





Why a Resource Manual on Central American Gangs?

This resource guide, prepared by the Washington Office on Latin America (WOLA), aims to give attorneys, immigrant activists, policymakers and human rights workers the facts they need to understand the phenomenon of gangs in Central America and gang-related asylum cases. Growing numbers of people from El Salvador, Guatemala and Honduras are seeking asylum in the United States due to gang-related persecution. With this manual, drawing on our expertise on gangs in Central America, we offer the most current information available on gangs to assist advocates who represent people seeking asylum because they were victims of gang violence, were formerly involved with gangs and fear reprisal, or both. The information offered in this manual can be used to support arguments for such asylum claims. With this guide, WOLA also aims to encourage attorneys, immigrant advocates, and policymakers to offer accurate portrayals of Central American gangs in asylum hearings.

In the following pages you will find inserts devoted to describing the gang phenomenon in El Salvador, Honduras and Guatemala. Additionally, the resources guide and the WOLA webpage (www.wola.org) contain citations and links to valuable reports and papers (some in Spanish and some in English) about the phenomenon of Central American gangs.

Central American Gangs: A Brief History

Central American gangs, known as *maras* in Central American and Mexican Spanish, are a phenomenon that emerged from the historical context of the civil and military conflicts of the 1980s in Guatemala, El Salvador and Honduras.² The term "Central American gangs" usually refers specifically to two gangs that developed in Los Angeles immigrant communities during the 1980s: *Mara Salvatrucha* or MS-13 and *Barrio Dieciocho* or 18th Street Gang.

...it is important to stress that the literature about the emergence of gangs suggests that no single factor is likely to cause gangs to develop in a given community. As Central Americans fled their native countries to escape the various civil conflicts that characterized the region during the end of the 20th century, large numbers of these refugees made their way to the Los Angeles area and into what had previously been Mexican and Mexican-American-dominated neighborhoods where they encountered Mexican and Mexican-American gangs.³ In part to defend themselves, some Central American refugee youth formed their own gangs and "clikas" (sub-groups) based on national identities, like Mara Salvatrucha, which was originally linked to specifically Salvadoran immigrants. Others joined already existing gangs like the 18th Street gang.

While the origin of the Central American gangs is linked to confrontations with Chicano gangs in Los Angeles, it is important to stress that the literature about the emergence of gangs suggests that no single factor is likely to cause gangs to develop in a given community. It is likely that Chicano gangs were one influence among many that led young people to associate with gangs, along with the lack of parental supervision, poor policing in communities, immigrants' feelings of alienation, lack of opportunity, and social exclusion.⁴

Once gangs had emerged in Central American immigrant communities in the United States, the arrest and deportation of gang members who were not U.S. citizens to their country of origin helped spread the names, style and influence of Mara Salvatrucha and the 18th Street gang back to Central America. Beginning in the mid-1990s, the United States adopted a more aggressive approach to deportation, identifying and deporting not only undocumented and legal non-citizen convicts as they completed federal prison sentences, but also undocumented and noncitizen felons as they completed sentences in state and local prisons.⁵ The deportation of gang-involved Central Americans from the United States complicated an existing local gang phenomenon in Central America, where governments had few resources for prevention and intervention programs for at-risk youth or incarceration and

rehabilitation programs for serious criminals. After arriving in the country to which they had been deported, with few networks and sometimes little or no knowledge of Spanish, many gang members joined forces to establish gangs or joined existing gangs in their home countries, either in prison or on the streets. These deportee gang members, with U.S. gang experience, are believed to have been a key catalyst for the evolution of *Mara Salvatrucha* and 18th Street gang into the dominant gangs that they are today in El Salvador, Guatemala, and Honduras.

