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## EL SALVADOR'S COUNTRY OF ORIGIN INFORMATION

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This is a schedule of essential reading comprising the relevant extracts of the Appellants' bundle in the above appeal matter. The pages of the Appellants' bundle where the stipulated extract can be found are noted at the beginning of the same extract. The subject matter is divided according to relevance and is presented under the following headings;

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## CHAPTER 1

### MARA 18: BACKGROUND AND ORGANISATION

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*Poverty, lack of employment and separated families are not new in El Salvador. The title of "most dangerous country in the world" is.'*

#### **EXHIBIT 20 - UNHCR Eligibility Guidelines for Assessing the International Protection**

*Needs of Asylum-Seekers from El Salvador, 15 March 2016, HCR/EG/SLV/16/01*

**Page 134:** The increasing exodus of Salvadorians in search of international protection is rooted in the human rights, social, political and economic impact of the increasing reach, power and violence of organized criminal groups in El Salvador. The extent of the violence is reflected in the fact that the small and densely-populated country of El Salvador presently has the highest rate of homicides of any country in the world. This surge of violence is driven by the activities of powerful rival and conflictive street gangs that operate across El Salvador and also by the severe response of the State security forces.

**Page 137:** Currently, El Salvador is the country with the highest homicide rate in the world, reporting 6,640 homicides between 1 January and 31 December 2015, comparable to an annual rate of approximately 103 homicides per 100,000 inhabitants in 2015. These figures are not an anomaly in the context of Central America, where four of the five countries with the highest homicide rates in the world are located. Rather, for El Salvador the year 2015 represents a return to the decade-long trend of rapidly escalating murder rates that had been interrupted primarily due to the effect of the 2012 truce pact.

**Page 140:** a) Gangs

Despite being the smallest country in Central America, El Salvador is the nation reported to be the most affected by the violence of street gangs (pandillas) and reportedly has the highest concentration of gang members of any country in the region. Across most of the departments that make up the territory of El Salvador, many hundreds of local street gangs are reported to operate in both urban and rural zones, with between 30,000 and 60,000 active members in total. These gangs are considered to be the main force that has been driving the increase of

violence in El Salvador over the last decade and the surge in murders and population displacement over the past couple of years. Official statistics show that 65 per cent of the murders registered in the country between January and midNovember 2015 were committed by gang members.

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Amnesty International. *Home Sweet Home? Honduras, Guatemala and El Salvador's role in a deepening refugee crisis*. 14 October 2016. Index number: AMR 01/4865/2016: Page 317 Appellant's bundle.

As noted above, although El Salvador has a long history of street gangs, the street gangs presently operating in the country are reported to have their origins in the violent California-style gang culture brought back by Salvadorian gang members deported from the United States of America from the 1990s onwards. These gangs are usually based in poor or lower middle-class urban or rural zones, sometimes comprised of just a single neighborhood (colonia) or a few such neighborhoods. However, despite a culture of identification with their home territory, these gangs are also considered capable of great mobility and can rapidly expand their influence to nearby neighborhoods.

**Page 141:** Salvadorian gangs are reported to pursue a strategy of exclusive control over their home territories, using violence to repel other gangs or challengers. Within its own territory, each gang tries to control the localized criminal enterprises which sustain members' livelihoods, such as extortion, drug-selling, prostitution and other crimes. Businesses, (public) transport routes and even homes **in** other nearby (and often wealthier) neighbourhoods may also be targeted for extortion by the gang. Presently, the main source of revenue for most gangs is reported to be extortion (renta), which is increasingly directed and carried out by phone from within prisons by incarcerated gang members.

Once initiated into a gang, members must follow the rules established by their palabreros. The violation of different rules is reported to lead to different punishments, commonly serious beatings or death. Lifelong loyalty to the gang is required and those who desert or cooperate with the security forces or rival gangs are reported to be routinely pursued and killed by their own gang as a punishment. **It** is reported that even those former gang members who are sheltered under State-run protection programmes often do not escape punishment. The gangs are reportedly assisted by many 'anonymous' voluntary or involuntary collaborators in the territories where they operate, including family members and younger children from the neighborhood, who are not gang members but act as lookouts, help to

collect and launder extortion money and perform other tasks, and who sometimes collect a salary from the gang.

**Page 142:** The authorities estimated that in 2013 there were 470,000 people affiliated with the gangs in El Salvador, as family members, friends or others; by mid-2015 this figure had risen to between 600,000 and 700,000 people (i.e. 10 per cent of the population). Gangs are reported to exercise extraordinary levels of social control over the population of their territories (and, to a lesser extent, over other territories where they practise extortion). In these zones, inhabitants are reportedly required to 'look, listen and keep quiet' (*`mirar, oir, callar`*) and often face a plethora of gang-imposed restrictions on who they can talk with and what about, what time they must be inside their homes, where they can walk or go to school, who they can visit and who can visit them, what they can wear, and even, reportedly, the colour of their hair. It is equally forbidden for inhabitants to show 'disrespect' for the gang, a subjective evaluation on the part of gang members that can reportedly encompass a multitude of perceived slights and offences, such as arguing with a gang member or refusing a request, resisting a child's recruitment into the gang, or rejecting the amorous attentions of a gang member.

**Page 159: 1. Persons perceived by a gang as contravening its rules or resisting its authority**

Gangs in El Salvador reportedly perceive a wide range of acts by residents of the area under the gang's control as demonstrating 'resistance' to their authority. Acts commonly construed as challenging a gang's authority reportedly include but are not limited to: criticizing the gang; refusing a request or 'favour' by a gang member; arguing with or looking mistrustfully at a gang member; refusing to participate in gang activities or to join the gang; rejecting the sexual attention of a gang member; having (perceived) links with a rival gang or a zone controlled by a rival gang; refusing to pay extortion demands; wearing certain clothing, tattoos or other symbols; participating in civil, religious or other organizations viewed as undermining the gang's authority; and passing on information about the gang to rivals, authorities or outsiders.

**Page 160:** The nature of retaliation for perceived acts of 'resistance' or 'disloyalty' by inhabitants is reported to vary to some degree depending on the 'character' of the local gang and the form of 'resistance' involved. However, most perceived contraventions of these

gang-imposed rules are dealt with severely: individuals whom the gang members suspect of resisting their authority are reported often to be killed without prior warning, although sometimes the killing is reportedly preceded by threats and/or other attacks against the person concerned. Religious leaders, and other formal and informal community leaders, who represent an alternative source of authority to the gangs and who oppose them, or are perceived by the gangs as doing so, are equally at risk of violent retaliation. Since the breakdown of the gang truce, and particularly throughout 2015, the gangs have reportedly escalated their use of extreme violence against the local population to unprecedented levels. Depending on the particular circumstances of the case, UNHCR considers that persons perceived by a gang as contravening its rules or resisting its authority may be in need of international refugee protection on the grounds of their (imputed) political opinion, membership of a particular social group, or on the basis of other Convention grounds.

**2. Persons in professions or positions susceptible to extortion, including those involved in informal and formal commerce as business owners, their employees and workers, or as street vendors; public transport workers; taxi and mototaxi (tuc-tuc) drivers; public sector employees; children and adults who receive remittances from abroad; and certain returnees from abroad;**

**Page 160:** Extortion is reported to be pervasive in El Salvador and the regular extortion quotas imposed by the gangs can be crippling. Those subject to extortion demands for money, goods and services include, but are not limited to, persons involved in informal and formal commerce as business owners, their employees and workers, or as street vendors; public transport workers; taxi and mototaxi (tuc-tuc) drivers; public sector employees, returnees who return from abroad with financial resources; children and adults who receive remittances from family members who live and work abroad; and even schoolchildren for the little money they may carry.

**Page 161:** The level of extortion payments are reportedly often raised steeply and without warning by gangs, sometimes with the apparent intention of bankrupting a business so that the gang can take it over. Moreover, extortion victims may have to simultaneously pay extortion money to two or more gangs, especially where a business operates across one or more territories where these gangs practise extortion. It is reportedly not unusual for victims to lose their livelihood due to excessive extortion demands by gangs, which are reported to have risen

sharply since 2014. Extortion demands reportedly sometimes take the form of a requirement to purchase at an inflated price (poor quality) goods or services from businesses controlled by the gangs.

Extortion is reportedly the lifeblood of most local gangs in El Salvador and the refusal to pay extortion demands is usually construed by gang members as a serious act of resistance to the authority of the gang itself. Individuals who refuse to pay extortion demands — or who delay in meeting their 'quotas' because they are unable to pay — are reportedly subjected to threats and violence against them, as well as against their employees, business partners and family members. The threats and violence reportedly swiftly escalate with any continuing delay or refusal to pay, with persons in these circumstances reportedly commonly being killed by the gangs. Persons found by the gangs to have reported extortion demands to the authorities are also reportedly subjected to severe retribution.

**Page 162:** Depending on the particular circumstances of the case, UNHCR considers that persons in professions or positions susceptible to extortion, including but not limited to those involved in informal and formal commerce as business owners, their employees and workers, or as street vendors; public transport workers; taxi and mototaxi drivers; public sector employees; and certain returnees from abroad may be in need of international refugee protection on the basis of their (imputed) political opinion, or on the basis of their membership of a particular social group, or on the basis of other Convention grounds.

**EXHIBIT 23 - Canada: Immigration and Refugee Board of Canada, *El Salvador: Information Gathering Mission Report - Part I. Gangs in El Salvador and the Situation of Witnesses of Crime and Corruption*, September 2016.**

**Page 210:** During the mission, several sources described the level of crime in El Salvador as "critical." The Director of the IUDOP indicated that weapons are widely available in El Salvador, and that, based on their assessment, 80 percent of crimes are committed with firearms. A report on homicides in 2015 produced by the Legal Medicine Institute (Instituto de Medicina Legal, IML) similarly indicates that 83.2 percent of homicides committed during that year involved a firearm. Gangs are obtaining sophisticated high-caliber weapons to commit crimes. According to IUDOP, civilians are also increasingly arming themselves given the security environment. El Salvador's homicide rate for 2015 was 103 homicides per 100,000 inhabitants, while for 2014 it was 64.2. A report on homicides for 2015 in **El Salvador**

published by La Prensa Grafica, a San Salvador-based newspaper, indicates that Central America's homicide rate for 2015 was 40.2.

