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María Luisa Pastor Gómez

The political influence of the maras
in El Salvador

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Abstract:

The Salvadoran gangs and in particular the Mara Salvatrucha (MS13) have been acquiring more and more power within the country, until they have become a real political power. A power with which all parties have negotiated covertly, either to reduce the high levels of violence in the country or just for electoral purposes, as it has been reported by the newspaper 'El Faro'. The content of the report has been denied by the government but is being investigated by the Attorney General's Office.

Keywords:

Street gangs, MS13, Bukele, El Salvador, dialogue

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Resumen:

Las pandillas salvadoreñas y en particular la Mara Salvatrucha (MS13) han ido adquiriendo cada vez más poder en el seno del país, hasta convertirse en un poder de facto con el que los partidos políticos han negociado de manera encubierta, ya sea para reducir los altos niveles de violencia del país o con fines electoralistas. El diario El Faro relata, en varios informes periodísticos, los presuntos movimientos de aproximación a las maras por parte del actual gobierno. La información ha sido desmentida por las autoridades pero la Fiscalía General ha abierto una investigación.

Palabras clave:

Pandillas, maras, MS13, Bukele, El Salvador, diálogo, tregua

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Introduction

The peace agreement signed by El Salvador in 1992 put an end to 12 years of armed confrontation between the government and the guerrilla group, the Farabundo Martí National Liberation Front (FMLN), and it was hoped that once the civil war was over, the country would be pacified. Unfortunately, violence soon returned and after 28 years of democratic life, no government has managed to reduce it for good, despite attempts at various strategies, both through tough action and undercover dialogue.

The civil war prompted many Salvadoran families to flee to the United States and move, especially to Los Angeles, in search of a peace that many of their children did not experience because they suffered discrimination. To defend themselves, these young people from the diaspora joined Mexican gangs or created their own, and this is how the Mara Salvatrucha (MS13) and Barrio-18, the *letters* and *numbers* respectively in gang slang, were born.

The US authorities launched a fierce deportation policy between 1996 and 2005 and sent many Salvadorans who were members of the Californian gangs back to their country. The returnees hybridised on their return with local gangs and created the fearsome *maras*, particularly violent groups that live primarily from drug dealing, kidnapping and extortion, and terrorise the population.

Over time, the *maras* have gained a presence in the country and have gradually won over the public authorities, to the extent that they have become a de facto force with which the various governments, both national and local, have been forced to negotiate at some point, normally for electoral purposes, which has led some to try to prevent these talks from coming to light.

Government anti-gang policies

From 1989 to 2019, El Salvador has been governed by the two-party system, first by the right-wing Nationalist Republican Alliance (ARENA) which governed for four consecutive legislatures¹ and, since 2009, by the party of the former guerrilla, the

¹ Legislatures in El Salvador run for 5 years, with no possibility of re-election during the following two periods

Farabundo Martí National Liberation Front (FMLN), in power for the last decade. Both developed different strategies to reduce violence.

In 2003, the government of President Francisco Flores, a member of ARENA, launched the “Firm Hand” Plan against the *maras*, using police power under the theory of “zero tolerance”. During this period there were massive imprisonments which caused prison overcrowding. Furthermore, the figures for homicides show that this first plan to aggressively tackle the phenomenon brought about an increase in the spiral of violence.

Although the results of the “Firm Hand” Plan had been negative, Flores’ successor as President of the Republic, Elías Antonio Saca, also a member of ARENA, proposed in 2004 another plan as aggressive as his predecessor’s, called “Super Firm Hand”, with an almost identical programme which, unlike the previous one, did have the support of public opinion. The number of detainees increased again and murders continued to rise, from 2,172 in 2003 to 2,762 in 2004 and 3,825 in 2005, indicating that the objectives pursued were not achieved.

After the failure of ARENA’s repressive plans, the FMLN government led by Mauricio Flores (2009-2013) tried in 2012 to reduce the high number of deaths caused by the fight between rival *maras* for the territories, by promoting a dialogue with the three main gangs, which was called the “truce”. The result was that murders went down, but extortions multiplied, with the aggravating factor that the criminals did not understand negotiation as a sophisticated strategy of the government to reduce deaths but as a weakness of the state, which led the gangs, far from being intimidated, to become emboldened by the power they had acquired.

