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El Salvador: The gang called the Mara Salvatrucha (MS-13); its activities and recruitment of members; protection offered to witnesses and victims of violent acts perpetrated by gang members (April 2006)

Research Directorate, Immigration and Refugee Board of Canada, Ottawa

The Mara Salvatrucha (MS-13)

According to a fact sheet published by the Bureau for International Narcotics and Law Enforcement Affairs (INL), "youth gangs (*maras*) and the wave of violent crime that they have brought about" are major threats to public security in El Salvador (30 June 2005). An article published by *Libération* reported that gang members are [translation] "ultraviolent [and] have built a parallel world with its own rules, initiation rites, economy, and moral standards. . . . According to experts, [the MS-13] is the largest criminal network in the Americas and one of the most prolific in the world" (23 Jan. 2006). According to an article sent in correspondence to the Research Directorate by a researcher and analyst at the José Siméon Cañas Central American University (Universidad Centroamericana José Simeón Cañas, UCA), the profile of the *maras* resembles more and more that of organized crime, insofar as they are well-structured criminal groups engaging in extortion, kidnapping, car theft, robbery, and murder (7 Feb. 2006, p. 7).

The MS-13 engages in many illegal activities, from drug and arms trafficking to car jacking, grand larceny and trafficking in persons (*Le Figaro* 5 Jan. 2006), as well as witness tampering, rape, and murder (USCRI n.d.). The MS-13 and its rival gang, the Mara 18 (M-18), are the two most renowned *maras* in El Salvador, striking terror into the Salvadoran population (Associated Press 14 Feb. 2006; *Libération* 23 Jan. 2006; see also CCC May 2005). Their network, however, [translation] "extends from Canada to Panama" (*Libération* 23 Jan. 2006). An article appearing on the *Le Figaro* Website indicated that [translation] "MS-13 violence is increasing in all four corners of the Americas and appears to scoff at American and Central American authorities" (5 Jan. 2006). When reportedly "told of how the MS-13 planned and carried out a murder in one country, by coordinating with their members in two other countries," the author of an article published by the Center for Contemporary Conflict (CCC) deemed the MS-13 a "transnational" phenomenon (May 2005).

An Associated Press (AP) article reported that the MS-13 and M-18 are responsible for most of the murders committed in El Salvador (13 Feb. 2006). The article sent in correspondence by the UCA researcher and analyst cites a report published by the Prison Authority in early September 2005, which

indicated that more than 40 per cent of the 2,575 homicides committed in El Salvador since January 2005 involved gang members (UCA 7 Feb. 2006, 17). According to the same report, of those murders 548 were committed by gang members, 389 were attributed to clashes between rival gang members, and 188 were the result of an attack on a gang member by a non-gang member (ibid.). *Country Reports on Human Right Practices for 2005* indicated that "[t]he media reported discoveries of a number of decapitated bodies of persons killed during the year, possibly due to gang violence" (8 Mar. 2006, Sec. 1a). At the end of 2005, the Civilian National Police (Policía Nacional Civil, PNC) were still investigating those crimes (*Country Reports 2005* 8 Mar. 2006, Sec. 1a).

An AP article noted that public transportation in El Salvador is [translation] "constantly attacked [hijacked]" by gang members who demand a ransom from the transport companies (14 Feb. 2006; *Día a Día* 14 Feb. 2006). According to calculations made by transport company executives in the capital, San Salvador, *maras* extort approximately \$25,000 per day (ibid.; AP 14 Feb. 2006). The criminal enterprise of the *maras* and the "considerable sums of money" collected from it are also a source of concern, as gangs do not "pay taxes and their facilities and equipment are not expensive" (CCC May 2005). According to the CCC, this gives rise to suspicions about the relationship between the *maras* and the Salvadoran police and government (ibid.). The PNC claims that "the *maras* seek to penetrate the police and non-governmental organizations, and could theoretically be used by political groups" (ibid.). This claim could not be corroborated by the sources consulted by the Research Directorate.

