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# DEPORTED TO DANGER

United States Deportation Policies Expose Salvadorans  
to Death and Abuse





# **Deported to Danger**

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to Death and Abuse**

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# Deported to Danger

## United States Deportation Policies Expose Salvadorans to Death and Abuse

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## Summary

The US government has deported people to face abuse and even death in El Salvador. The US is not solely responsible—Salvadoran gangs who prey on deportees and Salvadoran authorities who harm deportees or who do little or nothing to protect them bear direct responsibility—but in many cases the US is putting Salvadorans in harm's way in circumstances where it knows or should know that harm is likely.

Of the estimated 1.2 million Salvadorans living in the United States who are not US citizens, just under one-quarter are lawful permanent residents, with the remaining three-quarters lacking papers or holding a temporary or precarious legal status. While Salvadorans have asylum recognition rates as high as 75 percent in other Central American nations, and 36.5 percent in Mexico, the US recognized just 18.2 percent of Salvadorans as qualifying for asylum from 2014 to 2018. Between 2014-2018, the US and Mexico have deported about 213,000 Salvadorans (102,000 from Mexico and 111,000 from the United States).

No government, UN agency, or nongovernmental organization has systematically monitored what happens to deported persons once back in El Salvador. This report begins to fill that gap. It shows that, as asylum and immigration policies tighten in the United States and dire security problems continue in El Salvador, the US is repeatedly violating its obligations to protect Salvadorans from return to serious risk of harm.

Some deportees are killed following their return to El Salvador. In researching this report, we identified or investigated 138 cases of Salvadorans killed since 2013 after deportation from the US. We found these cases by combing through press accounts and court files, and by interviewing surviving family members, community members, and officials. There is no official tally, however, and our research suggests that the number of those killed is likely greater.

Though much harder to identify because they are almost never reported by the press or to authorities, we also identified or investigated over 70 instances in which deportees were subjected to sexual violence, torture, and other harm, usually at the hands of gangs, or who went missing following their return.

In many of these more than 200 cases, we found a clear link between the killing or harm to the deportee upon return and the reasons they had fled El Salvador in the first place. In other cases, we lacked sufficient evidence to establish such a link. Even the latter cases, however, show the risks to which Salvadorans can be exposed upon return and the importance of US authorities giving them a meaningful opportunity to explain why they need protection before they are deported.

The following three cases illustrate the range of harms:

- In 2010, when he was 17, Javier B. fled gang recruitment and his particularly violent neighborhood for the United States, where his mother, Jennifer B., had already fled. Javier was denied asylum and was deported in approximately March 2017, when he was 23 years old. Jennifer said Javier was killed four months later while living with his grandmother: “That’s actually where they [the gang, MS-13 (or Mara Salvatrucha-13)] killed him.... It’s terrible. They got him from the house at 11:00 a.m. They saw his tattoos. I knew they’d kill him for his tattoos. That is exactly what happened.... The problem was with [the gang] MS [-13], not with the police.” (According to Human Rights Watch’s research, having tattoos may be a source of concern, even if the tattoo is not gang-related).
- In 2013, cousins Walter T. and Gaspar T. also fled gang recruitment when they were 16 and 17 years old, respectively. They were denied asylum and deported by the United States to El Salvador in 2019. Gaspar explained that in April or May 2019 when he and Walter were sleeping at their respective homes in El Salvador, a police patrol arrived “and took me and Walter and three others from our homes, without a warrant and without a reason. They began beating us until we arrived at the police barracks. There, they held us for three days, claiming we’d be charged with illicit association (*agrupaciones ilícitas*). We were beaten [repeatedly] during those three days.”
- In 2014, when she was 20, Angelina N. fled abuse at the hands of Jaime M., the father of her 4-year-old daughter, and of Mateo O., a male gang member who harassed her repeatedly. US authorities apprehended her at the border trying to enter the US and deported her that same year. Once back in El Salvador, she was at home in October 2014, when Mateo resumed pursuing and threatening her. Angelina recounted: “[He] came inside and forced me to have sex with him for the

first time. He took out his gun.... I was so scared that I obeyed ... when he left, I started crying. I didn't say anything at the time or even file a complaint to the police. I thought it would be worse if I did because I thought someone from the police would likely tell [Mateo].... He told me he was going to kill my father and my daughter if I reported the [original and three subsequent] rapes, because I was 'his woman.' [He] hit me and told me that he wanted me all to himself.”

As in these three cases, some people deported from the United States back to El Salvador face the same abusers, often in the same neighborhoods, they originally fled: gang members, police officers, state security forces, and perpetrators of domestic violence. Others worked in law enforcement in El Salvador and now fear persecution by gangs or corrupt officials.

Deportees also include former long-term US residents, who with their families are singled out as easy and lucrative targets for extortion or abuse. Former long-term residents of the US who are deported may also readily run afoul of the many unspoken rules Salvadorans must follow in their daily lives in order to avoid being harmed.

Nearly 900,000 Salvadorans living in the US without papers or only a temporary status together with the thousands leaving El Salvador each month to seek safety in the US are increasingly at risk of deportation. The threat of deportation is on the rise due to various Trump administration policy changes affecting US immigration enforcement inside its borders and beyond, changes that exacerbated the many hurdles that already existed for individuals seeking protection and relief from deportation.

Increasingly, the United States is pursuing policies that shift responsibility for immigration enforcement to countries like Mexico in an effort to avoid any obligation for the safety and well-being of migrants and protection of asylum-seekers. As ever-more restrictive asylum and immigration policies take hold in the US, this situation—for Salvadorans, and for others—will only worsen. Throughout, US authorities are turning a blind eye to the abuse Salvadorans face upon return.

Some people from El Salvador living in the United States have had a temporary legal status known as “Temporary Protected Status” or “TPS,” which has allowed those present in the United States since February 2001 (around 195,000 people) to build their lives in the country with limited fear of deportation. Similarly, in 2012, the Obama administration provided some 26,000 Salvadorans with “Deferred Action for Childhood Arrivals” or “DACA” status, which afforded some who had arrived as children with a temporary legal

status. The Trump administration had decided to end TPS in January 2020, but to comply with a court order extended work authorization to January 2021. It remains committed to ending DACA.

While challenges to both policies wend their way through the courts, people live in a precarious situation in which deportation may occur as soon as those court cases are resolved (at the time of writing the DACA issue was before the US Supreme Court; and the TPS work authorization extension to January 2021 could collapse if a federal appellate court decides to reverse an injunction on the earlier attempt to terminate TPS).

Salvadoran asylum seekers are also increasingly at risk of deportation and return. The Trump administration has pursued a series of policy initiatives aimed at making it harder for people fleeing their countries to seek asylum in the United States by separating children from their parents, limiting the number of people processed daily at official border crossings, prolonging administrative detention, imposing fees on the right to seek asylum, extending from 180 days to one year the bar on work authorization after filing an asylum claim, barring asylum for those who transited another country before entering the United States, requiring asylum seekers to await their hearings in Mexico, where many face dangers, and attempting to narrow asylum.

These changes aggravated pre-existing flaws in US implementation of its protection responsibilities and came as significant numbers of people sought protection outside of El Salvador. In the decade from 2009 to 2019, according to government data, Mexican and United States officials made at least 732,000 migration-related apprehensions of Salvadoran migrants crossing their territory (175,000 were made by Mexican authorities and just over 557,000 by US authorities).

According to the United Nations' refugee agency, the number of Salvadorans expressing fear of being seriously harmed if returned to El Salvador has skyrocketed. Between 2012 and 2017, the number of Salvadoran annual asylum applicants in the US grew by nearly 1,000 percent, from about 5,600 to over 60,000. By 2018, Salvadorans had the largest number (101,000) of any nationality of pending asylum applications in the United States. At the same time, approximately 129,500 more Salvadorans had pending asylum applications in numerous other countries throughout the world. People are fleeing El Salvador in large numbers due to the violence and serious human rights abuses they face

at home, including one of the highest murder rates in the world and very high rates of sexual violence and disappearance.

Despite clear prohibitions in international law on returning people to risk of persecution or torture, Salvadorans often cannot avoid deportation from the US. Unauthorized immigrants, those with temporary status, and asylum seekers all face long odds. They are subjected to deportation in a system that is harsh and punitive—plagued with court backlogs, lack of access to effective legal advice and assistance, prolonged and inhumane detention, and increasingly restrictive legal definitions of who merits protection. The US has enlisted Mexico—which has a protection system that its own human rights commission has called “broken”—to stop asylum seekers before they reach the US and host thousands returned to wait for their US proceedings to unfold. The result is that people who need protection may be returned to El Salvador and harmed, even killed.

Instead of deterring and deporting people, the US should focus on receiving those who cross its border with dignity and providing them a fair chance to explain why they need protection. Before deporting Salvadorans living in the United States, either with TPS or in some other immigration status, US authorities should take into account the extraordinary risks former long-term residents of the US may face if sent back to the country of their birth. The US should address due process failures in asylum adjudications and adopt a new legal and policy framework for protection that embraces the current global realities prompting people to flee their homes by providing “complementary protection” to anyone who faces real risk of serious harm.

As immediate and first steps, the United States government should adopt the following six recommendations to begin to address the problems identified in this report. Additional medium- and long-term legal and policy recommendations appear in the final section of this report.

- **The Trump** administration should repeal the Migration Protection Protocols (MPP); the two Asylum Bans; and the Asylum Cooperation Agreements.
- The Attorney General of the United States should reverse his decisions that restrict gender-based, gang-related, and family-based grounds for asylum.

- Congress and the Executive Branch should ensure that US funding for Mexican migration enforcement activities does not erode the right to seek and receive asylum in Mexico.
- Congress should immediately exercise its appropriation power by: 1) Refraining from providing additional funding to the Department of Homeland Security (DHS) for Immigration and Customs Enforcement (ICE) and US Customs and Border Protection (CBP) unless and until abusive policies and practices that separate families, employ unnecessary detention, violate due process rights, and violate the right to seek asylum are stopped; 2) Prohibiting the use of funds to implement the Migrant Protection Protocols, the “Asylum Bans,” or the Asylum Cooperation Agreements, or any subsequent revisions to those protocols and agreements that block access to the right to seek asylum in the United States.
- Congress should exercise its oversight authority by requiring the Government Accountability Office and the Office of Inspector General to produce reports on the United States’ fulfillment of its asylum and protection responsibilities, including by collecting and releasing accurate data on the procedural experiences of asylum seekers (access to counsel, wait times, staff capacity to assess claims, humanitarian and protection resources available) and on harms experienced by people deported from the United States to their countries of origin.
- Congress should enact, and the President should sign, legislation that would broadly protect individuals with Temporary Protected Status (including Salvadorans) and DACA recipients, such as the Dream and Promise Act of 2019, but without the overly broad restrictions based on juvenile conduct or information from flawed gang databases.

## Glossary

### **The National Civilian Police (Policía Nacional Civil, PNC)**

The PNC is the only governmental agency with offices in all 262 municipalities of El Salvador.<sup>1</sup> It receives crime reports, but by law must refer them to the District Attorney's office (Fiscalía General de la República, FGR), which officially classifies crimes. The PNC is the first to arrive at homicide scenes.<sup>2</sup> At the center to which deportees arrive (the migrant return center), the PNC conducts one of two interviews deported adults must complete before being released.<sup>3</sup>

### **The Salvadoran Attorney General's Office (Fiscalía General de la República, FGR)**

The Salvadoran Attorney General's Office (FGR) has at least one District Attorney's Office per department.<sup>4</sup> This agency is responsible for bringing criminal charges and conducting criminal investigations.<sup>5</sup> At homicide scenes, the FGR often enters with the police and always directs the investigation. Given the high incidence of crime in El Salvador, prosecutors and investigators have very large caseloads.<sup>6</sup>

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<sup>1</sup> Government of El Salvador, Ministry of Justice and Public Safety, National Civilian Police, <http://www.pnc.gob.sv> (accessed January 5, 2020).

<sup>2</sup> When reporters are present at crime scenes, they may arrive before the police, as may representatives from burial or funeral services. Once at the scene, authorities may end up interviewing people who have already talked with one or multiple reporters.

<sup>3</sup> A police agent explained their four objectives, as he understands them, to Human Rights Watch: "First, to understand why the person left; second, to check their personal details; third, to take photos of all their scars and tattoos; and fourth, to verify criminal records." Human Rights Watch interview with PNC agent, El Salvador's Central Region, November 28, 2018.

<sup>4</sup> Government of El Salvador, Office of the Attorney General, <http://www.fiscalia.gob.sv> (accessed January 5, 2020).

<sup>5</sup> Other crimes against all victims can be reported to local justices of the peace as well. Crimes against women can additionally be reported to municipal development offices for women (Instituto Salvadoreño para el Desarrollo de la Mujer, ISDEMU), and crimes against children can be reported to either child protection agency (Instituto Salvadoreño para el Desarrollo Integral de la Niñez y la Adolescencia, ISNA, or Consejo Nacional de la Niñez y de la Adolescencia, CONNA). In all such cases, those agencies—such as the police and forensic body—must refer the case to the District Attorney's office.

<sup>6</sup> Human Rights Watch interview with FGR prosecutor, El Salvador's Paracentral Region, November 5, 2018 (who described carrying between 300 and 400 cases at any point) and Human Rights Watch interview with FGR prosecutor, El Salvador's Eastern Region, November 6, 2018 (who described carrying between 150 and 180 cases at any point). Multiple others told Human Rights Watch they struggled to recall details of specific homicides, even those occurring within the year, because they dealt with so many.

### **The Salvadoran Institute of Legal Medicine (Instituto de Medicina Legal, IML)**

The Salvadoran Institute of Legal Medicine (IML) is the national forensic body tasked with conducting anthropological, biological, chemical, forensic, and pathological exams and autopsies at crime scenes and for criminal investigations.<sup>7</sup> Every department has at least one IML office, and seven departments have a regional clinic, totaling 17 IML installations countrywide.<sup>8</sup> Of the three governmental agencies that attend homicide scenes and crime victims, IML has the smallest staff and budget, despite some of the highest levels of education and training.<sup>9</sup>

### **Local Office for Attention to Victims (Oficina Local de Atención a Víctimas, OLAV)**

During the Sánchez Cerén administration, Plan El Salvador Seguro (adopted by the Salvadoran government to try to improve security conditions in the country)<sup>10</sup> created 20 Local Offices for Attention to Victims (OLAV) in 10 departments to provide legal, psychological, and social attention to victims of crime, including those displaced by violence.<sup>11</sup> One OLAV is located at the migrant return center. There, migration authorities are expected to screen returned migrants for protection needs in their intake interviews.<sup>12</sup> Any adult who presents a protection need should then be referred to the OLAV.

### **Salvadoran Institute for the Holistic Development of Children and Adolescents (Instituto Salvadoreño para el Desarrollo Integral de la Niñez y la Adolescencia, ISNA)**

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<sup>7</sup> By law, the District Attorney (FGR), a judge or the federal defender's office (Procuraduría General de la República, PGR) orders an IML exam. In practice, however, victims themselves or other agencies will go to the IML for the needed exam before going to the FGR, judge, or PGR and may elect not to go to one of those three at all. Hospitals will also call the IML without necessarily informing the FGR or police. For this reason, FGR and IML statistics on non-homicide crimes, like rape, are often widely discrepant.

<sup>8</sup> Although three offices in Cabañas department and Meanguera del Golfo have just one doctor, the other offices in Ahuachapán, Chalatenango, Cuscatlán, La Paz, La Unión, Morazán, Metapán of Santa Ana, typically have two doctors who take turns working 12- to 24-hour shifts. The seven regional clinics in La Libertad, San Miguel, San Salvador, San Vicente, Santa Ana, Sonsonate, and Usulután departments have substantially more staff and can receive bodies or victims on weekends, when smaller offices are closed.

<sup>9</sup> Human Rights Watch interview with IML leadership, El Salvador's Central Region, May 2, 2017.

<sup>10</sup> Government of El Salvador, Ministry of Security, "Plan El Salvador Seguro," <http://www.seguridad.gob.sv/dia/monitoreo-y-evaluacion/plan-el-salvador-seguro-pess/> (accessed January 17, 2020).

<sup>11</sup> Chalatenango, La Libertad, La Unión, and Morazán departments did not have an OLAV when we conducted this research.

<sup>12</sup> Child protection officials, rather than migration officials, interview boys and girls aged 17 or younger and at the time of writing also have the duty to screen for protection needs.

ISNA is the Salvadoran governmental institution that develops and executes programming for children and adolescents.<sup>13</sup> Their programming includes childcare and foster care, physical and psychological health and wellbeing services, job and vocational training, and education.<sup>14</sup>

### **The Center for Attention to Children, Adolescents and Family (Centro de Atención a la Niñez, Adolescencia y Familia, CANAF)**

Created in response to increased attention to child migration in El Salvador, the Center for Attention to Children, Adolescents and Family (CANAF) is a program overseen by ISNA primarily providing health and social services to returned child and youth migrants and their families.<sup>15</sup> According to the Salvadoran newspaper *La Prensa Gráfica*, between January to July 2019, 4,150 children were returned to El Salvador from Guatemala, Mexico, and the United States, and CANAF had contact with at least 2,000 of these children through its staff at the migrant return center and four offices in San Vicente, Usulután, San Miguel and Santa Ana departments.<sup>16</sup> Staff at departmental offices reported caseloads no greater than 300 since opening their doors, in part because so many children migrated again.<sup>17</sup>

### **El Salvador's General Directorate for Migration and Foreigners (Dirección General de Migración y Extranjería, DGME)**

The General Directorate for Migration and Foreigners (DGME) is the Salvadoran government agency responsible for overseeing migration matters. This includes services ranging from

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<sup>13</sup> Government of El Salvador, Institute for the Integral Development of Children and Adolescents, <http://www.isna.gob.sv/ISNANEW/> (accessed January 17, 2020).