Meanwhile, with few economic opportunities in the aftermath of the wars of the 1980s and early 1990s, many Central Americans continued to migrate to the United States. Many have come without documents and are thus at risk of deportation. Nationally, Central Americans are estimated to make up 20 percent of the 11.5 million undocumented immigrants residing in the United States.⁶ The result is a growing pool of youth at risk of joining gangs both in the United States and in Central America. It is in this transnational context that the gangs Mara Salvatrucha and the 18th Street (Barrios 18) have emerged in Los Angeles, El Salvador, Guatemala, Honduras, the Washington, D.C. area and elsewhere in the United States.

Central American Gangs Today⁷

In recent years, Central American youth gangs have caught the attention of the media, national governments, academic researchers and civil society at large. Reliable reports by academics on the situation in the so-called Northern Triangle of Central America (Guatemala, El Salvador and Honduras) portray a grave situation where, in the face of crack-down policies, gangs have become better organized and more dangerous.⁸ In these three countries, extortion is rampant, prisons are overflowing and homicide rates are soaring. Gangs are one part of this problem; drug trafficking and organized crime are others. A general climate of impunity contributes to the

problem. A recent UN study suggested that only about 4 percent of murders in El Salvador result in criminal conviction.⁹

Fundamental to the problem, sensationalist media coverage has spread misinformation about the gangs' level of organization, structure, and transnational links. The gangs Mara Salvatrucha and 18th Street are a serious threat to security in the Northern Triangle of Central America, but despite media coverage to the contrary, rigorous academic research shows that Central American gangs do not have a presence in Mexico and that their level of sophistication varies significantly from city to city in the United States. The most current research coming from the region shows that while gangs are a growing and complex problem, the transnational criminal character of youth gangs is quite limited.¹⁰

WOLA's Expertise on Central American Gangs

WOLA's position on gang policy and the Central American gang phenomenon more broadly is based on our own research in the region, as well as on our participation in the Transnational Network for Research on Gangs. The Transnational Network is a group of researchers, coordinated by the Center for Inter-American Studies at the Autonomous Technological Institute of Mexico, studying youth gangs in El Salvador, Guatemala, Honduras, Nicaragua, Mexico, and the Washington, D.C. area. In 2006-2007, each researcher in the network produced a diagnostic of the gang phenomenon in his or her region. The network met regularly over the year and released a comparative research report on Central American gangs in early 2007.¹¹

The violence associated with Central American gangs in El Salvador, Guatemala and Honduras has become more organized and more brutal since the implementation of repression-only policies in 2003 and 2004.¹² Evidence-based research shows that targeted violence committed by gang members is on the rise in El Salvador, Guatemala and Honduras.¹³ After receiving Throughout this document the term "Mano Dura" is used to refer to repressive government policies and law enforcement approaches whose primary aim is to indiscriminately incarcerate youth gang members. These policies often violate civil liberties and human rights.

direct threats from members of *Mara Salvatrucha* or 18th Street, some of the Central Americans who have been targeted, fearing for their lives and the lives of their families, are fleeing their homelands and seeking asylum in the United States.

Our research demonstrates that youth gangs are a serious problem in specific communities in the United States, especially in immigrant communities, where violence is more prevalent. In Central America gangs have evolved into a country-wide threat to citizen security that requires a government response. At the same time, our research demonstrates that youth gangs are not uniform. Their structure, make-up, size, and level of involvement in criminal activity vary greatly from city to city and country to country. Gangs that call themselves Mara Salvatrucha in Washington, for example, behave very differently from those in Los Angeles and require different kinds of community and police interventions. Gangs differ, and community, police, and prosecutorial responses to them must vary accordingly.

WOLA's Position on Mano Dura Policies

Since the early 1990s, WOLA has been monitoring and supporting police reform processes in Central America. We have published memos and reports on police reform in El Salvador, Guatemala, Honduras, and Haiti, and we have coordinated research on the issue by regional groups.¹⁴ In response to the growing violence in the region, often attributed to the emergence of Central American youth gangs, and the resulting public demand for ...while gangs are a growing and complex problem, the transnational criminal character of youth gangs is quite limited. Even the director of the Salvadoran National Civilian Police has stated publicly that mano dura has failed... security, governments in the region have implemented authoritarian approaches, leading to back-sliding by the Guatemalan, Salvadoran and Honduran governments in their police reform processes.

