



# **El Salvador's Gang Truce: Positives and Negatives**

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## 1. El Salvador's Gang Truce: Positives and Negatives

*By Steven Dudley*

The truce between El Salvador's two largest gangs -- the MS-13 and Barrio 18 -- opens up new possibilities in how to deal with the seemingly intractable issue of street gangs. But it also creates new dangers.

Whether it is sustainable or not, the truce -- which the Mara Salvatrucha (MS-13) and Barrio 18 put into place in March 2012 -- has changed the conventional thinking about who the gangs are and what is the best way to handle the most difficult law and order issue in the Northern Triangle countries of El Salvador, Guatemala, and Honduras.

Put simply, the gangs have stretched these governments to their limits. Gangs run large swathes of urban and semi-urban areas, prisons are overflowing and are largely administered by the gangs, and actions of the gangs may be upgrading to more sophisticated criminal activities.

While it is unpopular among some observers, the gang truce in El Salvador has opened up a possibility that did not exist just a few months ago. What's more, Honduras is already experimenting with a similar pact. Although the ongoing process in Honduras brings more questions than answers, the involvement of high level Church authorities and international mediators gives hope that a similar truce may emerge and help lower what is currently one of the world's highest homicide rates. In Guatemala, similar rumblings of a gang truce have been heard but nothing concrete has emerged.

In this context, it is time to take stock of the positives and the negatives of this truce.

### **The Positives**

#### **1) Less homicides.**

Undoubtedly, the greatest benefit of this truce has been the startling drop in homicides. From a murder rate of 72 per 100,000, El Salvador now hovers around 36 per 100,000. There are questions about disappearances and manipulation of murders statistics, but even the most skeptical observers agree that homicides are much lower.

The drop in murders has also helped illuminate the breadth of the gang problem. Prior to the truce, gangs were thought to be responsible for some 10 to 30 percent of the homicides in El Salvador. The new homicide rate gives us an indication of exactly how many are getting killed because of the gang phenomenon.

#### **2) More trust among key stakeholders.**

Peace negotiations are about trust. Trust comes from meeting with the adversary, talking through issues and trading one action in the hopes that it will be rewarded by the actions of the other. This has happened in more than one way during this process.

First, the gangs themselves have largely obeyed the orders from their leaders to slow the pace of homicides, which included a large number of attacks on one another. Second, the government moved the gang leaders into medium-security prisons, giving them more access to their families, and their rank-and-file gang members so they could maintain the truce. Third, the gangs and the government have begun a process of developing "peace zones," areas where gangs are supposed to limit criminal activities and the government is supposed to implement social, educational, and job training programs.

### **3) More emphasis on a soft-side approach.**

Prior to the truce, the gang debate centered around how aggressively they should be repressed, and which security institution would be responsible for implementing that strategy. The result was counterproductive: mass incarcerations led to more gang activity, which led to more repression, which led to more incarcerations and so on.

The gang truce has opened a door to talk about what gangs are and how best to integrate them into Salvadoran life. For perhaps the first time, local and federal government bureaucrats, politicians, and functionaries are asking themselves what they need to do to establish effective prevention and rehabilitation programs. They are trying to calculate the costs, they are turning to those who have long worked with at-risk youth, and they are developing programs in conjunction with international donors. This could result in the implementation of a new strategy that could have long-term implications, regardless of the success or failure of this truce.

## **The Negatives**

### **1) Criminal activity = political capital.**

There is a dangerous message being sent to the gangs and other criminal actors: the government can be held hostage with violence and criminal activity. This is why the government has spent so much time trying to distance itself from this truce even when it is clear it is the designer and key implementer: the gang truce is, in essence, a tacit admission by the government that it has lost the battle with the gangs.

