The Current Situation of Gangs in El Salvador

By Jeannette Aguilar, Director of the University Public Opinion Institute (Instituto Universitario de Opinión Pública, IUDOP) at the José Simeón Cañas Central American University (Universidad Centroamericana “José Simeón Cañas,” UCA)

Presentation during the Conference on National Reality on Militarization, Organized Crime, and Gangs

Informal translation by the Washington Office on Latin America

November 13, 2012

SAN SALVADOR—Greetings everyone, it is my responsibility tonight to speak about the current situation of gangs in El Salvador. I should mention that many of the ideas that I am going to share with you come from the discussions that we are having with a group of colleagues about the security situation in the country.

This approach is therefore closely related to the academic work that the IUDOP and the UCA have been doing and that aims to help improve the situation of Salvadoran youth, especially that of those who are socially excluded.

Within this context, the first point that I want to raise is that in order to better understand both the gang phenomenon and that of the so-called truce, we must think in terms of the institutional response that the Salvadoran government has historically given to this phenomenon. And the fact is that the complex, intense types of gangs that we have today are largely the result of the systemic state neglect of the needs and demands of at-risk youth.

Although the gangs have been around for over two decades, their professionalization and proliferation has only been able to occur in a state that—via either action or omission—has been incapable of articulating a real offer of inclusion to this segment of the Salvadoran population.

To date, every post-war administration, without exception, has responded to the gang phenomenon with social and criminal repression. This repression peaked with the Mano Dura (Iron Fist) and Super Mano Dura (Super Iron Fist) policies implemented by the Flores and Saca administrations.

During the mano dura periods, the state turned gang members into symbols of violence and the principal threats to security, and focused security policies on persecuting them selectively. And as is pointed out by theories of labeling, the gang members ended up assuming the role that the state and society gave them. There is an abundance of empirical evidence that confirms the phenomenon of criminalization that the mano dura policies produced by socializing young
people within the penal system and providing the conditions for these groups to mutate more quickly into organized armed structures.

But besides the fact that there has never been a comprehensive state proposal to provide services to these groups, it is important to keep in mind the history of political and partisan manipulation that they have been subjected to throughout the past decade. In fact, in the past the fight against gangs has been used as a political platform for two ex-directors of the police, while during the 2004 elections, it became a centerpiece of the campaign of Antonio Saca.

But the use of this topic for populist purposes has gone much farther than that: during the 2009 elections, it became known that a political party was negotiating with MS leaders in order to gain their votes. With the exception of the rapprochement begun by the current administration—during which we know that there was the political will and commitment to establish a connection between the groups in order to find a joint solution to the problem—all other such negotiations have been used to promote the interests of specific sectors or even to temporarily put them at the service of criminal networks.

In addition to sharing these historical precedents, in order to better understand what is going on, it is important to examine some myths and social representations that have been built based on the official discourse and which are being resorted to once again within the framework of the so-called truce.

In the first place, it is quite debatable that the gangs are responsible for the majority of the crimes that occur in the country; just as during the mano dura periods, the government—thoughtlessly and without any empirical support—attributes to the gangs 90 percent of crimes. This discourse has also served to justify heavy-handed military responses.

Those of us who have been working on this issue know that in recent years, the participation of gangs in criminal acts has increased significantly, especially in cases of homicides and extortions; nonetheless, they are far from achieving the level of criminal responsibility that is attributed to them. Statistics from the Information Analysis and Processing Unit of the Investigations Section of the National Civilian Police, which records information on investigation processes, show that of a total of 4,360 recorded homicides in 2011, 1,149, or 25 percent, were attributed to the gangs. In general, the trend that this same source shows in previous years is that of much smaller proportions. Beyond these percentages—which may or may not be completely trustworthy since we know the difficulties that our justice system has in proving criminal liability—the violence that we have in the country goes beyond gangs. It is a network of illegal actors that congregate in the nation and in the region. We are talking about a strong presence of local and transnational organized crime, which maintains extensive territorial control through its ties to other legal and illegal actors. It is also about gangs that are more and more organized, but also illegal armed groups that serve certain sectors, not to mention traditional common crime, which has always operated in the country.
In this context, as we have been saying at the IUDOP, the gangs are one of the many actors that participate in the violence that we have in El Salvador. Nevertheless, it is striking that the discourse attributing the great majority of crimes to the gangs appeared forcefully once again prior to the truce. At the same time, there is a rhetoric coming from the security authorities meant to minimize the presence and impact of organized crime in the country that is truly suspicious, especially in light of a regional context characterized by the strong presence of transnational organized crime networks.

