



RESPONSES TO INFORMATION REQUESTS (RIRs)

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13 April 2005

SLV43482.E

El Salvador: The National Civilian Police (Policia Nacional Civil, PNC); recent attempts to fight police corruption; treatment of police officers suspected of being criminals or involved in criminal gangs; whether complaints against the police are treated seriously by government authorities (Updates and replaces SLV37937.E of 27 November 2001)

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The National Civilian Police (Policia Nacional Civil, PNC) force was first deployed in March 1993 (US Feb. 2005) and currently maintains between 16,500 (ibid.) and 18,500 (ibid. n.d.) law enforcement personnel. The international human rights research and advocacy organization Washington Office on Latin America (WOLA) noted that El Salvador's police reform was "generally considered a success story" for its efforts to "civilianize the PNC," decentralize organizational authority, train personnel, and develop external oversight mechanisms (Oct. 2002, 2-3).

2001

No detailed organizational chart or description of the structure of the National Civilian Police (PNC) could be found among the sources consulted by the Research Directorate. However, the 1992 Peace Accords that led to the creation of the PNC outline territorial and administrative divisions for the PNC as follows (CEPAZ Jan. 1999).

Directly under the Director general: the General Subdirectorates, the General Inspectorate, the Legal Counsel Services and the International Counsel Services. Under the General Operational Subdirectorates: the Public Security Division, the Criminal Investigation Division, the Borders Division, the Finance Division, the Arms and Explosives Division, the Personality Protection Division, and the Environment Division.

The territorial divisions of the PNC include the Department Headquarters (delegacion departamental), the sub-department (sub-delegacion) and the police station (puesto de policia). The Administrative General Subdirectorates (Subdireccion General de Gestion) includes: the Infrastructure Division, the Information Systems (Informatica) Division, the Administration Division, the Logistics Division, and the Budget and Planning Division.

In January 2000 "the most important restructuring of [the PNC] organization and forces since the creation of that institution" was announced

(Proceso 19 Jan. 2000). Five new divisions were created which, like other divisions, would be headed by sub-commissioners: among them, the Financial Crimes Unit, the Mounted Police Division, the Scientific Police Division, and the Internal Affairs Unit (ibid.). Another report states that one of the new divisions being created is the INTERPOL division or unit, also to be headed by a sub-commissioner (*Probidad* 15 Jan. 2000). The report adds that the Financial Crimes, the Scientific (or Technical and Scientific) Division and the INTERPOL division or unit fall under the Investigations Coordinator (Coordinadora de Investigaciones), while the Mounted Police Division is under the Specialized Unit Coordinator (ibid.).

The International Narcotics Control Strategy Report 2000 refers to an Anti-Narcotics Division (DAN) within the PNC (2001). A January 2000 news article also refers to the DAN as an existing division (*Probidad* 15 Jan. 2000).

2004

Since 2000, the PNC has also been able to strengthen its Community Police Intervention Patrols (Patrullas de Intervención Policial Comunitarias, PIP-COM) with the assistance of the US-funded International Criminal Investigative Training Assistance Program (ICITAP) (US Embassy 6 May 2004; US n.d.). PIP-COM patrols reportedly provide community law enforcement to about 80 per cent of Salvadorans (ibid.).

According to ICITAP, the PNC has also generally improved its institutional capacity in recent years in areas such as emergency response, investigations, strategic crime prevention planning, criminal records database management, and advanced police training (ibid.). For example, with ICITAP assistance, the PNC has developed a 911 emergency response system that reportedly provides service to 65 per cent of Salvadorans (ibid.). In addition, the PNC has also had some success in combating criminal activities such as kidnapping (ibid.; SSV June 2004). Please refer to SLV43483.E of 13 April 2005 for more information about the crime situation in El Salvador.

Police corruption

International and domestic human rights sources claim that incidents of police misconduct and corruption take place regularly (FESPAD 27 Feb. 2004; Freedom House 15 Sept. 2004; *Country Reports 2004* 28 Feb. 2005). For example, of the 2012 complaints received by the government-funded Office of the Human Rights Defence Attorney (Procuraduría para la Defensa de los Derechos Humanos, PDDH) from January to November 2003, 863 or 41 per cent were made against PNC personnel and involved various accusations, including mistreatment, arbitrary detention, and torture (FESPAD 27 Feb. 2004). According to *Country Reports 2004*, the PDDH "resolved a total of 104 complaints against the PNC for all categories of human rights violations" (28 Feb. 2005, Sec.1c). Subsequently, the PDDH ruled that PNC officers were responsible for violations in 91 cases (*Country Reports 2004* 28 Feb. 2005, Sec. 1c).