On the flip side, the gangs understand that by upping the criminal ante -- via homicides, extortion, or other means -- they can gain political capital and obtain a proverbial seat at the table. Indeed, the gangs already employed this tactic. On the eve of the truce, gang leaders threatened to unleash their members to disrupt local elections. The government balked and transferred them to the medium security prisons, thus starting this process on

what was a sour note. In addition, there is a fear that the gangs, who claim to have no ideology and no interest creating political parties, [will use this political capital to help them develop criminal enterprises or shield themselves from prosecution.](#)

## **2) More space for criminal activities.**

When insurgencies and governments negotiate, war normally continues apace and can even accelerate as both sides try to garner more power at the negotiating table. El Salvador's gang truce has been characterized by the opposite: lower homicides.

But while homicides are down, there is little indication that other criminal activities are as well. Extortion, the gangs' main source of income, continues unabated. Drug trafficking activities, including by gang members, seems to be proceeding without interruption. This reality may help bolster one theory that the gang truce was really an effort by larger criminal interests to grant the MS-13 and Barrio 18 more breathing room for their operations. Such an allegation, however, remains unsubstantiated.

Also worrying is the fact that by maintaining the truce for considerably longer than expected, the gangs have proved they have the discipline needed to operate more sophisticated criminal enterprises. The gang truce may grant them the space needed to try and do so, especially as the government focuses on instituting more "peace zones."

Such was the case in Colombia, when the government cleared out an area the size of Switzerland to negotiate with the hemisphere's oldest insurgency, the Revolutionary Armed Forces of Colombia (FARC), in 1999. In what would ultimately become a failed negotiation with the government, the FARC used the area to hold kidnapping victims, retrain their forces, and deepen their involvement with drug trafficking operations, among other activities.

## **3) Less trust in the government.**

The truce has been exclusionary and has suffered from a lack of transparency. While this can lead to positive results (see the Colombian government's current peace talks with the FARC), in this case it is eroding people's confidence and trust in the government. Major civil society actors have not been included, and even the Catholic Church, part of which helped mediate the talks, [recently declared](#) that "the truce had not produced any benefit for the honorable and working society."

In a hasty effort to correct this image, the mediators created the Fundacion Humanitaria. However, that organization may be meant to do nothing more besides channel the expected windfall from the international donor community for rehabilitation, job training, and prevention programs. In the meantime, there is a fear that these programs will just benefit gang members and not the "honorable and working society." [According to polls](#), most

people do not believe the truce will ever benefit them. Until the process is more open and inclusive, the government will have a hard time selling the benefits and opening the way for the next phase.

## 2. MS-13's 'El Barney': A Trend Or An Isolated Case?

*By Steven Dudley*

In October 2012, the US Treasury Department designated the Mara Salvatrucha (MS-13) as a transnational criminal organization (TCO). While this assertion seems unfounded, there is one case that illustrates just why the US government is worried about the future.

To be sure, the [Treasury Department's designation](#) offered some enthralling details and powerful imagery. The gang was involved in "drug trafficking, kidnapping, human smuggling, sex trafficking, murder, assassinations, racketeering, blackmail, extortion, and immigration offenses," it said, placing the MS-13 in the same bracket as Mexico's Zetas, Italy's Camorra, and Japan's Yakuza.

"Local MS-13 cliques take direction from the group's foreign leadership for strategic decisions involving moves into new territories and efforts to recruit new members," the statement read. "Money generated by local MS-13 cliques in the US is consolidated and funneled to the group's leadership in El Salvador."

[A more recent statement offered up six names of leaders to keep an eye on](#), two of whom face charges in the United States. However, unlike other designated groups, the Treasury Department statements gave no details about the economic holdings of the MS-13.

What's more, the announcement had strange timing. In March 2012, the MS-13 and the Barrio 18 signed a truce at the behest of the Salvadoran government. In return, the Salvadoran government moved 30 leaders to a medium-security prison and promised to implement social, economic, and educational programs so they could re-integrate into society.

The United States government has been against this truce from the beginning. In this context, the Treasury Department's decision could be viewed as a de facto message to the Salvadoran government to proceed with caution.

In addition, the Treasury Department seemed to be following the lead of US Immigration and Customs Enforcement (ICE), a law enforcement entity that has a reputation for trying to extend its jurisdiction and thus secure more funding for itself. In 2009, the ICE won a longstanding bureaucratic battle to try so-called "Title 21" cases, which was the sole jurisdiction of the Drug Enforcement Administration (DEA). (See the General Accounting Office report of the implementation of this decision [here](#).) To some, the MS-13 designation seemed like a similar power play to gain a foothold in the battle against street gangs and thus secure another avenue of funding.

