Immigration and Refugee Board of Canada Commission de l'immigration et du statut de réfugié du Canada

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Immigration and Refugee Board of Canada

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.

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El Salvador: Police corruption and abuses; police oversight mechanisms and their effectiveness; procedures for filing complaints against police officers for corruption or inaction
Research Directorate, Immigration and Refugee Board of Canada, Ottawa

1. Police Corruption and Abuses

A report by the International Institute for Strategic Studies indicates that the National Civil Police (Policía Nacional Civil, PNC) "suffers from a significant police corruption problem" (5 Dec. 2011). The report further indicates that police officers in Guatemala, Honduras and El Salvador are accused of "corruption and brutality" and suffer from "chronic understaffing, lack of training and insufficient equipment" (ibid.). The US Department of State's *Country Reports on Human Rights Practices for 2011* similarly indicates that the PNC lacks adequate training, government funding and a uniform code of evidence, and experiences instances of corruption, criminality and arbitrary promotions (US 24 May 2012, Sec. 1d). Sonja Wolf, a researcher at the Security and Democracy Institute (Instituto para la Seguridad y la Democracia, Insyde), also indicates in a 2012 article that, according to a 2004 PNUD report, PNC officers are "notoriously underpaid…[and] are often prepared to look the other way or to warn gang members of pending raids in return for a kickback" (25 Jan. 2012).

2. The Office of the Inspector General

The Office of the Inspector General (Inspectoría General, IG) of the PNC is the body responsible for overseeing and monitoring police forces' performance as well as their respect for human rights (El Salvador n.d.a). The IG is an internal control unit that is under the authority of the PNC Director General (El Salvador 1995). It was created in June 1992 and started operation in 1994 (ibid. n.d.b). The following four units depend on the IG (ibid. n.d.g):

- Disciplinary Investigation Unit (Unidad de Investigación Disciplinaria): responsible for investigating [translation] "serious and very serious" offenses committed by members of the PNC (ibid. n.d.c),
- Internal Affairs Unit (Unidad de Asuntos Internos): responsible for investigating, under the direction of the Office of the Attorney General (Fiscalía General de la República), members of the PNC accused of committing offenses and "guaranteeing a permanent process" of purification (ibid. n.d.d),
- Monitoring Unit (Unidad de Control): responsible for inspecting "police services and operations executed by Delegations, Divisions and Special Units…including their organization, functioning and internal administrative aspects" (ibid. n.d.e). This unit also oversees that orders given by upper levels of command to police units are carried out, and that recommendations following inspections by the IG are tracked (ibid.), and
- Human Rights Unit (Unidad de Derechos Humanos): responsible for training PNC officers in human rights (ibid. n.d.f).

The IG has offices in five regions of the country: Western, Metropolitan Area, Central, Peri-central and Eastern (ibid. n.d.g).

2.1 Effectiveness of the IG

InSight, a research web portal on organized crime in Latin America and the Caribbean, reports that in June 2011 President Funes "vowed to eliminate criminal elements" in the PNC by purging elements tied to organized crime (13 Oct. 2011). Agence France-Presse (AFP) also reports in October 2010 that the Chilean Police was providing a seminar on police oversight to the IG (20 Oct. 2010). The US *Country Reports* also indicates that, according to the IG, "PNC officers and police academy cadets received human rights awareness training" by human rights organizations (24 May 2012, Sec. 1.d). According to *ContraPunto*, a digital news source based in El Salvador, the IG, under the direction of Zaira Navas, strengthened its four units by providing them, from 2009, with more officers, training and resources, as well as opening more

offices in the country (5 Dec. 2011). Corroboration could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

Several sources report that Inspector General Navas resigned in January 2012 after President Funes named a new director for the PNC (*ContraPunto* 25 Jan. 2012; *Diario Co Latino* 23 Jan. 2012; ElSalvador.com 9 May 2012). According to sources, Navas led investigations against high-ranking PNC officers (NOTIMEX 13 Sept. 2010; *ContraPunto* 25 Jan. 2012). *ContraPunto*, a Salvadoran electronic newspaper, reports that some of these officers were investigated for ties with drug trafficking and organized crime (ibid.). Sources report that following these investigations the Legislative Assembly set up a commission to investigate Navas' work at the IG (ibid.; *Diario Co Latino* 23 Jan. 2012). The commission was, nevertheless, declared [translation] "unconstitutional" by the Supreme Court of Justice (ibid.).