Both MS13 and the two factions of Barrio-18, freed from the pressure of the ongoing war with the police and the rival gang, took advantage of the nearly two-year ceasefire to rearm, reorganise internally and create closer ties with regional cocaine transport networks. These groups then developed a political and economic strategy that marked the beginning of a profound metamorphosis from street gangs to criminal organisations, with political and territorial control.

Empowered by their ability to negotiate as equals with the government, the gangs came to understand for the first time their true political strength. When they realised that their demands could be met if they left enough bodies on the streets, the gangs rediscovered their basic bargaining tool: homicide.

The truce in effect served to cut the number of homicides by almost half, in exchange for reduced sentences and benefits for the imprisoned *mareros*, as well as the delivery of money and the promise to develop social programmes for the gangs. In the end, the dialogue failed due to a lack of understanding between the parties and the new president, former guerrilla commander Salvador Sánchez Cerén, announced that it had broken off: “There is no room for understanding with them, they are criminals and they must be treated as such”, Sánchez Cerén said a year later.

The immediate consequence of the breakdown of the truce was the rise in homicide figures, which doubled from 2015 onwards, reaching 6,657 murders in that year –103 per 100,000 inhabitants– and 81 in 2016, the two most violent years in El Salvador’s recent history, making this small country –the so-called *thumb* of the Americas– the most violent in the world. In 2015, a total of 85 members of the security forces were killed by the gangs. Even at the beginning of the year, criminal gangs started killing relatives of police and military personnel to spread terror among the population.

Under these circumstances, Sánchez Cerén launched the “Safe El Salvador” Plan, which included a series of “extraordinary measures” to persecute the gangs and return the imprisoned *mareros* to maximum security prisons, such as the one in Zacatecoluca, depriving them of the benefit of being held in less harsh prisons that they had acquired during the truce. As part of these measures, the National Assembly approved, almost unanimously, several reforms of anti-gang laws prohibiting negotiation with their members on the grounds that they are criminals and classified them as terrorist organisations, in a twofold bid by the government for hard-line security policies.

The arrival of Nayib Bukele and the end of the two-party system

The February 2019 presidential election was won by Nayib Bukele, a young politician aged 37, well known in the country as a former mayor of San Salvador. Born into a wealthy family of Palestinian origin from Bethlehem, Bukele entered politics at the age of 30 under the acronym of the FMLN. In October 2017 he was expelled from the party because of disagreements with its ideological line, although some believe that this expulsion was due to the fact that his intentions to make the leap into national politics and run for the presidency of the Republic were known.

Having lost his FMLN membership, Bukele created his own party, “New Ideas”, a tailor-made movement that he failed to register in time for the elections. He thus launched his presidential candidacy for the right-wing Great Alliance for National Unity (GANU) party, a split from ARENA. The young politician ran for election with a critical campaign against the system, full of anti-corruption messages from the traditional parties, with a government plan very much geared towards dealing with insecurity and violence and a skilful mastery of social networks.

This “alternative” politician won a landslide victory in the presidential elections, although until the 2021 parliamentary elections he will have to govern with a legislature dominated by the two majority parties (37 ARENA and 23 FMLN), since he has only 10 seats in the 86-seat Salvadoran Legislative Assembly.



Figure 1: Nayib Bukele, President of El Salvador. Source: EFE Agency

Bukele came to power on 1 June 2019 with a very hostile discourse towards the gangs, against a negotiation process; he announced the implementation of a plan –the Territorial Control Plan– aimed at recovering the spaces controlled by the *mareros* and cutting off their sources of funding. The new president increased the presence of the security and military forces, as well as the transfer of prisoners, in order to cut off communications from the prisons to the outside, preventing the *mareros* from continuing

to lead criminal activities from the prisons, as well as dismantling the organisation that the gang members have been weaving inside the prisons over time.

On 21 June 2019, twenty days after assuming the presidency, Bukele ordered by Twitter that extraordinary measures be applied in all prisons in the country for two weeks, which led to further criminal actions by the gangs. In response, the President announced extreme measures indefinitely, such as the 24-hour lockdown of prisoners, the banning of visitors and the cessation of educational and recreational programmes. On 2 July, Bukele launched phase II of his Territorial Control Plan, promising to stamp out crime.

