



# Regional Responses to the Crises in Latin America and the Caribbean: Central America Subregional Session

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Cúcuta Forum | June, 2021

*Translated into English from the original Spanish version.*

*This document presents the discussions and topics addressed during the subregional workshops held through the Latin American and Caribbean Civil Society Forum for the Prevention of Mass Atrocities (Cúcuta Forum).*

*Within the design of the Cúcuta Forum, organized by La Coordinadora Regional de Investigaciones Económicas y Sociales (CRIES) and the Stanley Center for Peace and Security, the main goal has been to bring together members from civil society organizations and academics, offering a space that enables network building, strengthens and generates the tools necessary for forum participants' everyday work, and produces recommendations that promote greater awareness about the risks faced in three subregions of Latin America and the Caribbean: Central America, the Andean states, and the Southern Cone. Using the Framework of Analysis for Atrocity Crimes prepared by the United Nations in 2014, which was given to participants in advance of these meetings, the small subregional committees employed a regional analysis of problems to focus specifically on those underlying trends and situations related to the subregions, aiming to advance a joint approach to the design of both regional and local strategies and actions that build resilience and prevent mass atrocities.*

## Context

The Central America subregional workshop was held June 21, 2021. The workshop was divided into three main blocks: (1) general overview of the topic to be developed in the workshop and aspects to take into account during the conversation, (2) group dialogue about current dynamics and individual understandings about these, and (3) brief summary of the key points of the conversation, conclusions, and recommendations outlined by the participants. To this end, a description of each of the blocks is given.

As the foundation for the conversation, facilitators gave a brief description of “atrocity crimes,” which is based on the three legally defined international crimes of genocide, crimes against humanity and war crimes. The definition of these crimes can be found in the 1948 Convention on the Prevention and Punishment of the Crime of Genocide, the 1949 Geneva Conventions, their 1977 Additional Protocols, and the 1996 Rome Statute of the International Criminal Court, among other treaties.

Based on the above, the primary common risk factors that affect the likelihood of these crimes occurring within a certain context were identified, among which are situations of armed conflict



or other forms of instability; record of serious violations of international human rights law or international humanitarian law; weakness of state structures; capacity to commit atrocity crimes; absence of mitigating factors; enabling circumstances or preparatory measures; and triggering factors.

In addition, they discussed specific risk factors for genocide, such as intergroup conflicts or patterns of discrimination against protected groups and signs of intent to fully or partially destroy a protected group; for crimes against humanity, risk factors such as signs of a generalized or systematic attack against a civilian population or signs of a plan or policy to attack this population; and for war crimes, risk factors such as serious threats to protected peoples under international humanitarian law and serious threats to humanitarian or peacekeeping operations.

As for Central America in particular, the facilitators described how the subregion is immersed in a context of constant conflicts, the majority of which have caused a humanitarian crises. This has resulted in a great number of deaths due to criminal violence, organized crime, political violence, genocide, drug trafficking, and other forms of violence.

There are, therefore, common risk factors that require attention in order to prevent political instability: 1. abrupt regime changes; 2. political tensions caused by the establishment of authoritarian regimes; 3. Systematic attacks against the civilian population who are often unable to fully enjoy their rights due to repression; 4. division of power and its concentration in the hands of the state due to mechanisms whose main objective has been to perpetuate said power.

After establishing the context, the second block of the workshop was introduced, which proposed a conversation focused on understandings that could arise from contextual dynamics present in Central American countries, given the proposed methodology.

## Central America and Atrocity Crimes

As the discussion began, the ability to access accurate media that truly reflects the situation in these countries was questioned, especially considering the existing tendency of states toward the erasure, repression, and censorship of information, which limits opportunities to understand, question and intervene in the presence or promotion of systematic human rights violations. In this sense, the lack of knowledge about existing situations in each nation has served as a bridge between actors to spur action related to the creation of, search for, and access to alternative media outlets that are dedicated to protecting human rights.