Country Reports 2004 also reported that in 2004 the internal affairs office of the PNC, officially known as the Inspector General (Inspectoría General, IG) had received 1254 complaints related to police misconduct, including reports of police negligence, alleged police criminality, police involvement in human rights abuse and improper police procedure (ibid.).

In February 2005, the head of the General Directorate of Penal Centres (Dirección General de Centros Penales, DGCP) stated that at December 2004 there were between 122 (CAR 11 Feb. 2005) and 134 (FBIS 24 Jan. 2005) ex-PNC agents serving time in prison for various offences. DGCP statistics also showed that 221 PNC officers were arrested in 2004 for crimes such as robbery, rape and kidnapping, and "half of those incarcerated were found guilty of homicide" (CAR 11 Feb. 2005; see also FBIS 24 Jan. 2005). Moreover, the San Salvador newspaper *La Prensa Grafica* reported that from 2002 to 2004 "some 698 officers were detained for committing various crimes" (ibid.). A PNC official claimed that the imprisoned police officers had committed many of the crimes while they were off duty (ibid.; CAR 11 Feb. 2005).

According to the *Central America Report*, police officers turned to crime for reasons such as low salaries, greed, easy access to firearms, and inebriation (ibid.). The US Department of Justice-sponsored International Criminal Investigative Training Assistance Program (ICITAP) for El Salvador also noted that, in addition to difficulties in fighting youth gang crime, the PNC faces serious human resource concerns related to the hiring and retention of police agents (n.d.). The San Salvador-based newspaper *El Diario de Hoy* reported that a majority of the 342 PNC agents that were removed from their posts had actually deserted the force in 2004 for reasons such as low salaries, emigration to the US or after the realization that they were being investigated for unlawful activity (FBIS 4 Jan. 2005). According to a representative of the Farabundo Martí National Liberation Front (Frente Farabundo Martí para la Liberación Nacional, FMLN) political party, the fact that PNC members had not received an increase in salary since the force's creation in 1993 contributed to a decline in morale within the organization (ibid.).

Internal police controls

Enacted in 2001, changes to the Organic Law (Ley Organica) of the PNC affected internal control and disciplinary procedures, as well as the role of IG in carrying out this work (FESPAD 27 Feb. 2004, 26; see also WOLA Oct. 2002). While an unnamed government official claimed that the IG is the most transparent internal police institution in Latin America (FESPAD 27 Feb. 2004), critics such as the Foundation for the Study of the Application of Law (Fundación de Estudios para la Aplicación del Derecho, FESPAD), a Salvadoran-based non-governmental organization that provides legal assistance to vulnerable groups (ibid. n.d.), have questioned the IG's independence (ibid. 27 Feb. 2004). The concern over the IG's autonomy is based on the transfer of overall authority over IG operations to the PNC's Director General in December 2001, a move that, according to the PDDH, has limited the PNC's internal control functions (CAR 11 Feb. 2005; see also WOLA Oct. 2002, 5). In addition, while the law requires that each complaint against a police officer be reported to, and reviewed by, the IG, the PDDH reported that many complaints are archived (*archivar*) without intervention from the IG (*sin que haya intervenido la Inspectoría*) (FESPAD 27 Feb. 2004, 28).

With regard to victims of police misconduct, international and domestic human rights reports mentioned that very little attention is paid to victims' concerns or rights within the disciplinary procedure for police officers (ibid.; WOLA Oct. 2002, 6). Instead, the focus of the internal investigation of alleged wrongdoing is the accused police officer (ibid.; FESPAD 27 Feb. 2004, 28). Moreover, victims are reportedly not consulted or notified at any stage of the investigation process, "nor are there mechanisms through which victims can seek information" (WOLA Oct. 2002, 6).

In March 2005, *La Prensa Grafica* reported that PNC Director Ricardo Menesses had proposed to the Legislative Assembly police reforms that would "facilitate the permanent firing of corrupt officers" (FBIS 4 Mar. 2005). The proposed law is intended to "replace the current disciplinary regulation which all too often allows an officer who has been fired for criminal or corrupt acts to be reinstated" (ibid.). *La Prensa Grafica* cited the example of some 30 PNC officers, some of high rank, who recently returned to their jobs after being fired for unlawful behaviour (ibid.). No information on the progress of this proposed law could 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 additional sources consulted in researching this Information Request.

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One oral source did not respond to the information requested within time constraints.

Internet: Amnesty International, Human Rights Watch, *International Narcotics Control Strategy Report 2005*, Procuraduría para la Defensa de los Derechos Humanos (PDDH), World News Connection.

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