According to the PNC director, the extradition of Salvadoran offenders from the United States is only exacerbating the gang problem (*Diario CoLatino* 25 Feb. 2006; see also *La Opinión* 14 Feb. 2006). In an EFE article, the head of El Salvador's immigration service was cited as saying that of the 69 Salvadoran criminals deported from the United States in September 2005, five belonged to the MS-13 (9 Sept. 2005). An article published by *La Opinión* reported that, in 2005, approximately 1,900 Salvadoran criminals were extradited to El Salvador, while in 2006, as at 14 February, criminal deportees from the United States numbered 500 (14 Feb. 2006; see also *Diario CoLatino* 25 Feb. 2006). The head of El Salvador's immigration service noted that crimes committed elsewhere are not punishable under Salvadoran law, so criminals "are coming directly to live in society and they have a propensity to continue committing crimes" (EFE 9 Sept. 2005). The same source added that "the Salvadoran government plans to seek legal changes that would permit emigrants with criminal convictions who are deported from the United States to be tried and jailed [in El Salvador]" (ibid.; *La Opinión* 14 Feb. 2006).

According to an article in *Jane's Intelligence Review* (JIR), Salvadoran *maras* maintain very close ties with American gangs, particularly cliques in Los Angeles, the birthplace of the MS-13 (Oct. 2004). An article published by *Libération* reported that *maras* have become [translation] "as much a geopolitical issue as they have a matter of internal American politics" (23 Jan. 2006). Neoconservatives in Washington are spreading the idea that Al-Qaeda terrorists plotted with *maras* to gain entry into the United States (*Libération* 23 Jan. 2006; see also RISAL 22 Dec. 2005, JIR Oct. 2004). As cited in a British Broadcasting Corporation (BBC) article, the President of El Salvador, Elías Antonio Saca, pledged his commitment to fighting the *maras*, while also entertaining the possibility that these groups could be linked to terrorism: [translation] "*maras* have ties to organized crime . . . and they could be involved in international terrorism" (24 Feb. 2005). However, the article in *Jane's Intelligence Review* indicated that El Salvador faces no threat of national

terrorism (Oct. 2004; see also RISAL 22 Dec. 2005, *Libération* 23 Jan. 2006).

In August 2005, President Elías Antonio Saca admitted having knowledge of the existence in El Salvador of groups charged with [translation] "exterminating" gang members, the fact of which has increased violence in the country (Prensa Latina 25 Aug. 2005). President Saca said that his government would launch the necessary investigations to determine whether several gang members were indeed killed by criminal organizations involved in such executions (ibid.). Some MS-13 members declared the presence of these criminal organizations in their neighbourhoods (ibid.), and condemned the existence of [translation] "armed commandos supported by the authorities and charged with 'cleaning up the streets'" (*Le Figaro* 28 Feb. 2006). These groups are reminiscent of the secret paramilitary groups formed after the civil war to eliminate [translation] "communists, unionists, academics and members of religious orders suspected of supported the Marxist guerrillas" (ibid.; see also *La Voz* 1 Mar. 2006). Moreover, at the beginning of 2006, the PNC established its Special-Operations Police Unit (Grupo de Operaciones Policiales Especiales, GOPES) to fight the *maras* and organized crime (*Día a día* 14 Feb. 2006; *Diario CoLatino* 25 Feb. 2005). The unit consists of approximately 40 black-hooded, black-clad, armed police officers (ibid.; *La Voz* 1 Mar. 2006).

