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Deadly Blaze Underscores Crisis in El Salvador's Prison System

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A deadly fire last month in a Salvadoran youth jail has provided yet another painful reminder of the deplorable conditions and grave health and safety shortcomings that plague the tiny Central American nation’s grossly overcrowded prison system.

In the pre-dawn hours of Nov. 10, detainees in the Centro Integrado de Jóvenes Infractores in Ilobasco awoke to a living nightmare. A raging fire, which authorities suspect began sometime between 5:30 am and 6 am, quickly engulfed one of the facility’s three cellblocks, killing 16 inmates. The inferno severely injured 22 other prisoners, for whom the hellish experience would drag on during the following days. One by one, 11 of the burned inmates died in hospital. The disaster’s 27th and final victim, 25-year-old Luis Miguel Marinero, died Nov. 18 of "cardiorespiratory failure," a consequence of the severe burns that covered 80% of his body.

The victims, all aged 18 to 25, had been convicted of gang-related crimes while still minors and, upon reaching legal adulthood, were transferred to the Ilobasco facility—an alternative to the adult penitentiary system—to serve out the remainder of their sentences. The Ilobasco jail, known to house members of the notorious Mara 18 street gang, is roughly 55 km northeast of San Salvador. Many of the young men were serving time for homicide.

Initial reports suggest the blaze was sparked by a short circuit, although authorities have not yet ruled out the possibility of arson.

Calling it a "veritable catastrophe," San Salvador Archbishop José Luis Escobar Alas demanded an exhaustive investigation. "If there was negligence, then let the legal system apply its laws, and if it was intentional, then that’s even more reason [to pursue legal recourse]. If it turns out to be an accident, let it serve as a lesson to be more vigilant," he told reporters following a Nov. 14 mass.

It may be a while before authorities can determine what exactly triggered the fire. For many observers, however, the tragedy’s underlying cause is already clear. Critics argue that, like the deadly riots, jailhouse murders, and other incidents of violence that periodically occur in El Salvador’s dangerous and decrepit prisons, the Llobasco fire was yet another grim consequence of fundamental failures in the national prison system.

"I think we have a penitentiary crisis that goes way back," said Archbishop Escobar Alas. "These incidents don’t demonstrate as much as they manifest, they confirm that there’s a crisis."

Bursting at the seams

The system’s first and most obvious problem is overcrowding. Designed to handle roughly 8,000 inmates, El Salvador’s 19 jails instead house more than three times that number—nearly 25,000 prisoners, according to government statistics. With its total population more than doubling in just the past six years, the system is quite literally bursting at the seams.
Researchers from the Inter-American Commission on Human Rights (IACHR) came to exactly that conclusion during an early October inspection of several Salvadoran prisons. In their subsequent report, the researchers—headed by IACHR Rapporteur on the Rights of Persons Deprived of Liberty Rodrigo Escobar Gil—explained that the high lockup rate contributes to tension and violence within jails and limits access to re-education and training programs.

"In addition, taken in conjunction with the lack of adequate physical structures, this critical overcrowding hampers access to sanitary services, drinking water, and adequate physical spaces, and facilitates the spread of respiratory illnesses and skin infections among inmates. In general it creates an environment in which health, sanitation, and hygiene conditions are deplorable," the IACHR report reads.

During their Oct. 5-9 prison audit, the inspectors visited three facilities: the maximum-security Centro Penitenciario de Seguridad de Zacatecoluca, the Centro Penal de Quezaltepeque (MS), and the youth prison Centro de Inserción Social Sendero de Libertad. The latter, like the site of last month’s deadly fire, is in Ilobasco.

The IACHR team noted that, in the Zacatecoluca facility, prisoners kept in "separation cells" are allowed to go outside for only 40 minutes once a week—far less than what is recommended under the UN Standard Minimum Rules for the Treatment of Prisoners. The UN standard establishes that "every prisoner who is not employed in outdoor work shall have at least one hour of suitable exercise in the open air daily if the weather permits."

Their primary concern regarding the Quezaltepeque prison was overcrowding. The facility has 250 beds yet houses 958 inmates. And in Sendero de Libertad, the researchers found medical attention to be inadequate. Basic first aid supplies are lacking, and the center employs only one physician, on call for just two hours per day, to meet the needs of roughly 230 inmates. The researchers also cited fire-safety concerns.

"Another serious deficiency that could be observed in [Sendero de Libertad] is the lack of protocols and equipment to respond to emergency situations such as fires," the report reads. "According to information provided by the authorities, fire extinguishers do not receive proper maintenance, and the nearest fire station is 40 minutes from the facility."

**All stick, no carrot**

The IACHR researchers blame the system’s myriad problems on decades of neglect by government authorities, which implemented repressive "mano-dura" (heavy-handed) law-and-order policies without corresponding modifications to prison and judicial institutions. The Salvadoran powers that be locked up more and more criminals without improving prison infrastructure, strengthening rehabilitation programs, or offering non-jail alternatives for convicted criminals. As a result, El Salvador is unable to "fulfill the aims established by the American Convention on Human Rights: the reform and social readaptation of the prisoners," the IACHR team concluded.