**Page 212:** Gangs routinely impose curfews in neighborhoods, especially when they want to take precautionary measures for an imminent attack or when they are going to execute an action. Also, according to Dr. Gaborit, curfews and other methods of curbing the free movement of people, such as giving orders to stop bus transit, thereby paralyzing public transportation, are also used by gangs to signal their strength to the government; displaying that they have the power to exert such control.

#### **4.5.1 Extortion**

**Page 215:** Extortion is a problem in El Salvador. All businesses, from the street vendor to transnational companies, pay extortion, or "rent," to the gangs. The mission heard examples of extortion of teachers, students, telecommunication companies, municipalities, judicial workers, bus drivers, and businesses. Gangs also extort residents who are receiving remittances from abroad, and people who are successful in obtaining employment with higher pay. According to SCIS, gangs calculate the "rent" to be paid by a business owner by sending a gang affiliate to surveil how many customers receive on average, in order to estimate the income taken by the business. The "rent" usually ranges between 20 and 30 percent of the target's income.

InSight Crime also reports that small and medium-sized enterprises pay between US\$30 million and US\$60 million per month in extortions. Some companies and small businesses hire negotiators to arrange the rates they must pay for extortion. According to the Association of Salvadoran Bus Companies (Asociacion de Empresarios de Autobuses Salvadorenos, AEAS), the concept of extortion is institutionalized in El Salvador in the sense that companies and businesses declare in income tax forms the amount they pay for extortion as business costs for "special collaboration," and that banks take into account the amount of extortion a client pays in order to calculate loans. In a 16 September 2016 correspondence with the Research Directorate, El Faro similarly indicated that items such as "operational

Our interviews revealed that gangs increasingly target people outside their own territory, including neighbourhood residents who happen to be in the wrong place at the wrong time, local businesses, or those who do not comply with gangs' demand for *renta*. Gang violence has greatly limited the freedom of movement for ordinary people, who often live in fear or moving around or outside their neighborhoods and who face violence because of their residence in gang-controlled areas. Former gang members and community residents interviewed by out researchers reported that residents of areas controlled by gangs are constantly subjected to extortion and threats of violence by gang members.

**Page 966 (203):** Another pamphlet, signed "E.L." and distributed in the western town of Chalchuapa, instituted a curfew:

**ATTENTION CHALCHUAPANS**

For your own good we recommend that you don't walk on the streets after 10pm, given that we will be conducting a campaign to cleanse [our streets] of so many crooks that have robbed us of our tranquillity. We recommend that police forces remain in their quarters at night, and that they not interfere with our work. DO NOT GO OUT unless you have a real emergency, you may be mistaken for a gang member, etc.

To all the lazy young kids who hang around schools intimidating others, BE CAREFUL, the same goes for all the bums who go out on the streets to bother people. Given that the authorities cannot take action, we will take the law into our own hands. [We're taking steps] to bring peace to Chalchuapa. We will be present in colonies, neighborhoods, streets, etc. We will not be stopped<sup>2</sup>.

**EXHIBIT 61 - BRUNEAU, T. C., DAMMERT, L., & SKINNER, E. (2011). *Maras: gang violence and security in Central America*. Austin, TX, University of Texas Press.**

**Page 972 (1):** This shocking depiction of the murdered and their murderers, familiar to cities in most of Central America and several in North America, is frightening not only because of the

violence itself but also because of some media reports that link the most violent gangs, called *maras*, to organized crime and suggest tied to international terrorism.

**Page 973 (9):** The justice and morality void left by state corruption and incapacity is often filled by vigilantes, gangs, and other local power brokers. Not always content to merely lord over their respective areas, these modern-day *caudillos*, or strongmen, often push out violently into new territory, resulting in clashes with the state.

## **Chapter 2: Street Gangs of El Salvador by Sonja Wolf**

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**Page 974 (43):** El Salvador's gang landscape, dominated by Mara Salvatrucha (MS) and Calle Dieciocho (the 18<sup>th</sup> Street Gang, or simply "18<sup>th</sup> Street"), has grown increasingly complex in recent years. The authorities have tended to depict these groups as part of a larger transitional gang structure that spans the United States, Central America, and Mexico and has mutated into a new form of organized crime. According to El Salvador's Policia Nacional Civil (National Civilian Police, or PNC), the gangs are heavily armed and have developed a sophisticated structure of organized cells that specialize in areas such as logistics, recruitment, attack and murder. More controversially, they have been linked to Colombian rebels and Mexican drug cartels, and they have been accused of participation in extortion, *sicariato* (contract killing), and the trafficking of drugs, weapons, and humans.

Lately, the gangs have allegedly resorted to mutilating and decapitating their victims as a way of initiating newcomers and terrorizing society. Generally, gangs are held responsible for at least 60 percent of all homicides committed in El Salvador. One senior prosecutor even went so far as to claim that murders could be almost entirely eradicated if only all gang members were detained.<sup>2</sup> EL FARO, Sept. 17. 2007, <http://www.elfaro.net/secciones/Noticias/20070917/noticias720070917.asp>

**Page 975 (47):** It is clear that they effectively control certain penitentiaries and conduct criminal activities from their cells, at times with the complicity of prison guards.

**Page 981 (152):** In any case, by the end of the decade, several cliques in El Salvador, Guatemala, and Honduras were engaged in organized crime networks, drug trafficking, and widespread extortion. *Maras* are still a threat to public and hemispheric security, and violence is still rampant in northern Central America.

The key element of *maras* activities nowadays is what is called *la renta* — namely, extortions. According to various sources, Central American gangs collect most of their money by extorting the population... In El Salvador, according to the police, 70 percent of the extortions are committed by gangs, who tax transport unions, convenience stores, and informal businesses on the streets.

If we understand organized crime along the lines of Charles Tilly's notion that "protection rackets represent organized crime at its smoothest," Central American gangs fit well into the category of organized crime and represent a clear illustration of how youth gangs can end up as organized crime groups.

**Page 986 (215):** The illegal drug trade within Latin America and between Latin America and the United States — involving mostly cocaine and marijuana and, increasingly, methamphetamine — has become a major funding stream for the Central American *maras*, some of which work in tandem with drug cartels to move the contraband along transit routes through Central America to Mexico and across the U.S. border. The *maras* also act as major distributors once the drugs are in the United States, controlling sales all the way down to the *clicas* at the street level.

In the process, the *maras* enforce their own form of "market discipline," through the violent elimination of rivals and internal dissent. As some contributors to this book have pointed out, there is increasing evidence that the *maras* are branching out into arms and human smuggling as well.

**EXHIBIT 62 - Wolf, Sonja. (2017). *Mono D:ira: The Politics of Gang Control in El Salvador*. Austin, Texas: University of Texas Press.**

**Page 991:** Gang members, who typically identify themselves with distinct tattoos and graffiti, spend their time hanging out, partying, taking drugs, and fighting their opponents. They extort small and medium-sized businesses, and within their own communities, they intimidate residents who do not obey the code of silence ("ver, oír, y callar"/ "see, listen, and be silent") with threats of retaliation. Their ready use of violence creates both a sense of insecurity in society at large. Gang members' territorial control has increased to the extent that it has restricted residents' movements and spaces of sociability.

If anything, gang violence has intensified and become more lethal. Nor has incarceration prevented gang members from engaging in criminal activities: the shortcomings of the prison system have permitted them to maintain ties with the outside world, intimidate witnesses, manage extortions, and order killings.

**(3):** targeted violence by gang members has been mounting to the point that for some Salvadorans, particularly those who have opposed them in some way, seeking asylum abroad is often the only way to escape gang-related persecution<sup>1</sup>. Over time, due to gang policies that were implemented, the gang have become more sophisticated, more criminally involved, and more brutal in their violence.

**Page 992 (10):** Today Mara Salvatrucha and the Dieciocho maintain a presence in large parts of the United States as well as in Mexico and the Northern Triangle of Central America (Guatemala, Honduras, and El Salvador).

**(11 and 12):** Loyalty to the gang and its territory is paramount and supersedes even family bonds, an allegiance that is encapsulated in the phrase, "*Por mi madre vivo, por mi barrio muero*" ("For my mother I live, for my gang I die").

**Page 993 (12):** Conversely, recent years have seen gang members commit more serious violence and crimes. The earlier image of youths hanging out in the streets and *destroyer* (gang hangouts) and fighting their rivals with stones and machetes, or sometimes pistols and hand grenades, now seems obsolete. Gang members these days are often linked to homicides (including of civilians), extortion, car thefts, rapes, drug sales, and possession of automatic firearms. Overall, they have acquired a greater logistical capacity to execute illicit activities and, through access to heavy weaponry, are capable of more lethal violence. There is evidence that gang members acquire their weapons not only in exchange for drugs, through theft from private security firms, or in purchases from private sources but also from police and military sources.

**Page 994 (40):** According to the Fiscalía General de la Republica (Office of the Attorney General of the Republic, or FGR), the number of murders reached 138 per 100,000 inhabitants between 1994 and 1995. Thereafter, the rate declined, only to escalate again during the Mano Dura period (2003-2006), the pre-gang truce years (2009-2011), and the post-gang truce

years (2014-2015). In 2009, with a murder rate of 71 per 100,000 inhabitants, El Salvador ranked as one of the most violent countries in the world, and in 2015, it topped this indicator, with a murder rate of 103 per 100,000 inhabitants. The World Health Organization considers homicide rates over 10 per 100,000 inhabitants as an epidemic, and there is an understandable alarm concerning the enormous economic and social costs such levels of violence inflict on society. **(41):** Mano Dura merely followed an established preference for punitive measures that offer political credit and no commitment to changing the status quo.

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Maestria en Psicología Comunitaria de la UCA, *Diagnostic.º Sobre Caracterizacin (le la Poblacion Salvadorea Retornada con Necesidades de Proteccion* (San Salvador: UCA, 2014).

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## CHAPTER 2

### GENDER-BASED VIOLENCE AND RECRUITMENT OF CHILDREN

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**EXHIBIT 20** *UNHCR Eligibility Guidelines for Assessing the International Protection Needs of Asylum-Seekers from El Salvador*, 15 March 2016, HCR/EG/SLV/16/01

6. Children and youth with certain profiles or in specific circumstances

**Page 165:** Children and youth suffer multiple types of violence in El Salvador. Children may fall into any of the profiles listed in these Eligibility Guidelines. However, children in El Salvador may also be at risk of child-specific forms of persecution. Domestic abuse of children, both boys and girls, is reported to be relatively widespread in El Salvador. Moreover, the upsurge in gang violence since the early 2010s has reportedly given the country the highest rate of homicide among children and adolescents in the world, and homicide is the leading cause of death among adolescent boys in El Salvador. Since the early 2010s gangs have reportedly been responsible for the forced disappearance of a significant number of children and youth, with the majority of victims later found murdered.