An article posted on the Reuters Website reported that "[t]hree followers of the Mara Salvatrucha gang, their faces covered, read a communiqué to journalists in which they demanded 'the end of the implementation of the super-heavy-handed' anti-gang plan, which they said 'only represses Salvador's poor youth'" (9 Feb. 2006; see also UCA 7 Feb. 2006, 22). Under the Plan Super Heavy Hand (Súper Mano Dura), [translation] "merely having an MS-13 tattoo can sometimes land a young man in prison, where he is often subjected to torture" (*Le Figaro* 5 Jan. 2006). In their communiqué, the three gang members denied that the MS-13 was solely responsible for the wave of murders flooding El Salvador (Reuters 9 Feb. 2006; see also *Le Figaro* 28 Feb. 2006). "They also demanded that human rights be respected for gang members who had been thrown in jail" (Reuters 9 Feb. 2006).

According to *Country Reports on Human Rights Practices 2004*, "the Director of Prisons found that members of the Mara Salvatrucha gang supervised criminal activity while incarcerated" (28 Feb. 2005, Sec. 1c). Moreover, the Director also "discovered that gangs encouraged criminal activity by children to take advantage of lower maximum sentences for persons under the age of 18" (*Country Reports 2004* 28 Feb. 2005, Sec. 1c). *Country Reports 2005* indicated that "[g]ang activities in prisons remained a serious problem" (8 Mar. 2006, Sec. 1c). The same report stated that, "[b]ecause of a lack of holding cells, pretrial detainees often were sent to regular prisons where they could be placed together with violent criminals" (*Country Reports 2005* 8 Mar. 2006, Sec. 1c). Also in 2005, government authorities "permitted prison monitoring visits by independent human rights observers, nongovernmental organizations (NGOs), and the media" (ibid.). An article in *Le Figaro* reported that, to protest [translation] "inhumane treatment by the Salvadoran government," MS-13 members and their families [translation] "occupied the San Salvador cathedral for several days at the end of 2005" (5 Jan. 2006). An article published by *Diario CoLatino* noted that the gang phenomenon is complex and that, according to an expert cited in the article, through their protest initiatives, *maras* are mutating into a new configuration resembling a [translation] "parallel government" (25 Feb. 2006).

An article published by *Libération* stated that [translation] "gang populations

are out of control. Mobile, crossing borders between the United States and Central America, and therefore even more dangerous, these gangs are an inexhaustible reserve that feeds on poverty" (23 Jan. 2006). The article also noted that young members are recruited as marauders so as to allow gang leaders to focus on the control of the main drug and arms trafficking routes between Central America and the United States (*Libération* 23 Jan. 2006).

Recruitment of members

An article by the U.S. Committee for Refugees and Immigrants (USCRI) reported that the MS-13 recruits members "at a very early age" and that its members "range between the ages of 11 and 40" (USCRI n.d.). The gang targets "young Hispanic men with problems at home and whose families are experiencing financial hardships" (*ibid.*; see also COAV n.d., 21). In the opinion of a former MS-13 member,

[translation]

as long as the reasons to join a gang are lack of employment and education, and as long as the misery persists, gangs will continue to expand. In the beginning, their goal was not to organize criminal gangs, but being marginalized caused them to turn to violence and drugs in order to survive (*Le Figaro* 5 Jan. 2006).

The MS-13 offers recruits "money, a second family, money, and power" (USCRI n.d.). "If the recruit is unwilling to join, he puts his family and everyone he knows in danger as MS-13 does not hesitate to eliminate those who defy it" (*ibid.*). A study published by Children in Organised Armed Violence (COAV) indicated that it is the youths who approach the gangs and ultimately make the decision to join (n.d., 28). According to an EFE article reprinted on the *El Nuevo Herald* Website, more than 4,000 Salvadoran youths are incarcerated (EFE 7 Nov. 2005). As cited by the CCC, statistics from the PNC "document that 3,000 maras have been recruited in prisons," 1,630 of whom are MS-13 and 1,000 M-18 (May 2005). An article in *Le Figaro* reported that

[translation]

whether in Central America or the United States, only a small percentage of MS-13 members commit violent crimes . . . [M]ost youths join a gang to have a family, to seduce girls, and to protect one another. They live in violent, poverty-stricken neighbourhoods. But racism, police brutality and repeated prison terms harden them and sometimes turn them into beasts (5 Jan. 2006).

