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U.N. Critical of El Salvador's Gloves-Off Approach to Street Gangs

by Benjamin Witte-Lebhar

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As it prepares for next month's parliamentary and municipal elections, El Salvador is grappling with some timely diplomatic challenges. Buffeted by a series of decidedly undiplomatic remarks from US President Donald Trump, the tiny country is also taking heat from the UN's Office of the High Commissioner for Human Rights (OHCHR), albeit for very different reasons.

In recent months, the UN agency, based in Geneva, Switzerland, has dispatched a number of envoys (including, for the first time, the OHCHR head) to take a first-hand look at the Central American nation's heavy-handed crackdown on violent street gangs, known locally as maras or pandillas. And in each case, the officials have reached similar conclusions: that while the maras are clearly a menace to Salvadoran society, authorities should show more restraint in how they tackle the problem.

Of particular concern are the so-called *medidas extraordinarias* (emergency measures) that the government of President Salvador Sánchez Cerén, a guerrilla commander during El Salvador's civil war (1980-1992), introduced in 2016 to tighten control over imprisoned gang members. Among other things, the measures restrict visiting rights for convicted pandilleros (gang members), allow certain prisoners to be held in isolation, and prohibit inmates from leaving prisons even for court dates ([NotiCen, May 26, 2016](#)).

Following a visit to El Salvador last November, the high commissioner himself, Zeid Ra'ad Al-Hussein, said that because of the temporary rules-changes, thousands of inmates are being subjected to "prolonged and isolated detention under truly inhumane conditions." He urged Sánchez Cerén to end the emergency measures—which the Asamblea Legislativa (AL), El Salvador's unicameral legislature, overwhelmingly opted to renew last year—and grant outside rights groups access to the country's prison facilities

The government ignored the call, and on Jan. 25 formally petitioned the AL to again renew the measures. That same day, another OHCHR envoy, Agnes Callamard of France, the UN rapporteur on extrajudicial, summary or arbitrary executions, began her own fact-finding mission in El Salvador. In a press conference nearly two weeks later, at the conclusion of her visit, Callamard called the emergency measures "illegal," saying they violate various international treaties to which El Salvador is a party and should be ended immediately.

"The appalling conditions I witnessed can't be explained by security considerations alone," Callamard said. "This brings me to the conclusion that the final goal is the dehumanization of those detained."

If the AL heeds the government's call and renews the measures, the Sánchez Cerén administration will face even more international scrutiny and pressure, she added. The policy also risks exacerbating the country's already dire security problems, the UN representative argued. "What's going to happen when all these people get out of jail? What kind of people will they be returning

to society? It's an army of people who won't be able to rehabilitate themselves," Callamard told reporters.

The legislature isn't likely to consider the matter until after the elections, scheduled for March 4, when all 84 of the AL's seats are up for grabs. Salvadoran voters will also choose new city governments for all of the country's 262 municipalities.

Deadly encounters

Sánchez Cerén's ascent to the presidency four years ago coincided with the collapse of an experimental gang truce that his predecessor, Mauricio Funes (2009-2014), helped broker but was never willing to openly embrace (NotiSur, April 24, 2014). Both leaders represent the Frente Farabundo Martí para la Liberación Nacional (Farabundo Martí National Liberation Front, FMLN), a left-wing political party that began during the civil war as a coalition of guerrilla forces.

The truce nearly halved El Salvador's murder rate, but as it fell apart, homicide numbers shot back up, soaring 57% in 2014, Sánchez Cerén's first year in office (NotiCen, June 27, 2013 and Jan. 29, 2015). The situation was even worse in 2015, when more than 6,600 people were murdered, a post-war record and a staggering 70% increase over the previous year (NotiCen, Jan. 21, 2016).

The president promised a two-pronged strategy that would combine crime-prevention and rehabilitation efforts (through sports and jobs training programs, for example) with zero-tolerance policing. Three years later, however, analysts agree that there has been far more stick than carrot in the government's approach to the gangs. Besides the rules changes imposed on prisoners, the government also authorized the use of anti-gang commando units made up of both police and soldiers, and encouraged law enforcement to engage suspected gang members more often and openly.