<sup>14</sup> Government of El Salvador, Institute for the Integral Development of Children and Adolescents, "Services" ("Servicios"), <http://www.isna.gob.sv/ISNANEW/?cat=8> (accessed January 17, 2020).

<sup>15</sup> Mental Health Training and Research Association, "ISNA Opens Inaugural Site of CANAF in San Vicente" ("ISNA inaugura sede del CANAF en San Vicente"), October 7, 2018, <https://www.acisam.info/novedades/2018/isna-inaugura-sede-del-canaf-en-san-vicente/> (accessed January 17, 2020) and Government of El Salvador, Center for Attention to Children, Adolescents and Family, February 19, 2016, <http://www.isna.gob.sv/ISNANEW/?p=1519> (accessed January 17, 2020).

<sup>16</sup> Susana Peñate, "4,150 Children and Adolescents Returned in Seven Months to El Salvador" ("4,150 niños y adolescentes retornados en siete meses a El Salvador"), *La Prensa Gráfica*, August 16, 2019, <https://www.laprensagrafica.com/elsalvador/4150-ninos-y-adolescentes-retornados-en-siete-meses-a-El-Salvador--20190815-0481.html> (accessed January 17, 2020).

<sup>17</sup> Human Rights Watch interview with CANAF social worker, El Salvador's (region withheld for security), November 2018 (date withheld for security); Human Rights Watch group interview with entire CANAF team, El Salvador's (region withheld for security), November 2018 (date withheld for security); and Human Rights Watch interview with CANAF attorney, El Salvador's (region withheld for security), November 2018 (date withheld for security).

the issuance of passports and visas to immigration enforcement.<sup>18</sup>

### **Directorate for Attention to the Migrant (Dirección de Atención al Migrante, DAMI)<sup>19</sup>**

Also called the “Center for Holistic Attention to the Migrant (CAIM),”<sup>20</sup> “Migrant Return Center,” and “Return Center,” the Directorate for Attention to the Migrant (DAMI) is the DGME-run center in the Quiñonez neighborhood (also called “La Chacra”) of San Salvador where people deported from US federal immigration detention are processed back into El Salvador.<sup>21</sup> As of 2018, up to three flights from the US arrive to El Salvador’s International Airport each week, with as many as 135 people on each flight who are taken by bus to DAMI for two interviews. In the first interview, DGME officials ask deportees basic questions about their destination, family, and plans. At the second, PNC agents ask about where the person plans to live, run the deported person’s name in the Salvadoran criminal database, and photograph tattoos and scars. Agents conduct additional questions based upon information received in advance about certain people marked as gang members by US law enforcement agencies or with criminal records in the US.<sup>22</sup> The responses are stored in Salvadoran police databases and shared the same day with local PNC’s where deportees say they will reside.

### **Yo Cambio (“I Change”)**

Officially, Yo Cambio is a government-sponsored program and prison management model administered by El Salvador’s General Directorate of Prison Centers (Dirección General de Centros Penales) that works with former gang members and incarcerated persons on their rehabilitation and reintegration into society. According to El Salvador’s government, Yo Cambio began in 2011 as a treatment project in a sector of the Apanteos Prison in Santa

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<sup>18</sup> Government of El Salvador, General Directorate for Migration and Foreigners, <http://www.migracion.gob.sv/#> (accessed January 17, 2020).

<sup>19</sup> Unless otherwise referenced, information in this entry is based on Human Rights Watch interview with DAMI staff, El Salvador’s Central Region, November 28, 2018.

<sup>20</sup> The Center for Holistic Attention to the Migrant (CAIM) is actually El Salvador’s residential facility for non-Salvadoran migrants. It is housed in a separate building on the same property as DAMI, and returned Salvadorans can stay the night at CAIM, when needed.

<sup>21</sup> Salvadorans deported from Mexico are also processed at CAIM.

<sup>22</sup> See, for example, Shannon Dooling, “What’s Waiting for Deported Salvadorans Inside ‘La Chacra,’” *WBUR News Boston*, August 30, 2018, <https://www.wbur.org/news/2018/08/30/deported-el-salvador-la-chacra> (accessed January 17, 2020).

Ana Department.<sup>23</sup> In 2014, Yo Cambio was launched from a program to a prison management model used across El Salvador, but as of 2016, it had hardly any budget.<sup>24</sup> As of February 2018, Yo Cambio has been replicated in 14 prisons. Demand is high, but lack of budget continues to be an issue.<sup>25</sup> Two deportees interviewed for this report who had never been charged with a crime in El Salvador carried with them a Yo Cambio certificate to verify for police who harassed them that they had no criminal record.<sup>26</sup>

### **Particularly / Chronically Violent Neighborhood**

Human Rights Watch will call “particularly” or “chronically” violent those neighborhoods that are typically densely populated and low-resourced and which consistently (year-in and year-out) register higher numbers of homicide, sexual crime, and other crime than nearly all others in a municipality.<sup>27</sup> Gang presence is strong in these neighborhoods. As a result, authorities and society view them and their residents as particularly dangerous, creating stigma impossible to escape, even if a resident from one of these neighborhoods moves to a new neighborhood. State actors, so-called death squads or extermination groups and private actors have also committed abuses in these neighborhoods.

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<sup>23</sup> Government of El Salvador, Ministry of Justice and Public Security, “Prison Management Model I Change” (“Modelo de Gestión Penitenciaria Yo Cambio”), <https://www.transparencia.gob.sv/institutions/dgcp/documents/303032/download> (accessed January 17, 2020).

<sup>24</sup> “I Change, The Promise Without a Budget” (“Yo cambio, la promesa sin presupuesto”), *La Prensa Gráfica*, October 30, 2016, <https://www.laprensagrafica.com/revistas/Yo-Cambio-la-promesa-sin-presupuesto-20161030-0098.html> (accessed November 23, 2019).

<sup>25</sup> Roberto Valencia, “‘I Change’ Makes its Way into Prisons for Gang Members” (“‘Yo cambio’ se abre paso en las cárceles de pandilleros”), *El Faro*, March 22, 2019, [https://elfaro.net/es/201901/ef\\_foto/22907/‘Yo-cambio’-se-abre-paso-en-las-cárceles-de-pandilleros.htm](https://elfaro.net/es/201901/ef_foto/22907/‘Yo-cambio’-se-abre-paso-en-las-cárceles-de-pandilleros.htm) (accessed November 23, 2019).

<sup>26</sup> Human Rights Watch interview with Carlos P., El Salvador’s Central Region, March 27, 2019 (pseudonym); Human Rights Watch interview with Santiago U., El Salvador’s Eastern Region, January 28, 2019 (pseudonym).

<sup>27</sup> When Human Rights Watch controlled for their population, particularly violent neighborhood crime rates were consistently above national averages but were not always the highest and even sometimes fell below average in a given year.

## Methodology

This report is based on research conducted by Human Rights Watch in El Salvador, Mexico, and the United States between November 2018 and December 2019. Human Rights Watch conducted multiple-session interviews with more than 50 directly impacted individuals, including 11 female and 22 male deportees; the surviving relatives or friends of two women (one who was transgender) and 16 men killed after their deportations; and the surviving relatives of two women killed following their husbands' return to El Salvador after long-term residence in the US. In a few cases, our researchers had previously spoken with the same interviewees in 2014.

In El Salvador, we interviewed 41 officials in nine departments at local district attorney's offices (FGR), forensic units (IML), and police agencies (PNC) who work at homicide scenes and participate in both crime investigations and hearings, and 31 additional authorities at the migration agency (DGME), local child migrant protection offices (CANAF), the armed forces of El Salvador, criminal sentencing courts, and victim's assistance offices (OLAV) in all 14 departments, as well as researchers, journalists, and non-profit service providers. In the United States, we interviewed approximately 30 immigration attorneys, three defense attorneys, and several social workers, trauma-informed healthcare workers, and researchers in nine states and the District of Columbia. These interviewees identified deportees who suffered harm. They also discussed other cases known to them, professionally or personally, of individuals and families harmed following deportation.<sup>28</sup>

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<sup>28</sup> We used a variety of methods and networks to locate people harmed after deportation to El Salvador. We used attorneys and social services agencies to reach interview subjects. We also reached out to researchers, Salvadorans met through previous research projects, reporters, hundreds of immigration attorneys, social service providers and organizers and asked them to further reach out to their colleagues and networks about persons who had either been recently deported or harmed after deportation. However, many Salvadorans who get deported did not have contact with attorneys or social services in El Salvador before or after they migrated or in the US while living there. Among those Salvadorans who did contact attorneys or social services in El Salvador or the US, most did not remain in contact with their client over time, either because their organization prohibited them from doing so, limited the time a client could receive services, or other barriers arose. For example, two Salvadoran governmental agencies working with deported children explained that they wished to remain in contact at least over the year following deportation their agencies permit, but doing so is difficult, because most children migrate again. Other Salvadoran agency workers face threats themselves and thus limit where they go and with whom they meet. US-based attorneys, volunteers, and researchers who attempted to remain in contact after deportation found at times that phone numbers provided changed or no longer worked and that Facebook accounts got deactivated. Salvadoran providers also encountered phone number and location changes among former clients. If service providers did remain in

In the United States, we went to the individuals and families those in El Salvador and the US referred to us, visiting the three most common counties of residence of Salvadorans in the US and others in nine states and the District of Columbia.<sup>29</sup> We also contacted reporters, immigration attorneys, social service providers, and organizers and asked them to further reach out to their colleagues and networks about persons who had either been recently deported or harmed after deportation.

Included in this report are cases of people who experienced post-deportation harm between 2013 and 2019.<sup>30</sup> In the majority of these cases, the harm occurred within a year of deportation, often in the same month of deportation. In order to assess harms that escalate over time or which for other reasons do not occur immediately (for instance, because a deportee successfully hides from potential abusers for a period), our analysis also includes cases in which the post-deportation harm started within five years of deportation.<sup>31</sup> For deportees killed, we have detailed the time elapsed between deportations and deaths in section II. Likewise, we focused this report on harms suffered after deportation from the US, as opposed to Mexico or other countries.<sup>32</sup>

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contact over time, they did not always ask or care about migration status, and knew that some clients feared the stigma of disclosing migration status, so that social services providers may have had clients relevant to our investigation without knowing it. Among the small universe of known cases, social service providers in both countries must respect their clients' confidentiality, making sharing cases or contact information for deported persons complex and often impossible.

<sup>29</sup> The three most common counties of residence for Salvadorans in the US are: Los Angeles County, California; Prince George's County, Maryland; and Harris County, Texas. See Allison O'Connor, Jeanne Batalova, and Jessica Bolter, "Central American Immigrants in the United States," Migration Policy Institute, August 15, 2019, <https://www.migrationpolicy.org/article/central-american-immigrants-united-states> (accessed August 24, 2019). We conducted interviews in each of these places and others.

<sup>30</sup> We chose this time frame primarily because (1) we wanted this report to reflect current conditions in El Salvador; (2) fact-checking was more feasible, since we had access to databases back to 2013 but not earlier; (3) real time constraints on how many years' data we could analyze; and (4) this time frame includes two presidential administrations from different political parties in El Salvador and the US. However, choosing this time frame meant excluding several earlier cases, including most of the cases yielded from Salvadoran Criminal Sentencing Tribunal decisions, since investigations—when they occur—take such a long time to conclude.

<sup>31</sup> For the majority (81 of 106 or 76 percent) of deportees killed documented through press coverage, the harm occurred within 1 year of deportation. However, we spoke with multiple families targeted for harm in violent neighborhoods over longer periods than this. Likewise, we did uncover cases of persons killed between 2013 and 2019 more than five years after their deportation. The killing was preceded by lesser but nonetheless serious harms, including abuse by law enforcement or state officials, in some of their cases.

<sup>32</sup> When interviewees (officials and directly impacted individuals) described someone as deported from the US, we asked follow-up questions to try to eliminate the possibility that the individual had been deported from another country. Interviewees sometimes did not know all the details of the harmed individual's case in El Salvador or the US, particularly around the type of immigration relief sought. We did all we could to consult other available sources to fill in those details; however, sometimes, we could not find other sources.

We spoke with fewer women than men who had been deported, primarily because they constitute a smaller proportion of deportees. According to statistics obtained through a public information request with El Salvador's General Directorate for Migration and Foreigners (DGME), women constituted between 7.7 and 17.1 percent of all individuals deported from the United States annually from 2012 to 2017.<sup>33</sup> We chose to conduct our interviews with children with their parents present and therefore could have missed important components of their experiences related to their parents or household, such as domestic violence or neglect.

Human Rights Watch carried out interviews in Spanish or in English, without interpreters, depending on the preference of the interviewee(s). We conducted a handful of interviews in the US and two interviews in El Salvador by voice or video call. We conducted all other interviews in person. Human Rights Watch informed all interviewees of the purpose of the interview, its voluntary nature, and the ways in which the information would be collected and used. Interviewers assured participants that they could end the interview at any time or decline to answer any questions, without negative consequences. All interviewees provided verbal informed consent to participate. When appropriate, Human Rights Watch provided contact information for organizations offering counseling, health, legal, or other social services.

Initial interview sessions with deportees, their family, or friends lasted between one and four hours and were intentionally unstructured so that the interviewee could elect what they shared.<sup>34</sup> Subsequent sessions were shorter and more structured. In El Salvador and Mexico, sessions most often took place in a private part of the preferred restaurant closest to an interviewee's home, although a few sessions took place at the person's home, workplace, or by phone or social media (principally Facebook Messenger and WhatsApp). In the US, interviews most often took place in the person's home but also occurred in a detention center, at an office, and by phone.

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<sup>33</sup> Data from 2012-2017 obtained by Human Rights Watch via public information request submitted to DGME and received on October 24, 2018 (on file with Human Rights Watch).

<sup>34</sup> The only mandatory information collected in these first interviews were basic biographical data and neighborhoods of residence.

Human Rights Watch did not provide interviewees with compensation for participating but did in some cases provide a meal and transportation costs. Interviews with other types of sources lasted between half-an-hour and two hours, with almost all occurring in work offices or over the phone, although a few with persons previously known to Human Rights Watch took place over a meal or while in transit together.

Human Rights Watch took extreme care to minimize the risk that recounting experiences could further traumatize those interviewed. Besides letting interviewees determine the first session's structure and building rapport over multiple sessions, we also fact-checked aspects of each individual's account before meeting with them again.

The names of all persons interviewed, including officials, have been replaced with pseudonyms to mitigate security concerns or retaliation. In particularly sensitive cases, like those involving state perpetrators of harm or interviewees in the process of fleeing or seeking asylum, we have also deliberately withheld details about the date or location of abuses and our interviews. Although we analyzed the neighborhoods in which particular deportees were harmed, deportees' pseudonyms are intentionally disassociated from them to further ensure anonymity.

In addition to interviews, we used four techniques to identify possible cases of harm experienced by deported people, to fact-check individual accounts obtained through interviews, and to deepen our contextual knowledge of the neighborhoods and circumstances surrounding deportees' daily lives in El Salvador:

- First, we compiled data from the three Salvadoran agencies that maintain registries on disappearances, sexual crimes and violent deaths.<sup>35</sup> Through public information requests to the Salvadoran Attorney General's Access to Public Information Office,<sup>36</sup> we acquired municipal-level data on adult and child

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<sup>35</sup> El Salvador's national civilian police (PNC), medical legal [forensic] institute (IML), and attorney general's office (FGR) attend crime scenes and form a tripartite table that is supposed to meet monthly to consolidate any discrepancies between their homicide registries. Their homicide statistics are housed within FGR. For all crimes, the FGR classifies the crime according to the criminal code.

<sup>36</sup> Data obtained via public information request to the Salvadoran Attorney General's Access to Public Information Office for crime incidence data throughout El Salvador, data on homicides between 2013-2017 were received November 9, 2018 and

homicides<sup>37</sup> and sexual crimes<sup>38</sup> and arrests, hearings and convictions for these crimes. The supplied data was aggregated annually for the years 2013 to 2018. We also monitored the national Salvadoran attorney general’s Twitter page and compiled a database of public reports of child disappearances.<sup>39</sup>

- Second, we systematically searched the Salvadoran printed press (in Spanish) for the neighborhood names (including various spelling variations, when necessary) where those interviewed lived or fled, yielding over 22,000 articles that formed the basis of analysis.<sup>40</sup> The relevant results were skimmed, and we then read and analyzed relevant articles describing violence or other aspects of neighborhood life relevant to deportees’ (and other residents’) experiences.<sup>41</sup>

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data on sexual crimes between 2013-2017 were received November 1, 2018. Homicide data for 2018 were received February 18, 2019, sexual crime data for 2018 were received February 25, 2019 (data on file with Human Rights Watch). El Salvador’s Access to Public Information Law [Ley de Acceso a la Información Pública] became effective in 2011 and subsequently resulted in the creation of Access to Public Information Offices in governmental and non-governmental offices.

<sup>37</sup> “Homicides” refer to the following classifications in El Salvador’s Penal Code [Código Penal], approved in 1997 and last updated in 2008, and Special Holistic Law for a Life Free of Violence for Women [Ley Especial Integral para una Vida Libre de Violencia para Las Mujeres (LEIV)], approved in 2011: Homicidio simple (128 CP), Homicidio agravado (129 CP), Homicidio culposo (132 CP), Femicidio (45 LEIVM), and Femicidio agravado (46 LEIVM).

<sup>38</sup> “Sexual crimes” refer to the following classifications in El Salvador’s Penal Code [Código Penal]: Violación (158 CP), Violación en Menor o incapaz (159 CP), Violación y agresión sexual agravada (162 CP), Estupro (163 CP), and Estupro por Prevalimiento (164 CP).

<sup>39</sup> The FGR has since August 2013 operated a child disappearance reporting mechanism on Twitter called Ángel Desaparecido. It shows 220 girls and 204 boys reported as disappeared nationwide through May 2019. Researchers and reporters indicated to Human Rights Watch that gangs have used the mechanism to track down those who have offended them, and thus, an unknown number of families choose not to use it. It is likely for this reason—alongside impunity, a history of State persecution, and organized crime’s operation within the State—that in the departments of Morazán and Usulután, only one report was ever made to the site, despite at least some additional disappearances reported by the Salvadoran press. In San Vicente, only two reports were ever made, and in the departments of La Paz and La Unión, no reports were ever made. See “Disappeared Angel” (“Ángel Desaparecido”) Twitter page, <https://twitter.com/alertaangelsv?lang=en> (accessed January 17, 2020).