The fact that children, particularly those living in territories where the gangs operate, are frequently a target of gang violence is partly the result of the reported large numbers of youth in the gangs themselves. Children and youth who have not been recruited by a gang but who live in territories where gangs operate reportedly find it difficult to avoid coming into contact with the local gang, its members and its activities (e.g. being asked to do the gang a 'favour', receiving the amorous attention of a gang member, etc.) or being (mis)taken for a member or affiliate of the local gang by rival gangs. Students who go to school in an area that is controlled by a different gang than the gang that controls the area where they live are reportedly at risk of being targeted for violence by the rival gangs at school and while they travel to school. Children equally face such risks when they travel to visit relatives or attend a health centre, etc., in an area controlled by a different gang. The gangs are reported to have a presence in schools and some schools have been forced to close due to the violence of the gangs.

**Page 166:** Recruitment by gangs of local children and youth — particularly boys but sometimes also girls — reportedly starts from an early age. Efforts by gangs to recruit new members from the children and youth have reportedly seen a significant increase since the

early 2010s. New members are reportedly often required to prove their value through acts of violence, despite their young age. Girls are reportedly increasingly targeted from a young age by gangs with demands to become "wives" or girlfriends of gang members. The refusal to join a gang or to collaborate with its members by a child or youth and/or their family is reportedly usually interpreted as a challenge to the gang's authority or as a ground for suspicion of some rival affiliation, resulting in threats and violence directed against the child or youth and/or their family members. Even if the child leaves the area where the gang operates, family members who remain there reportedly may continue to face threats and violence.

Depending on the particular circumstances of the case, UNHCR considers that children, in particular but not limited to those from areas where gangs operate or from social milieus where violence against children is practised, may be in need of international refugee protection on the basis of their membership of a particular social group, or on the basis of their (imputed) political opinion or on the basis of other Convention grounds. Asylum claims made by children, including any examination of exclusion considerations for children formerly associated with a gang or other organized criminal group, need to be assessed carefully and in accordance with the UNHCR Guidelines on child asylum claims.

## **7. Women and girls with certain profiles or in specific circumstances**

**Page 167:** Discrimination and violence against women and girls is reported to be prevalent in El Salvador. The country has one of the highest recorded rates of femicides in the world, and young women are reportedly increasingly represented among the victims of forced disappearances. Domestic violence is reportedly considered the leading form of violence against women and girls in El Salvador, followed closely by violence perpetrated by gang members. There are reported cases of domestic violence by gang members against their wives and other female members of their own household; women and girls in this situation are often trapped as any attempt to report the violence or to escape the situation in the home would likely lead to targeting for violence by gang members, and may also put the woman's family members at risk. Some women and girls also face stigma and prosecution as a result of the government's restrictive approach to abortion.

In the territories where the gangs operate, sexual and gender-based violence against women and girls is reportedly widespread, as is the recruitment of girls to carry out tasks for the gangs. Women and girls perceived as being linked with a particular gang are reportedly also a target

for rival gangs and they and other women and girls are reportedly abused, raped and killed as part of gang initiation rites, or if they try to leave the gang to which they belong or with which they are affiliated, or if they are seen to resist its authority in other ways, including by rejecting the sexual advances of a gang member. Women and girls may be seen by gang members as their partners, even when a woman or girl has never consented to being in a couple. Women and girls in this situation are reported to be subjected to persistent violence, while being unable to seek protection due to the authority exercised by their "partner" in the area controlled by the gang. Family members of women and girls who have problems with the gangs are also often targeted on the basis of their affiliation to the woman or girl in question.

**Page 168:** Depending on the particular circumstances of the case, UNHCR considers that women and girls, in particular but not limited to women and girls from areas where gangs operate or those from social milieus where violence against sexual and gender-based violence against women and girls is practised, may be in need of international refugee protection on the basis of their membership of a particular social group, and/or their (imputed) political opinion, or on the basis of other Convention grounds.

**EXHIBIT 23** - *Canada: Immigration and Refugee Board of Canada, El Salvador: Information Gathering Mission Report Part I. Gangs in El Salvador and the Situation of Witnesses of Crime and Corruption, September 2016.*

#### **4.3 Recruitment**

**Page 213:** Recruitment into gangs usually starts as early as 11 years old, but gangs use children as young as 8 years old as look-outs (postes) to call the gangs on celiphones when the police or non-residents are entering the neighbourhood. **They also use children to collect extortion payments,** to eavesdrop on people, or to do other chores for the gang in exchange for a few dollars. The PDDH further indicated that gangs use children and young people to commit crimes such as drug dealing on the street, theft, threats, and murder.

**Page 214:** To avoid being recruited by gangs, those parents who can afford it send their children to private schools. Those who cannot afford to do so are forced to remain indoors in their houses without the possibility to go to school, work, or play on the street, so as not to risk being harmed by gangs.

For many of the women interviewed, the increasing violence from criminal armed groups occurred alongside repeated physical and sexual violence at home. Women described life-threatening and degrading forms of domestic violence, including repeated rapes, sexual assaults, and violent physical abuse, such as beatings with baseball bats and other weapons. Women repeatedly emphasized that the police could not protect them from harm. In fact, many of the women's abusive partners were members or associates of the criminal armed groups, making it even harder to seek protection from the authorities.

### **REASONS WOMEN FLED EL SALVADOR, GUATEMALA, HONDURAS, AND MEXICO**

Page 505: The women from El Salvador, Honduras, and Guatemala interviewed for this report spoke of pervasive and systemic levels of violence, connected to increasing territorial influence of criminal armed groups from which it was nearly impossible to find reprieve.

However, the testimonies of 160 women emphasize that these long-term efforts have not curbed root causes of displacement or addressed the urgent humanitarian need. The women from the NTCA reported multiple reasons for flight. Many women spoke of severe instances of violence due to maras or other criminal armed groups, including assaults, extortion, and disappearances or murder of family members. Likewise, many women described brutal domestic violence. Many emphasized that being women compounded the difficulties they faced; this was especially true for transgender women.

**Page 506:** The women interviewed for this report emphasized that the presence of gangs and cartels had a deep imprint on their daily lives. Approximately 62 per cent of the women reported having directly witnessed violent crime in their communities. Roughly the same percentage (62 per cent) of the women had seen dead bodies in their neighborhoods. A number of women mentioned they came across dead bodies on at least a weekly basis. Women described increasingly barricading themselves and their children inside their homes, avoiding certain areas and not taking public transit, being unable to leave the home to commute to work or school to hide from gun fights, and keeping children inside after the children had witnessed acts of violence or death.

### **Direct Harm by Criminal Armed Groups**

**Page 509:** More than 60 per cent of women interviewed for this report described direct threats and attacks by various criminal armed groups as at least one of the primary reasons for their flight. Some women described incidents in which criminal armed groups forcibly disappeared or murdered a loved one, whether a spouse, child, parent, sibling, or other relative or close friend. These cases generally involved threats or extortion. In other cases, women themselves received death threats from criminal armed groups after an attack on a family member, and fled to avoid harm to themselves or other remaining family members. In many cases, the woman in question did not know why she received direct threats or why criminal armed groups had targeted family members for disappearance or death. Many of the women's partners or other family members had not shared what was occurring; thus, the disappearance or murder was the first, and tragic, indication. Yet many women concluded that they could not be safe in their home countries after experiencing the death or disappearance of a family member, a sentiment compounded by the unwillingness or inability of the police or other authorities to provide protection.

#### **Children Recruited and Killed by Criminal Armed Groups**

**Page 511:** Some women from NTCA countries reported direct and devastating threats and attacks on their children, and five women reported that their children had been killed. Many more women from this region feared that criminal groups would forcibly recruit or otherwise abuse their children, and this contributed to flight.

Gloria, from Honduras, told UNHCR that members of a criminal armed group abducted her 13-year-old grandson, and "when we finally found his body, it was at the morgue. They had cut his head off, tied his hands and feet, cut him all over." After her grandson's death, Gloria and her family fled to another part of the Honduran city where they lived. But they received continuing threats from the same people they believed abducted the boy, and eventually fled the country. Nelly, a young woman from Honduras, stated that a criminal armed group murdered her nephew (who lived with her) because he refused to be recruited and was suspected of having allegiances to another armed group. "[B 18] wanted [my nephew] to join them and said if he did not, that meant he was a member of the other gang, their rival. He refused to join. They increased their threats. After a year... they killed him." Nelly and her family found the body three days later at the morgue. "We reported the murder to the police, but they never do anything," Nelly said. "The same police are working at the gang's side.... They passed our report on to the gang, and the gang knew we'd reported them." Nelly and her

family fled almost immediately. "We decided to move the next day...We knew the gang realized we'd made the report, so we decided to go, because we knew we'd be next." Many women reported that they faced direct threats themselves after trying to protect their children from recruitment or abduction. "Gang members tried to recruit my 10-year-old son to sell drugs, and then threatened us when we did not comply," stated Sara from Guatemala.

**EXHIBIT 38** Daily Mail Online. 'Kill, rape, control: The 20,000- strong MS-13 gang's legacy of murder, drugs and human trafficking is exposed after its tattooed thugs are put on trial for murders across America'. <sup>3rd</sup> March 2017.

**Page 578:** The gang operates by targeting children as young as eight in urban areas heavily populated with Central American immigrants.

**EXHIBIT48** - S. Nolen, 'Menaced by gangs, El Salvador's Children are Running for their Lives' 29 August 2015

**Page 646:** The gangs derive a significant portion of their income from extortion: Every business pays, in a regular envelope collected by a child of 6 or 7.

**EXHIBIT48** - A Moloney, 'Women "run for their lives" from Central America gang violence—U.N.' *Thomas Reuters Foundation* (28 October 2015).

**Page 670:** Thousands of women flee their homes in parts of Central America and Mexico each year to escape armed gangs and domestic violence and seek refuge in the United States, a flow that is becoming a refugee crisis, the U.N. refugee agency says.