The Bukele administration argues that the collapse in the homicide rate, currently at the lowest daily rate since the end of the civil war, is the result of its new security approach. The government's Territorial Control Plan integrates a tough policy with violence prevention measures.² The results are undoubtedly very promising. The government has stated that there has been a 60 percent drop in homicide rates, gaining high popular support.

The report from the newspaper *El Faro*

In contrast to years of homicide figures, 2019 closed with a lower rate of 2,383 homicides, 963 less than the previous year, when 3,346 violent deaths were reported according to figures published by Univision³ and 829 homicides between January and September 2020, according to police data. The president attributed these reductions to the benefits of his security policy, capitalising on these good returns in his favour.

On 3 September, however, the independent newspaper *El Faro* published an extensive report⁴ that circulated around the world, with official documents and detailed statements

² <https://www.crisisgroup.org/es/latin-america-caribbean/central-america/el-salvador/81-miracle-or-mirage-gangs-and-plunging-violence-el-salvador>

³ MARTINEZ, Oscar et al, "Bukele government has been negotiating with MS-13 for a year to reduce homicides and provide election support", *El Faro*, 3 September 2020, available at https://elfaro.net/es/202009/el_salvador/24781/Gobierno-de-Bukele-lleva-un-a%C3%B1o-negociando-con-la-MS-13-reducci%C3%B3n-de-homicidios-y-apoyo-electoral.htm

⁴ "El Salvador did not register any homicides on 4 January", Univision, 5 January 2020, available at <https://www.univision.com/noticias/mundo/el-salvador-no-registro-ningun-homicidio-el-dia-4-de-enero>

by a gang leader, stating that the Executive has been negotiating with MS13 at least since October 2019, and that the pact includes a reduction in homicides and support for the New Ideas Party in the 2021 legislative elections, in exchange for a series of favours for the gangs.



Figure 2: Carlos Marroquín, director of the Directorate for the Reconstruction of the Social Fabric, during the questioning of the deputies of Arena and FMLN, in a Legislative Assembly Special Commission. Source: *El Faro*.

The Salvadoran newspaper claims to be in possession of hundreds of pages of prison intelligence reports and news books from two of the country's maximum security prisons, which prove the existence of at least 14 meetings between the director of Reconstruction of the Social Fabric, Carlos Marroquín, and the director general of prisons, Osiris Luna, with imprisoned leaders of the MS-13.

According to the *El Faro* publication, hooded men who entered the prisons without identifying themselves participated in these visits and at least one of them was recognised by some prison officials as a free gang leader. From the beginning of the negotiations, government concessions would have ranged from small initial benefits to authorising the transfer of some custodians that the gang members considered very aggressive. The executive even reversed the decision taken on 26 April 2020, to gather members of opposing gangs into the same cells, a highly controversial decision from a

human rights perspective that the president himself aired on his official account the following day: “From now on, all gang cells in our country will remain sealed. They will no longer be able to see out of the cells. This will prevent them from being able to communicate out into the corridor with signals. They will be inside (sic), in the darkness, with their friends from the other gang.”