The Central American state response to gangs has involved the implementation of "zero tolerance" policies with an almost exclusively enforcement-focused approach, along with deployments of joint police-military patrols in response to gangs. These approaches, known as "mano dura," have been both ineffective and counterproductive. In reaction to these policies, WOLA emphasizes effective, rights-respecting policing, due process, the human rights of Central American youth, and the need for more comprehensive and prevention-oriented approaches to gangs. WOLA opposes the "mano dura" or "iron fist" repressive approaches to the problem of youth gang violence in Central America. The policies often undercut human rights and due process protections and do not reduce levels of violence. WOLA promotes balanced, multisectoral approaches to addressing the problem of gang violence at the local, national and transnational levels.¹⁵ We believe that the U.S. and Central American governments should use comprehensive approaches to gangs that are tailored to specific local communities.¹⁶

Mano Dura Policies: An Ineffective Response

Despite reports that heavy-handed policies have failed to reduce gang-related violence and are contributing to overall increasing levels of violence, Central American governments continue to respond with suppression-focused tactics. Additionally, the governments of El Salvador, Honduras, and Guatemala have shown themselves to be unable and unwilling to effectively protect their citizens from gang-related persecution. For example, since the implementation of *mano dura* strategies to combat gangs in El Salvador in 2003, homicide rates have risen from 33 per 100,000 in 2003 to 56 per 100,000 in 2006.¹⁷ (The U.S. homicide

rate was 5.5 per 100,000 in 2004, according to FBI figures.) Even the director of the Salvadoran National Civilian Police has stated publicly that mano dura has failed, yet the heavy-handed enforcement policies have not changed substantially.¹⁸ Sensationalist media coverage of the gangs contributes to a climate of fear in which the threat of gangs, though serious, is over-emphasized. There is increasing evidence that other groups and individuals are responsible for the greatest proportion of the violence.¹⁹ Repressiononly, gang-focused responses to violence give citizens a sense that the government is responding to the problem, when in fact, research shows that the repression-only efforts are making the gang problem worse and do not address other sources of violence (i.e. organized crime, vigilante groups, police brutality). Central American governments have thus far shown themselves unable and/ or unwilling to respond effectively to the gang problem, and in fact their approaches have exacerbated the gang phenomenon.

In a sociological sense, mano dura strategies have had several negative effects. They have positioned gang members and police officers against one another so sharply as enemies that there is little space for community policing or a building of trust between youth and the police. The policies have led many gangs and gang cliques to become more clandestine and more organized in order to protect themselves from the police. The mirror image of this behavior is that police, feeling they have lost control, have become both more fearful and more aggressive in their responses to the gangs. Mano dura policies have been ineffective in reducing crime and violence, and they have had the effect of increasing tension between gang members and police, turning youth who appear to be involved with gangs into targets for the police, and making police officers the target of gangs.

Additionally, repression-only gang policies in Honduras, Guatemala and El Salvador have resulted in the arrest and detention of thousands of youth in already overburdened prison systems. Prison conditions have deteriorated and there have been reports of mass inmate deaths or killings in prisons in Guatemala and Honduras. Gang members report that it is from *within* the prison system that the most powerful gang leaders work. Young gang members enter prison and when they leave they have more knowledge and expertise in gang activities than when they entered. Additionally, the focus on gangs as the cause of violence in the region has led politicians to pay less attention to other significant causes of crime and violence such as corruption, organized crime and trafficking.

WOLA's Position on Gang-Related Asylum

Based on our research and reports by colleagues in the region, we believe that many gang-related asylum cases are legitimate claims by individuals who have been persecuted by Central American gangs. These individuals usually fall into one of two categories: 1) they were formerly involved in a gang and will be persecuted for leaving the gang by their former gang-mates, or by rival gang members, if they return to their home country; or 2) they are not personally involved in gangs but have family members who are, or they live in areas where they are unable to avoid gangs and have fled their home country due to persecution by the gangs and fear for their lives. WOLA supports the protection of the human rights of any non-gang involved individual who has been persecuted by gang violence. WOLA also supports the protection of the human rights of formerly gang-involved individuals who seek asylum in the United States and who are frequently victims of gang violence as well as victims of a legal system in which their rights cannot be guaranteed.