The original mano dura (NotiCen, Nov. 13, 2003) and subsequent super mano dura (NotiCen, June 15, 2006) policies were implemented by the rightist governments of former Presidents Francisco Flores (1994-2004) and Antonio Saca (2004-2009), respectively. Both with the Alianza Republicana Nacionalista (ARENA) party, Flores and his successor pushed through legislation facilitating arrests
and incarcerations, all in an effort to reduce El Salvador’s notoriously high rates of murder and other violent crimes.

Starting in 2007, the country’s murder statistics did drop off somewhat. From a peak of 3,928 in 2006, the number of murders fell to 3,491 in 2007 and 3,179 in 2008, according to the Policía Nacional Civil (PAC). Even so, Salvador’s average of more than 50 murders per 100,000 residents in 2008 was still well above the world norm (nine per 100,000) and even Latin American norms (25 per 100,000), the UN Development Programme (UNDP) reported last year.

In mid-2009, the long-governing ARENA party lost its two-decade grip on power, falling in the March presidential election to Maurico Funes of the leftist Frente Farabundo Martí para la Liberación Nacional (FMLN), a one-time guerrilla coalition (NotiCen, March 19, 2009). Funes is a former television journalist who earned his professional stripes covering El Salvador’s bloody 1980-1992 civil war.

With the change of government came the promise of a new approach to the crime-and-punishment conundrum. Funes and his FMLN partners have made a point of distinguishing themselves from the conservative governments that preceded them by professing an appreciation for the complexity of El Salvador’s culture of violence. In a party press release, the FMLN responded to the Ilobasco tragedy by offering its "solidarity" with the parents of the victims.

"Independent of the reasons that [the victims] had been deprived of their freedom, this is painful for the families. We have to see them as humans," said FMLN Deputy Benito Lara. "The infrastructure in place in these centers isn’t up to snuff with the current situation. They’re saturated at 300% over capacity."

As if often the case, however, actions speak louder than words. With murders once again on the rise—up 38% to 4,365 in 2009—the new president began treating the perennial violence problem with his own heavy-handed tactics. After deciding early in his presidency to involve the military in crime-fighting activities (NotiCen, Oct. 29, 2009), Funes later sent troops to guard and manage some of the nation’s most problematic prisons.

More recently Funes instituted an "anti-gang" law that outlaws the very existence of the violent maras. Drafted and approved in record time, the Ley de Proscripción de Maras, Pandillas, Agrupaciones, Asociaciones y Organizaciones de Naturaleza Criminal went into effect Sept. 21, just two months after 17 people died during gang attacks on a pair of San Salvador passenger buses (NotiCen, Oct. 14, 2010).

While critics say the policies are all too reminiscent of the failed mano-dura approaches of the past, the president’s backers point out that Funes—unlike his predecessors—has made at least modest attempts to address the prison crisis as well. His government has ordered the removal of nearly 100 presumably corrupt prison guards and has brokered a loan deal to renovate, expand, and build prisons.

The administration is also planning to dispatch a rehabilitation law outlining a series of steps young offenders can take to work their way out of the prison system and back into normal society. Funes had originally hoped to pass the law—which the media has already called "mano amiga"—in unison with the anti-gang legislation.
Mixed marks for Mauricio Funes

The IACHR inspectors had mixed comments about Funes’ approach to the bulging prison-population problem. The new leadership, they concluded, has been more open to dialogue with civil-society organizations and thus encouraged national debate on the prison situation.

"In this regard, the IACHR takes note of important initiatives such as the strengthening of the Penitentiary School; efforts to purge the ranks of prison personnel; the establishment of national dialogue processes; [and] measures planned to reduce prison overcrowding," the report reads.

Nevertheless, Funes’ decision to boost prison security with Army personnel has led to numerous instances of abuse, the researchers found. In several of El Salvador’s most dangerous prisons, soldiers conduct full body searches that in many cases violate visitors’ rights, according to the IACHR researchers.

"It was reported that the searches done of women who come to visit inmates have included inappropriate vaginal and anal searches. These are applied in general to all women, without distinction, including pregnant women and senior citizens, and refusing to submit to such searches results in that family member's being denied permission to visit," said the report.

The Funes government stands by its record, pointing to a recent dip in homicides and other violent crimes to argue that its tactics, such as heightened prison security, are having a positive effect. Through October, murders are down 8.6% (318 fewer) compared to the same period in 2009.

Skeptics question how much credit the Funes government can really take for the latest crime figures, which have a tendency to ebb and flow. Either way, the numbers—the product of a culture of violence as entrenched as the widespread poverty that propels it—are still extremely high.

"This is violence for the sake of violence, so what do we do with these people?" Carlos Dada, editor and founder of the Salvadoran digital newspaper El Faro, explained during a Nov. 19 lecture at the University of Texas at Austin. "We need stronger institutions, we need more resources, we need efficient tools to have justice and a better way of life. When you turn 15, you have three choices: become a victim, become a victimizer, or you come to the United States."

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