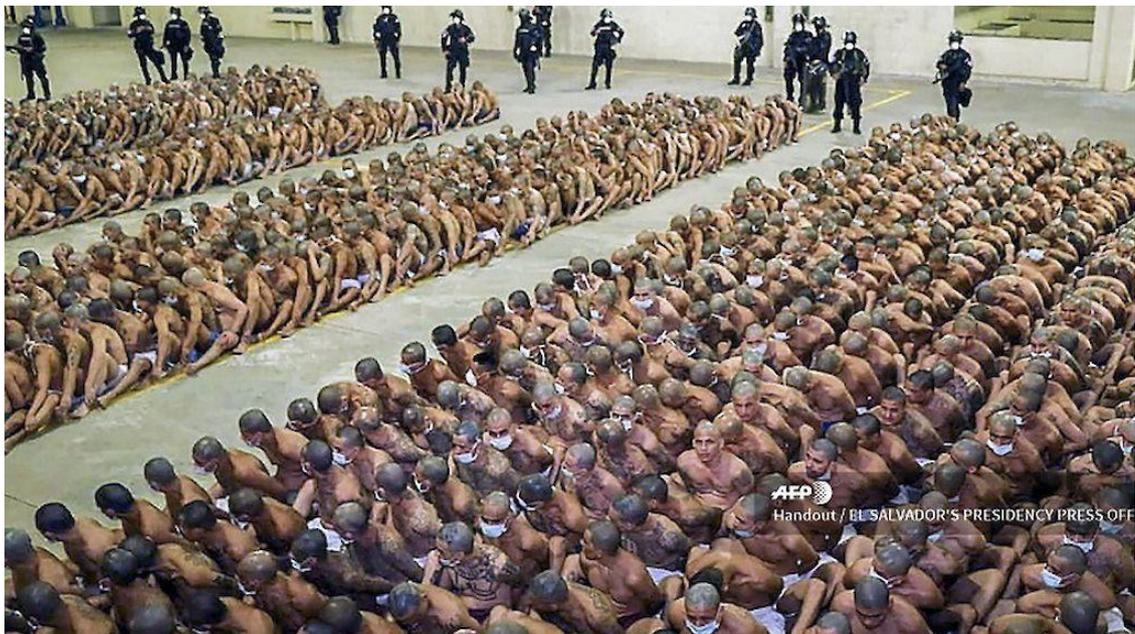


Figure 3: Inmates of the Izalco prison, during a security check. Source AFP

Government representatives also allegedly offered to repeal laws and grant more “benefits” to gang members in case the government gains control of the legislature after the February 2021 elections, for which they requested the support of the MS13 . The documents speak of a slow and phased negotiation, where agreements are still being refined and some of the government’s promises are forward-looking. Meanwhile, the imprisoned leaders repeatedly order the released gang members to remain “calm”, because there is a dialogue with the government.

Previous understandings with the gangs

Reducing homicides through secret negotiations with gangs is nothing new in El Salvador. Nor is it for the gangs to manage, i.e., raise and lower the homicide figures as a bargaining chip in these negotiations. And it is also common that, in these talks, one of the parties seeks electoral benefits.

The 2012 truce was orchestrated by David Munguía Payés, Minister of Security and Justice in the government of Mauricio Funes and subsequently Minister of Defence. This negotiation did not seek electoral benefits so much as a reduction in homicides, and in that respect it yielded extraordinary short-term benefits. From 4,371 homicides in 2011, it rose to 2,594 in 2012. In other words, the exchange of lives for prison benefits paid off until the agreement was broken.

However, a few months before the 2014 presidential elections, both the FMLN and Arena tried to renegotiate previous agreements, and offered social and economic programmes, as well as hundreds of thousands of dollars, in exchange for their support in the electoral contest. The meetings of leaders of both parties with gang leaders were recorded on video. These meetings were not about negotiating lives, but votes, and the recordings also show cash payments to gang members and promises of economic benefits.

For their part, members of the current administration, as denounced by *El Faro*, could also be holding negotiations with the *maras*. The press has accused Bukele of negotiating with gangs when he was a candidate for mayor of San Salvador, first to campaign in neighbourhoods taken over by that de facto power and, after winning the elections, to renovate the historic centre of the capital, as he had promised during the campaign.⁵ Bukele built and opened a market in 2016, an original integration of a shopping centre, civic centre and public library that brought together the traditional stalls, some of them –very good–, previously given to the gangs by virtue of negotiation with the local authorities. The achievement of the then mayor and now president is attributed by some to an understanding with the *maras*.

As a consequence of the above truces, legal proceedings were initiated against prison officials and later against several politicians for those offers, as is the case of General Munguía and some prominent members of the FMLN, among them former President Funes –isolated in Nicaragua accused of corruption–, and members of Arena. When new tax demands were issued against FMLN and Arena politicians, Bukele posted on his Twitter account: “Arena and FMLN are trash, they are worse than that. They

⁵ https://elfaro.net/es/201806/el_salvador/22148/Nayib-Bukele-tambi%C3%A9n-pact%C3%B3-con-pandillas.htm
<https://es.insightcrime.org/noticias/analisis/3-secretos-oscuros-que-revelan-las-negociaciones-con-pandillas-en-el-salvador/>

negotiated with the blood of our people. Damned excuses for people.” This comment was made on 1 February 2020, when, according to information published in the press,⁶ the director of prisons, Osiris Luna, had already entered the Zacatecoluca prison at least four times with hooded or unidentified persons,



Figure 4: Osiris Luna Meza, Director of Penal Centres, during a visit to the Izalco Penitentiary Centre, in the department of Sonsonate, on 27 April 2020 That morning, Luna Meza announced the mixing of opposing gangs in the prisons as a plan to reduce homicides

President Bukele has not given any credibility to *El Faro*'s report, accusing some MPs of using this medium to discredit him, making *El Faro* “his favourite digital newspaper”. Several of his collaborators have followed the same line, such as Luna, who described the content of the journalistic report as totally false and categorically denied the existence of the meetings mentioned with gang leaders, in particular with the MS13⁷.