The number of women, some with children, fleeing rampant gang violence in parts of Mexico, and the Northern Triangle region of El Salvador, Honduras and Guatemala, is rising...

"With authorities often unable to curb the violence and provide redress, many vulnerable women are left with no choice but to run for their lives," Antonio Guterres, head of the U.N. refugee agency (UNHCR), said in the report.

**Page 672:** All the women interviewed had either been recognized as refugees or been screened by U.S. authorities, "and determined to have a credible or reasonable fear of persecution or torture," the report said.

Nearly two-thirds of the women said threats and attacks by armed criminal gangs, including rape, killings, forced recruitment of their children and extortion payments, were among the main reasons why they left their home countries.

**EXHIBIT 52- Center for Gender and Refugee Studies. 'Childhood and Migration in Central and North America: Causes, Policies, Practices and Challenges: Chapter 4 El Salvador Universidad Centroamericana Jose Simeon Callas'. February 2015.**

## **2. Gender violence**

**Page 690:** Homicides of women have increased at an alarming rate over the last decade. In 2000, there were 193 reported murders of women. This number reached 580 in 2010. In 2000, femicides/feminicides accounted for 5.4% of all homicides in El Salvador. In 2010, that number had risen to 14.5%. The Small Arms Survey (2012) identified El Salvador as the country with the highest femicide/feminicide rate, with 12 per 100,000 women. Alarming, 1 in 4 women killed in El Salvador are between the ages of 0 and 19; that is, girls or adolescent women. This age group represented 27.9% of all homicides committed in 2009, and 26.6% of those committed in 2010.

According to ISDEMU, between January and December 2011, there were 1,552 reported crimes of sexual abuse against women (delitos contra la libertad sexual de mujeres), consisting of

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rapes, other sexual assaults, statutory rape, and sexual harassment. Of these reported crimes, 42.46% were rapes; 23.39% were other sexual assaults; 22.81% were sexual harassment; and 11.34% were statutory rapes. National Civil Police (Policia Nacional Civil or PNC) figures on rapes of women in 2011 show that most rapes were committed against 12 to 18 year olds, followed by 27.64% committed against 18 to 25 year olds, 14.26% against 25 to 35 year olds, and 12.68% against women 35 to 60 years old. Although the numbers and percentages vary for 2012 and 2013, the same pattern continues; during these years, most rapes were committed against 12 to 18 year olds, followed by 18 to 25 year olds. This has been the situation for over a decade.

*Discrimination and femicide/feminicide Declaration of Aracely Bautista Bayona*

*Salvadoran lawyer, legislative advisor, specialist in human rights and victimology. Mediator and Notary specializing in women's rights and laws pertaining to family and child children.*

*April 2013*

Patriarchal norms define the fundamental sociopolitical structure of El Salvador and disadvantage women in every aspect of Salvadoran society. Among the most entrenched characteristics of Salvadoran society is machismo[.] . . . Society accepts and tolerates men who violently punish women for violating these gender roles or disobeying male relatives. . . . [These grave punishments] include emotional abuse, deprivation of personal autonomy [financial as well as] physical as well as sexual violence. . .

The persistence of feminicides is intrinsically linked to the social norms that condone or permit violence against women and the impunity that results when the existent laws are not enforced or when the opinions of officials within the justice system are biased. In my professional opinion, approximately 40% of femicide victims were also victims of domestic violence who the system had failed to protect. . . . The police and the media regularly refer to feminicides as "crimes of passion," "crimes of jealousy" and "crimes related to social violence generated by gangs" — failing to recognize that these are killings motivated by visceral hate towards women, and justified by social norms which accept the use of violence against women. . . .

El Salvador is a source and transit point in the international trafficking of girls and women. Traffickers target women — especially girls and young women who are vulnerable to kidnapping and disappearance — simply because they are women. Organized criminal networks engaged in drug and human trafficking control vast territorial regions in El Salvador. In these areas, traffickers can easily kidnap, hide and transport women without police interference . .

**EXHIBIT 60 - Laura Pedraza Farina, Spring Miller, James L. Cavallaro. 'No Place to Hide: Gang, State and Clandestine Violence in El Salvador'. Human Rights Program Practice Series: Harvard Law School. 2010.**

**Page 950 (74):** Experts and community workers also told our researchers that gangs were approaching increasingly younger children. Researcher and IUDOP Director Jeannette Aguilar told our team that her

research had uncovered evidence that gangs were targeting children as young as eight or nine years-old for recruitment.

**Page 952 (82):** Salvadoran society's patriarchal view of the appropriate role of women in society, combined with the culture of violence and the search for power that characterize gang structures, create an environment in which women are constant easy targets of abuse not only by rival gangs, but also by male members of their own *clika*.

**Page 953 (86):** Women who are considered to have been disloyal to the gang face dire consequences. For example, Police Commissioner Cotto Castaneda told our team of an imprisoned gang member who had ordered the killing of his girlfriend for having dated someone else. He had given specific directions that she be killed in front of their 5-year-old son, so that the child would learn the consequences of betraying his father.

**EXHIBIT 61 - BRUNEAU, T. C., DAMMERT, L., & SKINNER, E. (2011). *Maras: gang violence and security in Central America*. Austin, TX, University of Texas Press.**

**Page 983 (174):** 'The drugged ones, they go out circling for women they wanted to rape. It happens here: there are so many guys on the streets who like to do it. That is their hobby...And if you walk with your girlfriend, they shoot her, just like that. They left and they were never punished. It's because everyone's afraid: if you report them, they are going to kill you.'

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## CHAPTER 3

### WITNESSES: RISK FROM GANGS AND AVAILABLE PROTECTION

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**EXHIBIT 20-UNHCR Eligibility Guidelines for Assessing the International Protection Needs of Asylum-Seekers from El Salvador, 15 March 2016, HCR/EG/SLV/16/01**

**Page 143:** Persons who resist the authority of the local gang or who even just inadvertently cross it, or who collaborate with the security forces or with rival gangs, are reportedly subjected to swift and brutal retaliation from the gang. Not only are such persons killed by the gangs but their family members are often targeted as well.

**Page 154:** In 2006, El Salvador adopted a law that provides for protection and support to victims and witnesses of crimes. Each year, the programme created by this law reportedly supports around 1000 victims or witnesses, about 50 of whom are 'protected witnesses' (i.e. criminal turncoats), through measures such as the offer of a safe house or a sporadic subsistence stipend.

**Page 155:** However, there are well documented examples of these witnesses, especially the protected witnesses, being tracked down and killed by gangs and other organized criminal groups, including after trial judges allowed or ordered their identities to be revealed during trial proceedings.

3. Informants', witnesses and victims of crimes committed by gangs and other organized criminal groups, or by members of the security forces

**Page 162:** Witnesses and victims of crimes committed by gangs and other organized criminal groups in El Salvador have reportedly been killed by the perpetrators to ensure their silence, even when they have not sought to formally denounce those crimes to the authorities. Those who do denounce the crimes, or who otherwise cooperate with the authorities against gangs or other organized crime groups as 'informants', are reportedly pursued for their 'betrayal', often along with their family members, even when placed in a witness protection programme. Persons giving evidence against corrupt members of the security forces have also reportedly been targeted and killed, even as protected witnesses.

Depending on the particular circumstances of the case, UNHCR considers that 'informants', witnesses and victims of crimes committed by gangs and other organized criminal groups or by members of the security forces may be in need of international refugee protection on the ground of their (imputed) political opinion, or on the basis of their membership of a particular social group, or on the basis of other Convention grounds.

**EXHIBIT 21-UN High Commissioner for Refugees (UNHCR), *Guidance Note on Refugee Claims Relating to Victims of Organized Gangs*, 31 March 2010**

**Page 183:** Gangs may direct harm at individuals who in various ways have resisted gang activity or who oppose, or are perceived to oppose, the practices of gangs. Members of this

group need to be understood in their specific country and societal contexts. In areas where criminal activity is widespread and law enforcement is incapable of protecting people from gang violence, a person expressing opposition to

Gangs will often stand out from the rest of the community. Such "gang resisters" may be grouped broadly into the following categories:

**d. witnesses of crimes committed by gangs, or individuals who have reported such incidents to the authorities who subsequently become vulnerable to violence as a form of deterrence or retribution;**

**Page 185:** Family members of the above categories may also be routinely targeted by gangs. Typically, families could be subjected to threats and violence as an act of retaliation or to exert pressure on other members of the family to succumb to recruitment attempts or extortion demands. Even though the applicant may not have personally opposed the gangs or does not share the views of his/her family members, the gang or in some cases agents of the State may attribute such resistance or views to the applicant.

**Page 192:** 38. The ethical belief at stake, namely the belief to be "law-abiding", may be considered to be of such a fundamental nature that the person concerned ought not be required to renounce it, as this, in effect, would be tantamount to requiring him/her to give in to the demands of the gangs and become involved in crime.

**Page 193:** 40. An applicant who is a family member of a "gang resister" (or gang member) could also be persecuted for reasons of his/her family membership, for example, where the family has a known record of being opposed to a gang. In such cases, the applicant's "family" may be regarded as a relevant particular social group. Family members may also experience persecution because of their imputed membership in any of the above-mentioned groups.

**Page 195:** 45. Gang-related refugee claims may also be analysed on the basis of the applicant's actual or imputed political opinion vis-à-vis gangs, and/or the State's policies towards gangs or other segments of society that target gangs (e.g. vigilante groups). In UNHCR's view, the notion of political opinion needs to be understood in a broad sense to encompass *any opinion on any matter in which the machinery of State, government, society, or policy may be engaged*".

47... Some jurisdictions have recognized that opposition to a criminal activity or, conversely, advocacy in favour of the rule of law may be considered a political opinion.

**Page 197:** 51. A refusal to give in to the demands of a gang is viewed by gangs as an act of betrayal, and gangs typically impute anti-gang sentiment to the victim whether or not s/he voices actual gang opposition.

### **Page 220: 5.3 Witness Protection Program**

The witness protection program, which is run by the Executive Technical Unit (Unidad Técnica Ejecutiva, UTE), is available for victims and witnesses of crime only during the trial process, after which the person loses government protection. According to the **PDDH**, there are no programs to assist witnesses once they leave the program. In order to access the program, the person has to be referred by the FGR. The Vice-Minister of Justice and Public Security indicated that due to lack of resources, protection is only offered during trial. The Vice-Minister of Justice and Public Security indicated, and without providing further details, that, in some cases, the UTE facilitates exit from the country, but the economic resources to fund these initiatives are limited.