The Paradox of Defending Gang-Related Human Rights

Working to help individuals gain asylum based on gang-related persecution and promoting constructive policy responses to gangs both in the United States and in Central America can seem paradoxical. WOLA defends gang members' rights to due process and rehabilitation and criticizes exaggerated and inaccurate portrayals of gangs, yet also supports asylum seekers' right to flee very real gang violence in Central America.

WOLA started its Central American Youth Gangs Program out of concern for the human rights of Central American youth, including gang members and those treated like gang members, in the face of indiscriminate mano dura policies. WOLA's work on gangs has been concerned with the defense of those youth who, even if they are violent, deserve a chance at rehabilitation and fair treatment by the police and the legal system. The sensationalization of gangs and gang violence in the media and the habit of Central American governments of blaming nearly all violence on gangs while neglecting or minimizing the importance of other sources of violence - including that waged by rogue police and vigilante forces - is a significant part of the problem. Inaccurate media coverage and government statements about gangs work to justify counterproductive gang policies like mano dura that are both inhumane and have not decreased violence levels. In defense of gang members, perceived gang members, and other people targeted by mano dura strategies, WOLA has advocated for fair and accurate portrayals of gangs and gang activity.

So, on the one hand, WOLA supports the asylum claims of forcibly recruited gang members, former gang members, and perceived gang members who will be persecuted by gangs if deported from the United States. On the other hand, through our work in the region and our involvement in the Transnational Network of Gang researchers, we know that gangrelated violence in the Northern Triangle has become a serious threat to the safety and security of citizens. WOLA supports asylum for Central Americans such as police officers and other citizens who flee persecution by gangs in their countries. We have provided expert testimony and background information on the seriousness of the gang phenomenon in order to support arguments that the gangs can be very dangerous and

... the focus on gangs as the cause of violence in the region has led politicians to pay less attention to other significant causes of crime and violence such as corruption, organized crime and trafficking. that they target individuals and families based on their social group, political affiliation and religious beliefs.

Accurate Portrayals of Gangs in Asylum Cases

WOLA encourages advocates to use balanced portrayals and rigorous academic research on the topic of Central American gangs when making legal arguments. WOLA advocates this because the use of sensationalist images and language to portray these gangs does not accurately explain the range of behaviors of individuals involved in gangs, or the complexity of the identity issues that make effectively responding to the gang phenomenon harder than simply locking up gang members or deporting them.

Language about Central American gangs does circulate in the justice system, eventually reaching the ears of powerful policymakers. WOLA encourages advocates working on Central American gang-related asylum cases to use only the best sources when arguing their cases, in the interest of accuracy and, as a human rights issue, in the interest of supporting compelling arguments against heavy-handed, zerotolerance responses to gangs that do not reduce violence and tend to weaken due process. Heavy-handed policies have been proven to aggravate the problem and lead to the violation of basic civil rights.²⁰ Distorted images exaggerate the phenomenon, promote myths about gangs and spread the idea that gang members cannot be rehabilitated. Accurately describing the seriousness of the problem will effectively support arguments for asylum claims.

The purpose of WOLA's gang-related asylum project is to educate attorneys who take on Central American gang-related asylum cases about the nature and extent of youth gang violence in Central America and the ineffectiveness of current responses by governments in the region. We focus primarily on trainings, rather than on expert witness testimony in individual cases. Through this project, we will encourage the use of good sources that 1) accurately represent the problem of Central American gangs and that 2) explain the ineffectiveness and injustice of current mano dura policies in the region, and 3) provide evidence that supports arguments often introduced in gang-related asylum cases. This resource guide includes WOLA's position on Central American gang-related asylum, country information about the gangs in El Salvador, Honduras and Guatemala, non-technical explanations of the types of legal arguments that have won Central American gangrelated asylum seekers refuge in the United States, and a resource page containing links to documents with information about gangs in Central America and the United States.

