

Immigration and Refugee Board of Canada

[Home](#) > [Research Program](#) > [Responses to Information Requests](#)

Responses to Information Requests

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El Salvador: The presence and activities of Mara Salvatrucha (MS or MS-13) and of Mara 18 (M18) in El Salvador, recruitment, measures taken by the government to fight the maras, and protection offered to victims of the maras (2008-2010)

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According to the Overseas Security Advisory Council (OSAC), El Salvador is "one of the most violent countries in the world" (US 20 Apr. 2010). During a meeting of the United Nations (UN) 2009 General Assembly, the Salvadoran president, Mauricio Funes, stated that [translation] "delinquency in Central America, and more specifically in El Salvador, has increased" (El Mundo.es 3 Nov. 2009). He also pointed out that the homicide rate was 12 per day in El Salvador (ibid.; AFP 28 Sept. 2009). In an article published by Agence France-Presse (AFP), the Salvadoran National Civil Police (Policía Nacional Civil, PNC) stated that *maras* [gangs] were responsible for 60 percent of the country's homicides (28 Sept. 2009).

According to the OSAC, there are over 25,000 people who belong to street gangs in El Salvador; Mara Salvatrucha (MS or MS-13) and Mara 18 (M18) are the largest gangs in the country (US 20 Apr. 2010). However, an article published by Inter Press Service (IPS) states that, according to police estimates, MS and M18 have between 10,000 and 13,500 members in El Salvador (25 Apr. 2008; El Mundo.es 3 Nov. 2009). Of that number, approximately 5,000 members are in prison (ibid.; AP 2 May 2010). According to the PNC chief, the maras have "forged ties with organized crime" (IPS 25 Apr. 2008). IPS cites a former gang member as saying that the maras sometimes commit crimes in order to finance their activities and that some members are hired by the mafias to kill, extort, deal drugs and rob people (ibid.). However, he denied that the maras are involved in organized crime (ibid.).

According to an article published by Europa Press (EP), an internal PNC report states [translation] that "there is a link between Mara Salvatrucha (MS) and Los Zetas [a Mexican drug trafficking group]" (16 Apr. 2010). The President of El Salvador stated that some Los Zetas members are in El Salvador and that they are looking to [translation] "form alliances with the street gangs and some local drug traffickers" (EP 16 Apr. 2010; Valley Central 20 Apr. 2010). Additional information on an alliance between these two groups could not be found among the sources consulted by the Research Directorate.

Two sources indicate that in February 2010, MS and M18 signed an agreement that took effect on 8 February 2010 (AFP 18 Feb. 2010; RFI 19 Feb. 2010). Through a news release transmitted by some members of their families during a news conference of the Foundation for Studies on the Application of Law (Fundación de Estudios para la Aplicación del Derecho, FESPAD), the members of these two maras announced that this agreement dictated [translation] "the cessation of violence tied to homicides, extortions and illegal acts committed in the transportation network" (AFP 18 Feb. 2010; RFI 19 Feb. 2010). According to the AFP, MS and M18 members stated that the purpose of this agreement was to [translation] "cooperate in order to diminish the violence and find concrete solutions" (AFP 18 Feb. 2010). The article points out that [translation] "some young people involved in gangs want to find a job" (ibid.). To show their good faith, they recalled the [translation] "cease fire" agreement that took place between 23 July and 4 August 2009 (ibid.). Additional information on this cease fire agreement or on the agreement presented by the maras on 8 February 2010 could not be found among the sources consulted by the Research Directorate.

Recruitment

In an article published by IPS in March 2008, the National Council on Public Security (Consejo Nacional de Seguridad Pública, CNSP) of El Salvador stated that the average age of recruitment had decreased from 14 to 12 years of age. Two sources also pointed out that some children aged 9 and 10 years had been recruited by the maras (IPS Mar. 2008; IPS 25 Apr. 2008; RTVE 6 June 2009). According to the article published by IPS, the president of CNSP specified that, to attract children, the maras offered them brand name shoes and clothing, as well as money (IPS Mar. 2008). According to the CNSP President, minors are used to observe police movements and to transport handguns and small quantities of drugs, because [translation] "no one will suspect a child" (ibid.). According to a police station chief, between January and March 2008, 39 minors were arrested and charged with extorting entrepreneurs working in the transportation industry on the outskirts of San

Salvador, the country's capital city (ibid.). Additional information on the charges against these minors could not be found among the sources consulted by the Research Directorate.

In September 2009, the PNC pointed out in an article published by the AFP that the maras had infiltrated schools in the country's capital to recruit students in order to [translation] "turn them into delinquents charged with extortion, rape and killing" (AFP 28 Sept. 2009). According to the PNC, some students from 35 public and private schools in the department of San Salvador were recruited by the maras (ibid.; Agencia EFE 28 Sept. 2009). According to the AFP, some of them were forced to join the maras (28 Sept. 2009). In an article published by Agencia EFE, a municipal representative stated that some teachers and managers, under gang threat, protected some students involved in crimes by hiding them from the police (28 Sept. 2009). The Municipal Representative specified that these students were involved in extortion, kidnapping and homicide cases (Agencia EFE 28 Sept. 2009).

The article published in March 2008 by IPS states that MS and M18 prohibit their new members from tattooing their torso, arms and face. Another source states that they have stopped tattooing themselves and that the new way of indicating their membership in the group is through their clothing style (El Mundo.es 3 Nov. 2009).