Sources interviewed by the mission indicated that the program has many deficiencies.

According to the

Salvadoran Red Cross, the program does not guarantee the lives of witnesses. Sources indicated that some

witnesses and victims of crime who were in the witness protection program continue receiving threats,

and that some witnesses who are currently receiving protection have been the target of threats and attacks. There are many cases of protected witnesses that have been killed.

## **EXHIBIT 19, Women deported by Trump face deadly welcome from street gangs:**

**The Guardian** describes a similar story of witnesses who have to run and who have no protection from the persecution of gangs, the experts who are trying to protect some of this girls clearly state, that the so called witness protection program the home office uses as a banner of country protecting its victims, is but non existing.

That story has strong similarities with what we are claiming; the objective evidence is overwhelmingly vast compared to what the home office is trying to cover.

## **EXHIBIT 26 - THE NEW WAVE: FORCED DISPLACEMENT CAUSED BY ORGANIZED CRIME IN CENTRAL AMERICA AND MEXICO David James Cantor Refugee Survey Quarterly (2014) 33 (3): 34-68. 10<sup>th</sup> June 2014**

### 3.1.1. Betrayal or enmity

**Page 266:** All three types of criminal groups produce displacement as a result of their perception that the person is an enemy or traitor. Various factors may lead to the formation of such a judgment. Cooperation with the authorities is one example. Policemen and other investigators — especially if they are seen as zealous — may thus attract enmity of the criminal group, as will other persons who denounce the group to the authorities. This includes criminal turncoats — such as the pecetas hated and hunted down by the maras — and inhabitants who report crimes as either a victim or witness. Paranoia about informants is such that the mere act of speaking to a policeman can arouse suspicions. Other examples involve persons suspected of betraying the group to rival criminal organizations or stealing from it. The maras take loyalty to such an extreme that mareros or their partners who leave the mara without permission will be deemed traitors. More aggressive clikas may even label some forms of "resistance" by local inhabitants as a betrayal in these terms.

The common factor is the consequence of such labelling, which usually amounts to a death sentence for the person concerned. Forced displacement is not used here as a strategy to deal with the person since there is no interest on the part of the criminal groups in allowing him/her to live elsewhere. In many instances, the family of the person is also a target for

vengeance or a means to exert pressure on the individual. Occasionally, this extends also to other associates or even the whole community. Displacement in this scenario is thus entirely a pre-emptive strategy by such persons to avoid this fate, although it may be preceded by attacks on the person and his or her family. These displacements exist in all of the zones where the criminal groups act. The overall flow of persons is not large and is constituted by atomized individuals or families who leave quickly and invisibly owing to their acute safety concerns both pre- and post flight.

**EXHIBIT 35 - UNHCR, 'Gangs menace Central Americans seeking refuge in Guatemala: Refugees from El Salvador and Honduras are being hounded in Guatemala by the street gangs they fled.' 1<sup>st</sup> July 2016;**

**Page 485:** The Mara Salvatrucha and its arch-rival, Barrio 18, emerged out of the chaos of civil wars that wracked Guatemala and El Salvador in the 1980s. The legacy of conflict and poverty also provided fertile conditions for growing institutional corruption and the consolidation of their increasingly organized criminal activities.

The gangs, and their affiliates, now operate throughout the so-called Northern Triangle of Central America, comprising El Salvador, Honduras and Guatemala. Refugees fleeing one country to another increasingly report being snared in their activities, among them Omar\*, a former soldier turned bus driver who fled El Salvador after gang members nearly succeeded in killing him. He explains how he first fled his home in rural El Salvador in 2009, after witnessing the murder of his neighbour.

"The maras saw me watching as they shot him in the head," he says. "The next day, as I was finishing my bus route, a policeman asked me to get down off the bus. I heard another voice say: 'That's the one who saw us.' I didn't hear the gunshot."

The bullet struck him in the head. Miraculously, it passed under his ear and through his jaw.

"I woke up 20 seconds later, with my blood and teeth in a pool around my face," he said, tilting his head to show the scars. "Soon, the maras found out I had survived, and passed on a warning to my boss."

Omar fled to the United States, but was subsequently deported. On returning to El Salvador, he found that his daughter Eunice,\* then 15, had given birth to a child after being raped by a local mara leader. Omar called the police.

"It was a mistake to report the crime," he says bitterly. "The police just told my daughter's rapist who had reported on him."

Now 52, Omar, his daughter and his granddaughter, Sofia, fled to Guatemala in the dead of night, but, according to Omar, they remain in "the same situation" as the one they fled.

Eunice has received a string of threatening Facebook messages from members of the same gang whose boss raped her. She also claims to have recognized another member of that gang while walking through the park near her home.

**EXHIBIT 47 -The Guardian. N. Lakhani, 'Central America's Rampant Violence Fuels and Invisible Refugee Crisis' 13 October 2016**

**Page 635:** The numbers are staggering, and governments are doing little to protect people from warring gangs and corrupt security forces. Yet entire families who are now seeking asylum are being sent back and told to simply live elsewhere.

One day in March, on his way to visit a family in a neighbourhood controlled by the Mara Salvatrucha (MS 13) gang, Hernandez witnessed a beating by gang members. Too scared to intervene, he hurried past, completed his visit and started his long walk home.

The four assailants were waiting for him.

"I pleaded with them to let me live. I said I had children, that I'd say nothing," said Hernandez, 31. "They agreed to spare my life but told me never to return."

The victim was found dead three days later — one of 611 homicides in the tiny Central American nation that month.

Hernandez was scared, but couldn't find another job. So when he returned to visit the same family a month later, he took a different route and left his uniform at home in hope of going unnoticed.

But he was spotted by gang informants, and the same four youngsters confronted Hernandez with baseball bats, accusing him of spying for a rival group.

"They took down my address from my identity card, and threatened to kill my whole family if they ever saw me again. We left El Salvador five days later," said Hernandez, now living with his wife and two children in a sparsely furnished room in Tapachula, in southern Mexico, where they are seeking asylum. The Hernandez family are part of an alarming exodus of

entire families forced to flee widespread violence in Central America's northern triangle, the world's most dangerous region outside an official war zone.

As huge numbers of Syrian and African refugees risk their lives crossing the Mediterranean Sea to escape war-torn states, advocates say a parallel refugee crisis has unfolded on America's doorstep amid an undeclared but increasingly brutal war between criminal groups and security forces.

**EXHIBIT 48 - S. Nolen, 'Menaced by gangs, El Salvador's Children are Running for their Lives'**  
**29 August 2015**

**Page 644:** And when Fernando resisted, it escalated to phone calls at all hours of the night: *"We will cut your tongue out. We will cut your ears off. We will dig out your eyeballs. We see you walking to school. We are coming."* A car with tinted windows crept along beside the path where he walked to class each morning.

There was no help to be had from the police, who almost never investigate these crimes — and if the gang knows you have reported them, it means certain death.

**EXHIBIT 60 - Laura Pedraza Farina, Spring Miller, James L. Cavallaro. 'No Place to Hide: Gang, State and Clandestine Violence in El Salvador'. Human Rights Program Practice Series: Harvard Law School. 2010.**

**Page 938 (28):** The use of witness protection measures during trial — such as voice distortion and faceless witnesses — has generated friction between the Office of the Prosecutor and the judiciary since the enactment of the first witness and expert witness protection regime in 2001.

Because the regime did not include strong post-trial protection measures (such as relocation assistance), it did little to ensure witness safety in practice. Finding that the regime violated defendants' due process rights while failing to guarantee witness safety effectively, most judges refused to admit the testimony of faceless witnesses at trial.

**(29 footnote 81):** Interview with Juan Antonio Duran Ramirez, Juez de Senencia de Chalatenango [Judge in the First Instance, Chalatenango Sentencing Tribunal], in San Salvador (Mar. 26, 2008);

*"In practice, protection is symbolic, because after witnesses give their testimony, they are sent back home. They continue living in the same environment and are rarely relocated."*

**Page 958 (123):** This over-reliance on witness testimonies at trial may, paradoxically, also be responsible for increased attempts on the lives of witnesses (or potential witnesses). According to judge Juan Antonio Duran: "Attacks against witnesses are a relatively recent phenomenon, which began taking place in 2003 when the government launched its Firm Hand initiative. In a way, [by relying almost exclusively on protected witnesses], the government has sent a message to gang members that if they can get rid of witnesses, the case against them will disappear." Similarly, criminal defense attorney Carlos Manuel Quintanilla told our researchers that, in his experience, gang members actively seek to kill potential witnesses who could testify against them because they know this will likely ensure their impunity. In fact, newspaper sources contain innumerable narratives of witnesses who have been targeted by gang members. Likewise, our researchers spoke with witnesses of gang-related violence who had reason to fear for their lives but were not provided adequate protection.

**Page 962 (160):**

**EXHIBIT 43 - Canada: Immigration and Refugee Board Canada, 'El Salvador: Police corruption and abuse; government measures to fight police corruption and abuse; police oversight mechanisms and their effectiveness; procedures for filing complaints against police officers' (Refworld NB: not a UNHCR publication. Published by Canadian Refugee Board) 8 September 2015**

**Page 607:** Sources indicate that there is corruption among the National Civil Police (Policia Nacional Civil, PNC) and that the police force has been infiltrated by criminal organizations (UCA 19 May 2014; Silva Avalos Mar. 2014, 2; IUDOP Sept. 2014, x). The Global Corruption Barometer 2013 [1], by Transparency International (TI), notes that 87 percent of respondents declared that the PNC was "corrupt/extremely corrupt," and 18 percent said they had paid a bribe to PNC officers (TI 2013).

**Page 608:** Sources report that members of the security forces, including the PNC, have been accused of being involved in unlawful killings (ibid., 26; US 25 June 2015, 1). Country Reports 2014 indicates that as of July 2014, the PDDH received 17 complaints of alleged unlawful killings committed by "security, military, and other public officials" (ibid.). According to the PDDH annual report, the majority of victims are young people accused of being gang members (El Salvador July 2014, 26). The Washington Post cites Pedro Gonzalez,

head of the anti-gang unit of the PNC, as stating that "[t]he population supports [the killing of gang members]. They are seeing that the aggressive behaviour of the police keeps the gangs from growing" (25 May 2015).

