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El Salvador: Steps required for kidnap victims to denounce perpetrators and whether they must identify their kidnappers (March 2006)
Research Directorate, Immigration and Refugee Board of Canada, Ottawa

The information in the following four paragraphs was provided by an official of El Salvador's Ministry of Governance (Ministerio de gobernación) in correspondence sent to the Research Directorate on 21 February 2006.

El Salvador's Code of Penal Procedure (Código procesal penal) provides for various options when reporting a kidnapping and instituting legal proceedings:

- Anonymous denunciations;
- Accusations filed by the victim or another person;
- Police reports.

Investigations into kidnappings are therefore not initiated solely as a result of a victim's accusation. Accusations of kidnapping are not subject to any formalities and can be lodged verbally or in writing by either the victim or an intermediary who has the victim's written or verbal consent. If a victim reports the crime, the police then write up a report based on the personal testimony provided. If the accusation is made in writing, then it must include as much of the following information as possible: a detailed account of the facts specifying all those involved (victims, witnesses, etc.) and any other salient information that would help the authorities corroborate the facts and assess their legal standing.

Kidnappings can be reported to the National Civilian Police (Policía nacional civil, PNC), which is under the direction of the Office of the Attorney General of the Republic (Fiscalía General de la República), or to a justice of the peace.

While a victim's identification of his or her kidnapper(s) might be an important element of proof, it is not the only way to prove that a kidnapping was committed. Unfortunately, in some cases, identification is the material evidence that establishes the standard of proof for the crime's commission and the accused's involvement.

Country Reports on Human Rights Practices for 2005 related that, "[a]ccording to PNC statistics, 10 persons were kidnapped during [2005], and 8 of these cases were resolved" (8 Mar. 2006, Sec. 1.b). In 2004, by comparison, "eight persons were kidnapped during the year, the same number as

in 2003" (*Country Reports 2004* 28 Feb. 2005, Sec. 1.d). In 2005, "there were no reports of kidnappings by governmental actors" (*Country Reports 2005* 8 Mar. 2006, Sec. 1.b). With regard to trafficking in persons, "[t]he PNC reported that the most common methods of obtaining victims were kidnapping, lucrative job offers, and inducement into prostitution by family, friends, and smugglers" (*ibid.*, Sec. 5).

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of additional sources consulted in researching this Information Request.

References

Country Reports on Human Rights Practices for 2005. 8 March 2006. "El Salvador." United States Department of State. <<http://www.state.gov/g/drl/rls/hrrpt/2005/61727.htm>> [Accessed 15 Mar. 2006]

Country Reports on Human Rights Practices for 2004. 28 February 2005. "El Salvador." United States Department of State. <<http://www.state.gov/g/drl/rls/hrrpt/2004/41760.htm>> [Accessed 28 Feb. 2006]

El Salvador. 21 February 2006. Ministerio de gobernación. Correspondence from an official.

Additional Sources Consulted

Internet sites, including: Central Intelligence Agency (CIA); Centro de documentación judicial; Centro de Estudios de Justicia de las Américas (CEJA); Centro de Estudios Penales de El Salvador (CEPES); Centro de información, documentación y apoyo a la investigación (CIDAI); Centro por la justicia y el derecho internacional (CEJIL); *Diario CoLatino*; *El Diario de Hoy*; Organization of American States (OAS); *La Prensa Gráfica*; Washington Office on Latin America (WOLA).

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