Measures taken by the state to fight the maras

An article published by ContraPunto, a news portal in El Salvador, states that in recent years, five programs have been implemented to fight the maras; the projects favour communication among police officers and information sharing between El Salvador and the United States (US) (11 Nov. 2009). Included in these initiatives are the conference on street gangs, organized annually by the PNC of El Salvador; the anti-gang efforts, led by the US Federal Bureau of Investigation (FBI); an anti-gang training program offered by the International Law Enforcement Academy (ILEA); the Transnational Anti-Gang Centre (Centro Antipandillas Transnacional, CAT); and the Merida Initiative (Iniciativa Mérida) (ContraPunto 11 Nov. 2009). This last initiative, launched in 2007 for a period of three years, aims to stop violence provoked by gangs in Central America as well as the drug trafficking in Mexico by providing equipment, training and technical assistance from the US (ibid.). However, the same source pointed out that these programs are not based on prevention or on the rehabilitation of street gang members and that the Merida Initiative is a temporary measure that [translation] "does not encourage El Salvador to develop a long term anti-gang strategy" (ibid.).

According to an article in *La Prensa Gráfica*, a daily newspaper in San Salvador, the Transnational Anti-Gang Centre (Centro Antipandillas Transnacional, CAT) was created in 2007, and FBI agents work there with PNC officers to fight transnational gang crime (22 Apr. 2010).

According to the OSAC, the PNC still needs to improve in order to function as an effective organization that can protect the public (US 20 Apr. 2010). Among other things, the techniques for routine patrols and efforts to suppress crime and gangs are ineffective (ibid.). According to the OSAC, equipment shortages limit the ability of police officers to respond effectively to crime (ibid.).

An article published by El Mundo.es states that in 2009, the President of El Salvador brought in 6,500 soldiers to fight delinquency in the country (3 Nov. 2009). According to two other sources, 2,500 additional soldiers were deployed by the government to join approximately 1,000 soldiers already supporting the police (AP 4 Nov. 2009; AFP 11 Nov. 2009). The article published by Associated Press (AP) specifies that this reinforcement was sent because of a "spike in crime" (4 Nov. 2009). The patrols would mainly be sent to the departments of San Salvador, La Libertad, Sonsonate, Santa Ana and San Miguel, which have the highest crime rates (AP 4 Nov. 2009). An article published in May 2010 indicates that the government announced that it wanted to extend by six months the presence of the soldiers working with the police to stop the delinquency (AP 2 May 2010). Additional information on the outcome of the police and army intervention could not be found among the sources consulted by the Research Directorate.

Protection offered to victims

According to an article published on the website of the Attorney General's Office (Fiscalía General de la República, FGR), the victim and witness protection program (Programa de Protección de Víctimas y Testigos) have provided [translation] "good results": approximately 9,500 people benefited from the program in 2009 (El Salvador 27 Nov. 2009). In an article published by *Comunica*, an online publication by the Department of Literature, Communication and Journalism (Departamento de Letras, Comunicación y Periodismo) at the University of Central America José Simeón Cañas (Universidad Centroamericana José Simeón Cañas, UCA) (UCA n.d.), the head of the homicide special unit stated that this program has legal deficiencies; in particular, the resources available are [translation] "insufficient to ensure effective management of the program" (Comunica 7 Apr. 2010). He also stated that, in addition to funding, [translation] "above all, it was missing human resources to help protect victims and witnesses" (ibid.). He also stated that the law to protect victims and witnesses (*Ley Especial para la Protección de Víctimas y Testigos*) needed to be modified to adequately protect victims (ibid.). Additional information on the application of this law could not be found among the sources consulted by the Research Directorate.

With respect to the protection offered to victims of extortion, an article published by *Comunica* states that, according to the PNC's Extortion Investigation Division (División de Investigación de Extorsión, DIE), 70 percent of complaints are heard in court (Comunica 8 Apr. 2010). The FGR states that protection is offered only at the trial stage; the victim, under an officer's guard, is escorted from the FGR to the location of the trial (ibid.). In addition, the victim's testimony is conducted behind a wall to keep his or her identity a secret and to protect him or her from possible attacks (ibid.). From January to April 2010, 754 complaints for extortion were registered by the DIE and the FGR, and there were 710 for the same period in 2009 (ibid.). On a national level, there were 478 arrests in 2010 for the months of January to April, and a total of 2,435 for 2009 (ibid.). The DIE also stated that, as of April 2010, 113 people had been convicted of extortion, just in the central unit of San Salvador

(ibid.). The article stated that it is also possible, for people who do not have confidence in the police and who are more fortunate, to resort to private security services (ibid.).

According to an article on the Child Rights Information Network (CRIN), a worldwide information network that provides information on the International Convention on the Rights of the Child to 2,100 organisations in more than 100 countries (CRIN 16 Mar. 2010), President Funes vetoed a reform of the Juvenile Justice Law (*Ley Penal Juvenil*), which would have increased prison sentences from 7 to 15 years for young people aged 16 and 17 years, who have committed "serious offences" (25 Feb. 2010; *El Diario de Hoy* 10 Feb. 2010). Cited in that same article, the President stated that imprisonment "must 'be used only as a measure of last resort and for the shortest appropriate period of time'" (CRIN 25 Feb. 2010). An article published by a daily newspaper in San Salvador, *El Diario de Hoy*, points out that authorities at the Supreme Court of Justice (Corte Suprema de Justicia, CSJ) and the Salvadoran Institute for the Development of Children and Adolescents (Instituto Salvadoreño para el Desarrollo de la Niñez y la Adolescencia, ISNA) have agreed that imprisonment will not resolve the problem of criminality (10 Feb. 2010).

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.

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Oral source: A professor from the Universidad Centroamericana José Simeón Cañas was unable to provide information within the time constraints.

Internet sites, including: Amnesty International (AI); Freedom House; Human Rights Watch; El Salvador – Policía Nacional Civil (PNC); United States (US) – Department of Justice, Department of State, Agency for International Development (USAID), Washington Office on Latin America (WOLA).

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