Taking all this into account, attributing to the gang truce the nearly 54 percent reduction in homicides that the authorities report lacks an empirical basis. It is true that the statistics show reductions, but the cause of this reduction has not been scientifically verified. Police reports show that previous truces declared between the gangs had only managed to reduce a small percentage of homicides. This begs the question of whether in addition to this truce, have there been truces with or between other violent actors?

A second idea that has been disseminated within the context of the truce is that the gangs are homogenous groups that are obedient to their chain of command. In reality, the gangs are not monolithic, nor are gang members non-deliberating soldiers. The internal dynamics of the gangs have changed greatly in recent years. For some time, we have been warning about an internal fragmentation of the main hegemonic gangs; perhaps the most widely-known case is that of the internal division of the 18th Street gang—a situation from which the Mara Salvatrucha has not been exempt either—which has generated an increase in conflicts and score-settling within the gangs themselves.

Many of these divisions are the result of disputes and disagreements over the control of illegal trades. At the same time, we must not forget that we are facing three generations of gang members. The veterans, many of whom are now in prison serving long sentences, have a profile and outlook very different from that of the youngest members, who are intensely living “the crazy stage of life” (la etapa de la vida loca). And this great diversity of outlooks marked by the generation gap has provoked strong internal breaks, in addition to the emergence of new generations of leadership. Given this context, an agreement between the gangs and other actors is a far more complex process that involves the agreement of various actors.

A third myth that I would like to mention—and which the official discourse has been spreading and the media has been echoing—is that this is “The Truce,” referring to it as an unprecedented phenomenon, when in reality there have been various truces between the main gangs throughout the years. In fact, what is referred to as “running the south” is an auto-regulation mechanism that the Central American gangs have used in various instances.

In reality, rather than a truce between gangs, what some gang members have been seeking for some time now—especially the older generations that are in prison—is a truce with the government, a truce with the police, they say. In fact, there have been several attempts at
rapprochement with different administrations to request that the government grant many of the penitentiary benefits (already provided by the Penitentiary Law) that gang members have been denied for years. Among their most important demands were an end to the harassment and police persecution of their families; an end to the humiliation of their families during visits to the prison, especially those that take place during visitor registration; and the elimination of cruel and degrading treatment that many of them have been subjected to in prison, such as torture in maximum security prisons and other prisons.

In this regard, it is certain that there is an agreement between the main gangs to tone down the violence, which is occurring within a context of exhaustion and fatigue within the gangs themselves—especially for those that are in prison—related to a situation that is taking them to the limit and in the face of which they do not have many options. In this context, the reduction in homicides is being used as a bargaining chip to get the government to provide the gangs with certain penitentiary benefits; meanwhile, the government is taking advantage of the situation to comply with its promise of lowering homicides, which it had not achieved by conventional means, and in doing so improve its public image.

Taking into account all of these elements, I would like to raise a few points that cause me to doubt that the truce is a sustainable and reliable process, while also setting out some of the conditions that should be fulfilled to make it truly institutional.

Before discussing these concerns, I want to clarify that like many of you, we celebrate that fewer lives are being lost in a country in which death and violence have become normal; it is clear that this country cannot continue with the endemic levels of violence we’ve had. However, as an academic, I cannot separate this process from the institutional reversals and distortions that are occurring in the country, which is why it is valid not only to ask whether crime has been reduced, but also how has it been reduced? We must also ask at what price homicides are being reduced, and if we are compromising our future with this decrease in deaths.

Moreover, the violence in this country is not only an issue of homicides; their reduction is important, but not sufficient, if other serious types of violence are not addressed, such as disappearances, extortion, sexual violence, or drug trafficking. One has to look at how much the security situation has changed in the neighborhoods and what is happening with clandestine graves or with burial practices that have proliferated in recent years.

In the same vein, I should clarify that we do not reject the opportunities that the truce between the gangs offers to reduce violence; quite the contrary, we support these processes of dialogue and even rapprochement between the gangs and the state, but only if they occur under principles of transparency, legality, and responsibility. In fact, our institution’s work has been pushing for youth violence to be understood as a social conflict; based on that premise, state actors and other stakeholders must approach these groups as part of the search for institutionally sustainable solutions to violence.
Along those lines, in our opinion, a first condition that these processes must meet in order to appear sustainable and reliable is to be handled with greater transparency and accountability in order to generate the minimum amount of trust between the population and, of course, between the negotiators themselves. All dialogue implies a certain level of confidence in the transparency and authenticity of the parties’ decisions, and even if we accept the hypothesis that the government has just been a facilitator or a third party mediator, it must have sufficient legitimacy for the dialogue to be fruitful and progress toward sustainable solutions.

