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CRIME AND INSECURITY IN EL SALVADOR

Evaluating State Capacity to Reduce Violence
and Combat Organized Crime

JULY 2020 | SERIES 1



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INTRODUCTION

In the last decade, the problem of insecurity and impunity has deeply affected the people of Guatemala, El Salvador and Honduras, making this region (known as the Northern Triangle of Central America) one of the most violent in the world. High levels of violence, corruption, and impunity have eroded the capacity of the states to develop accessible and efficient institutions, and address the needs of their populations.

The absence of effective responses has weakened citizens' confidence in state institutions, leading to an alarming number of people who have been internally displaced or forced to migrate to other countries to escape the violence and lack of economic opportunities.

Against this backdrop, the Washington Office on Latin America (WOLA), the University Institute for Public Opinion (Iudop) of the José Simeón Cañas Central American University (UCA) of El Salvador, the University Institute on Democracy, Peace and Security (IUDPAS) of Honduras, and the Myrna Mack Foundation (FMM) of Guatemala have developed a tool for monitoring and evaluating the policies and strategies currently being implemented in Guatemala, Honduras, and El Salvador to reduce insecurity and violence, strengthen the rule of law, improve transparency and accountability, protect human rights, and fight corruption. This initiative has been made possible thanks to the support of the Latin America Division of the Swiss Agency for Development and Cooperation, the Tinker Foundation, the Seattle International Foundation (SIF), and the Moriah Fund.

THE CENTRAL AMERICA MONITOR

The Central America Monitor is based on the premise that accurate, objective, and complete data and information are necessary to reduce the high levels of violence and insecurity, and establish rule of law and governance in a democratic state. This will allow efforts to move beyond abstract discussions of reform to specific measures of change.

The Monitor is based on a series of more than 100 quantitative and qualitative indicators that allow a more profound level of analysis of the successes or setbacks made in eight key areas in each of the three countries.¹ More than a comprehensive list, the indicators seek to identify a way to examine and assess the level of progress of the three countries in strengthening the rule of law and democratic institutions. The indicators seek to identify the main challenges in each of the selected areas and examine how institutions are (or are not) being strengthened over time. The Monitor uses information from different sources, including official documents and statistics, surveys, interviews, information from emblematic cases, and analysis of existing laws and regulations.

The indicators were developed over several months in a process that included an extensive review of international standards and consultation with experts. The eight areas analyzed by the Monitor include:

1. Strengthening the capacity of the justice system;
2. Cooperation with anti-impunity commissions;
3. Combatting corruption;
4. **Tackling violence and organized crime;**

5. Strengthening civilian police forces;
6. Limiting the role of the armed forces in public security activities;
7. Protecting human rights;
8. Improving transparency.

The Monitor reports are published by area and by country. The first series of reports will serve as the baseline for subsequent analysis, which will be updated annually. Each annual series of reports will be analyzed in comparison with reports from the previous year. This allows researchers, civil society organizations, and other actors to assess the level of progress in strengthening the rule of law and reducing insecurity.

The first round of Monitor reports will primarily focus on data sets from an approximate 4-year time period, 2014 to 2017, in order to provide a snapshot of Central America's institutions.

The Monitor will serve as a tool for searchable, easy-to-comprehend data, delineating trends, progress, patterns, and gaps within and between the three countries of the Northern Triangle. The data, graphics, charts, and reports will be available on the Monitor's website.

ABOUT THE RESEARCH FOR THIS REPORT

The quantitative data in this report was obtained via the bibliographic review of official reports, institutional annals, and relevant information available on the official transparency web pages of the government bodies analyzed. In addition, requests for statistical information were made via the Public Information Access Law (*Ley de Acceso a la Información Pública, LAIP*) of El Salvador, which establishes a specific process by which government agencies must receive information requests and respond within a set timeframe.

This report specifically primarily analyzes statistical data provided by the Office of the Prosecutor General of the Republic (*Fiscalía General de la República, FGR*). This information sheds light on the main types of crime occurring in the country and those which organized criminal networks are perpetrating.

The judicial branch, namely the Supreme Court of Justice (*Corte Suprema de Justicia, CSJ*), did not provide fully categorized statistics on sentences issued. Sentences were not disaggregated by the type of crime committed by offenders, given that the branch stopped producing these statistics, as mentioned in the Central America Monitor report on corruption.

KEY FINDINGS

- This report details the broad range of legal resources for fighting violence and organized crime in El Salvador. However, it seems as though the laws and policies meant to address organized crime are not the result of a comprehensive analysis of the various kind of violence affecting citizens. Instead, these laws and policies appear to be the result of isolated legislative efforts aimed at providing a swift, short-sighted response, ultimately falling short of an effective and efficient anti-crime policy.
- Accessing and analyzing statistics about criminal sentences for various types of crimes is extremely challenging, given that select offices within the Judiciary no longer process or track this kind of information (this is also explained in detail in Central America Monitor reports *Combating Corruption and Strengthening the Capacity and Independence of Justice Systems*).
- El Salvador has created special courts to help concentrate skills and resources, and thus speed up court procedures for certain types of crimes. But upon looking at the number of emblematic organized crime cases between 2014 and 2017, there are major shortcomings tied to a lack of independence, weak prosecutorial work, and courts that lack the power to require that investigations be broadened to include all suspects.
- El Salvador's seven specialized police units had a combined staff of over 170 in 2016 and 2017. However, in six of these special police units, 70 percent of the personnel consist of officers and corporals, the two lowest ranks within the police hierarchy.
- Of the organized crime-related offenses registered between 2014 and 2017, the highest number of cases involved threat-related crimes (61,810 cases), followed by homicide-related crimes (31,519 cases), drug-related crimes (20,032 cases), and crimes related to kidnapping and deprivation of liberty (14,015 cases).
- The vast majority of organized crime-related cases opened during this time period ended up provisionally or permanently closed. This happened to 9 out of 10 cases involving threat-related crimes; about 9 out of 10 cases involving crimes related to kidnapping and deprivation of liberty; 8 out of 10 homicide-related cases; and three quarters of cases opened for drug-related crimes.
- Extortion and drug-related cases were the most likely to go to trial and result in a conviction: according to the Office of the Prosecutor General of the Republic (FGR), 66.6 percent of extortion cases and 52.9 percent of drug-related cases during this period yielded convictions.
- In contrast, court cases related to threats and unlawful restriction of freedom of movement had the lowest conviction rates. According to the data, between 2014–2017 only 8.3 percent of freedom of movement cases resulted in a conviction; for threat-related crimes, just 1.5 percent of cases resulted in convictions

CRIME AND INSECURITY IN EL SALVADOR

Evaluating State Capacity to Reduce Violence and Combat Organized Crime

CURRENT LEGAL FRAMEWORK

Violence and organized crime takes on various forms in El Salvador. Statistics from the Office of the Attorney General (*Ministerio Público, MP*) provide an idea of the scope of these phenomena. They track cases opened by prosecutors, their progress through the administrative phase of the criminal investigation, and trials of these cases in the judiciary.

By defining crimes in its laws, the State seeks to regulate behaviors considered serious and detrimental to the protection of the legal and other rights considered priorities by society. This report will analyze the most important laws on fighting violence and organized crime.