The result has been a sharp increase in so-called *enfrentamientos*, a catch-all term authorities use to describe encounters that in many cases turn deadly and have resulted in a disproportionately high number of fatalities among alleged *pandilleros*. Data compiled by the award-winning news site El Faro suggests that between January 2015 and December 2017, police and soldiers participated in more than 1,500 *enfrentamientos*, killing nearly 1,100 suspected gang members while injuring 319.

'Patterns of behavior'

Rights groups highlight the huge deaths-to-injury disparity to suggest that in at least some cases, law enforcement officers are killing people deliberately. Rather than attempt to detain suspects, in other words, police and soldiers are simply executing them. The UN's Zeid Ra'ad Al Hussein called such reports "alarming" and urged Salvadoran authorities to hold "all perpetrators of violence ... fully accountable."

Callamard addressed the issue as well, saying that while there's no evidence that summary executions are "state policy" in El Salvador, its security forces have nevertheless demonstrated "patterns of behavior ... that could be considered as extrajudicial killings." There has also been a lack of demonstrated will on the part of authorities to investigate and prosecute such cases, and in that sense, the state is guilty by omission, she suggested.

In a follow-up interview with El Faro, Callamard pointed to the so-called San Blas massacre as a case in point. "San Blas was investigated incorrectly, and as a result, ended with a ridiculous ruling," she

said. “Not investigating [such cases] in a quick, effective, and professional manner is a human rights violation.”

The San Blas massacre took place in early 2015, when police killed eight people on a coffee plantation in the department of La Libertad. Later that year *El Faro* published a detailed exposé suggesting that the victims had been summarily executed rather than killed in a back-and-forth shootout, as the police claimed ([NotiCen, Aug. 13, 2015](#)).

Prosecutors eventually filed a case against eight officers but charged them only in connection with one of the murders (that of Dennis Hernández Martínez, a young farm employee with no gang affiliation) and made no effort to identify which of the officers pulled the trigger. In a ruling handed down last September, the presiding judge agreed that Hernández Martínez was in fact murdered but said that without evidence of individual responsibility, he had no choice but to acquit all eight defendants, three of whom were on the lam and never even showed up in court ([NotiCen, Oct. 12, 2017](#)).

Another Trump tirade

Complicating matters for the Sánchez Cerén administration is the punching-bag-treatment it has been subjected to of late by President Trump in the US. Whereas Callamard and her UN colleagues accuse the Sánchez Cerén government of going too far in its crackdown on gangs, the tough-talking US president blames El Salvador and its northern neighbors (Honduras, Guatemala, and Mexico) for being too soft on crime and not doing enough to “stop drugs from coming in [to the US].”

On Feb. 2—just three days before the special rapporteur concluded her fact-finding mission in El Salvador—the US president threatened during a visit to the Customs and Border Protection National Targeting Center in Virginia to cut aid to those countries. “These countries are not our friends, you know,” he said. “We think they’re our friends, and we send them massive aid, and I won’t mention names right now ... But I look at these countries, I look at the numbers we send them, we send them massive aid, and they’re pouring drugs into our country, and they’re laughing at us.”

The remarks came less than a month after the Trump administration decided to remove Salvadorans from the list of nationalities eligible to receive Temporary Protected Status (TPS), a short-duration visa program created nearly 30 years ago for the benefit of foreign nationals from countries struggling with armed conflict or natural disasters ([NotiCen, Jan. 25, 2018](#)). That same week, in a White House meeting regarding immigration issues, Trump allegedly referred to TPS-recipients as coming from “shithole countries.”

The administration’s TPS decision impacts an estimated 200,000 Salvadorans who have resided legally in the US for nearly two decades but now have just a year-and-a-half “to seek an alternative lawful immigration status”—in the words of the US Department of Homeland Security—or get out. The other option is to stay in the US illegally and risk arrest and deportation.

The decision could have devastating effects not just on the Salvadoran TPS holders and their immediate family members—including many children who were born in the US and could thus be separated from their parents—but also on extended families in El Salvador, who depend on money those US residents send home. Remittances, as such wire payments are known, represent an estimated 17% of El Salvador’s GDP, according to the World Bank.

There is also concern that an eventual influx of former TPS holders—people who either return to El Salvador voluntarily or via deportation—could benefit the maras by providing new recruits and extortion targets. “Bringing 200,000 people back after all these years is just going to create more poverty, more violence, and more crime,” a former gang member named Will—who lived in the US for years before being deported back to El Salvador in the 1990s—told the CNN news network in January.

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