According to statistics provided by the IG, that office received 452 complaints against police officers between January and February 2012 (ibid. n.d.h). During the same period, 21 police officers were dismissed and 170 received "other sanctions" (ibid. n.d.i). From January to December 2011, the IG received 2,584 complaints (El Salvador n.d.h). The statistics also show that from January to December 2011, 107 police officers were dismissed and 812 received [translation] "other sanctions" (ibid. n.d.i). Sources report that according to the IG, 232 police officers were detained between January and 30 August 2011 (InSight 13 Oct. 2011; *La Prensa Gráfica* 13 Oct. 2011). InSight reports details provided by the IG on some of the crimes committed by police officers, including "fraud, bribery, sexual assault, association with criminal groups and abuse of authority" (13 Oct. 2011). *La Prensa Gráfica*, a San Salvador-based newspaper, reports that according to the IG, the police officers were detained for crimes such as [translation] "homicide, extortion, theft, kidnapping and illicit associations" (*La Prensa Gráfica* 13 Oct. 2011). One of the police officers was suspected of the murder of a Nicaraguan man in San Salvador, and another one, who is not part of the 232 police officers, was also detained in 2011 and accused of planning the "massacre" of four journalists in the department of La Libertad (ibid.; InSight 13 Oct. 2011). Another article by *La Prensa Gráfica* reports that the IG was investigating 1,600 cases for police misconduct as of November 2011 (ibid. 18 Nov. 2011). *Country Reports 2011* indicates that, according to the IG, there were 75 complaints against the PNC for torture, PNC officers were accused of the homicide of 6 persons and 27 officers were arrested under homicide charges (US 24 May 2012, Sec. 1a).

3. The Office of the Ombudsman for Human Rights

The Office of the Ombudsman for Human Rights (Procuraduría para la Defensa de los Derechos Humanos, PDDH) is responsible for overseeing the [translation] "protection, promotion and awareness of human rights" within the country and for Salvadorans abroad (El Salvador n.d.j). The Ombudsman is elected by the legislative assembly and does not depend on [translation] "any State institution, agency or authority" (ibid.). The PDDH receives complaints about human rights violations, investigates them and oversees that the process is followed through (ibid. n.d.k). It also oversees the situation of prisoners and people who may be vulnerable because of their sex, age, religion, nationality, disability, family status, health status, language, aboriginal status, sexual orientation, political opinion, economic status and [translation] "any other social condition," and initiates international justice procedures to protect human rights (ibid.).

The annual report produced by the PDDH indicates that the PNC is the state institution most denounced from 1 June 2010 to 31 May 2011 with 1,629 complaints out of 3,459 received by that office (El Salvador July 2011, 22). The report indicates that 484 of these complaints were for mistreatment, 167 for arbitrary detention, 133 for illegal investigations or persecution, 125 for illegal detentions, 65 for intimidation, 19 for torture, 14 for death threats, among others (ibid., 187). The report also indicates that the two state institutions with most complaints for human rights violations during the "initial resolution" process are the PNC, with 689 complaints, and the IG, with 459 cases (ibid., 189). An "initial resolution" is one that has been admitted for investigation, information was requested from the affected authority, and recommendations have been issued (ibid., 187). According to the PDDH report, most recommendations are followed by affected institutions; however, the "degree of fulfillment could not be determined" (ibid., 197). According to *Country Reports,* there were no "verified reports" during 2011 indicating that the government was involved in "politically motivated killings," and although the PDDH received seven complaints for "unlawful killings" by government personnel, there were no "verifiable reports" of those killings (US 24 May 2012, Sec 1a).

4. Procedure to File Complaints Against PNC Officers

The Office of the Inspector General provides an electronic form to file complaints against administrative and police officers of the PNC (El Salvador n.d.l). The form contains the following information fields:

- information about the person filing the complaint: full name, date of birth, identity document and its number, profession, gender, telephone, e-mail, and address;
- information about the victim: full name, date of birth, identity document and its number, profession, gender, and telephone;
- information about a witness: full name, telephone, e-mail, and address;
- information about the PNC member: identification number, job title and detachment place; and
- information about the event: date and time, place, and a field for narrating the event (ibid. n.d.m).

Alternatively, the PDDH receives complaints from persons, corporations or human rights organizations (ibid. n.d.n). Complaints can be made in person at any of the PDDH offices, by phone, fax or [translation] "any other means of communication" (ibid.). The person filing the complaint must present any photo identity document; and if it is a written complaint, the person must provide his or her name; details of the event, including date and place of the occurrence of the "violation"; provide, if possible, details on the victim, the perpetrators and witnesses; any other information that leads to the resolution of the complaint; and contact information (ibid.).

Also, the El Salvador Human Rights Commission (Comisión de Derechos Humanos de El Salvador, CDHES), an organization that provides information to the population about human rights and that advocates for those rights [translation] "to procure that public institutions guarantee and promote fundamental rights protection," receives complaints in person for human rights violations at any of its offices, via telephone or e-mail (CDHES n.d). Complaints can also be filed through a legal representative or a CDHES representative (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.

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Top of Page

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