El Diario de Hoy, a San Salvador-based daily newspaper, reports that, according to a PNC statistics report that does not include data from the western part of the country, namely the departments of Santa Ana, Sonsonate, and Ahuachapan, 377 PNC officers, including those who killed a gang member in self-defense, were detained between 1 January and 7 November 2014 (El Diario de by 17 Jan. 2015). The same source adds, without providing details, that from 2009 to 31 October 2014, officers were sanctioned for aggravated theft, extortion, arbitrary detention, affiliation to gangs, and/or drug trafficking, among other crimes (ibid.).

An editorial piece by the Central American University "Jose Simeon Callas" (UCA) in San Salvador states that, despite the presence and evidence of corruption and infiltration of the PNC by organized criminal groups during the last two decades, the Salvadoran government attitude has been one of [translation] "minimizing, denying and downplaying accusations, and pointing out that nothing can be proved [on these cases]" (UCA 19 May 2014).

Sources state that efforts to purge the PNC have been unsuccessful (La Prensa Grafica 13 May 2014; IUDOP Sept. 2014, 83). A qualitative study on public security in El Salvador undertaken by the Public Opinion University Institute (Instituto Universitario de OpiniOn Publica, IUDOP) [2] of UCA suggests that, among the reasons why the purge of the PNC has faced obstacles are the negligence and lack of collaboration of PNC high-ranking officers to make progress in the investigations, which [translation] "often" leads to the expiry of the statute of limitations, and the "code of silence" among PNC officers (ibid.).

**EXHIBIT 56 Central American Gang-Related Asylum: A Resource Guide. Washington Office on Latin America (WOLA), May 2008.**

**Page 858:** Additionally, the governments of El Salvador, Honduras, and Guatemala have shown themselves to be unable and unwilling to effectively protect their citizens from gang-related persecution.

Central American governments have thus far shown themselves unable and/or unwilling to respond effectively to the gang problem, and in fact their approaches have exacerbated the gang phenomenon.

Mano Dura policies have been ineffective in reducing crime and violence, and they have had the effect of increasing tension between gang members and police, turning youth who appear to be involved with gangs into targets for the police, and making police officers the target of gangs.

**EXHIBIT 57 - International Crisis Group. 'Mafia of the Poor: Gang Violence and Extortion in Central America'. Latin America Report No 62.**

**Page 886:** Repressive and militarized policies toward the gangs have proved not merely ineffective, but counterproductive. Efforts to negotiate a truce with the gangs have likewise come unstuck, leading to a spike in murders in El Salvador after talks fell apart.

**Page 891:** Part of the public and most of the media celebrated *mano dura* policies, whereas human rights organizations generally decried the crackdowns. But the measures were unable to sustain any long-term violence reduction as most suspects were released due to a lack of evidence, or underwent repeated short-term detention. More importantly, these measures transformed *maras* into more sophisticated criminal organizations. *Mareros* were sent to prisons reserved for each gang, where they were able to strengthen their leadership system, organise criminal operations and recruit new members. Extortion rackets began to operate from within prisons, which became "incubators" of crime. Salvadoran prisons are among the most overcrowded in the world, with occupancy standing at 310.4 per cent of capacity in 2016, and 567 Salvadorans out of every 100,000 are imprisoned.

**EXHIBIT 58 - InSight Crime. 'El Salvador Ex-Mayor Ordered Gang to Kill Local Official, Police Say'. 23<sup>rd</sup> March 2017.**

**Page 921:** Authorities in El Salvador say a former mayor who was arrested last year had ordered gang members to kill a municipal official, revealing the dangers of too much interaction between gangs and city hall.

**EXHIBIT 60 - Laura Pedraza Farina, Spring Miller, James L. Cavallaro. 'No Place to Hide: Gang, State and Clandestine Violence in El Salvador'. Human Rights Program Practice Series: Harvard Law School. 2010.**

**Page 936:** The primary governmental response to the gang phenomenon, which has relied heavily on repressive law enforcement-military tactics, mass arrests, and profiling youth and alleged gang members, has been ineffective and even counter-productive.

Human rights organizations and civil society observers emphasize that a large percentage of homicides in recent years bear the mark of death squad executions. Clandestine groups that act much like the death squads that terrorized the country during its extended civil conflict have targeted alleged gang members or other criminal suspects and, increasingly, political leaders. They have operated with impunity and are thought to have ties to police forces. Indeed, several credible reports indicate that clandestine structures operating within El Salvador's National Police and in alliance with the private sector have been responsible for at least a portion of these extrajudicial killings.

**Page 937 (13):** El Salvador's judicial system, whose susceptibility to manipulation by powerful political and economic actors is often cited as one of the primary causes of the civil war, continues to be incapable of guaranteeing the rule of law more than a decade and a half after the end of the conflict.

One notable indication of the deeply-rooted weakness of the Salvadoran justice system is the fact that in the post-war period, domestic courts have rarely, if ever, investigated or prosecuted the perpetrators of human rights violations committed during the conflict.

**Page 939 (35): Failure to Build Effective Police Institutions in El Salvador**

According to El Salvador's Ombudsperson's Office, the PNC, more than any other institution in the country, has participated in human rights abuses associated with the recent crackdown on youth gangs<sup>4</sup>.

**Page 940 (36):** The PNC was established as part of the Peace Accords and resulted from careful deliberation by international negotiators. Unfortunately, however, the PNC failed to develop into a transparent, professional, and competent public institution.

(37): The strong presence in the PNC of actors associated with the militarized public security institutions from the years of military rule has helped to foster a climate within the force antithetical to the protection of human rights and the rule of law in El Salvador.

**Page 40:** In addition to the troubling, disproportionate presence of actors linked to the militarized national security forces of the pre-1992 era, a lack of resources and political will have impeded the professionalization of the PNC, generating serious deficiencies in its ability to investigate and prosecute criminal activity.

**Page 941 (41):** In particular, police forces were shown to have grave investigative deficiencies: in the vast majority of unsolved cases, the police failed to conduct a follow-up investigation after initial interviews at the crime scene and neglected to carry out basic inquiries (such as interviewing witnesses and victims) requested by the Office of the Prosecutor.

**Page 955 (97):** These people who live under constant threats or in fear of being threatened with *renta* collections have legitimate reason to be concerned. As Maria Julia Hernandez, Director of the Human Rights Office of the Archbishop of San Salvador (*Tutela Legal del Arzobispado de San Salvador* or *Tutela Legal*) explained, "those who don't pay *renta* run the risk of being executed, among other things."

1. *"My son's grandfather told me that his family had begun receiving telephone calls from people threatening to hurt our family if he did not give them money. They knew about different members of the family and threatened them, saying they would come for me son's father first. They asked him, "where are your detectives now?" They told him they could kill him if they wanted, that they were in front of his house and that he could come out and see. He looked and they were outside... We have not received any form of protection since we filed the complaint. We know a lot of people who have been extorted."* — Young mother who was packing to flee El Salvador as we spoke because of repeated threats of extortion that made her fear for her son's life, in San Salvador (August 26, 2006). Interview with Luis Enrique Salazar Flores. Procurador Adjuno de la Niiiez y la Juventud (Adjunct Ombudsperson for Children and Youth), in San Salvador (Jan. 22, 2009).

**Page 957 (108):**

A. Direct State Responses to Violence

Crime prevention strategies are centered on state repression which, in turn, generates more violence. New laws are constantly being formulated, as if laws were a magic wand that

would solve the country's problems. — Doris Luz Rivas Galindo, Presiding Justice of the Juvenile Court of San Salvador, in San Salvador (Jan. 22, 2009).

**Page 959 (144):** Salvadoran human rights organizations have also documented cases of severe physical abuse and killings committed by PNC officers in recent years. The National Human Rights Ombudsperson's Office reports that complaints of human rights violations committed by the police constitute the single largest category of denunciations that the office receives (see Figures 6, 7a, and 7b).

**Page 960 (157):**

B. Secondary State Responses to the Gang Phenomenon: Impunity

In addition to its direct role in the commission of human rights abuses against actual or alleged gang members or other criminal suspects, the Salvadoran government also regularly fails to uphold its obligation to ensure the security of its population and to investigate and prosecute those responsible for violence. The Salvadoran justice system as a whole is considered weak and ineffective (see Chapter II), but the state's failure to protect the poorest and most vulnerable of its citizens — those most likely to be victims or perpetrators of violence — is especially pronounced. International human rights norms impose affirmative obligations on states to ensure the protection of fundamental rights and to provide public security. The government's failure to protect certain classes of Salvadoran citizens thus constitutes a serious violation of the most basic international human rights standards, including the rights to life and physical integrity.

In El Salvador, the lack of protection for presumed or future victims of gang and other violence takes a number of forms, including failure to ensure the security of potential victims of violence; a lack of effective witness protection; and inadequate or non-existent criminal investigations into alleged or presumed inter- or intra-gang violence.

**Page 961 (158):**

2. Failure to Ensure Public Security/Provide Effective Protection

Actual and threatened victims of violence interviewed by our researchers in El Salvador — including suspected or imputed gang members and residents of areas with a heavy gang presence — reported that Salvadoran police were unwilling or incapable or providing citizen protection. A resident of a poor urban region outside San Salvador, emphasizing the ineffectiveness of police presence in the area, told our researchers that police abandon their posts and disappear when gang members take to the streets in her area, leaving citizens vulnerable to extortion, threats, and violence. Another resident of that region told us that the two major gangs' geographic control was so complete that residents of an area controlled by one gang could not go into the area controlled by the other gang. *"There is no freedom of movement here,"* she explained.

**Page 964 (164):**

3. Persistent Impunity: The State's Failure to Investigate and Prosecute

Finally, in spite of the repressive law enforcement strategies employed by the Salvadoran state in recent years, the rates of investigation and prosecution of homicides in El Salvador remain extremely low.

The causes of this persistent impunity are complex, but can be grouped in three general categories. First, and most basically, Salvadoran police and justice institutions still lack the capacity to investigate and prosecute crimes effectively. As criminality in El Salvador becomes increasingly organized and complex, these institutional weaknesses have translated into deep limitations in the state's ability to control violence and bring perpetrators to justice.

(165): Second, political will to dedicate police, investigatory, and prosecutorial resources to cases in which the victims are poor and marginalized and/or seen as gang members or criminals themselves has been lacking.