⁶ https://elfaro.net/es/202009/el_salvador/24781/Gobierno-de-Bukele-lleva-un-a%C3%B1o-negociando-con-la-MS-13-reducci%C3%B3n-de-homicidios-y-apoyo-electoral.htm

⁷ GONZALEZ DIAZ, Marcos, “*Maras in El Salvador | “They are criminals and are not with this government”: Director of Prisons denies Bukele negotiations with gangs*”, BBC News Mundo, 10 September 2020, available at <https://www.bbc.com/mundo/noticias-america-latina-54081482>

Following the publication of the report, the Salvadoran Attorney General's Office initiated an investigation and searched the offices of penal centres and prisons to requisition documentation⁸. The Attorney General, Raul Melara told a local media on 4 September "There are politicians and ex-politicians being prosecuted for negotiations with gangs, rumours have arisen that this situation is happening again and we are going to investigate. No one can take advantage of institutionality to negotiate with terrorists."⁹

Stocktaking of the covert negotiations and possible future action

Negotiating with the gangs and obtaining almost immediate returns in terms of reducing the rates of violence is undoubtedly tempting for any ruler, especially with an election call in sight, the 2021 legislative ones in this case.

However, the implementation of these policies should be considered as the result of a temporary interest, since as experience shows, these are short term manoeuvres that end up failing once the interest that motivated them has been overcome –the elections– with very undesirable effects such as the "opening of the valves" referred to by the *mareros* in relation to the increase in homicides that they carry out at their own discretion, as well as the harmful consequences of the growing empowerment of the gangs, with each negotiation knowing more and more that they can put in and take out governments based on barbarism.

⁸ FLORES, Ricardo "Prosecutor's office searches for criminal evidence of gang bargaining", La Prensa Gráfica, 8 September 2020, available at <https://www.laprensagrafica.com/elsalvador/Fiscalia-busca-en-Penales-evidencia-de-negociacion-con-pandillas-20200907-0152.html>

⁹ "President Nayib Bukele denies having negotiated with gang", Prensa Gráfica, 4 September 2020, available at <https://www.laprensagrafica.com/elsalvador/Presidente-Nayib-Bukele-niega-haber-negociado-con-pandilla-20200904-0034.html>

It would be better, as Oscar Martínez¹⁰ points out in his article in *The New York Times*, to open a dialogue to achieve peace in the country, but without demanding political favours or electoral support in return, and to bring the process to light. That is, to turn dialogue into a state policy that looks after the general interest, if possible with international mediators, and not into a manoeuvre with merely partisan or, worse still, personalist aims and of a secret nature, as has been done up to now, following the pattern of previous attempts at negotiation, and then deny the evidence after the meetings are discovered and finally cancel the pact with the criminals when the elections draw near and what has been agreed becomes a burden on the voters.

Longer-term, more proactive measures are also needed, accompanied by economic and social policies, aimed at fighting poverty and preventing violence, as well as at education and teaching a trade that opens up the possibility for seafarers to get ahead by legal means.

Such a change would be beneficial for the gangs, but above all for the communities that suffer from their presence, normally simple and humble people, who live under their extortion and in many cases have had to move to other areas or leave the country, seeking a better life and above all free from the pressure and threats of criminals whose power is not going to diminish but to increase, and for this reason a meditated and effective response is urgently needed from the political power.

*María Luisa Pastor Gómez**
IEEE Analyst

¹⁰ MARTINEZ, Oscar, "President Bukele, negotiating with El Salvador's gangs (but in a different way)", *The New York Times*, 16 September 2020, available at <https://www.nytimes.com/es/2020/09/16/espanol/opinion/bukele-pandillas-el-salvador.html>