## **The Search for Consensus**

There is no consensus in the US government on the question of whether the gangs are TCOs. The Treasury Department's designation, for instance, surprised more than a few US law enforcement agencies that work on gangs. One US agent told InSight Crime that it was "a reach with no basis in reality." Salvadoran police intelligence had similar, albeit more diplomatic responses to the designation.

Indeed, members of US law enforcement in El Salvador and Salvadoran law enforcement are in agreement: as of yet, the gangs simply do not have the wherewithal, knowledge, contacts, and capacity to accumulate capital, as the Treasury Department claims, nor the ability to use that capital to expand their business interests. They are, quite simply, subsistence-based organizations with some political and economic ambitions but little ability to carry them out.

There are, of course, exceptions. One of these -- Moris Alexander Bercian Manchon, alias "El Barney" -- stands out for his own connections in the business, political, and legal worlds. (Another is arguably Jose Antonio Teran, alias "Chepe Furia," whose case is detailed [in this article in El Faro by Oscar Martinez.](#)) Barney was mentioned in the Treasury Department's second press release about the gangs.

"Bercian Manchon has been involved in narcotics trafficking operations on behalf of the organization," the statement says, without entering into further detail.

Barney manages a large number of gang members and is at the apex of the MS-13 hierarchy. However, his ability to traffic in large quantities of cocaine may come from connections provided by his father, a former Salvadoran army colonel who allegedly has ties to some of the most powerful figures in El Salvador's underworld. In either case, Barney offers a chance to explore the possibilities of what at least some parts of the MS-13 can become.

## **Barney's Illegal Markets**

Barney is the leader of what the gang calls a "program," known as the "Normandie Locos Salvatruchos," which operates a number of cells or "cliques" in the Sonsonate and Libertad provinces along the country's Pacific Coast. His name came to light when, in September 2009, he was arrested with seven kilos of cocaine. While small by most measures, it was significant in gang terms.

The gangs in El Salvador, and throughout much of the region, are known more as local distributors of drugs. They get their drugs by providing services for larger criminal organizations. These services, according to Salvadoran intelligence documents obtained by InSight Crime, include assassination.



In one case documented by police, members of the Normandie Locos were allegedly sent by a larger drug trafficking organization to assassinate El Salvador Police Inspector Jesus Elias Aparicio. They failed, and two members were later captured. However, the assignment was a sign that the gang had obtained significant trust from a drug trafficking group.

The gangs also move cocaine loads for the international criminal groups, police intelligence documents say. In particular, the 2009 Barney bust points to the possibility that gang members could be moving towards becoming wholesalers and/or transporters themselves. It was the largest amount of cocaine seized from a gang member to date. A police intelligence document said the load was for a larger criminal group, but added that Barney's group and others regularly obtained between five and ten kilos of cocaine.

What's not clear is whether these drugs are for local consumption or international distribution. More details never emerged as the 2009 case against Barney unraveled. A judge released Barney on a technicality; two other judges upheld that decision, which one police officer characterized to InSight Crime as "a joke."

And thus Barney returned to his enterprises. The police say he currently controls drug distribution in the provinces of Santa Ana, Ahuachapan, and Sonsonate. The drugs are cocaine derivatives resembling crack, which the gangs sell for between \$5 and \$7 a dose, a police official told InSight Crime. The revenue has provided them with some capital, but the Salvadoran drug market is still too small to sustain the thousands of people who depend on gangs for their livelihood.

The gangs' main revenue stream is the extortion of small businesses and individuals. This extortion is what most puts them at odds with the civilian population, but it also may be what keeps them from moving to the next level. It is, in essence, their subsistence, their lifeblood.