**Page 965 (166):** Third, as discussed in Chapter V, there are indicators that some Salvadoran state and law enforcement authorities may be complicit in, or at least consciously and deliberately indifferent to, extrajudicial killings and social cleansing. This is perhaps the most worrisome factor contributing to high levels of impunity and a widespread sense of public insecurity in El Salvador. Salvadoran rights groups link the current failures of the Salvadoran state to investigate homicides, including possible extrajudicial and death squad killings, to the legacy of impunity for the grave abuses of the civil war and the decades of authoritarianism that preceded it.

**EXHIBIT 61 - BRUNEAU, T. C., DAMMERT, L., & SKINNER, E. (2011). *Maras: gang violence and security in Central America*. Austin, TX, University of Texas Press.**

**Page 977 (123):** Chapter 6: State Power and Central American Maras: A Cross-national Comparison fEnrique Desmond Arias].

Evidence from around the globe suggests that organized crime often thrives in collusion with the state rather than in opposition to it, and effective law enforcement is more often associated with open and transparent preventative and investigative policing activities than with harsh and abusive security strategies.

**Page 978 (137):** Chapter 7; Government Responses and the Dark Side of Gang Suppression in Central America [Jose Miguel Cruz].

Why have Central American *maras* become so violent and organized? How did youth gangs in El Salvador, Guatemala, and Honduras turn into a major threat to security in North America, while in Nicaragua they still remain street bands? What is the key difference in the evolution of the gang phenomena in these Central American countries?

**Page 979 (138):** The main argument is that in order to understand why youth gangs have evolved into criminal organizations in El Salvador, Guatemala, and Honduras but not in Nicaragua, we should study the degree to which government attempts to curb gangs involved a significant share of informal measures. Such measures have entailed state actors operating on their own, as well as the use of illegal activities, to suppress and control gang violence. This is not to say that government responses in Central America, particularly in the gang-ridden countries of Honduras, Guatemala, and El Salvador, were all illegal or that top government officials deliberately sought to break the law in their battle against *maras*. It means that in the institutionally weak and unstable states of Central America, every policy to tackle *maras* has been

#### Internal Displacement

**Page 221:** Some persons who are deported back to El Salvador face displacement upon their return to the country. Without providing further details, the PDDH indicated that young people who are deported back to El Salvador are at risk of being re-victimized. Foundation Cristosal indicated that **upon their arrival to communities, they start to be questioned by the gangs. Dr. Gaborit indicated that many deportees enter in a situation of displacement, moving "two or three times just to get enough money to leave the country again."**

**Internal relocation is "difficult" in El Salvador due to the close-knit nature of its communities where everybody knows one another.** The LGBTI Justice Clinic (Asistencia Legal para la Diversidad Sexual-El Salvador, ALDES) indicated that relocation for people fleeing the gangs is "very difficult" as the **reach of these structures mean they are able to find a person anywhere in the country.** Sources indicated that **when a person moves from one community to another, he or she is investigated by the gang in the new location.** **When a person moves from a community dominated by one gang into a community dominated by the same gang, the clique in the new place will collect information about that person to cross-reference it with the clique that operates in the place of origin. Also, when the person moves to a territory controlled by another gang, he or she could be killed.** According to Foundation Cristosal, this is a mechanism communities have to "protect themselves from strangers." Dr. Gaborit explained that **gangs have a sophisticated communications network, with a comprehensive network for spying and sharing information.** Sources indicated that gangs collect information in different ways, such as through their legal businesses, stores and car wash spots within the neighbourhood. They also infiltrate companies, call centres, and supermarkets. **Gangs have the capability to find out, within a short time, where a displaced person has moved.** According to the IGSP, internal relocation for victims and witnesses of crime is possible in El Salvador, but added that if the party in pursuit is committed to find the victim, it is "very probable that the person will be found."

## **EXHIBIT 24 - Canada: IRBC, El Salvador: Information Gathering Mission Report - Part 2.**

**The situation of women victims of violence and of sexual minorities in El Salvador, September 2016.**

**Page 242: 4.6 Possibility of Relocation and Traceability of Women Fleeing Violent Situations**

On the question of whether a woman facing threats from a former spouse or partner could relocate to another part of the country, several sources indicated that it would be very difficult for women to relocate.

Moreover, it would be difficult for women to move to another neighborhood because of territorial control by gang members, as she might be perceived to be associated with a rival gang. Regarding the traceability of women fleeing their partners, interlocutors indicated that it is easy to locate someone who moved to another part of the country. According to the Inspector General of Public Safety (Inspector General de Seguridad PUblica, IGSP), it is

possible for a person to move to another part of the country when that person was victim or witness of a crime, however if the perpetrator wants to find the victim, it is "very possible that he will." ORMUSA indicated that aggressors could track women using various methods, such as asking family members or third parties, including colleagues from work, or through the officials, because of the widespread corruption. ORMUSA stated that for a woman who is being pursued after fleeing a violent situation, it is "easy to find a woman in the capital and even easier to locate someone in rural areas." The Foundation for the Study of Applied Law (Fundacion de Estudios para la Aplicacion del Derecho, FESPAD) stated that, according to them, it is "easy" to identify a new person in

the community because communities are closed off to outsiders and the person will be asked by the gang that operates in the place where she arrives to produce their identification (Documento Unico de Identidad, DUI) in order to identify where they come from and which gang is in control of that territory. Interlocutors noted that gangs have an efficient nationwide network of contacts and "sophisticated communications systems." Dr. Mauricio Gaborit, Professor of Social Psychology at the Central American University "Jose Simeon Callas," expressed an opinion that when a person leaves a neighborhood controlled by a gang and moves to another area, the gang can locate that person in less than 24 hours. If a person moves to a neighbourhood with the same gang, the gang members will know if he or she had a problem with the gang in the original neighbourhood. If the person moves to a neighbourhood where a different gang controls the territory, he or she will be perceived as the enemy and might be killed.

**EXHIBIT 26 THE NEW WAVE: FORCED DISPLACEMENT CAUSED BY ORGANIZED CRIME IN CENTRAL AMERICA AND MEXICO** David James Cantor *Refugee Survey Quarterly* (2014) 33 (3): 34-68. 10<sup>th</sup> June 2014

### 3.2.1. Gang warfare in the Northern Triangle

**Page 270:** Among the maras of the Northern Triangle, the territory of each clika is well-established and mareros caught in the territory of a rival can expect violent consequences. Even if the wholesale invasion of the territories of rival klikas is less common than might be expected, this should not distract from the fact that episodes of acute confrontation between and within maras do erupt periodically in each of these countries. Such gang warfare occurs not only between the rival B-18 and MS-13 maras, but also between mara and non-mara gangs, and

even between clikas from a single mara movement. The participants in these disputes sometimes extend to include clikas from nearby countries, as well as other criminal actors allying themselves with one or other side.

**EXHIBIT 27 - Amnesty International.** *Home Sweet Home? Honduras, Guatemala and El Salvador's role in a deepening refugee crisis.* **14 October 2016, Index number: AMR 01/4865/2016**

**Page 301:** The inability of these countries to halt the gangs' rapid growth and control of territory, coupled with the complicity and abuses of frequently corrupt law enforcement and security forces, has left people unprotected and at risk of violence. It is not only their lives and safety which are under threat, but their ability to enjoy other human rights including their right to freedom of movement and education. The struggle for territory between the gangs has left invisible fault lines throughout the countries, which people are not allowed to cross, no matter if their relatives, job or school lies on the other side of these lines.

**EXHIBIT 29 - Latin American Research Review, Vol. 49, No. 2 2014 by the Latin American Studies Association.** *'Pandillas and Security in Central America'.* **Thomas C. Bruneau. Naval Postgraduate School.**

**Page 355:** Further factors that lead some observers toward defining the gangs as organized crime are those that show them to be increasingly sophisticated and organized. These include their more systematic use of intelligence in their activities; their regional and even international networks; their extensive use of extortion to finance their organizations and some of their activities; and their methods of laundering money, for example from extortion, by sending it via Western Union to the United States and then having it sent back in the form of workers' remittances. Edgardo Amaya, who was at the time of our interview an advisor in the Ministry of Justice and Public Security, El Salvador, considers many of the main gangs, especially MS-13 and Calle 18, to have evolved into a form of organized crime.

**EXHIBIT 35 - UNHCR, 'Gangs menace Central Americans seeking refuge in Guatemala: Refugees from El Salvador and Honduras are being hounded in Guatemala by the street gangs they fled.' 1<sup>st</sup> July 2016;**

**Page 486:** Omar and Alejandro's bitter realization that they were still not safe in the country where they sought refuge is far from unique today, as dramatic new conflicts breakout, or reignite around the world, and lasting solutions for the forcibly displaced — such as resettlement to a third country, or safe return home — remain elusive.

While global figures are hard to pin down, UNHCR, the UN Refugee Agency, is noting numerous instances in which potentially deadly threats are catching up with refugees in the places they have sought protection — whether in the Middle East and Africa, or in countries in the northern region of Central America, in the grip of the maras.

***"These criminal groups... have brought a silent war to Guatemala, El Salvador and Honduras."***

**Page 487:** "The presence of these criminal groups crosses borders. They have brought a silent war to Guatemala, El Salvador and Honduras," said Enrique Valles-Ramos, the head of the UNHCR's Guatemala office. "Because of this, many refugees will flee to Guatemala from situations which are very dramatic, and find similar realities to those that they have fled. The cases of people fleeing gang persecution and violence are among the most vulnerable that we see."

Faced with proliferating insecurity, and a related shrinking of areas of real safety, UNHCR has called for greater diplomatic efforts to find lasting solutions to the conflicts and abuses that are driving people from their homes — and now, all too frequently, keeping them on the run.

"Guatemala is no refuge," Omar says. "The people who want my family and I dead could be here in three hours if they wanted."

**EXHIBIT 36 - UNHCR. 'Women on the Run: FIRST-HAND ACCOUNTS OF REFUGEES FLEEING EL SALVADOR, GUATEMALA, HONDURAS, AND MEXICO. A Study Conducted by the United Nations High Commissioner for Refugees'. October 2015.**

**Page 495:** Sixty nine per cent of the women interviewed for this report attempted to find safety by going into hiding in other parts of their home countries. Women moved to other neighborhoods, often moving in with family members or close friends. Many tried to

remain invisible by constantly barricading themselves and their children inside the home. Yet women repeatedly stated that members of criminal armed groups were able to track them when they moved, and emphasized that even in new locations, they continued to experience similar levels of violence.