Regarding organized crime, El Salvador can draw on the main international laws on this matter to ensure these acts are prosecuted. The country has ratified the main international instruments on organized crime.² On March 18, 2004, it ratified the United Nations Convention against Transnational Organized Crime, the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, and the Protocol against the Smuggling of Migrants by Land, Sea and Air.³ On April 2, 2004, it ratified the Protocol against the Illicit Manufacturing and Trafficking in Firearms, their Parts and Components and Ammunition.⁴

Since the Convention lays out the basic elements of the definition of organized crime, El Salvador

incorporated it into its domestic laws.⁵ Another aspect of domestic Salvadoran law for fighting organized crime and violence is its diverse body of special laws, which regulate certain crimes in greater detail and establish very specific procedural differences. This type of law aims to address the different forms of operation of organized criminal groups, which usually involve multiple illegal activities.

However, crimes like homicide with aggravating factors tied to premeditating, aiding and abetting, committing, or concealing offenses related to forms of organized crime, like terrorism, drug trafficking, money laundering, and others, continue to be governed by the main secondary legislation on criminal matters: the Criminal Code (*Código Penal*). Thus, human trafficking, illegal groups, deprivation of liberty, kidnapping, and other offenses continue to be governed by the Criminal Code.

However, there is an array of specialized laws related to offenses that could be committed by organized crime groups. Some of these laws are listed below.

The **Law against Money and Asset Laundering** (*Ley contra el Lavado de Dinero y de Activos*), in effect since 1999, is one of the oldest specialized criminal laws.⁶ However, from 2014 to 2015 it was amended to expand those subject to the law and those with obligations under it, adding trade associations, commercial companies, private or joint public-private institutions, as well as public officials and government employees. An important amendment to this law on the

responsibility to accurately declare the amount of assets confiscated in this type of investigation was passed in 2015.

The **Law on Drug-Related Activities** (*Ley Reguladora de las Actividades Relativas a las Drogas*) took effect in 2003 and specified which substances are illicit. It was among the laws amended least from 2014 to 2017.⁷

The **Special Law against Acts of Terrorism** (*Ley Especial contra Actos de Terrorismo*) took effect in 2006 and governs and punishes organizations considered terrorist that aim to destabilize the State by instilling terror and fear.⁸ This law underwent four significant changes between 2014 and 2017. In 2014, the obligation of financial institutions to monitor transactions that could be related to terrorist financing was incorporated. In 2015, advocating terrorism was included as a crime. Under this amendment, those found guilty of using discourse that justifies actions that are illegal or linked to acts of terrorism will be sentenced to 4 to 8 years in prison. That same year, in one of the country's most polemical judicial precedents, the Constitutional Division of the Supreme Court of Justice ruled that gangs in El Salvador fall under the definition of "terrorists."⁹ In 2016, the definition of terrorist organizations was amended to add that this type of group seeks to use terror to take over State powers.

Another specialized law, which has already been mentioned in previous Central America Monitor reports, is the **Special Law for Recovery and Administration of Assets of Illicit Origin or Destination** (*Ley Especial de Extinción de Dominio y de la Administración de los Bienes de Origen o Destinación Ilícita*).¹⁰ In effect since 2013, this law "governs the procedure by which the Salvadoran State tracks down any type of asset with a source, use, or final purpose associated with illegal acts, appropriating the property rights to these resources with no need for a prior criminal conviction."¹¹ This legislation provides a financial approach to prosecuting criminal structures and is an important tool for authorities.

Lastly, the **Law against Organized Crime** (*Ley contra el Crimen Organizado*) is among those with procedural content; it establishes the specialized criminal jurisdiction for trying offenses committed as part of organized crime (Article 1).¹² This law does not provide legal definitions of crimes. Rather, it focuses on establishing rules of evidence and specific procedural rules for the specialized criminal proceeding.

Between 2014 and 2017, two new special criminal laws were passed. One was driven by the advocacy of different organizations and by the El Salvadoran State's international commitments. The other was the legislative response to one of the crimes that takes the heaviest toll on the country's economic development.

The first, the **Special Law against Human Smuggling** (*Ley Especial contra la Trata de Personas*), went into effect in 2016.¹³ It establishes an institutional protection structure, specifies the security and justice institutions' roles in this matter, and determines the budget allocated to them. It also contains specific procedural and substantive provisions on human smuggling.

The second, the **Special Law against Extortion** (*Ley Especial contra el Delito de Extorsión*),¹⁴ elaborates further on the legal definition of this crime and establishes additional procedural rules. It also sets forth detailed rules for the use of wiretapping to prosecute, investigate, and try this offense, since gangs' territorial control in El Salvador has made this type of act one of the biggest blights on virtually all levels of its business and commercial sector.

Another specialized law, more relevant to fighting the country's violence than its organized crime, is the **Special Comprehensive Law for a Violence-Free Life for Women** (*Ley Especial Integral para una Vida Libre de Violencia para las Mujeres*).¹⁵ In effect since 2012, its purpose is to provide comprehensive protection to women

who are victims of violence. This legislation has provided the Central America Monitor with crucial insight into acts of violence against women in El Salvador that are not processed by the court system.

This law has had several major amendments between 2014 and 2017. The first was in 2016, and it both broadened the law's underlying principles and established a specialized jurisdiction for trying the crimes defined in it. A decree approved the creation of that specialized jurisdiction that same year, meaning that for four years the cases governed by that law were tried in ordinary criminal courts, without the gender-differentiated approach required by law. Three amendments were passed in 2019: in May, August, and November. The first modified the prison sentence for distributing pornography, increasing the range of possible sentences from 3 to 5 years to 4 to 8 years. The second required institutions of higher education to create penalties for gender discrimination and obligated them to establish mechanisms to prevent gender violence. The last of the 2019 amendments modified the definition of workplace violence in El Salvador.

BOX 1

LAWS ON CRIMINAL CONDUCT PASSED BETWEEN 2014 AND 2017

Year	Date of Publication in Official Record (<i>Diario Oficial</i>)	Special Law
2014	November 14, 2014	Special Law against Human Smuggling
2015	March 23, 2015	Special Law against Extortion

FIGURE 1

INSTITUTIONAL FRAMEWORK FOR PROSECUTION, INVESTIGATION, AND TRIALS OF ORGANIZED CRIME CASES IN EL SALVADOR

NATIONAL CIVILIAN POLICE

GENERAL DIRECTORATE

General Sub-directorate

Sub-directorate for investigations

Specialized Police Units

- Counternarcotics Division
- Elite Division against Organized Crime
- Central Division for Investigations
- Anti-Gang Division
- Anti-Extortion Division
- Technical and Scientific Division
- Asset Recovery and Financial Crime Division
- Transnational Criminal Investigation Division
- Central Unit for Analysis and Information Processing
- Transnational Anti-Gang Center
- National Central Office for INTERPOL
- Special Police Operations Force

OFFICE OF THE PROSECUTOR GENERAL

PROSECUTOR GENERAL OF THE REPUBLIC

Directorate for Specialized Prosecutorial Units

Specialized Prosecutorial Units

- Special Prosecutor's Office for Homicide and Gangs
- Special Prosecutor's Office for Crimes of Extortion
- Special Prosecutor's Office for Illegal Trafficking and Human Smuggling
- Special Prosecutor's Office for Corruption
- Special Prosecutor's Office for Drug Trafficking
- Special Prosecutor's Office for Asset Recovery

SUPREME COURT OF JUSTICE

Special courts to hear organized crime cases

Organized Crime and Complex Crimes

Criminal chamber

Specialized Criminal Division

Specialized Courts of Sentence

Specialized Courts of Instruction

Asset Recovery

Criminal chamber

Criminal Division One of the First Central District

Specialized Court for Asset Recovery

STATE STRUCTURE FOR FIGHTING ORGANIZED CRIME AND VIOLENCE

INSTITUTIONAL STRUCTURE

In addition to describing the country's complex legal architecture, it is important to examine its structure of institutions for prosecuting, investigating, and trying criminal cases linked to violence and organized crime. This report does not cover entities that provide primary care or that have a preventative or protective function.