<sup>40</sup> Human Rights Watch searched 24 neighborhood names and four less-populous municipalities’ names, yielding 27,326 total results (each neighborhood yielded between 32 and 5,749 results, and each municipality yielded between 670 and 3,494 results). Because of time constraints, we reviewed just over 22,000 of them and note specific numbers for each neighborhood in text.

<sup>41</sup> The bulk of the 22,000 articles were summaries of the events (“sucesos”) of the day, which included homicides and arrests. In-depth pieces were written for some neighborhoods and these took significant time to read and summarize. For some neighborhoods—like Chaguantique—almost every result was relevant and ended up analyzed. For other neighborhoods—like Platanar—most results were relevant, but since it is the name of at least two other neighborhoods in different municipalities, we had to carefully focus on the relevant neighborhood where deportees were likely to live. Then, other neighborhoods—like Apaneca, San Francisco, Buena Vista—returned many irrelevant results, because they are such common names. But the only way for us to know that was to read them.

These data have extreme limitations.<sup>42</sup> However, they did allow us to identify themes in neighborhood dynamics, including incidents of violence, stories evidencing economic hardship in these neighborhoods, crimes committed, victims, victimizers, and state actions. Having these additional data facilitated chronological questioning during subsequent interview sessions.

- Third, we searched the words “*deportada/o*” in digitized decisions of El Salvador's 24 criminal sentencing tribunals. Among the 260 resulting criminal sentencing tribunal decisions,<sup>43</sup> we found 18 decisions that documented harm to persons deported from the United States in eight Salvadoran departments, but only seven documented harm experienced in 2013 or more recently. We obtained one more 2018 decision by requesting it from the tribunal in person.
- Fourth, we searched the words “*deportada/o*” in 14 Salvadoran news outlets (all in Spanish). Among the 3,767 articles that returned,<sup>44</sup> we found 288 appearing in 13 Salvadoran outlets and five international or US outlets reporting on abuse of deportees. Among these, we identified 219 articles describing the killings of 106 persons deported from the United States. The deaths occurred between January 2013 and September 2019 in all 14 Salvadoran departments.<sup>45</sup>

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<sup>42</sup> This methodology produced a data set of media-reported incidents, which is different from a complete accounting of incidents. Moreover, these neighborhoods are probably the least likely to have complete reporting, as authorities and journalists alike told us gang members had prohibited their entry to homicide scenes in them, and journalists told us of police cordoning four or five blocks (so the press could not enter) scenes where they suspected authority participation.

<sup>43</sup> Thirty-seven decisions returned for “*deportada*,” most of them involving human trafficking but also other crimes like drug possession, extortion, fraud and homicide. For “*deportado*,” 223 decisions returned, only 44 of which were for human trafficking. The other crimes included arms distribution or possession, bodily harm, bribery, drug distribution or possession, extortion, femicide, fraud, homicide, illicit association, kidnapping, rape, robbery, threats and usurpation.

<sup>44</sup> 1,508 links returned for “*deportada*,” and 2,259 links returned for “*deportado*.” Around 25 percent of links for both terms could not be opened. Articles ranged in subject matter from programming available to persons deported from Mexico and the United States, persons deported from other countries, like Nicaragua, persons seeking asylum or other legal relief in Canada and the United States, persons suspected to have committed a crime following a previous deportation, and persons disappeared or killed after deportation. Among the latter, one article documented the killing of a man most recently deported from Nicaragua (who was earlier deported from the United States), and two articles documented the murders of two men deported from Mexico.

<sup>45</sup> Multiple outlets covered some incidents with consistent but more or fewer details. Because we only identified articles for three women—one transgender, one disappeared after her deportation, and one killed after her stepson was deported—we also searched monthly summaries of news reports on girls or women by the Salvadoran Women’s Organization for Peace (Organización de Mujeres Salvadoreñas por la Paz, ORMUSA), but found no additional mention of harm suffered after deportation from the US. For cases involving state actors as persecutors, Human Rights Watch also reviewed accompanying public pronouncements made by US Immigration and Customs Enforcement (ICE), International Criminal Police Organization (INTERPOL), and FGR and PNC on seven women and 65 men at their websites, on social media, and in news reports.

When describing our findings from these various sources we used the term “identified” for cases found only through press searches; and the terms “investigated” or “documented” for cases we found through interviews with directly impacted individuals cross-checked with other sources such as criminal tribunal decisions, press accounts, or interviews with officials.

Finally, Human Rights Watch compiled data from El Salvador’s General Directorate for Migration and Foreigners (DGME) on deportations. Through public information requests to DGME’s Access to Public Information Office, we acquired data on deportations from 2012 to 2017 for all countries, and for only Mexico and the United States for 2018, according to municipality of birth and residence for children and adults.<sup>46</sup> However, these data contain no information about the experiences of deportees after their return to El Salvador. No governmental or nongovernmental organizations, domestic or international, monitor what happens to deported Salvadorans, including their criminal victimization or other alleged harm suffered. This makes it impossible to obtain a complete or representative sample of cases of deportees harmed after return to El Salvador.<sup>47</sup>

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<sup>46</sup> Data from 2012-2017 obtained by Human Rights Watch via public information request submitted to DGME and received on October 24, 2018 (on file with Human Rights Watch); and 2018 data obtained by Human Rights Watch via public information request submitted to DGME and received on February 18, 2019 (on file with Human Rights Watch).

<sup>47</sup> Anecdotally, such follow-up would facilitate better sampling for the type of investigation we have completed in this report. For example, while children constituted less than 1 percent—between 0.05 and 0.8 percent—of all individuals deported annually from the United States from 2012 to 2017, because they are the only subset of deportees who now require Salvadoran government follow-up, we recruited the largest percentage of child deportees of any subset.

# I. Background

## Human Rights Situation in El Salvador

El Salvador, with just over six million citizens, has among the world's highest homicide rates,<sup>48</sup> alongside thousands of missing-persons cases and sexual crimes since 2013, according to data from the Salvadoran Attorney General's Access to Public Information Office.<sup>49</sup> State authorities have historically been largely ineffective in protecting the population from this violence, which is often perpetrated by gangs.

At the same time, Salvadoran security forces have themselves committed extrajudicial executions, sexual assaults, enforced disappearances, and torture. Impunity is widespread. For example, investigations reached hearings in only 14 of 48 cases involving 116 extrajudicial killings committed from 2014 to 2018 that the Salvadoran Ombudsperson for the Defense of Human Rights (PDDH) examined. Two resulted in convictions.<sup>50</sup> Successive Salvadoran governments have deployed military units alongside police in

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<sup>48</sup> United Nations Office on Drugs and Crime, "Global Study on Homicide," July 2019, <https://www.unodc.org/unodc/en/data-and-analysis/global-study-on-homicide.html> (accessed October 23, 2019).

<sup>49</sup> Data obtained via public information request to the Salvadoran Attorney General's Access to Public Information Office for crime incidence data throughout El Salvador, data on homicides between 2013-2017 were received November 9, 2018 and data on sexual crimes between 2013-2017 were received November 1, 2018. Homicide data for 2018 were received February 18, 2019, sexual crime data for 2018 were received February 25, 2019 (data on file with Human Rights Watch).

<sup>50</sup> See Nelson Rauda Zablah and Gabriela Cáceres, "PDDH: Police Executed 116 People Between 2014 and 2018" ("PDDH: La Policía ejecutó a 116 personas entre 2014 y 2018"), *El Faro*, August 28, 2019, [https://elfaro.net/es/201908/el\\_salvador/23592/PDDH-La-Polic%C3%ADa-ejecut%C3%B3-a-116-personas-entre-2014-y-2018.htm?fbclid=IwAR3MMMKRWyebfe1kq8\\_qR\\_23R-MKzynnJmvt4jvpc4CqwUbn8MTp4xl](https://elfaro.net/es/201908/el_salvador/23592/PDDH-La-Polic%C3%ADa-ejecut%C3%B3-a-116-personas-entre-2014-y-2018.htm?fbclid=IwAR3MMMKRWyebfe1kq8_qR_23R-MKzynnJmvt4jvpc4CqwUbn8MTp4xl) (accessed January 17, 2020) (linking to report of Salvadoran Ombudsperson for the Defense of Human Rights [Procuraduría para la Defensa de los Derechos Humanos], PDDH), "Special Report of the Ombudswoman for the Defense of Human Rights, Attorney Raquel Caballero de Guevara, about extralegal executions attributed to the National Civilian Police in El Salvador, period 2014-2018: Characterization of cases of violation of the right to life and patterns of extralegal action" ("Informe especial de la señora Procuradora para la Defensa de los Derechos Humanos, licenciada Raquel Caballero de Guevara, sobre las ejecuciones extralegales atribuidas a la Policía Nacional Civil, en El Salvador, periodo 2014-2018: Caracterización de casos de violación al derecho a la vida y patrones de actuación extralegal") (hereinafter "PDDH Report"), August 2019, <https://www.pddh.gob.sv/portal/file/index.php?dwfile=MjAxOS8xMC9JbmZvcmlLLWVzcGVjaWFsLXNvYnJLLWVqZWZWN1Y2l2bWVzLWV4dHJhbGVnYWxlcyoXLTUucGRm> (accessed November 11, 2018).

public security operations,<sup>51</sup> despite a 1992 peace accord stipulation against it.<sup>52</sup> Media outlets widely report that the current national police director is under investigation for threats and links to drug trafficking and extermination groups.<sup>53</sup>

In 2019 alone, the Central American University Human Rights Institute received seven reports of elite Salvadoran police units burning victims.<sup>54</sup> For example, in March 2019, Tactical Operation Section agents beat, strangled, blindfolded, and handcuffed a 20-year-old man in a sugarcane field in Apopa municipality whom they suspected of gang

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<sup>51</sup> See Inter-American Commission on Human Rights, “IACHR Presents Preliminary Observations of its On-site Visit to El Salvador” (“CIDH presenta observaciones preliminares de su visita in loco a El Salvador”), December 27, 2019, <http://oas.org/es/cidh/prensa/comunicados/2019/335.asp> (accessed January 12, 2020) (stating that “several civil society organizations expressed concern about the continuity of a security policy by the current Government with repressive emphasis, through the intervention of police and military forces. . . . According to the information received, there appear to be almost 13,000 military members in public security tasks. This is despite the precedent of the Constitutional Chamber of the Supreme Court that established that military members should not participate in public security. In this regard, the IACHR was informed that the new Government has initiated a process of broad recruitment of the Armed Forces to carry out citizen security tasks.”); and The National Civilian Police (“Policía Nacional Civil”) “One Month After the Territorial Control Plan Was Implemented, the Police reported 2,031 arrests” (“A un mes de implementado el Plan Control Territorial, la Policía reporta 2,031 arrestos”), July 20, 2019, <http://www.pnc.gob.sv/portal/page/portal/informativo/novedades/noticias/A%20un%20mes%20de%20implementado%20el%20Plan%20Control%20Territorial%20la%20Poli#.XhuFm8hKg2w> (accessed January 12, 2020) (while discussing the operations of a unit called the “Fuerza Operativa Conjunta Antidelincuencial / Anticriminal” (FOCA) or the “joint anti-crime operational force” this press release states that in the initial phase of President Bukele’s security plan, the “combined security force between the police and armed forces in 17 municipalities” has dismantled illegal businesses and criminal structures relied upon by gangs and has blocked telephone communications around prisons).

<sup>52</sup> See United Nations, “Chapultepec Agreement” (“Acuerdo de Chapultepec”), January 16, 1992, <https://peacemaker.un.org/elsalvador-chapultepec92> (accessed December 8, 2019) (noting that “immediate reaction infantry battalions will not be necessary in the new peace reality”); nevertheless, the PDDH report lists such units implicated in extrajudicial killings. President Bukele and previous administrations in El Salvador have declared a “State of Emergency” in El Salvador, which they argue justifies the use of military units in law enforcement, despite the fact that this is contrary to the peace agreements.

<sup>53</sup> See, for example, Hector Silva, “The Infiltrators: Chronicle of the Corruption in the Police of El Salvador” (“Los infiltrados: Crónica de la corrupción en la policía de El Salvador”), *Insight Crime*, February 20, 2014, <https://es.insightcrime.org/investigaciones/los-infiltrados-cronica-de-la-corrupcion-en-la-policia-de-el-salvador/> (accessed January 17, 2020); Walter Sibrián, “IDHUCA Disapproves Appointment of New PNC Director for Having Led Police Groups Involved in Extrajudicial Executions” (“IDHUCA desaprueba nombramiento de nuevo director de PNC por haber dirigido grupos policiales implicados en ejecuciones extrajudiciales”), *La Prensa Gráfica*, June 6, 2019, <https://www.laprensagrafica.com/elsalvador/IDHUCA-desaprueba-nombramiento-de-nuevo-director-de-PNC-por-haber-dirigido-grupos-policiales-implicados-en-ejecuciones-extrajudiciales--20190606-0413.html> (accessed January 17, 2020); Diana Escalante, “IDHUCA Criticizes Appointment of Arriaza Chicas as Police Director” (“IDHUCA critica nombramiento de Arriaza Chicas como director de la Policía”), *El Salvador.com*, June 6, 2019, <https://www.elsalvador.com/noticias/nacional/idhuca-critica-nombramiento-de-arriaza-chicas-como-director-de-la-policia/610338/2019/> (accessed January 17, 2020); Leonor Arteaga, “Bukele’s Security Policy: the Regressive Side of the Millennial President?” (“La política de seguridad de Bukele: ¿el lado regresivo del presidente milenial?”), *El Faro*, July 4, 2019, <https://elfaro.net/es/201907/columnas/23469/La-pol%C3%ADtica-de-seguridad-de-Bukele-¿el-lado-regresivo-del-presidente-milenial.htm> (accessed January 17, 2020).

<sup>54</sup> Central American University Institute of Human Rights, “Press Releases,” <http://www.uca.edu.sv/idhuca/noticias/comunicados-de-prensa/#more-587> (accessed January 18, 2020).

membership or hiding weapons or drugs, and set fire to the field where they left him unconscious. He emerged from the fire with burns to his face and feet.<sup>55</sup> Victims or witnesses of eight arbitrary arrests in two incidents in 2019 and late 2018 told Human Rights Watch of beatings at police barracks.<sup>56</sup>

In August 2019, the Lethal Force Monitor reported that Salvadoran police and soldiers killed 1,626 people from 2011 through 2017, including 48 boys, four women, and 355 men in 2017.<sup>57</sup> Authorities recorded every year more than 92 percent of victims as gang members and nearly all incidents as “confrontations” or “shootouts.” However, also in August 2019, the PDDH reported that it had examined killings of 28 boys, seven women, and 81 men and found few resulted from confrontations.<sup>58</sup>

As of October 2019, the country’s jails, juvenile and youth facilities, and adult prisons held 45,439 people in custody, more than twice the official capacity, according to the online database World Prison Brief.<sup>59</sup> The IML registered 14 homicides in police barracks and prisons in 2018.<sup>60</sup> One official told Human Rights Watch that 10 other detainees had died from extreme heat. Two inmates said there was tuberculosis in Salvadoran prisons.<sup>61</sup> One

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<sup>55</sup> See Inter-American Commission on Human Rights (“Comisión Interamericana de Derechos Humanos”), Resolution 28/2019 “‘Key January’ and Family in Respect of El Salvador” (“‘Clave Enero’ y familia respecto de El Salvador”), June 11, 2019, <https://www.oas.org/es/cidh/decisiones/pdf/2019/28-19MC542-19-ES.pdf> (accessed November 20, 2019).

<sup>56</sup> Human Rights Watch interview with Gaspar T., El Salvador’s Central Region, March 28, 2019 (pseudonym); Human Rights Watch interview with Walter T., El Salvador’s Central Region, March 28, 2019 (pseudonym); and Human Rights Watch interview with Bartolo A., El Salvador’s (region withheld for security), November 26, 2018 (pseudonym).

<sup>57</sup> “Report on the Use and Abuse of Lethal Force in Latin America: A comparative study of Brazil, Colombia, El Salvador, Mexico and Venezuela,” (“Monitor del uso de la fuerza letal en América Latina: Un estudio comparativo de Brasil, Colombia, El Salvador, México y Venezuela”), August 2019, <http://monitorfuerzaletal.com> (accessed November 26, 2019) (The Lethal Force Use Monitor brings together researchers from 5 countries: Brazil, Colombia, El Salvador, Mexico and Venezuela. The participants jointly developed indicators to establish a series of unified tools to measure, analyze and compare the use of lethal force by the State across the 5 countries.).

<sup>58</sup> Rauda Zablah and Cáceres, “PDDH: Police Executed 116 People Between 2014 and 2018” (“PDDH: La Policía ejecutó a 116 personas entre 2014 y 2018”), *El Faro*, August 28, 2019, [https://elfaro.net/es/201908/el\\_salvador/23592/PDDH-La-Polic%C3%ADa-ejecut%C3%B3-a-116-personas-entre-2014-y-2018.htm](https://elfaro.net/es/201908/el_salvador/23592/PDDH-La-Polic%C3%ADa-ejecut%C3%B3-a-116-personas-entre-2014-y-2018.htm) (accessed January 21, 2020).

<sup>59</sup> Institute for Crime and Justice Policy Research, World Prison Brief, “El Salvador,” <https://www.prisonstudies.org/country/el-salvador> (accessed November 26, 2019).

<sup>60</sup> IML, “Violent Homicide Deaths Occurring in El Salvador in 2018” (“Practicados A Personas Fallecidas en Henchos de Violencia (Homicidios), Ocurridos en El Salvador en el año 2018”), <http://www.transparencia.oj.gob.sv>, (accessed November 25, 2019) (2018 data on file with Human Rights Watch).