An MS-13 member can be

[translation]

killed if he utters the name of his group. Youths kill each other for control of a neighbourhood or territory in which to sell drugs, etc. They also attack neighbourhood residents and rob passers-by and tourists. Women and young girls are also victims (*Télé-Québec* 26 Sept. 2006).

According to the study published by COAV, a new gang recruit becomes a

full-fledged member by "teaching a lesson" to a member trying to dissociate from the gang (n.d., 29). The expression is a reconfirmation of the oath that a young man made when he joined the *maras*, as well as a warning, because being a gang member [translation] "is not a game" (COAV n.d., 29). In a *Libération* article, a young Salvadoran tells of how he joined the MS-13 when he was 13 years old:

[translation]

My father died in the war. My mother was left alone with my three younger brothers. This gang controlled my neighbourhood. I found a second family in them. They told me, "Here, there is a way in, but no way out. The only way out is death" (23 Jan. 2006).

The article went on to say that the MS-13 member

still wanted to leave after the gang killed his uncle and nephew, who refused to get involved in the gang's activities. He heard about someone in Canada who could remove the tattoos that betrayed his past. He was stopped at the Mexican border on his way to Canada. He has been awaiting trial for two years on the charge of "bearing tattoos" (*Libération* 23 Jan. 2006).

According to an EFE article reprinted by *El Nuevo Herald*, many former MS-13 members who participate in rehabilitation programs receive death threats from the cliques they once belonged to (7 Nov. 2005).

Protection offered to victims of violent acts perpetrated by gangs

In correspondence dated 7 February 2006, a researcher and analyst at UCA informed the Research Directorate of a bill for the protection of victims that is currently under review by the National Assembly. However, the bill has not yet been passed and, in the source's opinion, it will not be adopted before the next election (UCA 7 Feb. 2006).

Protection offered to witnesses

An Agence France-Presse (AFP) article reported that, according to a human rights activist, [translation] "the inadequacies of the legal system, as they relate to prosecuting and punishing offenders," are a contributing factor to the increase in the murder rate in El Salvador (23 Jan. 2006). The activist also added that a law to protect witnesses is needed so that citizens can speak out without fear of repercussions (AFP 23 Jan. 2006). He stated that two witnesses from the UCA Human Rights Institute were killed in order to prevent them from testifying (*ibid.*). For her part, the director of the Centre for the Study of Law Enforcement (Fundación de Estudios para la Aplicación del Derecho, FESPAD) noted that for every 100 homicides, only 7 end in a conviction, which [translation] "shows the terrible state" the Salvadoran legal system is in (*ibid.*).

As reported in *El Diario de Hoy*, President Elías Antonio Saca expressed disappointment that the National Assembly had not yet passed the witness protection law that was tabled on 30 June 2005 (12 Jan. 2006). On 13 January 2006, *El Diario de Hoy* reported that yet another witness was killed to prevent him from testifying and that the Salvadoran president used the opportunity to

reiterate the importance of the witness protection law (13 Jan. 2006). According to a researcher at the Central American University Human Rights Institute (Instituto de Derechos Humanos de la Universidad Centroamericana, IDHUCA), witness protection measures are currently limited to keeping witnesses' names secret and, in certain instances, hiding them in safe houses (La Prensa Gráfica 4 Apr. 2006). IDHUCA is proposing that the following new witness protection measures be implemented: drafting a special law; creating a competent authority; setting up a witness protection office; avoiding physical confrontation with offenders; punishing investigators who disregard pertinent information; and developing treaties with other Central American countries to establish a region-wide protection system, with witness relocation measures (ibid.).

The president of El Salvador, referring to judges who let accused murderers go free for [translation] "lack of evidence," warned against such conduct becoming generalized practice and added that the authorities' job is to improve the quality of investigations so as to bring the accused before the court, whose responsibility is then to render its verdict (AFP 31 Jan. 2006).

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.

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