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El Salvador: Crime and the effectiveness of the government and police, including the protection of victims and witnesses (2007-June 2009)
Research Directorate, Immigration and Refugee Board of Canada, Ottawa

Crime in El Salvador

Several sources indicate that El Salvador is one of the most dangerous countries in the world (US 14 Apr. 2009; *ibid.* 25 Mar. 2009; COHA 20 Aug. 2008; IPS 27 May 2008). Fear of violence even causes some individuals to limit their movement and participation in certain events (US 14 Apr. 2009).

According to an article published by Inter Press Service (IPS), the Institute of Forensic Medicine [Instituto de Medicina Legal (Noticias Financieras 4 May 2009)] estimated that more than 16,000 homicides were committed between 2003 and 2007 (28 Apr. 2008). The institute also estimates that the total number of murders rose from 3,802 in 2005 to 3,928 in 2006, and that it fell to 3,491 in 2007 (Freedom House 2008). According to sources consulted, the murder rate per 100,000 people was estimated in 2008 at 55.3 (US 14 Apr. 2009) and in 2007, at 68 (Freedom House 2008) and 64 (IPS 27 May 2008). Cited by Freedom House, the World Health Organization (WHO) states that it "considers rates higher than 10 per 100,000 to be an epidemic" (2008).

The majority of homicides in El Salvador are committed using a firearm (US 14 Apr. 2009; Freedom House 2008; IPS 27 May 2008). The Overseas Security Advisory Council (OSAC) estimates that 400,000 firearms are in circulation illegally in El Salvador, in addition to nearly 200,000 legally registered weapons (US 14 Apr. 2009). According to the National Civilian Police (Policía Nacional Civil, PNC), "half of homicides last year [2008] were committed by people 18 to 30, and 70% of victims were between the ages of 15 and 39" (*LA Times* 13 May 2009). While young men are the primary target of assailants, the number of female victims rose from 10 percent in 2006 to 13 percent in 2007 (Freedom House 2008), and, in 2008, that number had increased by 50 percent since 1999 (AI 2008).

Today, El Salvador "has hundreds of known street gangs totalling more than 30,000 members" (US 14 Apr. 2009); [translation] "youth gangs using brutal and bloodthirsty practices, who have, historically, followed dress codes and rituals" are known as *maras* (*Le Monde* 28 Mar. 2009). In the past, "the gangs used to protect their neighborhoods ... and attacked only outsiders ... they now strike anywhere-attacking, robbing, extorting, killing-because they need money

to support their incarcerated associates and families" (*LA Times* 13 May 2009).

According to a report published by OSAC, other crimes reported in El Salvador include extortion, theft, armed robbery, credit card cloning, kidnapping for ransom and rape (US 14 Apr. 2009). The problem of extortion is growing and affects not only small and medium-sized businesses (IC 14 June 2007), but also coffee producers (*haciendas de café*) located in the interior of the country (*El Faro.Net* 25 May 2009). In 2008, there was "a significant increase in the number of reported extortion cases" (US 14 Apr. 2009).

According to the OSAC, "home invasions and/or the burglarizing of residences during broad daylight by individuals posing as delivery men to gain access to a home are becoming more prevalent in affluent residential neighbourhoods in San Salvador" (*ibid.*). While credit card cloning is apparently on the increase, the number of kidnappings for ransom dropped significantly since 2005 to 10 cases in 2008 (*ibid.*). In 2008, 599 rapes were reported; fewer than 20 percent of the estimated number of actual rapes (*ibid.*).

According to an article published by José Siméon Cañas Central American University (Universidad Centroamericana José Simeón Cañas, UCA), a new kind of fraud scheme now exists through the means of communication available on the Internet (16 May 2008a). There are two main causes behind this cyber-crime: first, the posting of personal information by 70 percent of users on various sites, such as Messenger, Hi5 and My Space; second, the fact that users communicate with members from networks other than their own (UCA 16 May 2008a). Ignorance of the risks associated with the dissemination of personal information on the Internet [translation] "makes it easier for swindlers to manipulate victims" (*ibid.*). That source went on to state that 149 cases of various kinds of extortion were reported to the Salvadoran authorities in 2008 (*ibid.*). Between June 2004 and April 2009, a total of 9,004 cases of extortion were reported to the PNC (*El Faro.Net* 25 May 2009).

Government and police effectiveness

Under previous presidential administrations, national strategies such as Firm Hand (*Mano Dura*) and Super Firm Hand (*Super Mano Dura*) were developed, with the goal of dismantling street gangs and incarcerating their members following national tactical operations (CLAS 6 Mar. 2007). However, several sources confirmed that these strategies have not improved public safety (IC 14 June 2007; see also CISPES 24 June 2008; IPS 13 Feb. 2008). On one hand, the PNC has not yet reached operational maturity, despite having existed since 1992 (US 14 Apr. 2009). Also, its resources, such as radios and vehicles, are insufficient (*ibid.*). This lack of resources undermines the police force's capacity to fulfil its mandate of protecting citizens (*ibid.*). In addition, even when the police arrest and incarcerate street gangs members, the majority are quickly released for lack of evidence (CIP 14 Mar. 2006, 4). Also, mass incarcerations have not led to a reduction in homicide, but rather, to prison overpopulation, which has in turn led to an increase in prison violence (CISPES 24 June 2008). While it was designed to hold 8,100 inmates, the Salvadoran prison system has more than 17,000 inmates (*ibid.*).