<sup>61</sup> Human Rights Watch interview with FGR prosecutor, El Salvador’s Eastern Region, March 24, 2019; Human Rights Watch interview with Bartolo A., El Salvador’s (region withheld for security) (pseudonym), November 26, 2018; and Human Rights Watch interview with Yavany B., El Salvador’s Central Region, December 1, 2018 (pseudonym). See also, Sarah Esther Maslin,

of these same inmates along with another inmate told Human Rights Watch that officials provided them inadequate food, hygiene products, and medicine and, in what appeared to be instances of excessive use of force, beat them and used pepper spray during prison searches.<sup>62</sup>

### *Gangs*

Gangs in El Salvador effectively exercise territorial control over specific neighborhoods and extort residents throughout the country. They forcibly recruit children. They sexually assault people targeted on the basis of their gender and/or real or perceived sexual orientation or gender identity. Gangs kill, abduct, rape, or displace those who resist. Many of those who are abducted are later found dead or never heard from again. According to unverified estimates cited by the UN special rapporteur on extrajudicial, summary or arbitrary executions, approximately 60,000 gang members reportedly operate in some 247 out of 262 municipalities in the country.<sup>63</sup> Gangs enforce their territories' borders and extort and surveil residents and those transiting, particularly around public transport, schools, and markets. Allegations of security and elected officials collaborating with gangs in criminal operations have been reported by the press and all political parties have negotiated with gangs according to consistent allegations reported, but not substantiated by, the UN special rapporteur.<sup>64</sup>

### *Disappearances, Abductions, and Missing Persons*

The Inter-American Commission on Human Rights (IACHR) reported in December 2019 that the FGR registered 3,289 people who “disappeared” in 2018 and 3,030 in 2019.<sup>65</sup> According to the IACHR, victims said they are at times unable to file complaints regarding

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"How an Innocent Man Wound Up Dead in El Salvador's Justice System," *Washington Post*, March 16, 2017, [https://www.washingtonpost.com/world/the\\_americas/how-an-innocent-man-wound-up-dead-in-el-salvadors-justice-system/2017/03/16/7144e7fc-dd13-11e6-8902-610fe486791c\\_story.html?noredirect=on](https://www.washingtonpost.com/world/the_americas/how-an-innocent-man-wound-up-dead-in-el-salvadors-justice-system/2017/03/16/7144e7fc-dd13-11e6-8902-610fe486791c_story.html?noredirect=on) (accessed December 5, 2019).

<sup>62</sup> Human Rights Watch interview with Ransés I., Tijuana, Mexico, March 8, 2019 (pseudonym); Human Rights Watch interview with Bartolo A., El Salvador's (region withheld for security), November 26, 2018 (pseudonym).

<sup>63</sup> United Nations Office of the High Commission for Human Rights, El Salvador End of Mission Statement, Agnes Callamard, special rapporteur for extrajudicial, summary or arbitrary executions, February 5, 2018, <https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=22634&LangID=E> (accessed June 16, 2019).

<sup>64</sup> *Ibid.*

<sup>65</sup> Inter-American Commission on Human Rights, "IACHR Presents Preliminary Observations of its On-site Visit to El Salvador" ("CIDH presenta observaciones preliminares de su visita in loco a El Salvador"), December 27, 2019, <http://oas.org/es/cidh/prensa/comunicados/2019/335.asp> (accessed January 12, 2020).

family members who have gone missing, and that they usually face delays in the investigations, including failure to respond in the critical first hours after a disappearance.

Between 2010 and August 2019, the police have registered over 10,800 victims who have gone missing—more than the estimated 8,000 to 10,000 disappeared during the civil war (1979-1992), according to press accounts.<sup>66</sup> Because very few cases are investigated, knowledge of perpetrators is limited.<sup>67</sup> These figures likely include suspected abductions by criminal gangs or state authorities and other cases in which people have gone missing in unexplained circumstances.

### *Harassment and Violence Against Women and LGBT Individuals*

A 2017 national survey found that 67 percent of women in El Salvador faced violence at some point in their lives,<sup>68</sup> and the rates of “femicide,” including domestic violence killings are the highest in the region.<sup>69</sup> Despite some reform efforts, such as specialized women’s courts and dedicated units in the Attorney General’s Office, formidable obstacles remain for women seeking police protection, investigation, or justice through the courts.<sup>70</sup>

Lesbian, gay, bisexual, and transgender (LGBT) people who are deported from the United States to El Salvador are likely to face specific threats. Human Rights Watch research has

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<sup>66</sup> “Salvadoran Commission Close to Resolving First Case of Disappearance in War” (“Comisión salvadoreña cerca de resolver primer caso de desaparición en guerra”), *La Prensa Gráfica*, August 31, 2019, <https://www.laprensagrafica.com/elsalvador/Comision-salvadorena-cerca-de-resolver-primero-caso-de-desaparicion-en-guerra-20190831-0264.html> (accessed November 26, 2019).

<sup>67</sup> Mary Beth Sheridan and Anna-Catherine Brigida, “Disappeared in El Salvador: the Return of a Cold War Nightmare,” *Washington Post*, October 19, 2019, [https://www.washingtonpost.com/world/the\\_americas/disappeared-in-el-salvador-amid-a-cold-war-nightmares-return-a-tale-of-one-body-and-three-grieving-families/2019/10/19/d806d19a-e09d-11e9-be7f-4cc85017c36f\\_story.html](https://www.washingtonpost.com/world/the_americas/disappeared-in-el-salvador-amid-a-cold-war-nightmares-return-a-tale-of-one-body-and-three-grieving-families/2019/10/19/d806d19a-e09d-11e9-be7f-4cc85017c36f_story.html) (accessed January 18, 2020).

<sup>68</sup> Government of El Salvador, Ministry of the Economy, “National Survey of Violence Against Women” (“Encuesta Nacional de Violencia Contra las Mujeres”), May 2018, <http://aplicaciones.digestyc.gob.sv/observatorio.genero/docs/ENVCM%2017.pdf> (accessed January 4, 2020).

<sup>69</sup> Economic Commission for Latin America and the Caribbean, “At Least 2,795 Women Were Victims of Femicide in 23 Countries of Latin America and the Caribbean in 2017,” November 15, 2018, <https://www.cepal.org/en/pressreleases/eclac-least-2795-women-were-victims-femicide-23-countries-latin-america-and-caribbean> (accessed January 4, 2017).

<sup>70</sup> Louise Donovan and Christina Asquith, “El Salvador Kills Women as the U.S. Shrugs,” *Foreign Policy*, March 7, 2019, <https://foreignpolicy.com/2019/03/07/el-salvador-kills-women-as-the-us-shrugs/> (accessed January 4, 2020); Observatory of Gender-based Violence Against Women (“Observatorio de violencia de género contra las mujeres, ORMUSA”), “Impunity is One of the Main Premises in the Fight Against Violence Against Women, Only 5% of Cases Ends in Sentencing—ORMUSA Violence Report 2017-2018” (“La impunidad es una de las principales premisas en la lucha contra la violencia contra las mujeres, solo 5% de casos termina en sentencia—Informe Violencia ORMUSA 2017-2018”), June 2018, [http://observatoriodeviolencia.ormusa.org/boletinas/2018-0506\\_BOLETINA\\_VG.pdf](http://observatoriodeviolencia.ormusa.org/boletinas/2018-0506_BOLETINA_VG.pdf) (accessed January 4, 2020).

found that LGBT people in El Salvador are often rejected by their families, meaning that many would have no family support during the process of reintegration. Human Rights Watch repeatedly heard from LGBT Salvadorans, both in El Salvador and in the United States, that gangs had targeted them on the basis of their sexual orientation or gender identity, subjecting some LGBT people to sexual violence and extorting others due to their perceived vulnerability.<sup>71</sup> Several LGBT Salvadorans also reported being beaten or sexually assaulted by the police.<sup>72</sup> In January 2019, Camila Díaz Cordova, a transgender woman deported from the United States, was beaten to death. In July, the FGR charged three police officers with her kidnapping and aggravated homicide.<sup>73</sup> The case remained open at the time of writing. Within the span of one month in late 2019, three transgender women and one gay man were murdered in El Salvador in circumstances that led activists to suspect they were hate crimes.<sup>74</sup>

## US Laws Affecting Salvadoran Asylum Seekers, Refugees, and Other Migrants

Salvadoran nationals who are neither citizens of the United States nor undocumented hold one of several legal statuses, none of which protects them completely from deportation. These various statuses, and the degree to which the US laws affording them comport with international human rights and refugee law are discussed in greater detail in Section VI.

According to 2017 US Census data analyzed by the Migration Policy Institute,<sup>75</sup> about 1.2 million non-citizens whose country of birth was El Salvador live in the United States. They in turn fall in four main legal categories.

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<sup>71</sup> Human Rights Watch group interviews with LGBT Salvadorans in El Salvador, May 2019 and July 2019; in Washington, DC, December 2019; and in Los Angeles, December 2019.

<sup>72</sup> Ibid.

<sup>73</sup> Paula Rosales and Nelson Rentería, “Camila’s Last Night, Trans Chased by Gangs and Killed by the Police” (“La última noche de Camila, trans perseguida por pandillas y asesinada por la Policía”), *Presentes*, December 5, 2019, <http://agenciapresentes.org/2019/12/05/la-ultima-noche-de-camila-trans-perseguida-por-pandillas-y-asesinada-por-la-policia/> (accessed January 7, 2020).

<sup>74</sup> Oscar Lopez, “Pressure Mounts for El Salvador to Investigate Wave of LGBT+ Killings,” Reuters, November 21, 2019, <https://www.reuters.com/article/us-el-salvador-lgbt-murder-trfn/pressure-mounts-for-el-salvador-to-investigate-wave-of-lgbt-killings-idUSKBN1XWo1G> (accessed January 18, 2020); Human Rights Watch telephone interview with a representative of COMCAVIS TRANS, December 2019.

<sup>75</sup> Allison O’Connor, Jeanne Batalova, and Jessica Bolter, “Central American Immigrants in the United States,” Migration Policy Institute, August 15, 2019, <https://www.migrationpolicy.org/article/central-american-immigrants-united-states> (accessed August 24, 2019).

- First, about 665,000 Salvadorans are living in the United States in an **unauthorized** legal status, meaning at any moment they could be arrested and deported from the country. During their deportation proceedings, they technically would have the ability to raise their fears of persecution or torture as a defense against removal. In reality, this is extremely difficult to do successfully.
- Second, about 340,000 Salvadorans live in the United States as lawful permanent residents. These people have permission to work and build their lives in the United States, but if they are convicted of any of a long list of crimes (including non-violent drug or driving offenses generally considered as misdemeanors), they are subject to deportation under procedures that severely restrict the possibility of raising their fears of persecution upon return as a defense against removal. They might be able to raise fear of torture in El Salvador, but in reality, the torture standard is more difficult to meet than the “fear of persecution” standard.
- Third, another 195,000 Salvadorans have temporary protection against deportation as recipients of Temporary Protected Status (TPS), a program that the US Congress put in place for Salvadorans since two devastating earthquakes hit the country in 2001. The Trump administration decided to end TPS in September 2019,<sup>76</sup> but a court injunction has prevented termination from going into effect. Consequently, the Trump administration extended work authorization associated with TPS until January 2021, without extending TPS beyond January 2020.<sup>77</sup> If appellate courts lift the injunction, Salvadorans who have been protected by TPS will be subject to removal. Due to lack of resources, legal advice, fear, or other reasons, some Salvadorans have not re-registered their TPS status, which moves them into an unauthorized status. During their deportation proceedings, former TPS holders technically would

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<sup>76</sup> United States Federal Register, “Continuation of Documentation for Beneficiaries of Temporary Protected Status Designations for Sudan, Nicaragua, Haiti, and El Salvador,” October 31, 2018, [https://www.federalregister.gov/documents/2018/10/31/2018-23892/continuation-of-documentation-for-beneficiaries-of-temporary-protected-status-designations-for-sudan?utm\\_campaign=subscription%20mailing%20list&utm\\_source=federalregister.gov&utm\\_medium=email](https://www.federalregister.gov/documents/2018/10/31/2018-23892/continuation-of-documentation-for-beneficiaries-of-temporary-protected-status-designations-for-sudan?utm_campaign=subscription%20mailing%20list&utm_source=federalregister.gov&utm_medium=email) (accessed November 26, 2019).

<sup>77</sup> United States Federal Register, “Continuation of Documentation for Beneficiaries of Temporary Protected Status Designations for El Salvador, Haiti, Honduras, Nepal, Nicaragua, and Sudan,” November 4, 2019, <https://www.federalregister.gov/documents/2019/11/04/2019-24047/continuation-of-documentation-for-beneficiaries-of-temporary-protected-status-designations-for-el> (accessed November 26, 2019).

- have the ability to raise their fears of persecution or other types of harm as a defense to removal; but in reality, this is very challenging to do successfully.
- Fourth, some 25,600 Salvadorans have been living in the US with temporary permission to remain in two-year increments under the **Deferred Action for Childhood Arrivals (DACA)** program, which began in 2012, but which the Trump administration decided to end in September 2017. DACA status has been maintained by temporary court rulings but the Trump administration's decision to end the program is being reviewed by the Supreme Court at this writing, making DACA recipients legitimately fearful of deportation. Due to lack of resources, legal advice, fear, or other reasons, some Salvadorans have not re-registered their DACA status, which moves them into an unauthorized status. During their deportation proceedings, former DACA holders technically would have the ability to raise their fears of persecution or other types of harm as a defense to removal; in reality, this is difficult to do successfully.

## II. Deportees Killed

In researching this report, Human Rights Watch identified or investigated 138 cases of people killed between 2013 and 2019 after being deported from the United States.<sup>78</sup> El Salvador's high homicide rates (alongside many other types of harm), and the fact that these cases have been reported publicly over time, has put the United States government and its immigration officials on notice. On a daily basis, US immigration officials and judges nevertheless turn a blind eye to the reality that people deported by the United States to El Salvador have lost their lives, often at the hands of their original persecutors or people they legitimately feared would harm them in the future. In several of the cases we investigated for this report, such targeting was evident.

In other cases, the US government is returning people to a country with such significant levels of violence that there is a real risk that deportees will face a serious threat to their lives or physical integrity. Because current US asylum law does not provide “complementary protection” that would protect people facing such serious threats of violence, Human Rights Watch calls on the US Congress to adopt such a standard (discussed further in Section VII below). Even without such a standard, Salvadorans subject to deportation should have a meaningful opportunity to describe the risks they would face upon return and have that information considered before they are returned to El Salvador.<sup>79</sup> The deaths described in this section, moreover, represent the tip of the iceberg—as detailed in subsequent sections, people deported to El Salvador encounter a wide range of human rights abuses that fall short of death.

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<sup>78</sup> As discussed in the methodology section, the sources for this claim are: Human Rights Watch review of 3,840 links with mentions of the word “deportada/o” in 14 Salvadoran news outlets; Human Rights Watch interviews with directly impacted individuals; Human Rights Watch interviews with officials who go to crime scenes, officials who receive victims of crime and recently-returned migrants, and Salvadoran criminal sentencing Tribunal decisions. Using these sources, we had also identified cases of killings of deportees going back as far as 2003; but we have not included those in our count, using 2013 as the cut off for recency and related reasons.

<sup>79</sup> Even under existing US asylum law, Salvadorans and others face major barriers to receiving fair consideration of the risks they face if returned to their countries of origin.

## Deported Former or Current Gang Members Killed by Gangs

According to Salvadoran authorities, the deportees at the highest risk of harm are alleged former and current gang members and those with alleged links to gangs.<sup>80</sup> These alleged former and current gang members are sometimes killed by their own or rival gangs (they are also killed by state actors or death squads, as discussed below). An individual deportee's reported status as a gang member by the press, by the police, or by other observers, may or may not be true.

Accounts of killings of deportees by gangs in court filings and press accounts indicate that a deportee might be killed by his own gang for not “re-activating” with the gang once in El Salvador,<sup>81</sup> battling for power within the gang,<sup>82</sup> committing crimes like robbery,<sup>83</sup> or calling attention to the gang through flamboyant behavior.<sup>84</sup> Gangs reportedly kill members of rival gangs, or those assumed to be members, for living in or transiting their area,<sup>85</sup> including one who was evangelizing after leaving behind gang life<sup>86</sup> and one who was recently deported.<sup>87</sup>

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<sup>80</sup> Interviews with 41 officials from the FGR, IML, PNC and OLAV in nine departments, El Salvador, November 2018 to December 2019.

<sup>81</sup> Criminal Sentencing Tribunal, Santa Tecla, March 13, 2014 (on file with Human Rights Watch).

<sup>82</sup> José Luis Sanz and Carlos Martínez, “The Letter 13” (“La letra 13”), *El Faro*, August 8, 2012, <https://salanegra.elfaro.net/es/201208/cronicas/9302/II-La-letra-13.htm> (accessed January 6, 2019); Óscar Martínez and Juan Martínez, “The Thorn in the Mara Salvatrucha” (“La espina de la Mara Salvatrucha”), *El Faro*, March 3, 2014, <https://salanegra.elfaro.net/es/201403/cronicas/14879/La-espina-de-la-Mara-Salvatrucha.htm> (accessed January 6, 2019); José Luis Sanz and Carlos Martínez, “The Revolution in Mariona” (“La Revolución en Mariona”), *El Faro*, October 25, 2011, <http://www.salanegra.elfaro.net/es/201110/cronicas/5917/> (accessed January 6, 2019); Roberto Valencia, “The Last Interview with El Directo” (“La última entrevista con El Directo”), *El Faro*, September 9, 2013, <https://salanegra.elfaro.net/es/201309/entrevistas/13232/La-ultima-entrevista-con-El-Directo.htm> (accessed January 6, 2019); and Efrén Lemus, “Purges in the MS-13 Leadership Over Money” (“Purgas en la cúpula de la MS-13 por dinero”), *El Faro*, August 9, 2016, <https://elfaro.net/es/201608/salanegra/19066/Purgas-en-la-cúpula-de-la-MS-13-por-dinero.htm>, (accessed January 6, 2019).