### **A Game-Changing Cocaine Load?**

Only a few MS-13 members such as Barney have become more entrepreneurial, it appears. This may be related to geography. The coasts of Sonsonate and Libertad are reception and storage points for drugs, and Barney appears to have increased the size of his loads since 2009. [Police recently linked him](#) to a 113 kilogram bust in November 2012 along the Sonsonate coastline.

It's not clear who the cocaine was for, but Barney's father, (r) Colonel Asmael Antonio Bercian Rivera, alias "El Tiburon," has been linked by police to the Taxis Cartel, the country's most formidable and entrenched transport group in the eastern part of the country.

The Taxis Cartel is headed by Jose Adan Salazar, alias "El Diablo," who has used the proceeds gained from trafficking drugs to enter into the hotel and restaurant industries, and exercises considerable political influence. [The Taxis Cartel is also known for using gangs](#), such as the MS-13s "Fulton Locos Salvatruchas," as muscle in at least one of their areas of influence. One alleged leader of the Fulton Locos, Jose Misael Cisneros Rodriguez, alias "Medio Millon," was named by the Treasury Department as a person of interest in its most recent declaration.

For his part, Bercian Rivera owns several hardware stores, which are used as fronts for his cocaine transportation and distribution services, police intelligence documents say. These services operate along the coast. There, Bercian Rivera has small airplanes, yachts, outboards, and other infrastructure. He uses gang members to receive and move drugs, police intelligence say, and possibly eliminate pesky rivals.

The other possibility is that Barney himself has established his own transport network. Under those circumstances, he would be one of -- if not the only -- MS-13 leader moving large-sized loads of drugs directly to organizations in Guatemala. That, of course, is a game-changer.

InSight Crime could not establish who the buyer in Guatemala could be. Salvadoran police intelligence documents say Barney's father has connections to an ex-Guatemala military official, who allegedly connected him with the Zetas criminal organization in that country. Barney himself also met with the Zetas, according to one police informant.

This potential MS-13-Zetas connection has been explored in many reports, most notably in [a recent International Assessment and Strategy Center \(IASC\) report by Douglas Farah and Pamela Phillips Lum](#). However, in Guatemala, these two determined: "The gangs have occasional contact with the Zetas but do not appear to be developing a robust relationship."

The Salvadoran side is even murkier. And there is no publicly available information suggesting that any long-term agreements have been made between Salvadoran gangs and the Zetas, other than the possible purchase of weaponry and possibly some training.

### **Barney's Legal and Political Side**

A critical component to Barney's movement towards becoming a transnational criminal is accumulation, laundering, and employment of capital. This would make for a clearer justification for the Treasury Department's designation, but we are still waiting for these details to be revealed by the US government.

More information has emerged from the El Salvador side. According to Salvadoran police, Barney owned at least 14 properties by 2008. These were small lots, three of which cost under \$10,000, but pointed to a tendency to buy and use properties for various purposes.

Barney was also a silent partner of a bus company, according to police reports detailing his holdings. Known as Ruta 42-B, the company operates micro-buses in Santa Tecla, Libertad. According to police intelligence, the bus company is part of the AETMST holding company, which is run by a board that includes several with political ties to the Gran Alianza por la Unidad Nacional (GANU) political party.

GANU would give Barney political and legal cover, the documents say, and was responsible for pressuring the judges to drop the charges against him from the 2009 cocaine case. The GANU connection, however, could not be independently verified. And other gang leaders, such as the aforementioned Chepe Furia, seem more deeply involved in local politics.

### **A Trend or an Individual Case?**

Whether Barney represents the future of the MS-13 is debatable. On the one hand, he has graduated from small-time gang leader to distributing drugs in numerous territories. He has been tapped to carry out high-level assassinations. His team is receiving and moving large-sized loads of cocaine, possibly across the border into Guatemala. He is obtaining sophisticated weaponry, and he is accumulating and employing his capital to further expand his interests via political and business connections. All of this points to a transnational criminal mindset and modus operandi.