In 2005, the Salvadoran government and the American State Department joined forces to create the International Law Enforcement Academy (ILEA), whose "exclusive goal is to teach police, prosecutors, and judges in improved law

enforcement techniques" (ibid.). The training is provided by "US specialists in the areas of transnational crime that include narco-trafficking, financial fraud, organized crime, terrorism, and sexual tourism" (COHA 20 Aug. 2008). Since the Academy's inception, the PNC have "shown themselves to be perpetrating more violence and exposing themselves as more corrupt, possibly being connected to resurging death squad-like structures" (CISPES Spring 2007). The Academy has also been criticized for its lack of transparency and for making public its creation after the fact. (CISPES 6 Mar. 2008). Other sources also criticize the police's involvement in some murders (COHA 20 Aug. 2008; *LA Times* 13 May 2009; IPS 28 Apr. 2008) and human rights violations, which has undermined public trust, according to Oscar Luna, human rights ombudsman (IPS 13 Feb. 2008).

Another measure taken by the government was the holding of the 5th international anti-gang conference, which made it possible for the delegates of the 13 participating countries to [translation] "develop mechanisms for dismantling gangs, these criminal organizations corrupting Central America" (*Courrier international* 14 May 2009; see also *Noticias Financieras* 4 May 2009). The delegates agreed to create an education and training program called GREAT (Gang Resistance Education and Training) for children attending educational institutions (*Courrier international* 14 May 2009). The overall objective of this program is to organize [translation] "dialogue sessions in schools ... to prevent youth from joining gangs" (ibid.). According to two articles published by IPS, gangs recruit children, some as young as 10 years of age (28 Apr. 2008), and only 30 to 40 percent of young people of high school age actually attend school (27 May 2008).

Victim and witness protection

In 2006, the Supreme Court of Justice (Corte Suprema de Justicia) of El Salvador passed a Special Law for the Protection of Victims and Witnesses (*Ley especial para la protección de víctimas y testigos*) that

[translation]

regulates protective measures and intervention programs for victims, witnesses or anyone who might find themselves in a dangerous or risky situation as a result of their participation in a criminal investigation or a court proceeding. (El Salvador 25 May 2006, Art. 1).

According to the US Department of State's *Country Reports on Human Rights Practices for 2008*, 2,347 requests for protection were made to the government's victim and witness protection program, and 3,110 people were receiving some sort of state protection by the end of the year (25 Feb. 2009, Sec. 1e). No further information on this topic was found among the sources consulted by the Research Directorate.

Claudia Hernández, Communications Coordinator at the UCA Human Rights Institute (Instituto de Derechos Humanos de la Universidad Centroamericana José Simeón Cañas - IDHUCA) is not satisfied with the current program, although she recognizes the importance of the special law (UCA 16 May 2008b). According to Hernandez, the authorities should base their investigations on scientific evidence rather than on witness statements, as the government is currently doing, since current practice places witnesses in danger and subjects them to even more pressure (ibid.). She adds that [translation] "many of the measures [provided for in the legislation] are not yet in force" (ibid.). In an article that

appeared in *Le Monde*, Judge Aida Luz Santos made the following statement on the impunity that the *maras* enjoy, saying [translation]: “[w]e need a security plan that respects constitutional guarantees. Sanctions must be accompanied by a true prevention and rehabilitation policy” (28 Mar. 2009).

As for virtual extortions, René Galdámez, a systems engineering technician, notes that El Salvador’s communications systems are terribly outdated, which prevents the country from dealing with this new problem (UCA 16 May 2008a). Salvador Mejía, a lawyer and computer expert, explains that, in his opinion, since the PNC does not have access to the necessary technological resources and since there is no law to regulate this area [translation] “someone who has been a victim of extortion by email can report the perpetrator, but the electronic message does not constitute proof and cannot be used against the perpetrator” (ibid.).

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 sources consulted in researching this Information Request.

References

Amnesty International (AI). 2008. “El Salvador”. *Amnesty International Report 2008*. <<http://www.amnesty.org/en/region/el-salvador/report-2008>> [Accessed 25 May 2009]

Center for International Policy (CIP). 14 March 2006. Americas Policy Program. Sam Logan, Ben Bain and Kate Kairies. “Deportation Feeds a Cycle of Violence in Central America.” <<http://americas.irc-online/am/3152>> [Accessed 22 May 2009]

Center for Latin American Studies (CLAS), Georgetown University. 6 March 2007. “Republic of El Salvador / República de El Salvador: Democracy and Citizen Security / Democracia y Seguridad Ciudadana.” (Political Database of the Americas - PDBA). <http://www12.georgetown.edu/sfs/clas/pdba/Security/citizensecurity/salvador/salvador_1.html> [Accessed 22 May 2009]