<sup>83</sup> Criminal Sentencing Tribunal, Santa Tecla, March 13, 2014 (on file with Human Rights Watch).

<sup>84</sup> Human Rights Watch interview with El Salvador-based researcher, El Salvador's Central Region, November 10, 2018.

<sup>85</sup> Criminal Sentencing Tribunal, Santa Tecla, April 18, 2017 (on file with Human Rights Watch); Criminal Sentencing Tribunal, Santa Tecla, March 25, 2015 (on file with Human Rights Watch); Criminal Sentencing Tribunal, Santa Tecla, November 13, 2008 (on file with Human Rights Watch); and Criminal Sentencing Tribunal, Chalatenango, August 31, 2006 (on file with Human Rights Watch).

<sup>86</sup> Criminal Sentencing Tribunal, Santa Tecla, July 11, 2016 (on file with Human Rights Watch).

<sup>87</sup> Criminal Sentencing Tribunal, San Miguel, January 24, 2007 (on file with Human Rights Watch).

## Deported Former or Current Gang Members Killed by State Actors

State actors, such as police or other law enforcement, reportedly have killed deportees alleged to be former or current gang members, according to relatives, journalists, and academics who spoke with Human Rights Watch.<sup>88</sup> Through interviews with directly affected persons and witnesses, we learned of several such cases. For example:

Enrico X. told Human Rights Watch in 2019 his cousin, Luis Y., a former member of a gang then called B-18, tried to leave the gang by fleeing to the United States, but after he was deported from the US in either 2016 or 2017, Enrico said that the police in El Salvador killed Luis. Enrico told us:

After he was deported back to El Salvador, one day he [Luis] was eating breakfast and the police came to the house and shot him in the head and killed him. The police officer said: “I told you I was going to kill you eventually,” and put a gun to his head and shot him right there on the spot in front of the neighbor woman who used to cook his meals for him. Some of the other neighbors also witnessed this shooting.<sup>89</sup>

Enrico told Human Rights Watch that police in 2018 shot another young deportee from the United States in front of his home. “He was known to be deported from the US.”<sup>90</sup> An affidavit filed by Enrico in his asylum and withholding case gave further details:

I don’t know the young man’s real name, but everyone in town called him ‘Roberto M.’.... I heard a shot and a noise.... I ducked down low, and I saw two police officers run towards [him], who was down on the ground in front of my property in the street. Roberto had been going by on a bicycle when

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<sup>88</sup> Human Rights Watch interview with Elías F., United States East Coast, winter 2019 (location and exact date withheld for security) (pseudonym); Human Rights Watch interviews with two Salvadoran journalists, El Salvador’s Central Region, November 9, 2018; Human Rights Watch interviews with two expert academics on security, gangs, and migration, El Salvador’s Central Region, November 10, 2018.

<sup>89</sup> Human Rights Watch interview with Enrico X., (location withheld for security), 2019 (date withheld for security) (pseudonym). US Department of Justice, Executive Office for Immigration Review, *In re* (name withheld for security), (location withheld for security) Immigration Court, (date withheld for security).

<sup>90</sup> Human Rights Watch interview with (name withheld for security), (location withheld for security), 2019 (date withheld for security).

he was shot. The two police officers picked him up and took him away with them. I saw them take [him] into a sugar cane field. A police motorcycle drove up around the same time this was all happening. I did not see where they took [him] after they went into the field. I was very scared and I quickly went in my house and closed the door. Not long after this, a police officer came and banged on my door, yelling at me to come outside. I went outside and he immediately put a gun to my head and said, 'I know you saw.' I recognized this officer by his face. I had seen him patrol my street many times in the past with other rural police officers.... The officer was very aggressive with me, asking me who else was home with me.... The officer told me that Roberto was a B-18 gang member and that if I said anything about what I saw, the same will happen to me or worse.... Every day after [that], the same rural police officers started to come to the house and bang on my door.... They would bang on my door and yell profanities at me, demanding I come out.<sup>91</sup>

Our research indicates that Salvadoran officials often assume that individuals deported from the US are both active gang members and were convicted of violent crimes while in the US.<sup>92</sup> They also may choose to target specific deportees based on information shared by the United States via INTERPOL. Three departmental police delegations told Human Rights Watch they receive lists of deportees alleged to be gang members and share those lists throughout the department, including with neighborhood-level posts where deportees indicate they will live.<sup>93</sup> One ranking police officer explained to Human Rights Watch: "ICE communicates with INTERPOL in advance of deportation flights, and lists of persons with a capture order [an INTERPOL Red Notice] or guilty of a crime are sent to us in the departmental offices, [even though] most on this list are captured in the airport."<sup>94</sup> The

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<sup>91</sup> US Department of Justice, Executive Office for Immigration Review, *In re* (name withheld for security), (location withheld for security) Immigration Court, (date withheld for security).

<sup>92</sup> Human Rights Watch interview with PNC, El Salvador's Paracentral Region, November 5, 2018.

<sup>93</sup> The different delegations did not respond consistently to Human Rights Watch's question about whether they had access to lists of deportees confirming crimes committed in the United States. Some said they could, some said they could not, and some said only those police investigators cleared beyond a certain level could.

<sup>94</sup> Human Rights Watch interview with police commissioner, El Salvador's Paracentral Region, November 5, 2018.

police then visit the locations provided. This officer said, “We think that if a person wasn’t wanted in the United States, it must be because the deported person is bad.”<sup>95</sup>

Police scrutiny of such individuals may be a legitimate activity in furtherance of public safety. At the same time, even if an individual is an active gang member or has served a sentence for a violent crime in the US and is suspected of further criminal activity in El Salvador, unlawful use of force by law enforcement is never justified. Security officials involvement in extrajudicial executions and excessive use of force is often linked to government efforts to combat gangs, as reported by the UN special rapporteur on extrajudicial killings in her 2018 report on El Salvador, as well as the Legal Force Monitor and the Salvadoran Ombudsperson for the Defense of Human Rights in 2019.<sup>96</sup>

## Deportees Killed Without Apparent Gang-Involvement

In some cases, the deportee victims had no apparent involvement with gangs, but nevertheless were killed in circumstances suggesting the killers were gang members. For example, several of the below cases identified through press accounts reference failure to pay extortion demands and non-gang-related tattoos as possible motives for the killings.

- Carlos Alberto Garay, 43, was killed while driving his pick-up truck in Usulután. A press account reported that he was intercepted by two men, who shot him several times and then fled on foot, according to police sources. Garay’s neighbors told reporters he had been deported several months earlier from the

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<sup>95</sup> Ibid.

<sup>96</sup> United Nations Office of the High Commission for Human Rights, El Salvador End of Mission Statement, Agnes Callamard, special rapporteur for extrajudicial, summary or arbitrary executions, February 5, 2018, <https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=22634&LangID=E> (accessed June 16, 2019); “Report on the Use and Abuse of Lethal Force in Latin America: A comparative study of Brazil, Colombia, El Salvador, Mexico and Venezuela” (“Monitor del uso de la fuerza letal en América Latina: Un estudio comparativo de Brasil, Colombia, El Salvador, México y Venezuela”), August 2019, <http://monitorfuerzaletal.com> (accessed November 26, 2019), pp. 80-95; “Special Report of the Ombudswoman for the Defense of Human Rights, Attorney Raquel Caballero de Guevara, about extralegal executions attributed to the National Civilian Police in El Salvador, period 2014-2018: Characterization of cases of violation of the right to life and patterns of extralegal action” (“Informe especial de la señora Procuradora para la Defensa de los Derechos Humanos, licenciada Raquel Caballero de Guevara, sobre las ejecuciones extralegales atribuidas a la Policía Nacional Civil, en El Salvador, periodo 2014-2018: Caracterización de casos de violación al derecho a la vida y patrones de actuación extralegal”), August 2019, <https://www.pddh.gob.sv/portal/file/index.php?dwfile=MjAxOS8xMC9JbmZvcmlLLWVzcGVjaWFsLXNvYnJlLWVqZWZWN1Y2l2bWVzLWV4dHJhbGVnYWxlcyoxLTEucGRm> (accessed November 11, 2019).

United States, and they knew he was being extorted by gangs and that his family had been threatened. The press account did not describe Garay as gang-involved.<sup>97</sup>

- Mario Enrique Sandoval Gómez, around 30 years old, was shot dead in his home on June 29, 2017 by two people who convinced him to open the door by pretending they were police officers. According to press accounts, Sandoval Gómez was not suspected of gang affiliation and the “tattoos on his body were not related to gangs.”<sup>98</sup> Sandoval Gómez reportedly had been deported from the United States two years prior to the incident. His wife, who was at home on the night of the murder, had applied for him to return to the US, where the couple planned to join her parents already living there.<sup>99</sup>
- Tommy Eduardo Paiz, 41, who worked in a call center in El Salvador, had been deported from the United States about one year prior to his death. A relative interviewed by the press said of Paiz, “he came here and started working.”<sup>100</sup> On August 4, 2018, he was on his way to visit his partner and 6-month-old son when his car broke down in the department of La Libertad. Paiz had called a family member that same day to ask that they “let her know that I'm going to get home to see my little one.”<sup>101</sup> Paiz had several “artistic tattoos” on his body. Police reports indicated he was approached by attackers, hit with a blunt object on the head and shot several times in the head and abdomen.<sup>102</sup> When found, he was handcuffed. The press account did not describe Paiz as gang-involved.

While press accounts did not speculate on whether the victims faced harm from their killers previously, some interviewees specified that the same gang members who targeted

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<sup>97</sup> “Two Soldiers Killed in Front of SITRAMSS Station” (“Matan a dos soldados frente a estación del SITRAMSS”), *La Prensa Gráfica*, June 22, 2015, <https://www.laprensagrafica.com/elsalvador/Matan-a-dos-soldados-frente-a-estacion-del-SITRAMSS-20150622-0044.html> (accessed November 12, 2019).

<sup>98</sup> “San Miguel Deportee was Killed While He Was Waiting for a US Migratory Pardon” (“Migueleno deportado fue asesinado mientras esperaba perdón migratorio de EUA”), *La Prensa Gráfica*, June 29, 2017, <https://www.laprensagrafica.com/elsalvador/Migueleno-deportado-fue-asesinado-mientras-esperaba-perdon-migratorio-de-EUA-20170629-0048.html> (accessed on June 22, 2019)

<sup>99</sup> *Ibid.*

<sup>100</sup> Gadiel Castillo, “Man Killed in Santa Elena Worked at a Call Center” (“Hombre asesinado en Santa Elena trabajaba en call center”), *El Diario de Hoy*, August 4, 2018, <https://www.elsalvador.com/noticias/nacional/familia-identifica-a-hombre-asesinado-en-bulevar-de-antiguo-cuscatlan/506348/2018/> (accessed November 10, 2019).

<sup>101</sup> *Ibid.*

<sup>102</sup> *Ibid.*

individuals before they fled El Salvador were responsible for killing these individuals after deportation. For example, José Miguel C., told us about his nephew, Joaquín, who he did not believe to be gang-involved, and who had fled gang threats to the US, but was deported in 2017 and killed by alleged gang members that same year. He said: “[Joaquín] always said they [MS members] would try to kill him again. They did [kill him] on [Salvadoran] Father’s Day.... The same members who killed him had threatened him beforehand.”<sup>103</sup>

Similarly, a policeman told us about Nicolas P., 25, who was the victim of an attempted homicide by gang members in 2015. The same year, he migrated to the US, only to be deported in 2017. According to a police report, the policeman said, “on the day Nicolas returned to El Salvador, he arrived at his family home.... At 9:30 p.m., he was at home, the gang members arrived and shot him dead.”<sup>104</sup>

## Deported Former Police Officers Killed by Gangs

Human Rights Watch interviewed two families who had multiple members working for the Salvadoran military or police who were threatened, then fled to the United States hoping to seek asylum but were subsequently deported and killed.

Adriana J. worked for the Salvadoran police. After being threatened by gangs, she fled El Salvador for the United States, but according to her cousin Irene J., Adriana was detained by US authorities and did not get to apply for asylum presumably because she was rejected after her credible fear interview in the expedited removal screening. Irene believes that Adriana was still in detention in the US in 2015 and deported that year or later to El Salvador. Her death certificate indicates she died in El Salvador from gunshot wounds to her abdomen and skull in 2017. Irene learned from her mother, who lived nearby, that when she went to the cordoned crime scene and spoke with police officers, the officers told her, “The gang members killed her. Three bullets.”<sup>105</sup>

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<sup>103</sup> Human Rights Watch interview with José Miguel C., El Salvador’s Paracentral Region, March 29, 2019 (pseudonym).

<sup>104</sup> Human Rights Watch telephone interview with PNC Officer, El Salvador’s Eastern Region, October 2, 2019.

<sup>105</sup> Human Rights Watch interview with Irene J., United States East Coast, March 1, 2019 (pseudonym). Human Rights Watch also interviewed Adriana’s cousin Matías J., United States East Coast, March 1, 2019 (pseudonym).

According to press accounts, Mauricio de Jesús Amaya had been a municipal police officer in El Salvador for 14 years. In 2017, his sister, Gloria, was shot dead as they rode together on a motorcycle in the El Vado neighborhood of Nueva Concepción municipality of Chalatenango department. Mauricio believes he was the actual target. Twenty days later, he and his family, including his brother, Santos Amaya, who also worked with the municipal police, fled El Salvador and arrived in the US approximately 10 days later.<sup>106</sup> Santos, who had received death threats from gang members who had been deliberately targeting police in the municipality where the family lived, was deported from the US in April 2018, and was killed that same month.<sup>107</sup>

### Jacinto K.

Human Rights Watch interviewed Jacinto K. and first interviewed his then 15-year-old son, Óscar K., in El Salvador in April 2014.

In December 2011, Jacinto and his wife had been ordered removed from the United States. In order to avoid permanent bars in US law on returning to the country, they chose to depart “voluntarily.” Jacinto and his wife had to borrow money to pay for the family’s plane tickets (they had three children, Óscar, age 15 in 2014, and a younger daughter and US citizen son). Jacinto told us that upon the family’s return to El Salvador:

“I thought starting a small business in [a rural area of El Salvador’s Central Region] was our best bet for paying the loan back quickly. Unfortunately, MS began charging me *renta* shortly after I opened it. I haven’t been able to pay down the loan, am barely supporting my family, and worry that I won’t be able to keep paying *renta*.”<sup>108</sup>

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<sup>106</sup> Mirella Cáceres and David Marroquín, “Police and Family Seek Asylum in USA After Being Attacked by Gang Members in Chalatenango” (“Policía y familia piden asilo en EE.UU. luego de ser atacados por pandilleros en Chalatenango”), *El Diario de Hoy*, May 18, 2018, <https://www.elsalvador.com/noticias/nacional/policia-y-familia-piden-asilo-en-ee-uu-luego-de-emboscada/482369/2018/> (accessed July 1, 2019).

<sup>107</sup> *Ibid.*

<sup>108</sup> Human Rights Watch interview with Jacinto K., El Salvador’s Central Region, April 4, 2014 (pseudonym).

At the time of our interview Jacinto discounted the power of MS in the area, telling us he felt relatively safe. However, two weeks after our interview, Jacinto was shot dead in broad daylight in a public space of their town.

Prior to his dad's death, when a Human Rights Watch researcher sat down to interview Óscar K. he said, "We can speak in English. I've missed it."<sup>109</sup> He said he wanted to return to the Midwestern United States, where he lived from 2003 to 2011, to finish high school.

Óscar said he had just completed 9th grade in his Salvadoran neighborhood public school. Besides the classes not being challenging, he told us, "I do not feel safe. I only leave the house to go to and from school. Still, to get there, I have to walk past the neighborhood's Mara Salvatrucha gang. They shout insults at me and threaten to kill me if I do not join them."<sup>110</sup>

After his father was killed, Óscar separated from his mother and siblings, and they each went to a different part of the country in search of safety. According to our subsequent contacts with Óscar,<sup>111</sup> the gang has found them each in their new locations within the country, and at the time of writing Óscar and his mother and siblings had each moved at least one other time.

## Data on Deportees Killed

For this report, we identified or investigated 138 cases of people killed after their deportations from the United States between 2013 and 2019. Most of these people died between a few days and two years after their return to El Salvador. Of 106 cases reported in 219 articles by the Salvadoran press,<sup>112</sup> 81 deportees died after being in the country for one

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<sup>109</sup> Human Rights Watch interview with Óscar K., El Salvador's Central Region, April 4, 2014 (pseudonym).

<sup>110</sup> Human Rights Watch interview with Óscar K., El Salvador's Central Region, April 4, 2014 (pseudonym).

<sup>111</sup> Human Rights Watch Facebook online messenger correspondence with Óscar K., El Salvador, March 22, 2019 (pseudonym); Human Rights Watch Facebook online messenger correspondence with Óscar K., El Salvador, June 10, 2019 (pseudonym); and Human Rights Watch interview with Óscar K., El Salvador's (region withheld for security), December 2019 (date withheld for security) (pseudonym).

<sup>112</sup> These 106 cases are documented in 219 articles reviewed by Human Rights Watch, most commonly appearing in the

year or less, with 15 additional deportees killed after 13 months to two years in the country. Fourteen deportees were killed less than a week after their return, with three dying in their first 24 hours in El Salvador.

We eliminated many cases of deportees reportedly killed between 2013 and 2019 from our final count because they died more than five years after their deportations or after an unknown period from their deportations.<sup>113</sup> For all deported people killed, we focused only on individuals deported from the United States.<sup>114</sup> In addition, of all 138 cases included, the earliest year of deportation was 2010 (this was the year of deportation for one person killed in 2013, for one killed in 2014, and for two people killed in 2015).

