

El Salvador: The Mara Salvatrucha gang (M-13), including government and police initiatives to combat gang violence and protection available to victims of gang violence (2002 to February 2003)

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The following information on the Mara Salvatrucha gang is additional to that already found in SLV41211.F of 19 February 2003, SLV40387.E of 10 January 2003, SLV40566.E of 28 November 2002, SLV38088.E of 2 January 2002 and SLV33463.E of 11 January 2000.

The *Manchester Guardian Weekly* reports that, based on police estimates, there are at least 25,000 people belonging to gangs in El Salvador and perhaps even double that number (11 Dec. 2002). The country is divided between territory controlled by either the 18th Street (Mara 18) or Mara Salvatrucha gangs (*Manchester Guardian Weekly* 11 Dec. 2002). According to the *Manchester Guardian Weekly* report, rival gang members "kill each other for honour, territory and crack," and the decision as to which gang one belongs too will depend on where one lives (*ibid.*). Children as young as seven years of age join the gangs and are among the most "dangerous" members as they have the most to prove to other gang members (*ibid.*). While gang membership gives young Salvadorans a sense of belonging, their tattoos render them "unemployable" (*ibid.*).

The National Civil Police (Policía Nacional Civil, PNC)

Referring to the Mara 18 gang, *El Diario de Hoy* reported on 3 February 2003 that this group's links to organized crime has increased its capacity to organize, and to amass weapons and money to fund its operations. Some analysts state that this accumulation of resources "is extremely dangerous, since with the power they have obtained they could get to the point of subjecting the governmental system to their will through extortion, threats, corruption and even murder" (*El Diario de Hoy* 3 Feb. 2003). Authorities are concerned that gangs are strengthening and are better organized, and that they "seem to be beyond control" (*ibid.*).

Two *El Diario de Hoy* reports state that the PNC has embarked on "Sol Naciente," a police strategy to curb gang violence and to detain gang members of El Salvador's two largest gangs, the Mara Salvatrucha and the Mara 18 (17 Sept. 2002; 12 Sept. 2002). The strategy was being carried out in the eastern San Salvadoran municipalities of San Martín, Soyapango and Ilopango (*El Diario de Hoy* 17 Sept. 2002). The PNC's strategy allowed for the arrest of 14 alleged gang members and 23 other individuals who were detained following the issuing of arrest warrants by the Attorney General's Office (Fiscalía General de la República, FGR) (*ibid.*). These 23 individuals were detained for allegedly committing corporate crimes, possession of illegal drugs, threats, robbery and rape (*ibid.*). The 12 September 2002

In its 12 July 2002 report entitled *Consideration of Reports Submitted by State Parties Under Article 40 of the Covenant*, the United Nations (UN) report that Salvadorans whose rights and freedoms have been violated have recourse to the following legal instruments: the Constitutional Procedure Act, the Code of Civil Procedure, the Judicial Review Act, the Family Court Procedure Act, the Labour Code and the Administrative Disputes (Review) Act (20). The PNC is the authoritative organ that ensures "public order, security and peace, as well as collaborating in the procedures of the investigation of crime" (UN 12 July 2002, 43). However, the UN report states the Legal Protection Office of the Archbishopric recorded "231 cases of cruel, inhuman or degrading treatment in the period covered by this report [from July 1992 to December 2001 (*ibid.*, 11)] involving PNC officers (*ibid.*, 59). The report also states that the general population is unaware of the legal remedies available in case of human rights violations (*ibid.*, 62). Furthermore, Salvadorans perceive the PNC "as an inherent violator of human rights" and as unprofessional (*ibid.*). With regard to initiatives to combat gang violence, the UN report states that the governmental programme called "Education for Life"

includes a component dealing with domestic and gang violence prevention (ibid., 125).

According to the PNC's director, Mauricio Sandoval, there are coordinated plans with the ministries of the Interior, Health and Education, the National Family Secretariat, the National Sports Institute and the PNC to establish a National Youth Services Commission that will be responsible for drafting a five-year strategy to respond to gang violence from not only a law-enforcement perspective, but also from a preventative and rehabilitative perspective (EFE 1 Feb. 2003).

The following information on government and police initiatives to curb gang violence was provided in a 17 February 2003 telephone interview by the director of the Criminal Studies Centre (Centro de Estudios Penales) of the Fundación de Estudios para la Aplicación del Derecho (FESPAD) in San Salvador. FESPAD is a non-governmental organization which provides legal assistance to vulnerable groups since 1998 (Hivos n.d.). Its work focuses on the constitution, human rights, legal investigations, and monitoring the performance and compliance of officials with regard to legal rights (ibid.).

According to the director, to control the problem of gang violence, the Salvadoran government has favoured a police response rather than a preventative response. Solutions to gang violence have tended to be [translation] "repressive." As the country prepares itself for the upcoming elections, many political candidates have used the issue of gang violence, a very visible form of violence, and the general state of insecurity in the country, as means to increase their voting appeal among the electorate. According to the director, [translation] "gang violence is an easy target during elections."

The PNC, the Ministry of the Interior and close advisors to the president are currently holding talks on the drafting of a bill against gang violence. Controversial elements of the bill include the prohibition for groups of more than three youths to assemble in any public place. Such a restriction will not only target gang members, but will also likely discriminate against any young person with an [translation] "impoverished and marginal appearance." Indeed, the restriction leaves much room in interpreting who is and who is not a gang member. Another aspect of the proposed bill is to equate the mere belonging to a gang with a crime. The director stated that this could allow the arrest of young people who belong to a gang, but who have not committed any crime; this would in effect penalize a social condition and not a particular behaviour or conduct.

The idea that violence is perpetuated by gang activity is strongly ingrained in the minds of the authorities; this idea lends itself to responding to the problem in a reactionary way as opposed to a way that addresses the complex root causes such as poverty. Recently, an [translation] "alarming" number of summary executions of gang members has been noted; for example, in 2001, 130 such cases were documented.

As mentioned above, the National Youth Services Commission (Comisión Nacional de Servicios Juveniles), which was recently established, is to favour a comprehensive approach to resolving gang violence; the director stated, however, that it is too soon to assess the effectiveness of this body, but he fears it will favour a [translation] "repressive response" to the problem. There is also the National Council of Public Security (Consejo Nacional de Seguridad Pública) which organizes social prevention programmes, but gang members do not benefit from these programmes.

There are no special protection measures in El Salvador for victims of gang violence. However, Articles 210-A to 210-G of the Salvadoran Penal Procedural Code (Código de Procesal Penal) stipulate protection measures and guarantees for witnesses during judicial proceedings. The director is unaware of any case involving a victim of gang violence using this legal recourse as a means to obtain state protection. He added that while there were many services in El Salvador available to victims of domestic violence, services for victims of gang violence are

scarce.

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 to refugee status or asylum. Please find below the list of additional sources consulted in researching this Information Request.

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