Nevertheless, the truce has been handled so far with enormous opacity; the multiple contradictions that are present in the rhetoric of the Minister of Justice and Security—who is constantly offering different versions of the issue while being assured of a monopoly on the truth—have undermined the credibility of the process. The government went from offering the strength to eliminate this great security threat to discussing the religious conversion of the gangs. It government has gone from denying privileges to various leaders and refusing to relax prison controls to making it a media circus by opening the doors of the prisons to the media; however, this has yet to lead to a sustainable institutional response.

Facing this nebulous situation, some of the questions that we frequently ask are: What was the role of the government in all of this? What other privileges, besides the transfers and plasma TVs have the gang members in prison received? How much are penitentiary benefits being distorted as a result of this agreement? What is the true role of the so-called facilitators? Are there other truces that we have not been told about? As long as these questions are not clarified before the Salvadoran population, and this situation continues to be handled opaquely as a matter of a few people and not as a matter of state, more doubts will arise—even among the gang members themselves—about the various interests that could be involved in all of this. One way to give greater credibility to the process would be to establish a mechanism for verifying and monitoring the agreements; such a mechanism would include the participation of civil society, churches, and the international community.

But the most important objection we have about this process is that eight months have passed without the government being able to articulate an inter-institutional response to the demands for the rehabilitation and reintegration of gang members. Even today, in spite of the sense of urgency that the Minister seems to have to lower homicides, this has not translated into a policy proposal. It is clear that dealing with violence cannot be limited to the truce, which in any case is the first step in a larger process. Therefore, we are talking about the need to begin a serious and sustainable process that will bear fruit in the medium and long term, which is not compatible with the short-term outlook that the authorities seem to have today. For example, there has been no progress toward approving the proposal for a Rehabilitation Law, nor have we heard of a policy proposal of comprehensive youth violence-related services that involve various state agencies.
It is also not known where the government will obtain the funds to implement prevention or rehabilitation programs. Even currently, we do not see a concerted government response. For example, the truce has some requirements to boost efforts to recover neighborhoods from the gangs, restore the social fabric, and provide services to victims, all of which the government should take up again. This administration, however, has settled for publicizing the reduction in homicides. Therefore, in light of the challenges with which this process confronts us and in light of the response that the state has had, it is worth asking once again: Which state are we talking about? From which state are we responding?

Finally, one last question that I want to point out has to do with the hierarchical approach with which the truce has been handled. To date, it appears that these agreements were limited to the leaders—or to those who claim to be leaders—without taking into consideration the whole structure of the gang. Eight months into the agreement, all levels of the gang should have been involved by now. We know that not all of them agree with the truce, which is a failure in terms of its sustainability. These disagreeing members are also those that feel uncomfortable about or marginalized by the process and could boycott any peace initiative.

That said and in light of all these concerns, I would like to close my remarks by noting some risks and consequences that may arise in the future. A first danger that must be noted is that (taking into account the fragility that this truce seems to have) if the gang members do not receive a prompt resolution of their demands or an offer of social reintegration on behalf of the state, they will soon break the agreement between themselves—or between themselves and the government—which would end up escalating the levels of violence. An extremely violent gang reaction could be used by the state to justify a massive crackdown that would legitimize a new return to authoritarianism.

Moreover, given the conditions under which this issue has been handled, the other possibility is that if it is an agreement between the gang elite, part of the gang that is not in favor of the negotiations and feels excluded from the benefits reacts violently. This could lead to new patterns of confrontation between gangs and a new war between these groups in which identity is no longer a factor.

The other great risk—and perhaps the main one if indeed organized crime has also taken part in this process and the truce between the gangs is just a distraction to facilitate the creation of a logistical corridor for drug trafficking—in the short term, is that the violence institutionalizes and organized crime infiltrates the state. Experiences in countries such as Italy, Mexico, and Colombia have shown that violence is reduced when the gangs institutionalize, such as in the case of Medellin, where in the context of a deal between some of the main paramilitary leaders, homicides fell but other criminal activities such as drug trafficking and extortion expanded. As noted by Congressman James McGovern in a recent speech, “…the short-term gain may result in even greater long-term pain.” In this sense, the question we must ask is how much could these
agreements be mortgaging the future of our children, the future security of our country? These are questions that all of us should be asking.

We of course hope that these concerns do not become a reality, but in any event, they are risks that it is the government’s job to prevent, as the responsibility for the future consequences of this situation fall on the government. In closing, I do wish to emphasize that any sustainable solution to the phenomenon of gangs and violence in general must involve the adoption of comprehensive policies addressing the phenomenon of youth violence, the creation of opportunities for the social inclusion of youth, the strengthening of democratic institutions, and the fight against impunity.