In addition to the cases identified through the press, we documented five cases of deportees killed between 2013 and 2019 by reviewing court documents for Salvadoran criminal sentencing tribunals. For 14 cases in the same time frame, we learned of the killing of deportees through interviews with the victim's family members.<sup>115</sup> We documented 23 cases in interviews with authorities. In all of these cases, we sought corroboration of the killing and circumstances of the individual deportee's case with other sources. The below graphic illustrates the corroboration we were able to obtain.

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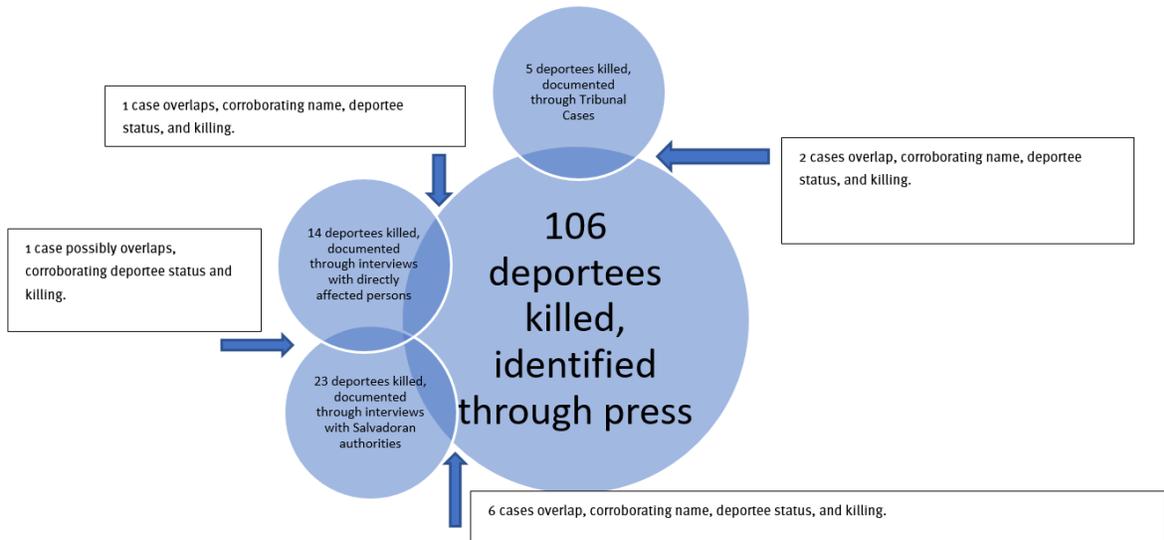
following Salvadoran print / online outlets: *La Prensa Gráfica*, *El Diario de Hoy*, *Diario1*, *La Pagina*, and *El Blog*. (All articles are on file with Human Rights Watch).

<sup>113</sup> We also cut cases from our final count when it appeared the person had decided to voluntarily return to El Salvador without having had any contact with US immigration authorities. In one case reported by the press, we included an individual who was shot in 2018 by police seven years after his deportation in 2010 because his first experience of police harassment occurred soon after his deportation to El Salvador. For fifteen cases reported by the press that we did not include in our final tally, the date of deportation was not reported.

<sup>114</sup> When interviewing officials or directly impacted persons, if our questions caused us to uncover a case in which a person had been deported from Mexico or another country, we eliminated that case from our total count. For the cases documented through press searches, six deportees had no information about the country from which they were deported, therefore we eliminated these from our total count. In one case we included in our final count, some accounts reported the individual was deported from the United States, and others indicated Mexico.

<sup>115</sup> These 27 cases could not be corroborated in print media accounts. Authorities and reporters alike told us the press could not attend all homicide scenes, especially those in particularly dangerous neighborhoods where gang members or authorities would not let them enter or isolated rural areas they could not quickly reach. This has become even more applicable in recent years, as Salvadoran outlets have seen their budgets and staff decrease. Among the 10 cases we documented from 2016 to 2018 in interviews with directly impacted individuals, two occurred in areas that gang members or authorities had not let press enter at times, one occurred in an isolated rural area, and two occurred in an isolated rural area where gang members or authorities had previously prevented press from entering. Among the six unreported cases we documented from 2012 to 2015 in interviews with directly impacted individuals, one occurred in an isolated rural area, and one occurred in a particularly dangerous neighborhood. All 11 unreported cases documented in criminal sentencing tribunals occurred in an isolated rural area or particularly dangerous neighborhood, as well as having a day or more lapse between the killing and body discovery in more than half of the cases.

**Cases of 138 Deportees to El Salvador Killed  
January 2013-September 2019  
Identified or Documented for This Report**



Among the 219 press reports on killings of 106 deportees, Human Rights Watch found cases of six deportees killed between 2013 to 2019 that named state authorities or indicated death squads as the alleged killers.<sup>116</sup> The Rural Police were the suspected killers in two cases in an isolated rural area where gang members or authorities had previously prevented press from entering (and where police had been documented to have committed

<sup>116</sup> “Deportee Dies in Shootout with El Salvador’s Special Reaction Force” (“Deportado muere en tiroteo con FES”), *La Prensa Gráfica*, July 4, 2017, <https://www.laprensagrafica.com/elsalvador/Deportado-muere-en-tiroteo-con-FES-20170704-0103.html> (accessed June 23, 2019); David Marroquín and Insy Mendoza, “Two Children Attacked by Gang Members for Defending Their Mother from Rape” (“Dos niños agredidos por mareros al defender a su madre de violación”), *El Diario de Hoy*, February 27, 2013, <https://www.elsalvador.com/noticias/nacional/dos-ninos-agredidos-por-mareros-al-defender-a-su-madre-de-violacion/102064/2013/> (accessed 23 June 2019); “Armed Group Kills MS13 Deportee and Exconvict in Sonsonate” (“Grupo armado asesina a deportado y exconvicto de la MS13 en Sonsonate”), *Diario1*, January 12, 2019, <http://diario1.com/nacionales/2019/01/grupo-armado-asesina-a-deportado-y-exconvicto-de-la-ms13-en-sonsonate/> (accessed June 22, 2019); “San Miguel Deportee Was Killed While He Was Waiting for a US Migratory Pardon” (“Migueleno deportado fue asesinado mientras esperaba perdón migratorio de EUA”), *La Prensa Gráfica*, June 29, 2017, <https://www.laprensagrafica.com/elsalvador/Migueleno-deportado-fue-asesinado-mientras-esperaba-perdon-migratorio-de-EUA-20170629-0048.html> (accessed June 22, 2019); “Two Massacres Leave 10 Gang Members Dead in Usulután” (“Dos masacres dejan 10 pandilleros muertos en Usulután”), *La Prensa Gráfica*, May 10, 2015, <https://www.laprensagrafica.com/elsalvador/Dos-masacres-dejan-10-pandilleros-muertos-en-Usulután-20150510-0023.html> (accessed June 23, 2019); and Claudia Huete and Liz Aguirre, “Habitants of Olocuilta Neighborhood Dismayed by Massacre” (“Habitantes de colonia en Olocuilta consternados por masacre”), *La Prensa Gráfica*, May 2, 2010, (on file with Human Rights Watch).

extrajudicial killings starting in 2013).<sup>117</sup> Private actors were the alleged perpetrators in the overwhelming majority of the killings.<sup>118</sup> Only three accounts identified through our press searches<sup>119</sup>—in which one to three others were killed at the same time—left open the possibility that the deported man was not the target of the lethal attack.

## Killing of Deportees Likely Undercounted

Homicide data are regularly reported by police authorities in El Salvador.<sup>120</sup> However, we believe our count of 138 persons killed after deportation from the US to El Salvador between 2013-2019 represents a significant undercount for two main reasons. First, the specific victimization of *deportees* often goes unrecorded in forensic, media, or

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<sup>117</sup> See “Special Report of the Ombudswoman for the Defense of Human Rights, Attorney Raquel Caballero de Guevara, about extralegal executions attributed to the National Civilian Police in El Salvador, period 2014-2018: Characterization of cases of violation of the right to life and patterns of extralegal action” (“Informe especial de la señora Procuradora para la Defensa de los Derechos Humanos, licenciada Raquel Caballero de Guevara, sobre las ejecuciones extralegales atribuidas a la Policía Nacional Civil, en El Salvador, periodo 2014-2018: Caracterización de casos de violación al derecho a la vida y patrones de actuación extralegal”), August 2019,

<https://www.pddh.gob.sv/portal/file/index.php?dwfile=MjAxOS8xMC9JbmZvcmlLLWVzcGVjaWFsLXNvYnJLLWVqZW51Y2lvbmVzLWV4dHJhbGVnYWxlcyoXLTEucGRm> (accessed November 11, 2018). Twelve of the 48 cases—in which 25 persons were killed—the PDDH reviewed for its report occurred in La Paz department, all of them in rural areas, including in the municipalities of: El Rosario, Paraíso de Osorio, San Luis Talpa, San Pedro Masahuat, San Pedro Nonualco, Santiago Nonualco, and Zacatecoluca.

<sup>118</sup> We did identify 20 cases in which press descriptions of the victims, killings, and their aftermath included details that could be consistent with the activities of death squads; such as: previously witnessed police commit a crime; alleged perpetrators wearing ski masks / dark clothing / large weapons / bullet-proof vests; police locate victim minutes after family reports disappearance; one of several killings of similar victims (young males) in same geographic area. Human Rights Watch review of 39 articles appearing in Salvadoran media outlets such as *La Prensa Gráfica*, *Diario1*, *El Blog*, *Solo Noticias*, *La Pagina*, *El Mundo*, and *Diario Libre SV*. (All articles on file with Human Rights Watch.)

<sup>119</sup> “Massacre in Armenia” (“Masacre en Armenia”), *ContraPunto*, September 23, 2013, <http://www.contrapunto.com.sv/archivo2016/ultimas-noticias/ultimas-noticias/blog/page-69> (accessed November 9, 2019); “Quadruple Homicide in Armenia Neighborhood” (“Cuádruple homicidio en cantón de Armenia”), *La Prensa Gráfica*, September 23, 2013, <https://www.laprensagrafica.com/elsalvador/Cuadruple-homicidio-en-canton-de-Armenia-20130923-0091.html> (accessed November 9, 2019); Jaime López, Miguel Villalta, and Iris Lima, “Triple Murder on Sonsonate Soccer Field” (“Triple asesinato en una cancha de Sonsonate”), *El Diario de Hoy*, September 22, 2013, <https://historico.elsalvador.com/historico/113652/triple-asesinato-en-una-cancha-de-sonsonate.html> (accessed November 9, 2019); Diana Escalante, Lissette Monterrosa, and Miguel Villalta, “Gang Members Armed with M-16’s Shoot Down Three Brothers in Jiquilisco” (“Pandilleros armados con fusiles M-16 acribillaron a tres hermanos en Jiquilisco”), *El Diario de Hoy*, September 26, 2015, <https://historico.elsalvador.com/historico/160540/pandilleros-armados-con-fusiles-m-16-acribillaron-a-tres-hermanos-en-jiquilisco.html> (accessed November 12, 2019); and “Armed Attack Leaves Two Dead and One Injured in San Bartolomé Perulapia” (“Ataque armado deja dos muertos y un herido en San Bartolomé Perulapia”), *Diario1*, September 5, 2017, <http://diario1.com/nacionales/2017/09/ataque-armado-deja-dos-muertos-y-un-herido-en-san-bartolome-perulapia/> (accessed November 11, 2019).

<sup>120</sup> See tweet from PNC Chief Howard Augusto Cotto’s Twitter page, <https://twitter.com/Cotto100/status/1046763344286416896> (accessed December 3, 2019).

governmental accounts. Among victims who do report, protocol does not require authorities to ask about migration status of victims.<sup>121</sup>

All homicide journalists interviewed for this report said they mostly rely on police sources to determine if a victim was deported from the United States. Police acknowledged to Human Rights Watch that they do not always consult the relevant database to get a victim's migration status. In fact, they told Human Rights Watch that they only do so when the victim had no documents or had tattoos.<sup>122</sup> Reports on the killings of 53 deported men included police telling the press the victim had no identity documents or was a gang member; was linked to gangs, a thief, a drug user, or some other type of criminal (including 13 of those with tattoos).<sup>123</sup>

There is no mandatory requirement that the Salvadoran prosecutor's office (FGR) collects migratory status in its investigations, including in its homicide investigations.<sup>124</sup> One prosecutor explained his office's reasoning to Human Rights Watch: "We see crimes and do not give importance to this [migratory status]. It is not relevant."<sup>125</sup> An investigator in a different department also said migratory status was irrelevant to their office, "unless the

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<sup>121</sup> Human Rights Watch interviews with 41 officials in nine departments at local district attorney, forensic investigators, and police officers who work in homicide scenes and participate in both crime investigations and hearings.

<sup>122</sup> Human Rights Watch interview with PNC investigator, El Salvador's Eastern Region, January 24, 2019; Human Rights Watch telephone interview with PNC high ranking official, El Salvador's Eastern Region, September 26, 2019. Human Rights Watch established that local police get lists of deportees suspected to be gang members (and possibly others), so police may check such lists to see if the victim matches the description of one of the persons on their list.

<sup>123</sup> Fifty-three articles out of 220 reporting killings of deportees from the United States reviewed by Human Rights Watch, most commonly appearing in the following Salvadoran print / online outlets: *La Prensa Gráfica*, *El Diario de Hoy*, *Diario1*, *La Pagina*, and *El Blog*. (All articles are on file with Human Rights Watch).

<sup>124</sup> For non-homicide crimes, FGR officials believe they do a thorough enough interview that migration status would likely emerge, telling Human Rights Watch: "We almost always ask [domestic, sexual and intrafamilial violence victims] about their situation. We do sometimes learn their migration status." Human Rights Watch interview with FGR prosecutor, El Salvador's Eastern Region, November 26, 2018. However, they also believe the majority of such victims do not report these crimes to them, saying: "Because of fear, there's a good percentage who do not report. They are intimidated by [the abuser] being her own dad, uncle, etc. A large quantity does not [report]." Human Rights Watch interview with FGR prosecutor, El Salvador's Eastern Region, November 26, 2018. Two other FGR officials did note collecting migration status would be possible and easy, based upon other components now collected that were not in the past. One said they had not collected if a person was LGBT in the past but do now. Another said they did not previously collect a person's profession in extortion cases but do now, even going so far as to say: "For us, it is no more than putting a check. It would be easy and fast." Human Rights Watch interview with FGR prosecutor, El Salvador's Western Region, January 7, 2019.

<sup>125</sup> Human Rights Watch interview with FGR prosecutor, El Salvador's Eastern Region, November 6, 2018.

person requests it.”<sup>126</sup> Salvadoran authorities told us that too much stigma exists around deportation for victims or their family members to acknowledge it on their own. For example, a police chief told Human Rights Watch: “The deportee is stigmatized.”<sup>127</sup> Likewise, a forensic doctor told us that none of the persons harmed after their deportation, or their surviving loved ones in cases of disappearance or killings, initially wanted to mention the victim’s status as a deportee because, “They do not always identify themselves.... Many times, I think it’s because of stigma, that they would feel pain to say it.”<sup>128</sup>

In addition, Human Rights Watch documented three cases from 2013 to 2018 that illustrate how a victim’s identity as a deportee may go unreported unless they possess a stigmatized characteristic, such as having tattoos, being a gang member, or being a male between the ages of 15 and 39.<sup>129</sup> The press did not mention in any of these three cases that the victim had been deported from the United States. None of the three had tattoos, and two were middle-aged men, perhaps explaining why the police did not check on their status in relevant databases or through other means.

The second reason we believe the 138 cases of killings to be an undercount is that certain categories of homicide cases, regardless of whether the person is a deportee or not, are much more likely to be undercounted, including cases involving (1) female victims, (2) people with identity documents (because they are less likely to be identified as deportees), (3) people without tattoos, (4) people killed in areas where crimes are more likely to go unreported including particularly violent neighborhoods, isolated rural areas, and areas where gangs or authorities do not permit journalists to enter, (5) LGBT victims, and (6) people killed in the custody of Salvadoran authorities.<sup>130</sup>

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<sup>126</sup> Human Rights Watch interview with FGR prosecutor, El Salvador’s Eastern Region, January 22, 2019.

<sup>127</sup> Human Rights Watch interview with police commissioner, El Salvador’s Paracentral Region, November 5, 2018.

<sup>128</sup> Human Rights Watch interview with IML doctor, El Salvador’s Eastern Region, January 22, 2019.

<sup>129</sup> Human Rights Watch interview with José Miguel C., El Salvador’s Paracentral Region, March 29, 2019 (pseudonym); Human Rights Watch interview with Óscar K., El Salvador’s Central Region, April 4, 2014 (pseudonym); and Human Rights Watch interview with Estefanie H., El Salvador’s Central Region, April 15, 2014 (pseudonym).

<sup>130</sup> See methodology section for a more detailed discussion of why each of these categories represents a possible undercount.

Police, other Salvadoran officials, and reporters have apparently also failed to determine the migration status of female homicide victims. We could not find a single press report on the killing of any cisgender (non-transgender) female deportees—even for a case of a former female police agent whom we documented through our interview with her surviving relatives, who was killed after her deportation from the United States.<sup>131</sup> Nevertheless, several directly impacted individuals and authorities told us about women killed after their deportations.<sup>132</sup> For example, one forensic official recalled multiple females killed after their deportations, just in the one department where he works:

Yes, there are women among these [who were deported and killed] .... Always by the gang, for the same phenomenon they'd left fleeing. She became their subject and could not free herself. If she gets with another [man], even [one] in the [same] gang, she is killed. Even if he's in prison, both [she and he] could be killed.<sup>133</sup>

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<sup>131</sup> Human Rights Watch interview with Irene J., United States East Coast, March 1, 2019 (pseudonym). Because articles only returned for two women—one disappeared after her deportation and one killed after her stepson was deported—we also searched monthly summaries of news reports on girls or women by ORMUSA. ORMUSA has monitored mentions of girls and women in the Salvadoran printed press since 2007 and publishes monthly summaries of the results at their website, <http://observatoriodeviolencia.ormusa.org/monitoreos.php>.