To prosecute crimes, the National Civilian Police has 12 specialized units, including the Counternarcotics Division, the Elite Division against Organized Crime, the Anti-Gang Division, the Anti-Extortions Division, the Asset Recovery and Financial Crime Division, the Transnational Criminal Investigation Division,

and the Transnational Anti-Gang Center with units that focus on combating and monitoring offenses categorized as organized crime.

For the investigation phase, which is carried out by the Office of the Prosecutor General of the Republic (*Fiscalía General de la República, FGR*), there are 6 specialized units that work to investigate and collect evidence regarding acts linked to organized crime. Most manage areas or offenses governed by special laws, such as drug trafficking, human smuggling, extortion, and asset recovery.

As for the Judiciary, in addition to the ordinary jurisdiction, which was covered in the Central America Monitor's report on the justice

system, there are two specialized jurisdictions authorized to hear cases linked to organized crime structures. The first is the specialized criminal jurisdiction, which was created in 2007. It consists of the Special Criminal Chamber (*Cámara Especializada de lo Penal*), which is an appeals court, 3 Specialized Courts of Sentence (*Tribunal Especializado de Sentencia*), and 3 Specialized Courts of Instruction (*Juzgado Especializado de Instrucción*).

The second is the specialized asset recovery jurisdiction, which was recently approved by the Legislative Assembly in 2014. Although the law establishes a trial court and a court of appeals,¹⁶ in reality only the Specialized Court for Asset Recovery (*Juzgado Especializado de Extinción de Dominio*) has been created, and appeals are heard by a criminal division of the ordinary criminal court system. Creating this court is one of the tasks the Judiciary has yet to complete in order to be in full compliance with the law creating this jurisdiction.

Another specialized jurisdiction, one more relevant to fighting gender-related crimes, is the specialized jurisdiction for a Life Free of Violence and Discrimination for Women. Approved in 2016, the full system for this matter will be formed of 1 appeals division, 3 specialized courts of sentence, and 3 specialized courts of instruction. However, these courts began operating one year later, on December 31, 2017.¹⁷ By June 2017, this system's appeals division had yet to designate the judges that would hear these cases on appeal. According to public information from the Judiciary, Criminal Division Three of the Central District was hearing these cases on an interim basis. Furthermore, as of the end of 2017 and based on the summary of the Judiciary's work, only 1 specialized court of sentence and 1 specialized court of instruction were operating.

Regarding the financial resources allocated to these units, none of the government entities keep records of their individual budgets. The funds allocated for paying staff, procuring resources, and facilities are drawn from the general budget for the entire institution.

HUMAN RESOURCES

There are significant gaps in the qualifications of the professionals who prosecute, investigate, and try these cases, especially in the National Civilian Police (*Policía Nacional Civil, PNC*). Overall, the staff size of the specialized police units that focus directly on organized crime has remained relatively stable over the years for which data is available (2016-2017), and 7 of the 12 units responsible for investigating crime have a combined total of over 1,100 officers. However, 70% of the personnel at 6 out of 7 of these specialized units are officers and corporals, the two least-qualified categories within the police hierarchy. Within the organizational structure of the police and under the Police Career Law (*Ley de la Carrera Policial*), these positions are usually operational rather than technical or scientific (article 14 of the Police Career Law). Additionally, the requirements for these positions are more basic. Under article 21 of the Police Career Law, the only requirements are a high school degree and being over age 28.

Of the three entities analyzed, the FGR has the highest number of qualified personnel. It went from having 69 prosecutors in 2014 to 75 in 2017, an 8.6% increase. The specialized prosecution unit for asset recovery saw the greatest increase in prosecution staff between 2014 and 2017.

The personnel of the specialized courts of the Judiciary covered by this report saw some of the lowest variation of the entities described in this section. Between 2014 and 2017, only 2 judges

were added, increasing from 17 in 2014 to 19 people assigned to the specialized units of each in 2017. The table below shows the number of entity.

TABLE 1
DISTRIBUTION OF PERSONNEL BY SPECIALIZED UNIT, 2014-2017

	Specialized Unit	2014	2015	2016	2017
PNC (police personnel)	Counternarcotics Division**	n/d	n/d	593	582
	Elite Division against Organized Crime			150	165
	Anti-Gang Division			110	94
	Anti-Extortion Division			206	202
	Asset Recovery and Financial Crime Division			47	50
	Transnational Criminal Investigation Division			33	30
	Transnational Anti-Gang Center			49	49
	Total personnel of specialized PNC divisions			n/d	1,187
FGR (prosecutorial staff)	Special Prosecutor's Office for Homicide and Gangs	20	18	19	16
	Special Prosecutor's Office for Crimes of Extortion	11	9	12	11
	Special Prosecutor's Office for Illegal Trafficking and Human Smuggling	13	12	10	8
	Special Prosecutor's Office for Corruption	8	9	10	10
	Special Prosecutor's Office for Drug Trafficking	17	16	16	15
	Special Prosecutor's Office for Asset Recovery	---*	---*	7	15
	Total prosecution staff at specialized FGR units	69	64	74	75
Supreme Court of Justice (judges and magistrates)	Criminal Division	3	3	3	3
	Specialized Criminal Division	2	2	2	2
	Specialized Courts of Sentence	5	5	5	5
	Specialized Courts of Instruction	4	4	4	4
	Criminal Division One of the First Central District	2	2	2	2

Supreme Court of Justice (judges and magistrates)	Specialized Courts for Asset Recovery	1	1	1	1
	Specialized Chamber for a Life Free of Violence and Discrimination for Women	---	---	---	---
	Specialized Courts of Sentence for a Life Free of Violence and Discrimination for Women	---	---	---	1
	Specialized Courts of Instruction for a Life Free of Violence and Discrimination for Women	---	---	---	1
	Total CSJ judges and magistrates assigned to specialized jurisdictions analyzed in this report	17	17	17	19

Source: PNC, FGR, Supreme Court of Justice and National Council of the Judiciary¹⁸

*There is no record of this court existing or beginning operations in 2014 or 2015

**This includes the personnel of the Canine Unit, Special Counternarcotics Group, Investigations Department of the Counternarcotics Division, Joint Counternarcotics Intelligence Center, regional Counternarcotics coordination offices, and Counternarcotics sections in the districts San Salvador-Sur, Ciudad Delgado, Santa Ana, Ahuachapán and La Libertad-Norte for 2016 and 2017; and in Sonsonate and Usulután for 2017 only.

EFFECTIVENESS IN PROSECUTING VIOLENCE AND ORGANIZED CRIME

This section reviews the caseloads and case outcomes for the main types of crimes analyzed by the Central America Monitor as key indicators.

HOMICIDE-RELATED CRIMES

This section analyzes all acts related to taking someone else's life. It contains statistics on crimes prosecuted under articles 128 and 129 of the Criminal Code, which govern voluntary manslaughter and murder.

Regarding activity to prosecute these crimes, statistics provided by the FGR show that 31,519 homicide-related cases were opened between 2014 and 2017, an average of 7,880 cases per

year. The highest number of cases occurred in 2015 (9,718).