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Gang-Related Asylum Resources Page

This is a short list of resources, which will lead to further sources of accurate information to use while researching for gang-related asylum cases.

The Washington Office on Latin America (WOLA) www.wola.org

Information on country conditions, historical information, current reports with well-founded information on the gang phenomenon in the Central America as well as in the U.S.

Gang-imm (Gangs and Immigrations) Yahoo listservice

Sponsored by the National Immigration Project of the National Lawyers Guild, this listserv provides sample briefs, strategy ideas, and other information to assist advocates. Subscribe: gang-imm-subscribe@yahoogroups.com

U.S. Committee for Refugees and Immigrants (USCRI) www.refugees.org Resource library with sample case law, country reports, and a list of expert witnesses.

The Ansari Law Firm Gang-Related Asylum webpage

Reports, case law, and gang-related asylum information http://www.ansarilawfirm.com/index.cfm/hurl/obj=578/ GangRelatedAsylumCasesMSAsylumCasesAsylumintheUnitedStates.cfm

UC Hastings Center for Gender and Refugees Studies on-line Database http://cgrs.uchastings.edu/

REPORTS

Seeking Asylum from Gang-Based Violence in Central America: A Resource Manual. By the Capital Area Immigrant Rights (CAIR) Contains a list of the arguments of successful and unsuccessful gang-related asylum cases. http://www.ailf.org/lac/GangResourceManual.pdf

No Place to Hide: Gang, State, and Clandestine Violence in El Salvador. http://www.law.harvard.edu/programs/hrp/documents/FinalElSalvadorReport(3-6-07).pdf

UNODC report on Crime in Central America http://www.wola.org/media/Gangs/Central%20America%20Study.pdf

USAID "Central America and Mexico Gang Assessment" http://www.usaid.gov/locations/latin_america_caribbean/democracy/gangs_assessment.pdf

Congressional Research Service Report on Central American Youth Gangs http://www.wola.org/media/crs%20gangs_07.pdf

Index of articles on violence by maras (gangs) in El Salvador, treatment of gang members/returnees, collusion between gangs and state security forces. http://www.asylumlaw.org/docs/showDocument.cfm?documentID=890

UN High Commissioner for Refugees Amicus Curie brief http://cgrs.uchastings.edu/documents/legal/unhcr_thomas.pdf

Endnotes

- ¹ This is something of a misnomer, since the commonly understood origin of these gangs is not in Central America, but in Los Angeles, within the political boundaries of the United States.
- ² Discussions of violence in Central America often begin and end with youth gangs and drug dealers, as if these were the only forms of violence that citizens in Central America experience. In fact, citizens confront a broad spectrum of violence, and it is important to locate both youth gangs and organized criminal groups within that spectrum. Governments, international donors, and civil society groups need to understand the different forms of violence that citizens experience and the size and impact of the different forms in order to set priorities and design effective responses.
- ³ Diego J. Vigil, Barrio Gangs. (Austin, Texas: University of Texas Press, 1988).
- ⁴ Additionally, one could say that the maras themselves emerged from a political situation for which the United States bears heavy responsibility: the massive immigration of Salvadorans and other Central Americans to the United States fleeing civil wars in which U.S.-backed forces were known for committing human rights abuses.
- ⁵ In 1996, the United States Congress passed the Illegal immigrant Reform and Immigrant Responsibility Act (IIRIRA). See Michael J. Garcia, and Larry M. Eig. Immigration Consequences of Criminal Activity. Congressional Research Service Report, 2004. RL32480 http://digital.library.unt.edu/govdocs/crs/permalink/ meta-crs-7848:1 and Gzesh, Susan. Central Americans and Asylum Policy in the Reagan Era. Migration Information Source, 2006. http://www.migrationinformation.org/ Feature/display.cfm?id=384.
- ⁶ The American Immigration Law Foundation, "The Value of the Undocumented Worker," Immigration Policy Report. http://www.ailf.org/ipc/policy_ reports_2002_value.asp and Passel, Jeffrey S., "The Size and Characteristics of the Unauthorized Migrant Population in the U.S." Pew Hispanic Center. http:// pewhispanic.org/files/reports/61.pdf.
- ⁷ Washington Office on Latin America (WOLA) and Instituto Technológico Autónomo de México (ITAM), *Transnational Youth Gangs in Central America, Mexico and the United States* (Washington DC: Washington Office on Latin America ,March 2007). http://www.wola.org/ media/Gangs/executive_summary_gangs_study.pdf.
- ⁸ See WOLA and ITAM, 2007 and H. Sibaja et al, "Central America and Mexico Gangs Assessment," United States Agency of International Development. (Washington DC: April 2006). http://www.usaid. gov/locations/latin_america_caribbean/democracy/ els_profile.pdf.
- ⁹ See Francisco Díaz Rodríguez and Sidney Blanco. "Deficiencias policiales, fiscales o judiciales en la investigación y juzgamiento causantes de la impunidad," United Nations Development Program El Salvador, (San Salvador: UNDP May 2007).