**EXHIBIT 45 InSight Crime. 'Living Within the Boundaries of El Salvador's Gang 'War'. Oscar Martinez 7th January 2016.**

**Page 623:** The idea that people get used to living within gang boundaries, or that farmers like to get up at three in the morning, or that domestic workers manage to cover their expenses on miserable salaries, are ideas born from the comfort and cowardice of those who are not these people.

**Page 624:** All the tension that accompanies the day from start to finish, just to get to and from work, may even be the least of the problems arising from these gang boundaries. A father told me he couldn't visit his son at home, and vice versa. He and his son live 10 meters apart, but the street that separates them in the Popotlan II colony, located in the municipality of Apopa, is not a street but a border. On the son's side the Barrio 18 Revolucionarios govern. On the father's side, the Barrio 19 Sureños.

The official discourse tends to suggest that the majority of victims are gang members, that this war only kills fighters. Nevertheless, tens of thousands of people living on the margins may die for a simple mistake. If the father crosses the street to say hello to his son. If the woman goes to her aunt's funeral. If the youth falls asleep and does not get off the bus at the entrance to Monteblanco.

I asked the youth how he managed to learn this framework of the colonies if he is unable to visit them. He says he visited some before the war intensified and the borders became inviolable.

**EXHIBIT 47 - The Guardian. N. Lakhani, 'Central America's Rampant Violence Fuels and Invisible Refugee Crisis' 13 October 2016**

**Page 636:** This toxic mix of warring gangs and corrupt security forces is driving one of the world's least visible refugee crises, Amnesty International will say in a new report on Friday.

"What is shocking is the absolute lack of protection their governments are providing their own people," Salil Shetty, Amnesty's general secretary told the Guardian.

Rejecting asylum claims on the grounds people can relocate within their own country violates national and international protocols, according to Perrine Leclerc, director of UNHCR in Tapachula.

"Internal relocation as a safe alternative to asylum should only be used in very specific circumstances and not in small countries like those in Central America where violence is generalized," she said.

#### **EXHIBIT 48 S. Nolen, 'Menaced by gangs, El Salvador's Children are Running for their Lives'**

**29 August 2015**

**Page 646:** The neighbourhood is in the control of the Barrio 18, one of the two main gangs in El Salvador. Two streets over, it's the territory of the Mara Salvatrucha 13. Gang members cannot cross the invisible border; a civilian also stands a reasonable risk of murder for crossing — no matter if your school or your job or the bus stop is on the other side. Extortion,, kidnapping and robbery happen in every part of El Salvador, but it is blue-collar neighbourhoods like this one that the state has essentially ceded to the gangs.

**Page 648:** The Barrio 18 knew where he had gone, of course. And his attempted flight would be seen as an act of treachery.

#### **EXHIBIT 70 - Marked for Death: The Maras of Central America and those who Flee their Wrath. Jeffrey D. Corsetti, 20 Geo. Immigr. L.J. 407, 2005-2006**

##### B. Local and Transnational Operations

**Page 770:** Evidence suggests that individual cells communicate with each other to coordinate criminal activities (e.g., drug dealing, conducting hits, etc.). In addition, the barriers to intrastate and transnational coordination of activities are decreasing with the proliferation of communications technologies throughout Central America. Assuming such trends continue, those who oppose the gangs (and their loved ones) literally have nowhere to run and hide. In geographically small countries like El Salvador -no larger than West Virginia, or Guatemala -- the size of Virginia, it is inconceivable that an individual or an entire family could escape the maras through simple relocation and begin a new life without fear of retribution.

Gang cells, or cliques, use technology to their advantage to increase their influence over larger areas of their relatively small countries. The spread of cellular phone technology

makes intrastate and transnational communication easier. The internet also provides an effective tool for individual gang members to communicate with one another. Mara 18 even operates a website. The practical impact of such communication and gang coordination is to deprive the applicant of safe relocation options.

**EXHIBIT 57 - International Crisis Group. 'Mafia of the Poor: Gang Violence and Extortion in Central America'. Latin America Report No 62.**

**Page 885:** The cross-border links between these gangs in the three Northern Triangle countries, as well as reported connections between them and drug, arms and human trafficking organizations operating in the region, have spurred fears that these groups pose international security threats.

**EXHIBIT 60 -Laura Pedraza Farina, Spring Miller, James L. Cavallaro. 'No Place to Hide: Gang, State and Clandestine Violence in El Salvador'. Human Rights Program Practice Series: Harvard Law School. 2010.**

**Page 936 (ix):** There is also evidence that organized criminal networks have been operating with growing sophistication and impunity in El Salvador. The relationship between these organized criminal networks and the upper tiers of gang hierarchies is uncertain, as is the role of state actors in these activities, but the effect on Salvadoran citizens — a deepening sense of fear and insecurity — is clear.

In the midst of this social and political conflict, individual Salvadorans living in poor and marginalized communities have no place to hide: they are targeted by violent actors on all sides. Young people and other residents of areas with a gang presence, active gang members, and inactive gang members are targeted for threats, abuses, and even killings by gangs, police, and clandestine actors like death squads.

**Page 946 (58):** In the past several years, however, these *clikas* have become increasingly organized and effective at communicating and coordinating with one another. For example, former *clika* leader B.R. told our researchers that the four leaders of his fifty-member *clika* were in communication with leaders from other neighborhoods, and often held meetings with them.

**Page 947 (64):** Although horizontal coordination among Salvadoran *clikas* and vertical coordination with *clikas* operating abroad may be fragmented and informal, our researchers have uncovered reliable evidence that international contacts can be deployed when cooperation is needed for specific tasks, such as seeking revenge against particular individuals or eliminating members who have betrayed the gang and fled the country. For example, Henry Fino, a human rights expert at the Human Rights Institute of "Jose Simeon Callas" Central American University (Instituto de los Derechos Humanos de la Universidad Centroamericana "Jose Simeon Callas" or IDHUCA) told our researchers that gang members were able to target a schoolbus driver who had fled to Honduras.

**(65):** Similarly, Assistant Police Inspector Jose Arturo Amaya Marquez, who works in crime prevention in the city of Santa Tecla, told our researchers: "The MS-13 gang has the ability to track down those individuals who attempt to leave the gang both in El Salvador and abroad. The *clikas* control their territory and are also in communication with the *clikas* in the United States." Gangs' ability to target people in other countries is a function of several factors, including the degree of cooperation between and among Salvadoran and foreign *clikas* and the capacity of law enforcement personnel in those countries. Thus, it is far more likely that gangs will be able to target and kill individuals with impunity in Honduras and other Central American states than they will in countries with much greater law enforcement capacity, such as the United States and Canada.

**Page 956 (100):** *My brothers lived in the area of the Mara 18 and everyone thought they were from the Mara 18....It is assumed that people who come and go in this area are members of the Mara 18.* —resident of a marginalized community of San Salvador 9August 31, 2006).

**(101):**

5. *"In my mom's neighborhood they recently killed two kids. They found them buried by the river. I think they mistook them for members of the Mara-18. I've had problems coming to the center [a center that sponsors activities for youth] because it's close to Mara-18 territory, and I have to go through MS-13 territory to get here, so they think you're an MS-13. Even if they know you're not, they think you are giving them information. That's what I think happened with those two kids."* —20-year-old, not a member of any gang, in Mejicanos (January 21, 2009).

**EXHIBIT 61 - BRUNEAU, T. C., DAMMERT, L., & SKINNER, E. (2011). *Maras: gang violence and security in Central America*. Austin, TX, University of Texas Press.**

**Page 976 (65): Transnational Criminal Organizations?**

Nonetheless, a 2006 survey among imprisoned gang members reported similar results: 28.2 percent of interviewees (data not broken down by gang) admitted sustaining at least sporadic connections with their counterparts in other nations, notably the United States (37.2 percent), Mexico (19.9 percent), Guatemala (15.3 percent), and Honduras (15.3 percent). This coordination was pursued for a variety of purposes, especially to exchange intelligence (42.9 percent); to give and receive orders, codes of conduct, and action plans (23.1 percent); to send money and weapons (17.6 percent); and to help gang members leave the country (3.3 percent).

**Page 981 (211):** From neighbourhood *clicas* to prison gangs and transnational smuggling operations, these gangs permeate Honduran, Salvadoran, and Guatemalan society to the degree that some believe they pose a threat to national security by undermining the ability of these states to govern, and to control their borders and even some barrios of their capitals.

The dire gang situation in Los Angeles, California, where one of our coeditors was born, is humbling; even one of the wealthiest cities in one of the wealthiest U.S. states cannot find a solution to the *mara* problem.

**Page 985 (213):** A revolving door of re-entry and deportation has since facilitated the establishment of transnational organizational structures and illicit business operations. With the *maras* now a hemisphere-wide and entrenched reality, the tendency of Central American governments to scapegoat the United States for their spread, and vice versa, serves only to distract from the serious discussion of cause and effect that must take place within each society.

The *maras*, and for that matter other street gangs in Central America, can be seen as a form of organized crime not because they are involved in drug trafficking — and some of them certainly are, even in Nicaragua — but first and foremost because they have been able to develop complex networks of protection rackets that allow them to survive as groups. Indeed, *maras* have evolved to become sophisticated and hierarchical organizations that carry out a variety of criminal activities.

**EXHIBIT 20 *UNHCR Eligibility Guidelines for Assessing the International Protection Needs of Asylum-Seekers from El Salvador*, 15 March 2016, HCR/EG/SLV/16/01**

**Page 158:** Deportees are reported to be easily identifiable by gang members at the point of return to El Salvador, putting deportees who had left El Salvador because of specific problems with a gang at particular risk. In some cases, deportees and other returnees who left the country due to insecurity or threats have been killed by gangs shortly after arrival in El Salvador. Deportees and returning migrants who bring resources from overseas are also reported to be an identifiable target for extortion by the gangs and thus face heightened threats, as are children and other persons in El Salvador who receive remittances from family members living and working overseas.

Interview with Jose Arturo Amaya Marquez, Subinspector, Area de PrevenciOn. Departamento de La Libertad [Assistant Police Inspector, Crime Prevention Unit, La Libertad Department]. in Santa Tecla (Oct. 22, 2008).