The data shows that of the total number of cases opened between 2014 and 2017, 25,598 were closed at the prosecution stage. Of those, 23,677 were permanently closed by prosecutors (meaning that the prosecutor cannot later add more evidence to support or strengthen the charges, or that it is impossible to identify the suspect) and 1,921 were provisionally closed (meaning the prosecutor can reopen the case if new evidence allowing charges to be brought becomes available).


According to the data, 93.9% of all cases opened in 2014 were closed (6,746 cases), as were 89.1%

of the cases opened in 2015 (8,662 cases). In 2016, 78.8% of the cases opened were closed (6,365 cases), while 58.5% of the cases opened


in 2017 were closed (3,825 cases), according to information provided by the FGR.

TABLE 2

TOTAL NUMBER OF HOMICIDE-RELATED CRIMES REGISTERED BY THE PROSECUTOR GENERAL'S OFFICE, 2014-2017



	Cases Initiated	Provisional Closure	Definitive Closure	Under Investigation
2014	7,183	255	6,491	344
2015	9,718	620	8,042	916
2016	8,076	570	5,795	1,503
2017	6,542	476	3,349	2,268



	Charges Filed	Provisional Dismissals	Definitive Dismissals	Acquittals	Convictions
2014	2,470	250	260	345	706
2015	2,658	252	251	359	675
2016	2,609	267	404	444	702
2017	2,479	279	501	512	818

Source: FGR, 2019

As for the activity of the court system, of the total of 31,519 homicide related cases opened between 2014 and 2017, only 10,216 (32.4%) were tried in court to determine the guilt or innocence of the accused. Data shows that the FGR failed to prove the guilt of the accused in 30.1% (3,076) of all court cases recorded during this period, resulting in the permanent closure of the criminal case and acquittal.

Finally, records show 2,901 convictions in which the FGR did succeed in proving the commission of homicide-related crimes from 2014 to 2017. In other words, only 28.4% of cases tried during this period resulted in a conviction.

EXTORTION-RELATED CRIMES

This section covers the statistics from the FGR on extortion-related crimes, as defined in both the Criminal Code and the Special Law against the Crime of Extortion, since this offense stopped being governed by the Criminal Code in 2015.

According to the data, 11,153 extortion-related cases were opened between 2014 and 2017, an average of 2,788 cases per year. The highest number of cases came in 2016 (3,096).


The data also shows that 9,398 cases were closed at the prosecution stage between 2014 and 2017. Of these, 8,060 were permanently closed by prosecutors and 1,338 were provisionally closed. For each year, the percentage of cases opened that were then closed is: 95.1% in 2014 (2,779 cases); 91.9% in 2015 (2,653 cases); 83.7% in 2016 (2,590 cases); and 61.2% in 2017 (1,376 cases).

Of the 11,153 extortion-related cases opened between 2014 and 2017, only 4,242 (38%) were tried in court to determine the guilt or innocence


of the accused. The Office of the Prosecutor General lost 22.2% of the court cases during this period (meaning 943 cases were permanently dismissed or resulted in acquittals). In other words, the FGR failed to prove the guilt of the accused in two of every ten cases tried in court.

Lastly, according to FGR statistics, 2,826 convictions for extortion-related crimes were reported between 2014 and 2017, or 66.6% of the cases tried.

TABLE 3
TOTAL NUMBER OF EXTORTION-RELATED CRIMES REGISTERED BY THE PROSECUTOR GENERAL'S OFFICE, 2014-2017



	Cases Initiated	Provisional Closure	Definitive Closure	Under Investigation
2014	2,922	417	2,362	114
2015	2,888	398	2,255	216
2016	3,096	318	2,272	426
2017	2,247	205	1,171	746



	Charges Filed	Provisional Dismissals	Definitive Dismissals	Acquittals	Convictions
2014	1,184	73	40	235	783
2015	1,157	65	62	158	678
2016	1,011	61	64	155	681
2017	890	86	64	165	684

Source: FGR, 2019

DRUG-RELATED CRIMES

This section examines the 16 types of crimes under the Law on Drug-Related Activities reported by the FGR.¹⁹

Regarding activity to prosecute these crimes, the statistics provided by the FGR show that 20,032 drug-related cases were opened from

2014 to 2017, an average of 5,008 cases per year. During this period, cases peaked in 2016 at 5,583.


The data shows that of the total number of cases opened between 2014 and 2017, 15,268 were closed at the prosecution stage. Of those, 14,701 were permanently closed by prosecutors and 567 were provisionally closed.

According to the data, 79.7% of all cases opened


in 2014 were closed (3,844 cases); as were 76.5% of cases opened in 2015 (4,088 cases); 71.6% in 2016 (3,996 cases); and 78% in 2017 (3,340 cases), according to information provided by the FGR.

As for the activity of the court system, of the 20,032 extortion-related cases opened between 2014 and 2017, a total of 17,782 (88.8%) were tried in court to determine the guilt or innocence of the accused.

TABLE 4
TOTAL NUMBER OF DRUG-RELATED CRIMES REGISTERED BY THE PROSECUTOR GENERAL'S OFFICE, 2014-2017



	Cases Initiated	Provisional Closure	Definitive Closure	Under Investigation
2014	4,823	69	3,775	885
2015	5,346	122	3,966	1,062
2016	5,583	196	3,800	1,250
2017	4,280	180	3,160	744



	Charges Filed	Provisional Dismissals	Definitive Dismissals	Acquittals	Convictions
2014	4,087	142	92	178	2,004
2015	4,889	119	74	156	2,434
2016	4,951	65	89	170	2,162
2017	3,855	44	136	218	2,807

Source: FGR, 2019

The FGR failed to prove the guilt of the accused in 6.3% (1,113) of all court cases recorded during this period.

Finally, according to FGR statistics, 9,407 convictions for extortion-related crimes were reported in 2014-2017, or 52.9% of the cases

tried during the period covered by this report.

CRIMES RELATED TO HUMAN SMUGGLING

This section analyzes all acts that entail any exploitation of humans, as defined in the Criminal

Code and in the special law on this issue.²⁰


According to FGR data, 2,070 cases related to human smuggling were opened from 2014 to 2017, an average of 517 cases per year. The highest number of cases opened (676) occurred in 2016.

The data shows that 1,099 cases were dropped at the prosecution stage between 2014 and 2017. Of these, 1,003 were permanently closed by prosecutors and 96 were provisionally closed. For each year, the percentage of cases opened that were then dropped is: 65.2% in 2014 (392 cases); 57.8% in 2015 (294 cases); 45.9% in 2016 (310 cases); and 36.3% in 2017 (103 cases).


Of the 2,070 cases related to human smuggling opened between 2014 and 2017, a total of 1,258 (60.8%) were tried in court to determine the guilt or innocence of the accused. The FGR lost 40.3% (507) of the cases tried during this period. In other words, it failed to prove the guilt of the accused in four of every ten court cases.

Lastly, records show 278 convictions, where the FGR did succeed in proving the commission of crimes related to human smuggling, were reported in 2014-2017. Thus only 22.1% of cases tried during the period covered by this report resulted in a conviction, according to FGR statistics.