Committee in Solidarity with People of El Salvador (CISPES). 24 June 2008. “State Department Official Announces Crime-Fighting Funds for El Salvador, Slanders FMLN Party.” <http://www.cispes.org/index.php?option=com_content&task=view&id=412&Itemid=28&lang=en> [Accessed 11 May 2009]

_____. 6 March 2008. Wes Enzinna. “Another SOA? A Police Academy in El Salvador Worries Critics.” <http://cispes.org/index.php?option=com_content&task=view&id=354&Itemid=80> [Accessed 1 June 2009]

_____. Spring 2007. “Human Rights Violations in El Salvador Since the Installment of the International Law Enforcement Academy (ILEA).” <www.cispes.org/documents/Recent_Human_Rights_Violations_ES.doc> [Accessed 28 May 2009]

Council on Hemispheric Affairs (COHA). 20 August 2008. "El Salvador: A Deeply Divided Country." <<http://www.coha.org/2008/08/el-salvador-a-deeply-divided-country/>> [Accessed 11 May 2009]

Courrier international [Paris]. 14 May 2009. "Salvador ; Un pays désarmé face aux gangs." (Factiva) <<<http://global.factiva.com/aa/default.aspx?pp=Print&hc=Publication>> [Accessed 15 May 2009]

El Faro.net. 25 May 2009. Rodrigo Baires Quezada. "Los fantasmas de las extorsiones." <http://www.elfaro.net/Programas/Imprimir/Imprime_Pagina.asp?UrlLocal=/secciones/noticias/20090525/noticias1_20090525.asp> [Accessed 25 May 2009]

Freedom House. 2008. "El Salvador." *Freedom in the World 2008*. <<<http://www.freedomhouse.org/template.cfm?page=22&year=2008&country=7388>> [Accessed 25 May 2009]

Inforpress Centroamericana. 14 June 2007. "Mano Dura Fails to Deliver." <<http://www.inforpressca.com/CAR/bysubject/sub6.php>> [Accessed 21 May 2009]

Inter Press Service (IPS). 27 May 2008. Raúl Gutiérrez. "Violence Imposes Huge Economic Burden." <<http://ipsnews.net/print.asp?idnews=42532>> [Accessed 11 May 2009]

_____. 28 April 2008. Raúl Gutiérrez. "El Salvador: Focus on Gangs Distracts from Organized Crime." (Global Information Network) <<http://www.highbeam.com/doc/1P1-151960058.html>> [Accessed 21 May 2009]

_____. 13 February 2008. Raúl Gutiérrez. "El Salvador: Public Loses Confidence in Police Due to Abuse." (Global Information Network/Factiva) <<http://global.factiva.com/aa/default.aspx>> [Accessed 15 May 2009]

Los Angeles Times (LA Times). 13 May 2009. Tracy Wilkinson. "El Salvador Battles an Epidemic of Violence." (Factiva)

Le Monde [Paris]. 28 March 2009. "Le Salvador gangrené par la violence des gangs de jeunes." <http://www.lemonde.fr/web/recherche_resultats/1,13-0,1-0,0.html> [Accessed 15 May 2009]

Noticias Financieras. 4 May 2009. Raúl Gutiérrez. "Debaten cómo combatir a las pandillas." (IPS/Factiva)

El Salvador. 25 May 2006. Corte Suprema de Justicia de El Salvador. *Ley especial para la protección de víctimas y testigos*. <<http://www.csj.gob.sv/leyes.nsf/ed400a03431a688906256a84005aec75/3ed3ad5f7058aa870625719900740830?OpenDocument&Highlight=0,Testigos>> [Accessed 1 June 2009]

United States (US). 14 April 2009. Overseas Security Advisory Council (OSAC). "El Salvador 2009 Crime & Safety Report." <<https://www.osac.gov/Reports/report.cfm?contentID=97810&print>> [Accessed 22 May 2009]

_____. 25 March 2009. Department of State. "El Salvador - Country Specific Information." <http://travel.state.gov/travel/cis_pa_tw/cis/cis_1109.html?css=print> [Accessed 25 May 2009]

_____. 25 February 2009. Department of State. "El Salvador". *Country Reports on Human Rights Practices for 2008*. <<http://www.state.gov/g/drl/rls/hrrpt/2008/wha/119159.htm>> [Accessed 15 June 2009]

Universidad Centroamericana José Simeón Cañas (UCA). 16 May 2008a. Manuel Ramírez. "Extorsionistas operan en el ciberespacio." (ComUnica) <<http://168.243.1.4/virtual/comunica/archivo/may162008/notas/nota42.htm>> [Accessed 26 May 2009]

_____. 16 May 2008b. Gabriela Gómez. "Urge prueba científica en protección a testigos." (ComUnica) <<http://168.243.1.4/virtual/comunica/archivo/may162008/notas/nota14.htm>> [Accessed 25 May 2009]

Additional Sources Consulted

Internet sites, including: El Salvador - National Civilian Police, United Nations (UN) - Programa Hacia la Construcción de una Sociedad sin Violencia.

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