However, Barney's jump into organized crime seems like an exceptional case. In other words, it appears as though he has made this leap due to his father, not because of his gang affiliation. It was presumably his father who provided him with the connections needed to obtain large quantities of drugs and transport them, as well as access to sophisticated weaponry and perhaps even the political circles that might otherwise be closed to a gang member. Without his father in the equation, then Barney may more closely resemble his MS-13 cohorts, who also work with large criminal groups on occasion, but appear relegated to more minor roles and do not appear to have the ability to move into transnational criminal activities on a regular basis.

Nevertheless, Barney seems more entrepreneurial than most. More than a gang leader, Barney is a criminal. The distinction is critical and important to understanding why a broad-based designation such as "Transnational Criminal Organization" gives us only a partial understanding of the gangs. Kids join gangs for a lot of reasons. Certainly there are perverse incentives that are attractive -- better clothes, weapons (i.e., power and respect), girls -- but many of the incentives are not illegal and revolve around simple concepts such as the need to belong.

Barney's motives go beyond these. It's not clear that the gangs in El Salvador, as a whole, have the same ambition that Barney does. Nor does it appear that they are ready to make a wholesale jump into criminal activities. Still, it is clear there are others watching Barney,

seeing how he fares as he steps into unknown territory and whether or not making their own leap is a viable next move.

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### 3. Barrio 18 Leader 'Viejo Lin' On El Salvador Gang Truce

*By Steven Dudley*

Barrio 18 leader Carlos Lechuga Mojica, alias "El Viejo Lin," is one of the most prominent spokesmen for El Salvador's gang truce. InSight Crime co-director Steven Dudley spoke with Mojica in Cojutepeque prison in October 2012 about how the maras view the controversial peace process, which has resulted in a dramatic drop in El Salvador's murder rate.

#### **How do you define yourselves?**

We are a social group. We see ourselves as a large part of society. We believe that the problem here is social exclusion, discrimination, lack of education, lack of employment and unequal treatment by the law. We think that if you resolve these problems, the violence between gangs will end.

#### **What has been the impact of mass incarcerations of gang members in El Salvador?**

The persecution of our brothers has been the fertilizer that has made the gangs grow. They capture five this week. Within a month, there are ten more. They put the father in jail, his kids are next. When those kids grow up, then the grandkid is next. He has a wife, she gets pregnant, that kid is already part of it. Do they achieve anything massacring or jailing us? We doubt it...

#### **How would you characterize this truce?**

This process is still in diapers. (Laughs.) In reality, we know that no one has a magic wand. We don't expect that tomorrow they will come and tell us: 'Hey, what do you want? This, this and this. Look, here's this, here's this, and here's this.' It doesn't work that way.

#### **What commitments have you made to reach the truce?**

Well, we haven't said no one will die, as in zero. I mean no murders at all. But, in terms of gang violence, which is what causes most of the murders in this country, these are way down. We think it's working.

#### **What message do you have for gang victims?**

We feel badly about what has happened in our country. We know that we cannot revive all those who have died. But we can stop all these senseless murders in the future.

#### **What about other crimes such as extortion?**

We think we can eradicate all that gradually. As I told you earlier: Neither of us have a magic wand. We've started by reducing the homicides.

#### **Do you have political aspirations?**

We don't have political aspirations. We only aspire to have a dignified life. We're not asking for anything special. We don't want to create a political party. We're not interested in politics. We just want to live like everybody else wants to live.

**What do the younger gang members think of the truce?**

For the younger generation, this doesn't matter. They are there because we have sat them down, explained it to them. We're on top of them. And they're getting it, they're getting it. There are obstacles, difficulties. This is not easy. This is not easy. But no one said it was going to be easy. We think this is a historic process. If this doesn't work...If this doesn't work, we don't have any idea what will happen. It's hard.

## 4. A Look Inside El Salvador's Prison Nightmare

*By Steven Dudley*

El Salvador's Cojutepeque jail is a perfect illustration of how prisons in this country have become the main breeding and training grounds for street gangs.

With 1,200 prisoners packed in a prison made for 300, the jail is four times over capacity. Prisoners are crammed into rooms where they sleep, one on top of the other, in makeshift beds or hammocks.

