

Immigration and Refugee Board of Canada

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Responses to Information Requests

Responses to Information Requests (RIR) respond to focused Requests for Information that are submitted to the Research Directorate in the course of the refugee protection determination process. The database contains a seven-year archive of English and French RIRs. Earlier RIRs may be found on the UNHCR's [Refworld](#) website.

14 December 2011

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El Salvador: The procedure for obtaining a police report; whether this report can be obtained by a person who is outside the country or by a third person

Research Directorate, Immigration and Refugee Board of Canada, Ottawa

In correspondence sent to the Research Directorate on October 12, 2011, a lawyer specializing in international law with a private firm in El Salvador indicated that a victim of or witness to a criminal offence who lives in El Salvador may file a complaint with the National Civil Police (Policía Nacional Civil, PNC) or with the Attorney General's Office (Fiscalía General de la República, FGR) of El Salvador (Lawyer 3 Oct. 2011). Although a complaint may be filed with the PNC through its Internet page (El Salvador n.d.a) or by telephone, by dialling 122 directly (ibid. n.d.b), the lawyer noted that [translation] "it is recommended to go in person to the police station nearest one's home or the place where the crime was committed" (Lawyer 3 Oct. 2011).

The lawyer also stated that a victim of or witness to a criminal offence may obtain a copy of the report on the complaint, that the report is given to the individual right away when the complaint is filed, and that the individual may inquire about the investigation process (ibid.). Paragraphs 1 and 2 of Article 13 of El Salvador's Code of Criminal Procedures (*Código Procesal Penal*) state the following:

[translation]

The victim has the right:

1. to intervene and inquire about all of the actions taken by the National Civil Police, the Attorney General's Office or any court, and to be informed of the outcome;
2. to be informed of his or her rights and be assisted by a lawyer from the Attorney General's Office, as appropriate, or by the designated attorney in the victim's case (El Salvador 20 Jan. 1997).

However, the lawyer pointed out that, in order to obtain information about the investigation from the PNC or the FGR, [translation] "it is recommended that the individual hire a lawyer" (Lawyer 3 Oct. 2011).

In the case of someone who is outside the country, the lawyer stated that [translation] "the steps must be taken through a lawyer" (ibid.). In a second correspondence sent to the Research Directorate, she specified that the lawyer must be Salvadoran and that a request to obtain a police report must be written in Spanish (ibid. 22 Nov. 2011).

In addition, the lawyer stated that a member of the requester's family living in El Salvador may request a copy of a police report on the individual's behalf, as long as the family member has written authorization that has been certified by a notary (ibid. 3 Oct. 2011). She specified that only members of the immediate family may represent the person and act on their behalf, and she stated that, to obtain the copy of a police report, the family member must go to the place where the complaint was initially made (ibid. 22 Nov. 2011). She added that the authorization must be written in Spanish by a Salvadoran lawyer (ibid.). She stated that it takes seven business days to issue this document and that no fee is required. (ibid. 3 Oct. 2011). She also stated that the process for obtaining a copy of a police report is used [translation] "frequently" (ibid.).

Corroborating information 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.

References

El Salvador. 1997 (amended 12 February 2010). *Código Procesal Penal*. Art. 13, para. 1-2, translated by the Translation Bureau, Public Works and Government Services Canada.

<<http://www.csj.gob.sv/leyes.nsf/0/5456de9f805990ee06256d02005a406d?OpenDocument>> [Accessed 26 Oct. 2011]

_____. N.d.a. Policía Nacional Civil (PNC). "Haz tu denuncia." <<http://www.pnc.gob.sv/servicios/denuncias.php>> [Accessed 28 Sept. 2011]

_____. N.d.b. Policía Nacional Civil (PNC). "Sistema 122." <http://www.pnc.gob.sv/servicios/sistema_122.php> [Accessed 26 Oct. 2011]

Lawyer specializing in international law, El Salvador. 22 November 2011. Correspondence sent to the Research Directorate.

_____. 3 October 2011. Correspondence sent to the Research Directorate.

Additional Sources Consulted

Oral sources: Attempts to contact representatives of the Embassy of El Salvador in Ottawa, the Fiscalía General, the Inspectoría General de la Policía Nacional Civil, the Policía Nacional Civil, and the Procuraduría para la Defensa de los Derechos Humanos were unsuccessful. Representatives of the Consulate of El Salvador in Montréal and the Oficina de Asistencia a la Comunidad de la Universidad de El Salvador could not provide any information.

Internet sites, including: Agencia de Noticias del Estado Mexicano; El Salvador – Ministerio de Justicia y Seguridad Pública, Ministerio de Relaciones Exteriores, Procuraduría para la Defensa de los Derechos Humanos; *Elsalvador.com*; Instituto de Derechos Humanos de la Universidad Centroamericana José Simeón Cañas; *La Jornada*.

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