- ¹⁰ Note that the so-called transnational nature of the gangs is used in policy to qualify them as an increasing threat despite evidence to suggest that gangs are not readily understood or undermined outside of their local context.
- ¹¹ See WOLA and ITAM, 2007.
- ¹² The terms repression-only and heavy handed refer to policies that focus almost exclusively on identifying gang-members or those associated with gang-members, and putting them jail.
- ¹³ Tomás A. Mencía, Las maras en la sombra: Ensayo de actualización del fenómeno pandillero en Honduras. (Universidad Centroamericana "José Simeón Cañas" Instituto Universitario de Opinión Pública, 2006). http://www.wola.org/media/Gangs/diagnostico_ honduras.pdf; Elin C. Ranum,. Pandillas juveniles transnacionales en Centroamérica, México y Estados Unidos. (Universidad Centroamericana "José Simeón Cañas," Instituto Universitario de Opinión Pública, 2007). http://www.wola.org/media/Gangs/diagnostico_ guatemala.pdf; Jeannette Aguilar, Situación actual de las pandillas en El Salvador. (Universidad Centroamericana "José Simeón Cañas," Instituto Universitario de Opinión Pública, 2007). http://www.wola.org/media/ Gangs/diagnostico_salvador%281%29.pdf.
- ¹⁴ See The Washington Office on Latin America, "Security Policy," http://www.wola.org/public_security.
- ¹⁵ See Washington Office on Latin America, Youth Gangs in Central America: Issues in Human Rights, Effective Policing, and Prevention (Washington DC, Washington Office on Latin America, 2006). http://www.wola.org/media/ gangs_report_final_nov_06.pdf.
- ¹⁶ House Committee on Foreign Affairs, Subcommittee on the Western Hemisphere, Hearing on Violence in Central America, Testimony by Geoff Thale, Program Director, Washington Office on Latin America, 110 Cong., 1st sess., June 26, 2007. http://www.wola. org/media/Guatemala/House%20testimony%20 Western%20Hem_Violence%20in%20Cent%20Am. pdf.
- ¹⁷ Jeannette Aguilar, Situación actual de las pandillas en El Salvador. (Universidad Centroamericana "José Simeón Cañas," Instituto Universitario de Opinión Pública, 2007), 35.

²⁰ The United States government has recently announced the "Strategy to Combat Criminal Gangs from Central America and Mexico." See US Department of State, Office of the Spokesman. *Combating Criminal Gangs from Central America and Mexico*, (Washington DC, 2007), http://www.state.gov/r/pa/prs/ps/2007/88659.htm.

¹⁸ Ibid.

¹⁹ Ibid.