<sup>132</sup> Human Rights Watch interview with Irene J. and Matías J., United States East Coast, March 1, 2019 (pseudonyms); Human Rights Watch telephone interview with Ana P., United States Mountain West, March 5, 2019 (pseudonym); Human Rights Watch interview with high-ranking PNC officer, El Salvador's Eastern Region, November 26, 2018; Human Rights Watch interview with PNC investigator, El Salvador's Paracentral Region, March 25, 2019; and Human Rights Watch interview with IML investigator, El Salvador's Western Region, January 7, 2019.

<sup>133</sup> Human Rights Watch interview with IML investigator, El Salvador's Western Region, January 7, 2019.

### III. Other Harms Faced by Deportees

In our research for this report we heard many gut-wrenching accounts from people subjected to terrible abuse after their deportations from the United States. Often, these were the same abuses from the same abusers that deportees had tried to escape by fleeing to the United States—only to be returned directly back to the violence they originally feared. The cycle of abuse and flight is chronic, and for many deportees feels inescapable. Given the horrors they had endured, it was not surprising to us that these people often tried to flee again.

Even more so than the numbers of killings of deportees, instances in which deportees were attacked by gangs or others, disappeared, forced into hiding, sexually assaulted, and tortured certainly exceed what we have been able to document.<sup>134</sup> Many non-homicide crimes are unreported and thus undocumented in El Salvador.<sup>135</sup> For example, one survey suggests that less than five percent of sexual crimes were reported to Salvadoran authorities in 2018.<sup>136</sup> Crimes less serious than homicide go unreported to authorities, are

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<sup>134</sup> Since each source type yielded cases that did not fully overlap with any other source type, we know that each of the four sources is incomplete. When we asked official sources (PNC, FGR, IML, etc.) about limitations on their information, each was able to describe limitations as to why their data on killings of US deportees is likely incomplete. For further discussion of this issue, see the methodology section of this report.

<sup>135</sup> The newspaper, *La Prensa Gráfica*, surveys a representative sample (approximately 1,200 households) of the country several times a year. During their February 2017 survey, they asked respondents if someone in their family was a victim of a crime in the last three months. Fourteen percent of respondents with a margin of error between 2.2 and 2.5 percent, with 95 percent confidence said someone had been, working out to an extrapolated 868,000 members of the general population every quarter; extrapolating this figure to the year at nearly 3.5 million would be incorrect, because some victims experience crime across quarters. Regardless, during 2016, the Salvadoran Attorney General's Office (FGR) initiated only 14,162 cases. The number of crimes being investigated by the Attorney General's office clearly make up a small fraction of even the most conservative estimate of the total offenses. See Edwin Segura, "The San Salvador Metropolitan Area Remains the Most Dangerous Region" ("El AMSS se mantiene como la región mas peligrosa"), *La Prensa Gráfica*, March 13, 2017, <http://www.laprensagrafica.com/2017/03/13/el-amss-se-mantiene-como-la-region-mas-peligrosa>. While not reported in this article, Human Rights Watch obtained the margin of error from the study's authors. Human Rights Watch telephone interview with *La Prensa Gráfica* staff, October 30, 2019.

<sup>136</sup> See University Institute of Public Opinion, ("Instituto Universitario de Opinión Pública, IUDOP"), "Press Bulletin" ("Boletín de prensa año XXXII, No. 4, 2018"), IUDOP included in its 2018 survey this question: "Have you been a direct victim of some type of incident like a robbery, extortion or renta, threats or other criminal act during the year?" ("¿Ha sido usted víctima directa de algún hecho como robo, extorsión o renta, amenazas o de otro acto delictivo durante el año?") In response to this question, 1 percent of those who responded affirmatively specified they had been raped or sexually assaulted. Assuming a population of 6.5 million, 1 percent would extrapolate to roughly 65,000 rape or sexual assault victims. In 2018, the Salvadoran prosecutor's office, FGR, documented 3,149 reports of sexual crimes, which is 4.8 percent of 65,000.

infrequently investigated and prosecuted; and partly as a result of the lack of public accountability for these categories of crimes, they go unreported in the Salvadoran press. As discussed in the previous section, the victimization of *deportees* in particular goes almost completely undocumented in the country, due in part to the lack of any requirement that law enforcement authorities obtain the migration status of victims and also because victims and their family members often fail to report the victim's status as a deportee.

## Disappearances

Press reporting on individual cases of disappearances in El Salvador is rare.<sup>137</sup> If a victim is killed, their body may never be found, and if a victim is alive, their whereabouts may not be known. When a victim's body is found, often too much time has passed for the Salvadoran press to take interest. A common security practice among Salvadoran reporters is not reporting on their own neighborhoods. Not surprisingly then, two journalists each told us about a case of a disappeared deportee they had not reported in 2018, one because the incident happened in his neighborhood and one because he had other incidents to report on the same day that interested his editors more.<sup>138</sup>

Still, we were able to identify 18 separate incidents (between 2013 and 2019, for which the disappearance happened within five years or less of the deportation) involving disappearances of deportees from the United States: at least one woman and four men,<sup>139</sup>

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<sup>137</sup> See Mary Beth Sheridan and Anna-Catherine Brigida, "Disappeared in El Salvador: the Return of a Cold War Nightmare," *Washington Post*, October 19, 2019, [https://www.washingtonpost.com/world/the\\_americas/disappeared-in-el-salvador-amid-a-cold-war-nightmares-return-a-tale-of-one-body-and-three-grieving-families/2019/10/19/d806d19a-e09d-11e9-be7f-4cc85017c36f\\_story.html](https://www.washingtonpost.com/world/the_americas/disappeared-in-el-salvador-amid-a-cold-war-nightmares-return-a-tale-of-one-body-and-three-grieving-families/2019/10/19/d806d19a-e09d-11e9-be7f-4cc85017c36f_story.html).

<sup>138</sup> Human Rights Watch interview with Salvadoran journalist, El Salvador's Central Region, November 9, 2018; Human Rights Watch interview with Salvadoran journalist, El Salvador's Central Region, November 8, 2018.

<sup>139</sup> "Young Dancer who Lived in Las Palmas Community Found Dead" ("Encuentran muerta a joven bailarina que vivía en Comunidad Las Palmas"), *El Diario de Hoy*, July 17, 2017, (article on file with Human Rights Watch); "25 People Have Disappeared This Year" ("25 privados de libertad van este año en Usulután"), *La Prensa Gráfica*, March 3, 2014, <https://www.laprensagrafica.com/elsalvador/25-privados-de-libertad-van-este-ano-en-Usulután-20140303-0116.html> (accessed October 11, 2019); "My Husband Went to Pay Installments to a Store and Did Not Return" ("Mi esposo fue a pagar a unas letras a un almacén y ya no regresó"), *El Blog*, June 22, 2017, <http://elblog.com/noticias/registro-43551.html> (accessed October 11, 2019); Flor Lazo, "Relief Teams Search for Missing Man" ("Cuerpos de socorro buscan a hombre extraviado"), *La Prensa Gráfica*, September 17, 2017, <https://www.laprensagrafica.com/elsalvador/Cuerpos-de-socorro-buscan-a-hombre-extraviado-20170917-0028.html> (accessed October 11, 2019); Jaime López, "Youth Arrived to El Salvador from the United States and Disappeared in Sensuntepeque" ("Joven llegó a El Salvador de EE.UU. y desapareció en Sensuntepeque"), *El Salvador.com*, September 23, 2018, <https://www.elsalvador.com/noticias/nacional/joven-llego-a-el-salvador-de-ee-uu-y-desaparecio-en-sensuntepeque/521291/2018/> (accessed October 11, 2019).

alongside 13 men who disappeared or were kidnapped before being found killed.<sup>140</sup>

In a separate case, the Inter-American Commission on Human Rights (CIDH) issued precautionary measures (measures the commission adopts after reviewing evidence indicating imminent risk of irreparable harm to an individual) to an 18-year-old man deported from the US in September 2017 who was taken from his home in January 2018 by “some youth [muchachos],” and has not been seen since.<sup>141</sup>

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<sup>140</sup> Israel Serrano, “Deliveryman of ‘Nash’ Died After Falling in a Ravine Road to La Libertad” (“Reparditor de ‘Nash’ murió al caer en barranco carretera a La Libertad”), *La Pagina*, January 1, 2013 (article on file with Human Rights Watch); David Ernesto Perez, “They Murdered an Opposing Gang Member and Now They Have to Face Jail” (“Asesinaron a un marero del bando contrario y ahora tendrán que enfrentar cárcel”), *La Pagina*, February 18, 2013 (article on file with Human Rights Watch); “Man is Killed with a Stone in the Canton of El Jute” (“Asesinan a hombre con una piedra en el cantón El Jute”), *La Prensa Gráfica*, January 12, 2013, <https://www.laprensagrafica.com/elsalvador/Asesinan-a-hombre-con-una-piedra-en-el-canton-El-Jute-20130112-0080.html> (accessed October 11, 2019); “Man Murdered on Boulevard Antiguo Cuscatlán Was Going to Visit His Son, but Car Was Left” (“Hombre asesinado en bulevar de Antiguo Cuscatlán iba a visitar a su hijo, pero se le quedó el carro”) *El Blog*, August 4, 2018; “Propane Gas Deliveryman Murdered in Lourdes Colón” (“Asesinan a reparditor de gas propano en Lourdes Colón”), *Diario Libre*, June 29, 2017, <https://diariolibresv.com/nacionales/2017/06/29/asesinan-repartidor-gas-propano-lourdes-colon/> (accessed October 11, 2019); Kevin Sieff, “When Death Awaits Deported Asylum Seekers,” *Washington Post*, December 26, 2018, [https://www.washingtonpost.com/graphics/2018/world/when-death-awaits-deported-asylum-seekers/?noredirect=on&utm\\_term=.da4d1269d863](https://www.washingtonpost.com/graphics/2018/world/when-death-awaits-deported-asylum-seekers/?noredirect=on&utm_term=.da4d1269d863) (accessed October 11, 2019); Jaime García, “Saleswoman, Taxi Driver and Newborn, Among Those Killed Today” (“Vendedora, taxista y recién nacida, entre los asesinados hoy”), *El Salvador.com*, September 9, 2015, <https://historico.elsalvador.com/historico/162636/vendedora-taxista-y-recien-nacida-entre-los-asesinados-hoy.html> (accessed October 11, 2019); “Body of Person Reported Missing Found in Santo Domingo de Guzmán” (“Encuentran cadáver de persona reportada como desaparecida en Santo Domingo de Guzmán”), *La Prensa Gráfica*, April 22, 2015, <https://www.laprensagrafica.com/elsalvador/Encuentran-cadaver-de-persona-reportada-como-desaparecida-en-Santo-Domingo-de-Guzman-20150422-0034.html> (accessed October 11, 2019); “Missing Person Found Dead” (“Encuentran muerto a desaparecido”), *La Prensa Gráfica*, April 23, 2015, <https://www.laprensagrafica.com/elsalvador/Encuentran-muerto-a-desaparecido-20150423-0089.html> (accessed October 11, 2019); Lilibeth Sánchez and Óscar Iraheta, “Route 42 Minibus Fare Collector Killed During Violent Day” (“Asesinan a un cobrador de microbuses de la Ruta 42 durante jornada violenta”), *El Diario Hoy*, April 16, 2013, <https://historico.elsalvador.com/historico/104614/asesinan-a-un-cobrador-de-microbuses-de-la-ruta-42-durante-jornada-violenta.html> (accessed October 11, 2019); Héctor Rivas, “Man and His Stepson Killed with AK-47” (“Matan a hombre y a su hijastro con fusil AK-47”), *La Prensa Gráfica*, January 28, 2018, <https://www.laprensagrafica.com/elsalvador/Matan-a-hombre-y-a-su-hijastro-con-fusil-AK-47-20180127-0070.html> (accessed October 11, 2019); Human Rights Watch interview with immigration attorney, United States East Coast, February 22, 2019; Human Rights Watch interview with Gaspar T. and Walter T., El Salvador’s Central Region, March 28, 2019 (pseudonyms); Criminal Sentencing Tribunal Decision, La Unión, January 13, 2016 (on file with Human Rights Watch); Human Rights Watch interview with Yaneth D., United States South, March 13, 2019 (pseudonym). As noted, these 13 cases of disappearances also appear in our total count of killings of deportees, above.

<sup>141</sup> Inter-American Commission on Human Rights, “Óscar Álvarez Rubio Regarding El Salvador” (“Óscar Álvarez Rubio respecto de El Salvador”), May 3, 2018, <https://www.oas.org/es/cidh/decisiones/pdf/2018/26-18MC170-18-ES.pdf> (accessed January 18, 2020).

We also spoke with an IML investigator who said that he knew of “people deported who did disappear,” and a second IML investigator who agreed with this statement during the same interview.<sup>142</sup>

## Sexual Crimes

The United States Department of State (USDOS) Human Rights Reports on El Salvador from 2013 to 2018 stated that “rape and other sexual crimes against women were widespread.”<sup>143</sup> Even so, news reporting on sexual crimes in El Salvador is rare,<sup>144</sup> and as noted above, we believe widely under-reported by victims to authorities.

We documented four cases of sexual crimes and harassment against people deported from the United States (in three of these cases we know the victimization occurred between 2013 and 2019 and was within five years or less of the deportation. For one of the cases, our source was unwilling to provide any dates for security reasons). A male deportee died after castration, according to a criminal sentencing tribunal decision.<sup>145</sup> In addition, according to a local prosecutor we interviewed, a woman was subjected to sexual harassment after her deportation from the US.<sup>146</sup> Two additional cases include a woman deportee who told us that she was physically assaulted by a person linked to her former intimate partner, and after years of previous emotional, physical, and sexual abuse that prompted her original flight from the country;<sup>147</sup> and a female deportee who said that she was raped by a gang member after deportation from the US.<sup>148</sup>

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<sup>142</sup> Human Rights Watch interview with IML investigators, El Salvador’s Eastern Region, January 22, 2019.

<sup>143</sup> United States Department of State, “Country Reports on Human Rights Practices,” <http://www.state.gov/j/drl/rls/hrrpt/> (accessed January 18, 2020).

<sup>144</sup> For example, in searches we did of 24 neighborhoods and four less-populous municipalities that yielded roughly 22,000 articles, only 27 articles (0.1 percent) mentioned sexual crimes. Thirteen neighborhoods returned no results. Seven returned only one result. None returned more than six results.

<sup>145</sup> Criminal Sentencing Tribunal Decision, La Unión, January 13, 2016 (on file with Human Rights Watch) (this case is also counted in the total for deportees who were killed; as well as deportees who were disappeared before being killed). Among the 13 homicides documented in criminal sentencing tribunal decisions, one was killed by removing his testicles and penis.

<sup>146</sup> Human Rights Watch interview with FGR prosecutor, El Salvador’s Central Region, March 26, 2019.

<sup>147</sup> Human Rights Watch interview with Inés Z., El Salvador’s Eastern Region, March 24, 2019 (pseudonym).

<sup>148</sup> Human Rights Watch interview with Angelina N., United States East Coast, February 22, 2019 (pseudonym).

### Angelina N.

In 2014, when she was 20 years old, Angelina N. fled abuse at the hands of Jaime M., the father of her 4-year-old daughter, who regularly beat her.<sup>149</sup> Jaime falsely accused her of having an affair with Mateo O., a gang member in their neighborhood who had been persistently making advances towards her. Angelina fled, alone, to the United States and was apprehended at the border and detained. After a rare phone call home brought news that her 4-year-old was hospitalized in El Salvador, she chose not to appeal the US government's decision to deport her in September 2014.

Once back in El Salvador, Mateo resumed pursuing and threatening her, having his fellow gang members do so as well. She repeatedly rejected Mateo's advances, but according to a statement of facts in an immigration court ruling, "he threatened to kill Angelina's father and daughter if she did not accept to be 'his woman.'"<sup>150</sup>

In October 2014, Angelina's father took her daughter to church.<sup>151</sup> She told a Human Rights Watch researcher what happened when she heard a knock at the door:

I just opened the door, expecting it to be [my daughter returning home], but it was [Mateo]. He forced open the door because I started trying to close it on him. [Mateo] came inside and forced me to have sex with him for the first time. He took out his gun.... I was so scared that I obeyed.... When he left, I started crying. I didn't say anything at the time, or even file a complaint to the police. I thought it would be worse if I did because I thought someone from the police would likely tell [Mateo].... I didn't want anyone to know what was happening.... He told me he was going to kill my father and my daughter if I reported the [original and three subsequent] rapes, because I was "his woman."  
[He] hit me and told me that he wanted me all to himself.<sup>152</sup>

One month later, Mateo returned to Angelina's home. This time her daughter was at home. Mateo told Angelina's daughter to stay in the living room "watching cartoons" and "not to go to the bedroom."<sup>153</sup> He then "dragged [Angelina] to the bedroom, took out a gun, and told [her] to be quiet or [she] would see [her] daughter die before [her]

eyes.”<sup>154</sup> After he left, Angelina cried but did not tell anyone. She told an immigration court “sometimes it is worse to tell the police because they do not help.”<sup>155</sup>

Angelina was raped twice more by Mateo before fleeing again—this time with her daughter—to the United States.<sup>156</sup> She was ultimately granted protection from deportation in the United States under a provision known as “withholding of removal,” and her daughter was granted asylum.

