appropriate powers belonging to the sovereign State or to systematically impinge upon the fundamental rights of the population or segment thereof, in one or more countries. For the purposes of this law, such groups shall be considered to be those so declared by the competent authority of the country, those included in the lists of the United Nations and international organizations of which El Salvador is a member, and those established by bilateral agreements.”

Various terrorism offences have been included in the special law, such as membership of terrorist organizations, within the meaning set out above; espionage in acts of terrorism; terrorist acts committed with weapons, devices or explosive substances, chemical, biological or radiological materials, weapons of mass destruction or similar items; acts against the safety of civil aviation and airports; and acts against the safety of fixed platforms located on the continental or insular shelf.

Among other provisions, the special law provides a basis for binding decisions by the competent national authorities to ensure that the population is 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 respect to defining the acts that constitute terrorism, the Constitutional Chamber of the Supreme Court of Justice of El Salvador has referred in its jurisprudence to conceptual distinctions made by the General Assembly on the subject, in judgment 22-2007AC of 24 August 2015 concerning unconstitutionality. It established that the General Assembly has developed a working definition of terrorism for the purposes of its various resolutions and declarations on measures to eliminate terrorism. In paragraph 3 of the Declaration on Measures to Eliminate International Terrorism, contained in the annex to General Assembly resolution 49/60 of 17 February 1995, the General Assembly provides that terrorists acts are “criminal acts intended or calculated to provoke a state of

terror in the general public, a group of persons or particular persons for political purposes [that] are in any circumstance unjustifiable, whatever the considerations of a political, philosophical, ideological, racial, ethnic, religious or any other nature that may be invoked to justify them”.

These and other authorities suggest that terrorist incidents may be described in terms of (a) the nature and identity of the perpetrators of terrorism; (b) the nature and identity of the victims of terrorism; (c) the objectives of terrorism; and (d) the means employed to perpetrate terror violence.

El Salvador has also given priority to promoting and strengthening security at the national, regional and international levels in order to combat the different criminal activities linked to terrorism, taking a comprehensive approach based on international principles and standards. El Salvador supports all measures aimed at disarmament, the non-proliferation of weapons of mass destruction and conventional arms control, in order to prevent terrorist groups from gaining access to all types of weapons and their components.

In particular, the national civilian police participates in the Central American Programme on Small Arms Control, which is based on the model of the Central American Security Commission, in accordance with articles 1 and 2 of the Framework Treaty on Democratic Security. It also participates extensively in the regional operational anti-firearm plan, ORCA Plan VII-2018, through which the regional operation to combat the illegal trafficking of firearms in Central America is carried out.

With regard to criminal prosecutions and sentencing, the Constitutional Chamber of the Supreme Court of Justice stipulated in the above-mentioned judgment that the Salvadoran State must prevent and counter terrorism using the threat of criminal penalties, among other means, and seek their effective application through criminal proceedings; it must also ensure that only legitimate, legal and governable means are used to combat terrorism. The objective of the Salvadoran criminal procedure is therefore to protect the fundamental values agreed upon in the Constitution and to affirm the norms of society by ensuring that acts that constitute terrorism are punished.

The above-mentioned actions demonstrate the commitment of El Salvador to continuing to examine measures to eliminate international terrorism, taking into account that efforts to prevent and combat this scourge must be made at both the international and national levels, while also fully respecting the rule of law and human rights. El Salvador reaffirms its willingness to closely follow this topic, which is facing new challenges as a result of the COVID-19 pandemic, especially in terms of prevention.