TABLE 5
TOTAL NUMBER OF CRIMES RELATED TO HUMAN SMUGGLING REGISTERED BY THE PROSECUTOR GENERAL'S OFFICE, 2014-2017



	Cases Initiated	Provisional Closure	Definitive Closure	Under Investigation
2014	601	24	368	210
2015	509	21	273	216
2016	676	31	279	353
2017	284	20	83	171



	Charges Filed	Provisional Dismissals	Definitive Dismissals	Acquittals	Convictions
2014	382	83	49	102	63
2015	308	55	50	83	82
2016	394	79	49	77	66
2017	174	56	38	59	67

Source: FGR, 2019

FEMICIDE-RELATED CRIMES

This section examines FGR data from 2014 to 2017 on gender-motivated murders of women, as defined in the special law on this matter, as well as attempted femicide and incitement and criminal conspiracy in the crime of femicide.


Regarding activity to prosecute this group of crimes, the statistics from the FGR show that 1,319 femicide-related cases were opened from 2014 to 2017, an average of 330 cases per year. The year with the highest number of cases

opened was 2017 (384).


The data shows that 936 of the total number of cases were closed at the prosecution stage between 2014 and 2017, of which 892 were permanently closed by prosecutors and 44 were closed provisionally.

On a year-by-year basis, 99% of all cases opened in 2014 were dropped (206 cases); 83.7% in 2015 (313 cases); 73.1% in 2016 were dropped (258 cases); and 41.4% in 2017 (159 cases).

TABLE 6
TOTAL NUMBER OF CRIMES RELATED TO FEMICIDE REGISTERED BY THE PROSECUTOR GENERAL'S OFFICE, 2014-2017



	Cases Initiated	Provisional Closure	Definitive Closure	Under Investigation
2014	208	9	197	9
2015	374	12	301	66
2016	353	11	247	91
2017	384	12	147	199



	Charges Filed	Provisional Dismissals	Definitive Dismissals	Acquittals	Convictions
2014	103	3	2	7	30
2015	107	3	8	12	36
2016	128	7	4	11	32
2017	150	4	10	13	27

Source: FGR, 2019

As for the activity of the court system, of the 1,319 femicide-related cases opened between 2014 and 2017, only 488 (37%) were tried in court to determine the guilt or innocence of the accused. According to the statistics, the FGR

failed to prove the guilt of the accused in 13.7% of femicide cases tried during this period (67 cases).

On the other hand, the statistics show 125

convictions in which the FGR did succeed in proving the commission of femicide-related crimes from 2014 to 2017. In other words, only 25.6% of cases that went to trial during this period resulted in a conviction.

RAPE-RELATED CRIMES

This section analyzes rape-related crimes reported by prosecutors from 2014 to 2017.


According to FGR data, 11,892 rape-related cases were opened from 2014 to 2017, an average of 2,973 cases per year. The highest number of cases opened (3,240) occurred in 2014.

Notably, the records show that twice as many cases opened for rape of minors or people with disabilities than rape of adults.


They also show that 10,020 cases were dropped at the prosecution stage between 2014 and 2017. Of these cases, 9,436 were permanently closed by prosecutors, and 584 were closed provisionally. For each year, the percentage of cases opened that were then closed is: 95.5% in 2014 (3,094 cases); 91.8% in 2015 (2,669 cases); 82.4% in 2016 (2,340 cases); and 66% in 2017 (1,917 cases).

TABLE 7

TOTAL NUMBER OF CRIMES RELATED TO RAPE REGISTERED BY THE PROSECUTOR GENERAL'S OFFICE, 2014-2017



	Cases Initiated	Provisional Closure	Definitive Closure	Under Investigation
2014	3,240	94	3,000	89
2015	2,908	155	2,514	179
2016	2,840	152	2,188	356
2017	2,904	183	1,734	736



	Charges Filed	Provisional Dismissals	Definitive Dismissals	Acquittals	Convictions
2014	1,185	219	152	227	319
2015	1,022	166	119	182	311
2016	949	133	112	137	295
2017	1,046	145	79	145	302

Source: FGR, 2019

Again, it is noteworthy that FGR statistics show that 70% of rape cases involving minors (4,458) were permanently dropped, meaning they cannot be reopened between 2014 and 2018.

As for the activity of the court system, of the 11,892 rape cases opened between 2014 and 2017, a total of 4,202 (35.3%) were tried in court to determine the guilt or innocence of the accused. The FGR lost 27.4% of these court cases during this period (1,153 cases). In other words, in slightly over one fourth of the cases that were tried, the FGR failed to prove guilt.

Lastly, 1,227 convictions in rape-related cases were recorded between 2014 and 2017, meaning only 3 out of 10 (29.2%) cases tried in court resulted in a conviction, according to FGR statistics.

CRIMES RELATED TO KIDNAPPING AND DEPRIVATION OF LIBERTY

This section examines crimes related to kidnapping and deprivation of liberty, as well as attempts to commit these crimes, according to FGR records from 2014 to 2017.

In terms of activity to prosecute the type of crime, the FGR reports that 14,015 kidnapping

or deprivation of liberty cases were opened from 2014 to 2017, an average of 3,504 cases per year. The highest number of cases was in 2014, at 3,977.

The data shows that 12,200 of these cases were dropped at the prosecution stage between 2014 and 2017. Of these, 11,502 were permanently closed by prosecutors, and 698 were closed provisionally.


According to information provided by the FGR, 97.1% of all cases opened in 2014 were dropped (3,861 cases), as were 93% in 2015 (3,409 cases); 84.4% in 2016 (2,847 cases); and 69.4% in 2017 (2,083 cases).

As for the activity of the court system, of the total of 14,015 cases related to kidnapping and deprivation of liberty opened between 2014 and 2017, only 2,129 (15.2%) were tried in court to determine the guilt or innocence of the accused. According to the statistics, the FGR failed to prove the guilt of the accused in 27% of the court cases for these crimes during this period (574 cases).


Lastly, the statistics report 387 convictions for crimes related to kidnapping and deprivation of liberty from 2014 to 2017. This means that only 18.2% of cases that went to trial during this period resulted in a conviction.

TABLE 8

TOTAL NUMBER OF CRIMES RELATED TO KIDNAPPING AND DEPRIVATION OF LIBERTY REGISTERED BY THE PROSECUTOR GENERAL'S OFFICE, 2014-2017



	Cases Initiated	Provisional Closure	Definitive Closure	Under Investigation
2014	3,977	68	3,793	95
2015	3,664	184	3,225	202
2016	3,374	249	2,598	400
2017	3,000	197	1,886	754



	Charges Filed	Provisional Dismissals	Definitive Dismissals	Acquittals	Convictions
2014	648	94	98	66	87
2015	575	88	74	76	111
2016	413	69	63	67	99
2017	493	50	60	70	90

Source: FGR, 2019

THREAT-RELATED CRIMES

According to FGR data, 61,810 cases for the alleged commission of threat-related crimes were opened from 2014 to 2017, or an average of 15,452 cases per year. This category includes not only threats that are actually carried out, but also attempted threats and being an accomplice to this crime. These crimes are governed solely by the Salvadoran Criminal Code. The highest number of cases opened (16,874) occurred in 2014.

This data also shows that 57,036 cases were dropped at the prosecution stage between


2014 and 2017. Of these cases, 55,120 were permanently closed by prosecutors, and 1,916 were closed provisionally.

Based on FGR data provided, 99.2% of cases opened in 2014 were closed (16,745 cases); 97.1% of the cases opened in 2015 were closed (14,752 cases); 91.7% in 2016 (15,218 cases); and 78.5% in 2017 (10,321 cases).


Meanwhile, of the 61,810 threat-related cases opened between 2014 and 2017, only 20,917 (33.8%) were tried in court to determine the guilt or innocence of the accused.