Thus, specific risk factors were identified across the subregion, and, in many cases, the analysis of Central American countries affirmed that atrocity crimes were already a reality in some countries, as is the case in El Salvador and Nicaragua. It should

be noted that these violations are not purely conjectural, but rather have historically developed over time when various situations have arisen that end up reinforcing the presence of this type of crime. It is important to consider the various actors, such as the state itself, the civilian population that has protested the actions of the states, gangs (as is the case with El Salvador) or marginalized groups, and others. The main trend taking shape is impunity throughout history, as exemplified by the existence of amnesty laws, limited protection of state entities, the closure of civic participation, and the criminalization of social protest.

Also noted during the conversation was the role played by the growth of parastate armed groups, which shows the intentional inability of states to provide pragmatic solutions beyond stigmatizing the opposition as an enemy, which influences the trend towards the militarization of internal security. Thus, peace agreements alone are not enough, especially when crimes are only attributed to extrajudicial organizations, and the spread of information countering this narrative is censored or prohibited. In response to this situation, it is possible to identify a generalized distrust of the population toward state institutions. An example would be the case of El Salvador and the way repressive and militarized practices have been transferred to other countries in the region.

The participants asserted that these examples emerge not only due to scarce resources for coping and a building coherence between current laws and state actions, but also due to the limited interest in mitigation measures, often because the economic interests of the few supersede the welfare of the general population. This is the case in countries such as El Salvador and Nicaragua, where an exacerbated accumulation of power is a common characteristic.

Participants then highlighted the way that the presence of this situation in one state can influence the emergence and promotion of this reality in surrounding countries, where repression, threats, genocide, crimes against humanity, and war crimes constantly threaten human rights, and various unconstitutional practices of power are replicated across the states.

Another highlighted factor of analysis is the inability of various states to deliver an effective and just response to atrocity crimes or the risk that they will be committed. Thus, it is important to reassess the mechanisms of justice, specifically the role of transitional justice, particularly taking into account the relevance of going beyond a simple concept and carrying out analysis, dialogue, and concerted actions among countries to promote its applicability and effectiveness as a response to these situations.

Consistently at the forefront of the discussion was the way that organizations and actors with the goal of protecting human rights are oppressed and threatened, which ends up subjecting populations to greater risk, reducing the potential for national and international influence in intervention and protection



initiatives. The Central American subregion has reported acts such as the expulsion of governmental and nongovernmental organizations of this type, through the incitement of hatred, stigmatization, threats, displacement, and other actions.

Finally, and specifically, it was stated that the role of the international community has been characterized by various gaps in its actions that do not contribute to an effective outcome or a concrete solution to these events in the countries of this region.

## Recommendations

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- Search continuously for access to accurate information about the states' situation through alternative means of communication and media that are ideally not influenced by the states' power and their particular interests.

- Promote mechanisms for dissemination and transparency, in line with the role that public denouncement plays as protection against violence and the chance of it escalating.
- Evaluate and promote transitional justice as a bridge between the protection of human rights and resources for confronting atrocity crimes.
- Emphasize the importance of dialogue and consensus between the countries.
- Encourage the establishment of legal frameworks or regulations that address effective punishment.

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*This Discussion Takeaway summarizes the primary findings of the workshop as interpreted by the authors. It should not be assumed that every participant subscribes to all of its recommendations, observations, and conclusions.*



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The Coordinadora Regional de Investigaciones Económicas y Sociales (CRIES) is a network of research centers and nongovernmental organizations that acts as a regional think tank, promoting analysis, debate, and policy creation about topics of regional, hemispheric, and global relevance, from the perspective of civil society. CRIES is an independent nonprofit institution that promotes pluralism and citizen participation. It is not affiliated with any political or religious organization. For more information about its activities and its virtual publications, please visit [www.cries.org](http://www.cries.org).



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