El Salvador's prisons have been chronically overwhelmed. According to the most recent official numbers -- from 2011 -- El Salvador's penitentiary system is operating at 299 percent its official capacity, with a total of 25,400 inmates. The decrepitude in the prisons is not a new phenomenon, but it became a crisis after the government adopted the so-called "Mano Dura" or "Iron Fist" gang policy in 2003, allowing police to arrest suspected gang members in mass sweeps in an attempt to quell the violence and slow the gangs' growth.

The opposite has happened. As the percentage of inmates jailed for gang-related crimes doubled in just three years, the prison population swelled, and conditions for inmates became even more harsh and dangerous. In the meantime, gangs grew to now include an estimated 60,000 members.

In Cojutepeque, there is no escaping the gang life. The inmates spend most of their time in a dirt-floored space about the size of a basketball court. There they play soccer most of the time, or accommodate family or other visitors on visitors day.

There is a small television room that has space for a dozen inmates at any one time. During InSight Crime's visit to the jail in October 2012, a new flat-screen TV was playing the Pixar movie "Cars."

The inmates shower by pouring buckets of water from a well where garbage is strewn on the ground. Some of them sleep just above one of the toilets. Throughout the country, basic living conditions in the country's penal centers remain nightmarish. As observed by the Inter-American Commission on Human Rights (IACHR), following a tour of several Salvadoran prisons in 2010, inmates typically had to use their hands or other improvised plates to eat their meals. Many sleep in hammocks, or pay money to rent space on a bunk bed shared with another prisoner. One detention center seen by the IACHR had waste from an overflowing sewage drain spilling out on the floor. Sanitation, potable water, lighting, and ventilation are all inadequate, as a State Department report asserted in 2011. There is little access to medical supplies, let alone educational opportunities. Mass food poisoning and deadly fires are a very present risk.

In Cojutepeque, rehabilitation has taken a backseat to retraining and restoring the gangs' hierarchy. There is no library, no job training programs, only a small workshop where gang members can draw and paint pictures they mostly give to their family members.

Everyone in Cojutepeque is a member of the Barrio 18 gang. They were separated from their rivals, the Mara Salvatrucha (MS-13), as a means to slow the fighting between the two in the prison system. What began as an experiment in violence control has offered the gangs a chance to re-establish their hierarchy and rules. The gangs have instituted the type of discipline that allows them to solidify their ranks on the inside and enforce the rules on the outside. You cannot survive in this prison if you are not a member of the Barrio 18.

The gangs have also used their time in prison to develop a new criminal modus operandi. From here, for example, gangs systematically extort small shops, public transportation systems, and businesses on the outside, typically using cell phones to demand payment. The proceeds are spread along what amounts to a food chain, one that depends just as much on these illicit earnings as the gang leaders themselves. This food chain includes family members; other gang members and girlfriends of the leaders; corrupt prison guards and police.

It is not only faulty physical conditions in the buildings or lack of space that make El Salvador's prisons inhospitable. In Cojutepeque, there are ten prison guards that keep watch. Around the edges of the prison are masked army personnel. These prison guards, police, and military regularly abuse inmates, along with the family members who come to visit.

The army in particular has been blamed for arbitrary and cruel treatment. The IACHR documented cases in which members of the military conducted inappropriate vaginal and anal searches of the women who visit inmates. Female inmates also told the IACHR that those responsible for conducting such intimate searches would use the same plastic glove to inspect multiple women. Other inmates are beaten and tortured by authorities, sometimes in order to elicit a confession for a legal case, sometimes as punishment for breaking a prison rule.

The masked prison guards who patrol El Salvador's detention centers are widely seen as badly trained and corrupt. Some collaborate with the inmates in conducting criminal activity. There is little doubt that on the whole, inmates submit to little outside authority in El Salvador's penal centers, openly carrying weapons and using cell phones, which are technically prohibited. When riots break out, the guards do little to stop the chaos. Such fights often see dozens wounded and killed.

However, most of the time, it is the gangs who run the show on the inside. During InSight Crime's visit to Cojutepeque, the gang leaders gave the investigator the tour of the facility. The prison guards simply opened and closed the doors upon command.



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