TABLE 9

TOTAL NUMBER OF CRIMES RELATED TO THREATS REGISTERED BY THE PROSECUTOR GENERAL'S OFFICE, 2014-2017



	Cases Initiated	Provisional Closure	Definitive Closure	Under Investigation
2014	16,874	156	16,589	96
2015	15,193	340	14,412	308
2016	16,595	686	14,532	952
2017	13,148	734	9,587	2,159



	Charges Filed	Provisional Dismissals	Definitive Dismissals	Acquittals	Convictions
2014	6,233	397	1,878	69	83
2015	4,820	324	1,404	77	71
2016	4,709	290	1,342	61	76
2017	5,155	409	1,538	79	90

Fuente: FGR 2019.

During this period, the FGR lost 30.8% of these court cases (6,448 cases). In other words, the FGR failed to prove the accused's guilt in one third of cases tried in court.

Lastly, only 320 convictions in threat-related cases were recorded between 2014 and 2017. This statistic is notoriously low, and it means that during the period being studied only 1.5% of the cases tried resulted in a conviction, according to FGR statistics.

CRIMES RELATED TO UNLAWFUL RESTRICTION OF FREEDOM OF MOVEMENT

This section examines one of the most recently established crimes: unlawful restriction of

freedom of movement. This act was criminalized in 2016 as part of a set of criminal and procedural reforms promoted by the Executive Branch and passed unanimously in Legislative Decree No. 321, which contains the "Special Temporary And Extraordinary Provisions For Prison Facilities, Prison Farms, Intermediate Centers, And Temporary Prison Facilities."


The aim of defining this conduct as a crime is to reduce the de facto control over Salvadoran territory exercised by gangs, which use their dominance in certain sectors to deny or restrict citizens' freedom of movement. However, it is one of the most complex crimes for the Office of the Prosecutor General in terms of identifying suspects and gathering evidence, resulting in a large percentage of cases opened being permanently closed.

Regarding activity to prosecute this group of crimes, data from the FGR shows that 1,449 cases related to unlawful restriction of freedom of movement were opened during the period, but 2015 was the first year of this period in which cases were reported, with a total of just four. However, by 2016, more than 500 cases were opened, a figure which almost doubled in 2017.²¹


The data shows that 1,047 of the total number of cases were dropped at the prosecution stage between 2014 and 2017. Of these 993 were permanently closed by prosecutors and 54 were closed provisionally.

None of the cases opened in 2015 were closed. In contrast, 82.2% of the cases opened in 2016 were closed (419 cases), while 67.2% of the cases opened in 2017 were closed (628 cases).

TABLE 10
TOTAL NUMBER OF CRIMES RELATED TO THE ILLEGAL LIMITATION OF FREE MOVEMENT REGISTERED BY THE PROSECUTOR GENERAL'S OFFICE, 2014-2017



	Cases Initiated	Provisional Closure	Definitive Closure	Under Investigation
2014	0	0	0	0
2015	4	0	0	3
2016	510	11	408	70
2017	935	43	585	236



	Charges Filed	Provisional Dismissals	Definitive Dismissals	Acquittals	Convictions
2014	0	0	0	0	0
2015	0	0	0	0	0
2016	54	1	2	1	1
2017	150	14	25	8	16

Source: FGR, 2019

As for the activity of the court system, of the total of 1,449 cases related to unlawful restriction of freedom of movement opened between 2014 and 2017, just 204 (14.1%) were tried in court to determine the guilt or innocence of the accused. The FGR failed to prove the guilt of the accused in 17.6% of the court cases for these crimes during this period (36 cases).

Lastly, statistics show that only 17 convictions for crimes related to unlawful restriction of freedom of movement were reported from 2014 to 2017, meaning a mere 8.3% of cases that went to trial during this period resulted in a conviction.

CRIMES RELATED TO MONEY LAUNDERING


This section covers the crimes under the Law against Money and Asset Laundering for which the FGR keeps statistics²².

According to FGR data, 232 cases for the alleged commission of crimes related to money laundering were opened from 2014 to 2017, an average of 58 cases per year. The highest number of cases opened (67) occurred in 2016.


The data also shows that 69 cases were dropped at the prosecution stage between 2014 and 2017. Of these, 65 were permanently closed by prosecutors, and 4 were closed provisionally. For each year, the percentage of cases opened that were then closed is: 38% in 2014 (19 cases); 37.9% in 2015 (25 cases); 23.9% in 2016 (16 cases); and 18.4% in 2017 (9 cases).

Regarding the cases that went to trial, of the 232 cases opened between 2014 and 2017, 103 (44.4%) were tried in court to determine the guilt or innocence of the accused.

TABLE 11
TOTAL NUMBER OF CRIMES RELATED TO MONEY LAUNDERING REGISTERED BY THE PROSECUTOR GENERAL'S OFFICE, 2014-2017



	Cases Initiated	Provisional Closure	Definitive Closure	Under Investigation
2014	50	0	19	27
2015	66	2	23	34
2016	67	1	15	49
2017	49	1	8	36



	Charges Filed	Provisional Dismissals	Definitive Dismissals	Acquittals	Convictions
2014	35	2	2	0	3
2015	29	1	5	0	8
2016	14	8	9	6	10
2017	25	2	2	2	5

Source: FGR, 2019

The FGR lost 25.2% of these court cases during this period (26 cases). In other words, it failed to prove the guilt of the accused in one in four cases tried.

Lastly, 26 convictions in money laundering cases were recorded between 2014 and 2017, meaning that 25.2% of the cases tried in the period covered by this study resulted in a conviction.


CRIMES UNDER THE LAW AGAINST TERRORISM

Lastly, this section analyzes crimes under the general and special law on illegal groups linked to committing, concealing, or aiding and abetting acts of terrorism. The definitions of these crimes in force in the Criminal Code were amended in 2016, in line with the above-mentioned Legislative Decree No. 321 on special measures and the decision by the Constitutional Division of the Supreme Court of Justice that declared Salvadoran gangs to be terrorist groups²³.


As for activity to prosecute this group of crimes, statistics provided by the FGR show that 11,807 cases involving crimes under the Law against Terrorism were opened between 2014 and 2017. During this period, there was an average of 2,952 cases per year. The highest number of cases was in 2015, at 3,398.

The data shows of the total cases of this type opened between 2014 and 2017, 10,561 were dropped at the prosecution stage. Of these, 10,144 were permanently closed by prosecutors, and 417 were closed provisionally.

TABLE 12
TOTAL NUMBER OF CRIMES RELATED TO THE ANTI-TERRORISM LAW REGISTERED BY THE PROSECUTOR GENERAL'S OFFICE, 2014-2017



	Cases Initiated	Provisional Closure	Definitive Closure	Under Investigation
2014	2,641	60	2,463	92
2015	3,398	104	3,060	224
2016	3,250	126	2,706	348
2017	2,518	127	1,939	365



	Charges Filed	Provisional Dismissals	Definitive Dismissals	Acquittals	Convictions
2014	1,176	86	268	106	148
2015	1,905	152	455	131	171
2016	1,707	221	483	156	230
2017	1,210	240	477	227	293

Source: FGR, 2019

On a year-by-year basis, 95.5% of all cases opened in 2014 were dropped (2,523 cases), as were 92.4% of the cases opened in 2015 (3,140 cases). Lastly, 87.1% of cases opened in

2016 were closed (2,832 cases), while 82% of the cases opened in 2017 were closed (2,066 cases), according to information provided by the FGR.