## Torture, Other Ill-Treatment, or Excessive Use of Force

We investigated five separate cases of torture, other ill-treatment, or excessive use of force by police or soldiers against deportees that we know occurred between 2013 and 2019 and within five years of the person’s deportation. In interviews with deportees and their relatives or friends, we collected accounts of three male deportees from the United States who said they were beaten by police or soldiers during arrest, followed by beatings during their time in custody, which lasted between three days to over a year.<sup>157</sup> One of these deportees, formerly a member of MS, told us that when police came to his home to arrest him he was unarmed and did not resist arrest. Police hit and kicked him before putting him in the patrol car, and then beat him repeatedly during his detention, which lasted for over a year. He told us that during his detention, police officers kicked him repeatedly in the

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<sup>149</sup> US Department of Justice, Executive Office for Immigration Review, *In re Matter of*(name withheld for security), (date withheld for security), (ruling on file with Human Rights Watch). Human Rights Watch interview with Angelina N., United States East Coast, February 22, 2019 (pseudonym).

<sup>150</sup> *Ibid.*

<sup>151</sup> *Ibid.*

<sup>152</sup> Human Rights Watch interview with Angelina N., United States East Coast, February 22, 2019 (pseudonym).

<sup>153</sup> US Department of Justice, Executive Office for Immigration Review, *In re Matter of*(name withheld for security), (date withheld for security), (ruling on file with Human Rights Watch) and Human Rights Watch interview with Angelina N., United States East Coast, February 22, 2019 (pseudonym).

<sup>154</sup> *Ibid.*

<sup>155</sup> *Ibid.*

<sup>156</sup> *Ibid.*

<sup>157</sup> Human Rights Watch interview with Bartolo A., El Salvador’s (region withheld for security), November 26, 2018 (pseudonym); Human Rights Watch telephone interview with Gaspar T., El Salvador’s Eastern Region, May 21, 2019 (pseudonym).

testicles, threatened to kill him, and “asked me about other MS members and were saying that if I name someone from MS, that is, if I turned them in, they would leave me free.”<sup>158</sup>

Salvadoran criminal sentencing tribunal decisions described police abuses of two additional deported men. In one case, a man deported four months earlier, who police accused of resisting arrest, was put in a patrol car and brought to a police station. Throughout, the police repeatedly hit and kicked him, including kicks with their boots to his neck and abdomen. The deported man sustained injuries requiring an operation for a ruptured pancreas and spleen, month-long hospitalization, and 60 days of post-release treatment.<sup>159</sup> In the second case, a deportee who police accused of extortion, evading arrest, and shooting at police; claimed he was face down on the ground but nevertheless shot at by police agents. Once the agents took him into custody, the deportee claimed he was insulted, kicked in the face, and shot at again repeatedly. The deportee was taken to a hospital for his injuries and was later acquitted of all criminal charges.<sup>160</sup>

## Armed Attacks, Beatings, Extortion, and Death Threats by Gangs

We documented the cases of 33 individuals who known or suspected gang members threatened with death after their deportations.<sup>161</sup> Presumed gang members subsequently

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<sup>158</sup> Human Rights Watch written communication with Bartolo A., January 6, 2019 (pseudonym).

<sup>159</sup> Criminal Sentencing Tribunal decision, San Francisco Gotera, Department of Morazán, December 8, 2014 (on file with Human Rights Watch).

<sup>160</sup> Criminal Sentencing Tribunal decision, San Miguel, El Salvador, April 6, 2017 (on file with Human Rights Watch).

<sup>161</sup> Human Rights Watch interview with Bernardo A., El Salvador’s Central Region, January 25, 2019 (pseudonym); Human Rights Watch interview with Nelson E., El Salvador’s (region withheld for security), January 26, 2019 (pseudonym); Human Rights Watch interview with Bartolo A., El Salvador’s (region withheld for security) (pseudonym), November 26, 2018; Human Rights Watch interview with José Miguel C., El Salvador’s Paracentral Region, March 29, 2019 (pseudonym); Human Rights Watch interview with Gabriel G., El Salvador’s (region withheld for security), March 23, 2019 (pseudonym); Human Rights Watch interview with Santiago U., El Salvador’s Eastern Region, January 28, 2019 (pseudonym); Human Rights Watch WhatsApp text message correspondence with Yeshua O., El Salvador’s Central Region, June 20, 2019 (pseudonym); Human Rights Watch interview with Walter T., El Salvador’s Central Region, March 28, 2019 (pseudonym); Human Rights Watch interview with Gaspar T., El Salvador’s Central Region, March 28, 2019 (pseudonym); Human Rights Watch interview with Paloma V., telephone communication, United States East Coast, June 17, 2019 (pseudonym); Human Rights Watch Facebook online messenger correspondence with Óscar K., El Salvador’s Central Region, June 10, 2019 (pseudonym); and Human Rights Watch interview with Irene J., United States East Coast, March 1, 2019 (pseudonym).

beat three<sup>162</sup> and shot and injured three others.<sup>163</sup> Suspected gang members likewise extorted 13 deportees (including one beaten and one shot and injured).<sup>164</sup> Alleged gang members subsequently killed 14 deportees (including six of those extorted).<sup>165</sup> For these

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<sup>162</sup> Human Rights Watch interview with Angelina N., United States East Coast, February 22, 2019 (pseudonym); Human Rights Watch telephone interview with Inés Z., El Salvador's Eastern Region, April 7, 2019 (pseudonym); and Human Rights Watch interview with Irene J., United States East Coast, March 1, 2019 (pseudonym).

<sup>163</sup> Human Rights Watch telephone interview with Helio L., United States Mountain West, July 1, 2019 (pseudonym); David Marroquín, "Three Detained After Attack and Persecution" ("Tres detenidos tras ataque y persecución"), *El Diario de Hoy*, January 17, 2013, <https://historico.elsalvador.com/historico/100235/tres-detenidos-tras-ataque-y-persecucion.html> (accessed November 9, 2019); and "Presumed Gang Members Injure Man in Ciudad Delgado" ("Presuntos pandilleros lesionan a hombre en Ciudad Delgado"), *La Prensa Gráfica*, May 13, 2013, <https://www.laprensagrafica.com/elsalvador/Presuntos-pandilleros-lesionan-a-hombre-en-Ciudad-Delgado-20130513-0041.html> (accessed November 9, 2019).

<sup>164</sup> Human Rights Watch interview with Elías F., United States (region withheld for security), 2019 (exact date withheld for security) (pseudonym); Human Rights Watch interview with Jacinto K. and Óscar K., El Salvador's Central Region, April 4, 2014 (pseudonyms); Human Rights Watch telephone interview with Helio L., United States Mountain West, July 1, 2019 (pseudonym); Human Rights Watch interview with Carlos P., El Salvador's Central Region, March 27, 2019 (pseudonym); Human Rights Watch interview with Angelina N., United States East Coast, February 22, 2019 (pseudonym); Human Rights Watch interview with CANAF, El Salvador's (region withheld for security), November 5, 2018; Human Rights Watch interview with OLAV, El Salvador's Central Region, January 11, 2019; Human Rights Watch interview with PNC investigator, El Salvador's Western Region, January 24, 2019; "Four Gang Members Killed in Usulután and La Libertad" ("Matan a cuatro pandilleros en Usulután y La Libertad"), *La Página*, June 9, 2014 (on file with Human Rights Watch); Lilibeth Sánchez and Diana Escalante, "Police Register 32 Murders Between Friday and Sunday" ("Policía registro 32 asesinatos entre el viernes y el domingo"), *El Diario de Hoy*, June 9, 2014, <https://historico.elsalvador.com/historico/129747/policia-registro-32-asesinatos-entre-el-viernes-y-el-domingo.html> (accessed November 9, 2019); David Marroquín, "2,841 Murders Registered on the Year, with 297 in September" ("Registan 2,841 asesinatos en el año, septiembre con 297 homicidios"), *El Diario de Hoy*, September 29, 2014, <https://www.elsalvador.com/noticias/nacional/registan-2841-asesinatos-en-el-ano-septiembre-con-297-homicidios/136337/2014/> (accessed 21 June 2019); "Two Soldiers Killed in Front of SITRAMSS Station" ("Matan a dos soldados frente a estación del SITRAMSS"), *La Prensa Gráfica*, June 22, 2015, <https://www.laprensagrafica.com/elsalvador/Matan-a-dos-soldados-frente-a-estacion-del-SITRAMSS-20150622-0044.html> (accessed November 12, 2019); and José Napoleón Morales, "Suspected Gang Members Kill a Man and Injure His Wife" ("Supuestos pandilleros asesinan a un hombre y hieren de bala a su esposa"), *La Página*, June 22, 2015 (on file with Human Rights Watch).

<sup>165</sup> Human Rights Watch interview with Karina I., United States West Coast, March 6, 2019 (pseudonym); Human Rights Watch interview with Jacinto K. and Óscar K., El Salvador's Central Region, April 4, 2014 (pseudonyms); Human Rights Watch interview with Yaneth D., United States South, March 13, 2019 (pseudonym); Human Rights Watch interview with Jennifer B., United States East Coast, March 6, 2019 (pseudonym); Human Rights Watch interview with PNC investigator, El Salvador's Western Region, January 24, 2019; Jenny Ventura, Jaime López and Diana Escalante, "Nine-year-old Girl Found Murdered" ("Encuentran asesinada a niña de 9 años"), *El Diario de Hoy*, January 4, 2015, <https://historico.elsalvador.com/historico/143432/encuentran-asesinada-a-nina-de-9-anos.html> (accessed November 12, 2019); Wilmer Lizama, "Double Homicide Registered in Moncagua, San Miguel" ("Registan doble homicidio en Moncagua, San Miguel"), *El Mundo*, June 16, 2017, <https://elmundo.sv/registan-doble-homicidio-en-moncagua-san-miguel/> (accessed June 10, 2019); "Three Farmers Killed in Moncagua" ("Asesinan en Moncagua a tres agricultores"), *La Prensa Gráfica*, June 17, 2017, <https://www.laprensagrafica.com/elsalvador/Asesinan-en-Moncagua-a-tres-agricultores-20170617-0090.html> (accessed November 11, 2019); Jorge Beltrán, "Why is There So Much Violence in Just One Neighborhood Called 'El Platanar' in El Salvador?" ("¿Por que hay tanta violencia en un solo cantón llamado 'El Platanar' en El Salvador?"), *El Diario de Hoy*, July 15, 2018, <https://www.elsalvador.com/noticias/nacional/un-infierno-llamado-el-platanar/500528/2018/> (accessed November 11, 2019); "Two Soldiers Killed in Front of SITRAMSS Station" ("Matan a dos soldados frente a estación del

cases, we know the victimization was within five years or less of the deportation between 2013 and 2019.

Among those killed, known or suspected gang members threatened with death surviving relatives of at least four of the deportees killed.<sup>166</sup> While gang members told three to leave their homes or they would be killed within as little as 24 hours, they told one to stay with her family and keep quiet. Jennifer B. explained to Human Rights Watch: “They [the gang members] threatened my sister [with whom Javier B. had wanted to live] that if she opened her mouth or left that place, they’d look for her everywhere and kill her. So, she remains there. ... They’ve kept their mouths shut there.”<sup>167</sup>

## People Forced into Hiding

Most Human Rights Watch interviewees attempted to go into hiding in their own or different neighborhoods because they were afraid of gang members, police, or former intimate partners from whom they feared harm that authorities would or could not stop. US and Salvadoran authorities often make unrealistic assumptions about a particular individual’s ability to remain safe, thinking a person could easily relocate. For example, when Alexander N. told Salvadoran migration officials he was afraid to return to the home where his sister was taken and killed, they responded: “Why not go elsewhere?”<sup>168</sup>

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SITRAMSS”), *La Prensa Gráfica*, June 22, 2015, <https://www.laprensagrafica.com/elsalvador/Matan-a-dos-soldados-frente-a-estacion-del-SITRAMSS-20150622-0044.html> (accessed November 12, 2019); and José Napoleón Morales, “Suspected Gang Members Kill a Man and Injure his Wife” (“Supuestos pandilleros asesinan a un hombre y hieren de bala a su esposa”), *La Página*, June 22, 2015 (on file with Human Rights Watch); David Marroquín, “2,841 Murders Registered on the Year, with 297 in September” (“Registran 2,841 asesinatos en el año, septiembre con 297 homicidios”), *El Diario de Hoy*, September 29, 2014, <https://www.elsalvador.com/noticias/nacional/registran-2841-asesinatos-en-el-ano-septiembre-con-297-homicidios/136337/2014/> (accessed June 21, 2019); “Four Gang Members Killed in Usulután and La Libertad” (“Matan a cuatro pandilleros en Usulután y La Libertad”) *La Página*, June 9, 2014 (on file with Human Rights Watch); Lilibeth Sánchez and Diana Escalante, “Police Register 32 Murders Between Friday and Sunday” (“Policía registro 32 asesinatos entre el viernes y el domingo”), *El Diario de Hoy*, June 9, 2014, <https://historico.elsalvador.com/historico/129747/policia-registro-32-asesinatos-entre-el-viernes-y-el-domingo.html> (accessed November 9, 2019); David Marroquín, “Three Detained After Attack and Persecution” (“Tres detenidos tras ataque y persecución”), *El Diario de Hoy*, January 17, 2013, <https://historico.elsalvador.com/historico/100235/tres-detenidos-tras-ataque-y-persecucion.html> (accessed November 9, 2019).

<sup>166</sup> Human Rights Watch interview with Karina I., United States West Coast, March 6, 2019 (pseudonym); Human Rights Watch Facebook online messenger correspondence with Óscar K., El Salvador’s Central Region, June 10, 2019 (pseudonym); Human Rights Watch interview with Yaneth D., United States South, March 13, 2019 (pseudonym), and Human Rights Watch telephone interview with Jennifer B., United States East Coast, March 6, 2019 (pseudonym).

<sup>167</sup> Human Rights Watch telephone interview with Jennifer B., United States East Coast, March 6, 2019 (pseudonym).

<sup>168</sup> Human Rights Watch interview Alexander N., El Salvador’s (region withheld for security), November 25, 2018 (pseudonym).

Safe relocation in El Salvador is incredibly difficult for anyone.<sup>169</sup> According to unverified estimates cited by the UN special rapporteur for extrajudicial, summary or arbitrary executions, approximately 60,000 gang members reportedly operate in 247 of the 262 municipalities in the country.<sup>170</sup> State authorities have been largely ineffective at protecting the population from gang or private violence, and Salvadoran security forces have themselves committed extrajudicial executions, sexual assaults, enforced disappearances, and torture throughout the country.

The few organizations now offering assistance to the internally displaced can together only provide services to several hundred people per year and even then, are typically delayed, and limited to helping a limited number of people and for a period of no more than three months.<sup>171</sup> This leaves most of the estimated 285,000 internally displaced persons in El Salvador to rely on familial networks, or more commonly, as one survey with a nationally representative sample found, flee abroad.<sup>172</sup>

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<sup>169</sup> As many as 296,000 new displacements occur a year. See Vickie Knox, “An Atomised Crisis: Reframing Displacement Caused by Crime and Violence in El Salvador,” Internal Displacement Monitoring Centre, September 2018, <http://www.internal-displacement.org/sites/default/files/inline-files/201809-el-salvador-an-atomised-crisis-en.pdf> (accessed 21 August 2019).

<sup>170</sup> United Nations Office of the High Commission for Human Rights, El Salvador End of Mission Statement, Agnes Callamard, special rapporteur for extrajudicial, summary or arbitrary executions, February 5, 2018, <https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=22634&LangID=E> (accessed June 16, 2019).

<sup>171</sup> Human Rights Watch interview with CANAF, El Salvador’s (region withheld for security), November 5, 2018; Human Rights Watch interview with CANAF, El Salvador’s (region withheld for security), November 6, 2019; Human Rights Watch interview with CANAF, El Salvador’s (region withheld for security), November 26, 2018; Human Rights Watch interview with social worker to internally displaced children and families for international non-profit, El Salvador’s Central Region, November 29, 2018; Human Rights Watch interview with aid director for internally displaced persons for international non-profit, El Salvador’s Central Region, December 4, 2018; Human Rights Watch interview with aid workers to internally displaced persons for national non-profit, El Salvador’s Central Region, December 4, 2018; Human Rights Watch interview with OLAV, El Salvador’s Eastern Region, January 23, 2019; and Human Rights Watch interview with aid director for persons deported from Mexico and the United States for international non-profit, El Salvador’s Central Region, 28 March 2019. The profiles these organizations told us they could not attend are: persons who have participated in crimes against gang members, families who have a relative in a gang, and those who were deported three or more years earlier.

<sup>172</sup> Every two years, the Central American University (UCA) Institute of Public Opinion (IUDOP) surveys a representative sample of the Salvadoran population about a range of issues. In 2016, IUDOP asked respondents if someone had to change their residence in the past year (a separate portion of the question asked about migration outside of El Salvador). We multiplied the adult population of El Salvador in 2016 (5,800,000) by the 4.9 percent of respondents who answered affirmatively that they had to change their residence inside El Salvador during the past year. It is important to note that our estimate of 285,000 people displaced includes only adults. In addition, the margin of error for this question in the survey is 2.3, which means as few as 2.6 percent and as many as 7.2 percent may represent the true proportion. See IUDOP, “Evaluation Survey of 2016 and the Peace Accords” (“Encuesta de evaluación del año 2016 y sobre los Acuerdos de Paz”), <http://www.uca.edu.sv/iudop/wp-content/uploads/INFORME-141.pdf> (accessed October 24, 2019).

For example, after learning gang members planned to kill him in his rural municipality, Gabriel G., a retired high-ranking officer with specialized training in the Salvadoran military in his forties, told Human Rights Watch he fled to the United States in 2018 after “the gang went to the police to tell them when, where, and how they’d kill me.”<sup>173</sup> Gabriel’s wife and children have received threats because of his military service as well, and two of his sons fled El Salvador multiple times between 2013 and 2018 related to these threats. However, Gabriel had previously been deported from the US in 2008, after he went to the US seeking refuge because former guerillas<sup>174</sup> were threatening him. Gabriel was detained in Texas and failed his reasonable fear interview. His prior deportation barred him from asylum under US law, so he had to meet the higher standards of withholding of removal, which means that it would be “more likely than not” that he would be persecuted, rather than the lower asylum standard of a well-founded fear of persecution. Alternatively, he had to show he merited protection under the Convention against Torture. