

Immigration and Refugee Board of Canada

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Responses to Information Requests

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El Salvador: Police corruption and government measures to fight corruption
Research Directorate, Immigration and Refugee Board of Canada, Ottawa

According to a *La Prensa* article, the police in El Salvador, just like police in other Central American countries, continue to violate human rights (25 Feb. 2009). Reuters indicates that “[p]olice corruption is common in Central America” (24 Aug. 2008). Cited in an Inter Press Service (IPS) article, a former *maras* [street gang] member states that some police officers “take part in the same (criminal) activities” as the *maras* (25 Apr. 2008).

Police corruption

When asked about a supposed network of police officers who protect cigarette and dairy product smugglers, the deputy director of the National Civil Police (Policía Nacional Civil, PNC) stated in an article published by San Salvador daily *El Diario de Hoy*, that he [translation] “did not doubt that a corrupt structure ... might exist but that for now, he was unaware of any case in particular” (3 Apr. 2010).

An April 2010 article in *ContraPunto*, a news portal in El Salvador, states that a high ranking PNC staff member was under investigation for hiding information on a drug trafficking gang (14 Apr. 2010).

Furthermore, *La Página.com.sv*, an online journal in El Salvador, states that a former PNC director resigned from his position as security advisor at the Salvadoran embassy in Washington, DC after the Minister of Foreign Affairs of El Salvador ordered him to do so (27 Nov. 2009). According to the article, the former PNC director was accused of illegally enriching himself and of corruption linked to a presumed relationship with criminal gangs (*La Página.com.sv* 27 Nov. 2009).

According to an August 2008 Reuters article, the PNC chief resigned from his duties after charges of corruption were laid against two of his aides (Reuters 24 Aug. 2008). According to media investigations, one advisor ran a private consulting firm and had drug traffickers as clients, while the second used police licence plates without authorization (*ibid.*).

An IPS 2008 article indicates that during the previous 10 years, dozens of police officers were convicted of theft, kidnapping, homicide and belonging to death squads (IPS 25 Apr. 2008). A sergeant was sentenced in January 2008 to 30 years in prison for running a group of hitmen for hire (*ibid.*).

Measures taken by the government to stop corruption

According to the website of the Salvadoran Supreme Court of Justice (Corte Suprema de Justicia, CSJ), Decree No. 518, Police Disciplinary Law (*Decreto No. 518, Ley Disciplinaria Policial*) was adopted on 20 December 2007 and was published in the official journal (*Diario Oficial*) on 16 January 2008 (El Salvador Feb. 2008). The law came into effect eight days after the date of publication (*ibid.* 2007, Art. 98). The law classifies various crimes according to seriousness: 15 minor faults, 35 serious faults and 33 very serious faults (*ibid.*, Art. 7-9). Article 9 identifies the following as very serious faults:

[translation]

20) Engaging in or having knowledge of illegal business dealings and not meeting the associated legal obligations;

...

22) Requiring, requesting, receiving or encouraging the provision, directly or indirectly, of goods or any other benefits for oneself or a third party, to perform, facilitate, delay or fail to carry out an act proper to or contrary to one’s functions and duties;

...

24) Fostering or performing acts aimed at creating or maintaining armed groups on the margins of the law; promoting, sponsoring, funding, organizing, training, leading, tolerating or cooperating with them, either within or outside the institution;

...

30) Acquiring wealth illegally. (ibid., Art. 9)

In such cases, Article 12 provides for the application of the following sanctions:

[translation]

- a) Suspension without pay from 91 to 180 days;
- b) Demotion to the next lowest category;
- c) Dismissal. (ibid., Art. 12)

Cited in a September 2009 *La Prensa Gráfica* article, the lawyer responsible for the Office of the Inspector General (Inspectoría General, IG) of the PNC states that there are a [translation] "series of irregularities in how this organization functions" (*La Prensa Gráfica* 5 Sept. 2009). In addition, she notes that there is a lack of qualified personnel and that very few lawyers take charge of the judicial processes (ibid.). Consequently, many cases do not make it past the first phase of the judicial process (ibid.). In addition, the lawyer states that the majority of the investigations led by the IG concern rank and file employees (ibid.). From January to July 2009, the IG recorded 96 dismissals due to various faults committed (ibid.). More specifically, 11 rank and file employees were laid off in July 2009-9 officers, 1 corporal and 1 employee from the administrative sector (ibid.). The lawyer points out that 30 other officers, 1 employee from the administrative sector and 1 corporal were suspended without salary for committing a [translation] "serious fault" (ibid.). There were 954 complaints filed against the police between January and mid-July 2009, and the number of complaints increased especially in July (ibid.). According to the lawyer, this increase in the number of complaints does not necessarily indicate that there are more human rights violations by police, but that people are hesitating less and less to file complaints (ibid.).

According to an article published in November 2009 on the PNC website, the IG recorded 1,686 complaints between January and November 2009 (El Salvador 27 Nov. 2009). This number includes the more than 600 members of the Police Corporation (Corporación Policial) who were under investigation (ibid.). Among them were commissioners, deputy commissioners, inspectors, chief inspectors, deputy inspectors and administrative and supernumerary rank and file employees (ibid.). The article indicates that 140 members, including 1 senior chief, 1 member of the directorate, 1 sergeant, 112 officers and 17 administrative sector employees were removed from their position in 2009 for committing [translation] "very serious faults" (ibid.).

In another *La Prensa Gráfica* article, the IG lawyer states that, from 1 January to 30 April 2010, 55 PNC members were dismissed by the disciplinary tribunal (Tribunal Disciplinario) for committing [translation] "very serious faults", and 25 were dismissed between January and June 2009 (*La Prensa Gráfica* 17 May 2010). According to IG statistics, from January to May 2010, on average, 14 members of the police personnel were dismissed each month (ibid.). In 2009, the IG lawyer reported that 21 police officers-15 officers, 1 corporal, 4 sergeants and 1 deputy inspector-who allegedly had ties to street gangs had been arrested and appeared before court (ibid.). In addition, the same article states that, in 2009, about 10 officers suspected of participating in kidnappings, drug trafficking and illegal groups were arrested by the PNC (ibid.).

According to a ContraPunto article, the IG announced that a purge of police personnel within the anti-narcotics division of the PNC would take place in March, April, May and June 2010 (14 Apr. 2010). Further information on the investigations conducted and on the purging of police personnel could not be found among the sources consulted by the Research Directorate.

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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