As for the activity of the court system, of the total of 11,807 terrorism-related cases opened between 2014 and 2017, 5,998 (50.8%) were tried in court to determine the guilt or innocence of the accused. According to the statistics, the FGR failed to prove the guilt of the accused in 38.4% of the court cases involving these crimes during this period (2,303 cases).

Lastly, the statistics report 842 convictions for crimes under the Law against Terrorism from 2014 to 2017. This means only 14% of cases that went to trial during this period resulted in a conviction.

TABLE 13
COMPARATIVE SUMMARY OF CASES INITIATED, FILED, AND PROSECUTED ACCORDING TO FGR STATISTICS, 2014-2017

Classifications	Total Cases Initiated	Total Cases Closed	Total Cases Filed in Court	Percent of Cases Initiated that were Filed in Court	Total Convictions	Percent of Cases Filed that Resulted in a Conviction
Homicide	31,519	25,598	10,216	32.4%	2,901	28.4%
Extortion	11,153	9,398	4,242	38%	2,826	66.6%
Drug-related Crimes	20,032	15,268	17,782	88.8%	9,407	52.9%
Human Trafficking	2,070	1,099	1,258	60.8%	278	22.1%
Femicide	1,319	936	488	37%	125	25.6%
Rape	11,892	10,020	4,202	35.3%	1,227	29.2%
Kidnapping and Deprivation of Liberty	14,015	12,200	2,129	15.2%	387	18.2%
Threats	61,810	57,036	20,917	33.8%	320	1.5%
Illegal Limitation to Free Movement	1,449	1,047	204	14.1%	17	8.3%
Money Laundering	232	69	103	44.4%	26	25.2%
Anti-Terrorism Law	11,807	10,561	5,998	50.8%	842	14%

EMBLEMATIC CASES ON ORGANIZED CRIME

This section provides information on emblematic court cases in which charges were filed against individuals for crimes related to organized crime.

The below timelines showing developments in these legal cases demonstrate the difficulties

faced by security and justice institutions to coordinate and oversee these investigations in an attempt to secure convictions. These timelines also show how the system may be manipulated to ensure that these types of crime remain unpunished.

BOX 2

TIMELINE OF EVENTS: MIGUEL ANTONIO MENÉNDEZ AVELAR “MECAFÉ” CASE

Year	Date	Event
2008	September	The "Friends of Mauricio Funes" movement is born during the election campaign. This network recruited potential voters who did not already belong to the FMLN or sympathize with the party to support the candidacy of the now ex-president Mauricio Funes Cartagena. Among the leaders of this movement is Miguel Antonio Menéndez Avelar "Mecafé." ²⁴
2009	July	Miguel Menéndez Avelar is appointed president of the International Center for Fairs and Conventions (Centro Internacional de Ferias y Convenciones, CIFCO), an institution that he presided over until June 2011. Two years later, he becomes a direct advisor to the CIFCO's new president. ²⁵
	July 29	From July 29, 2009 until January 2013, according to the Ministry of Finance, the executive branch invests \$30.6 million in private security services, almost half of which (\$14.6 million) is awarded to the Salvadoran Security Corporation (COMPANÍA SALVADOREÑA DE SEGURIDAD, COSASE), which is owned by Miguel Menéndez, over a period of three years and five months. ²⁶
2011	June 24	Manuel Rivera Castro is named president of the Hipotecario Bank in a move that confidential government sources, including an advisor to the president, consider to be a win-win for businessman Miguel Menéndez Avelar. Rivera Castro's appointment is followed by hundreds of thousands of dollars in loans to both Mecafé and Ada Luz Sigüenza de Guzmán. ²⁷
2012	June 11	The president and director of Headford Business S.A., José Jaime Meléndez, an office worker, and the director Yenny Martínez, appear before the same notary to grant power of attorney in favor of José Miguel Antonio Menéndez Avelar, Mecafé. Eleven days later, directors Meléndez, Martínez and González sign another agreement authorizing Headford to open an account at Panama's FPB Bank Inc. The board's agreements to grant Mecafé power of attorney over the corporation, as well as to open the account at Panama's FPB Bank, are sent by Mossack Fonseca ²⁸ to the office of attorney Luis Alonso Medina in Santa Elena, Antigua Cuscatlán, in El Salvador. ²⁹

Year	Date	Event
2012	September and October	Three months after acquiring Headford , Luis Alonso Medina (lawyer of Rusconi, Medina and Associates, which handles the offshore companies for Mecafé) negotiates another offshore company with Mossack Fonseca for Miguel Menéndez: RayneServices Corp. in the same destination as the previous one: Panama. The procedure turns out to be similar to that of Headford . After selling 100 shares to Mecafé for virtually nothing, the board of directors of Rayneacuerda agreed, on October 30, 2012, to allow the company to open an account with FPB Bank Inc. ³⁰
2016	August 17	Fifth Justice of the Peace of San Salvador, Inés María Cuchilla Taura , by means of Official Letter No. 1646 of August 17, 2016, orders a search to be carried out to prevent the burglary of Miguel Menéndez's properties and businesses. In the document, it is ordered to "locate, fix and seize evidence related to the crimes of embezzlement, illicit negotiations, misappropriation, illicit enrichment and influence peddling." The objective is to obtain evidence of acts of corruption committed during the administration of former President Carlos Mauricio Funes. The searches were carried out on the same day. ³¹
2018	June 5	Miguel Menéndez is arrested and accused by the FGR (along with former President Mauricio Funes, former private secretary Francisco Cáceres and former president of the Hipotecario Bank Manuel Rivera Castro) of participating in a structure that diverted \$351 million from the 2009-2014 Presidency of the Republic. ³²
	June 10	The initial hearing of the "Public Looting" case is held in the Fifth Peace Court of San Salvador . ³³
	June 11	Fifth Judge of the Peace of San Salvador decrees pre-trial detention against José Miguel Menéndez. ³⁴
2019	August 11	The Fifth Trial Court of San Salvador orders the transfer of José Miguel Menéndez and six other defendants linked to the "Public Looting" case to the La Esperanza penal center (known as "Mariona") and other prisons. The judge also accepts the six-month period of investigation requested by the Public Prosecutor's Office, with a deadline of 7 February 2019. ³⁵
		The FGR presents an injunction in the Ninth Peace Court of San Salvador against José Miguel Menéndez, the former president Mauricio Funes; his partner Ada Michelle Guzmán, the former president of the Hydroelectric Executive Commission of the Lempa River (CEL); José Leopoldo Samour Gómez; and the representatives of the construction company Astaldi: José Efraín Quinteros and Mario Pieragostini, accused of four crimes (money and asset laundering, embezzlement, illicit associations and active bribery) for the case of the El Chaparral Dam. The judge scheduled the initial hearing for the following day. ³⁶

Year	Date	Event
2019	January 5	The Ninth Peace Court starts the initial hearing against Miguel Menendez for having instigated the negotiation of a direct deal that allowed the Italian company Astaldi to receive \$45 million more for the unfinished work of the El Chaparral dam. According to the Public Prosecutor's Office, of that \$45 million, former President Mauricio Funes and Menendez received \$3.5 million as a bribe from Astaldi for having reached the direct deal. ³⁷
	January 7	The Ninth Judge of the Peace of San Salvador decrees the formal preliminary investigation of the process and the pre-trial detention of Miguel Menéndez Avelar. The investigations of the FGR indicate that a direct agreement between the president of CEL and representatives of Astaldi has left Funes and Menendez with a profit of \$3.5 million dollars in "gifts," which is the reason for starting this new judicial process. This settlement is related to the unfinished construction of the El Chaparral dam in the eastern part of the country during the government of former President Funes. These illicit acts are said to have been derived from the \$108.5 million that the Lempa River Hydroelectric Commission (CEL) paid to the Astaldi company. ³⁸
	June 25	The FGR presents a new request for an indictment against Miguel Menendez, this time for tax evasion during the period 2014-2015 for more than \$227,000. The prosecutors in the case request that the Third Peace Court of San Salvador decree a formal investigation with pre-trial detention. ³⁹
	June 27	The Third Peace Court of San Salvador decides that Miguel Menendez will face criminal proceedings for tax evasion. The judge decrees that the process will go to the pre-trial phase. However, Menéndez continues to be detained in sector 9 of the La Esperanza penal center while the authorities investigate his participation in the alleged embezzlement by the state during the government of former president Mauricio Funes called "Public Looting," and his role in the alleged bribery in the case of the "El Chaparral" dam. ⁴⁰

BOX 3

TIMELINE OF EVENTS: JOSÉ ADÁN SALAZAR UMAÑA "CHEPE DIABLO" CASE AND ITS ALLEGED LINK TO THE TEXIS CARTEL

Year	Date	Event
2000	March 22	March 22, 2000 is the date of the first report of an investigation into the Taxis Cartel, ⁴¹ entitled "Metapán Case, number 003/00," which was later added to two other documents produced by government intelligence between 2008 and 2011. The investigations cover three presidential terms: those of Francisco Flores and Antonio Saca from Arena, and Mauricio Funes from the FMLN. The data in these reports show that the Taxis Cartel is made up of a major hotel businessman, José Adán Salazar Umaña "Chepe Diablo," along with congressmen, police, mayors and gang members from the northwestern part of El Salvador. The first report mentions the main partners of Chepe Diablo: Juan Umaña Samayoa (former mayor of Metapán municipality, and prominent politician of the National Conciliation Party, PCN); and Roberto Antonio Herrera, "El Burro" (former president of the Santa Ana Cattle Fair). ⁴²
2001	June 14	The judicial history of José Adán Salazar Umaña "Chepe Diablo" begins. Guatemalan citizen Irma Edelmira Banegas Suchite reports a Salvadoran man in the police substation of the Port of Iztapa, in the department of Escuintla, Guatemala, who had allegedly threatened her with death the day before. According to document number 227-001 signed by the station's deputy chief, Officer II Carlos Rafael Caljú Hernández, the Salvadoran's name is José Adán Salazar Umaña. ⁴³
2012	September	The United Nations Office on Drugs and Crime (UNODC), in its report "Transnational Organized Crime in Central America and the Caribbean. An evaluation of the threats," describes the origin, area of influence, organization and activities of the Taxis Cartel. Although this report does not name names, it indicates that the flow of drugs from this Cartel has been protected by corruption at the highest levels (high-level politicians, security authorities, judges and prosecutors), and has been tolerated for years. ⁴⁴
2014	April 23	The FGR presents a request for an indictment for tax evasion against Juan Umaña Samayoa (then mayor of Metapán) and against the businessmen José Adán Salazar Umaña and Wilfredo Guerra Umaña . The request against Salazar Umaña, legal representative of Hotesa, is presented in the 10th Peace Court of San Salvador and is accused in court of tax evasion in the fiscal periods of 2010 and 2011. Wilfredo Guerra Umaña, legal representative of Industrias Gumarsal, and Juan Umaña Samayoa are accused in the 9th Peace Court of the capital for the same crime but in the fiscal period of 2010. ⁴⁵

Year	Date	Event
2014	April 26	José Adán Salazar Umaña, accused of tax evasion, faces his initial hearing in the Tenth Peace Court of San Salvador . According to the breakdown initially presented by the FGR, in his capacity as legal representative of the company Hotesa, Salazar Umaña evaded taxes in 2010 for \$81,860.05, and in 2011 for \$121,811.23. As a private taxpayer, the FGR assured that the businessman owes the tax authorities \$834,721.55 from 2010 and \$274,940.25 from 2011. On April 26, the Tenth Peace Court of San Salvador determined that Salazar Umaña would continue to be prosecuted while complying with only restrictive measures to his freedom and not under pre-trial detention. ⁴⁶
	May	As part of the process against him for tax evasion, José Adán Salazar Umaña pays taxes on his company Hoteles Salvadoreños (Hotesa, S. A. de C. V.). The payment, made to the Ministry of Finance, amounts to approximately \$231,000 according to Ernesto Gutiérrez, one of his lawyers. ⁴⁷
	May 30	During Barack Obama's second presidential term, the U.S. Treasury Department's Office of Foreign Assets Control (OFAC) adds José Adán Salazar Umaña to the list of "Specially Designated Nationals" or "SDN List." This list, known as the Kingpin List, includes individuals who are known to be involved in drug trafficking activities. ⁴⁸
	August 24	The investigation against Salazar Umaña was cut short when the then head of the FGR's Financial Investigation Unit, Tovías Menjívar, and other prosecutors assigned directly by Luis Martínez prevented specialists appointed by the FGR from turning the evidence of money laundering found by the Ministry of Finance into evidence in a criminal case. On August 24, Tovías Menjívar desisted completely from the investigation. The then prosecutor general Luis Martínez appoints his niece, Alessia Esteffi Herrera Menjívar, as the person in charge of the case. Following Martínez's orders, Herrera asks the Second Peace Court to cease investigations into the accounts of Salazar Umaña and his group, that all documents and accounting audits be returned to Salazar Umaña, and finally for the definitive closure of the 22-UIF-2014 file, associated with the accused. ⁴⁹
2017	April 4	Police and prosecutors arrest José Adán Salazar Umaña, considered by the U.S. government to be an international drug lord, in a case involving money laundering amounting to \$215,167,000. Vice President Óscar Ortiz is also being investigated for his partnership with Salazar Umaña in Desarrollos Montecristo S.A. de C.V. ⁵⁰
	April 7	Just when the judicial process against José Adán Salazar Umaña seemed to have the protection of politicians and the former Salvadoran Prosecutor General, the U.S. Treasury Department announces his removal from its list of drug lords (Kingpin list) after including him on it since 2014. In an April 7 statement, the Treasury Department said that the information available at that time was insufficient to support the claim that Salazar Umaña continues to play a significant role in international narcotics trafficking. ⁵¹
	April 8	San Salvador's Fourth Judge of the Peace , Nelly Pozas, decides to send José Adán Salazar Umaña to temporary imprisonment, while the judicial process for money laundering continues. During the initial hearing, Pozas determines the same fate for the other three accused persons already captured: Sara Paz Martínez, Salazar Umaña's ex-spouse; Susana Noemy Salazar de Cruz, daughter of Salazar Umaña and of his ex-spouse, and Romelia Guerra Argueta, mother of Wilfredo Guerra Umaña, a fugitive from justice. ⁵²

Year	Date	Event
2017	November 29	The First Chamber of the Criminal Court of San Salvador issues an order for Salazar Umaña to be released from the maximum security prison in Zacatecoluca, where he was being held in provisional detention, and to continue to be prosecuted for the crime of money laundering. Instead of his stay in the prison, he is ordered to pay a bond, go to sign every 15 days to the Fourth Court of Instruction of San Salvador and not to leave the country. ⁵³
	December 6	The then director of Penal Centres, Marco Tulio Lima, confirms that Salazar Umaña, known as "Chepe Diablo" has been released after paying a bail of \$200,000, with cashier's checks. ⁵⁴

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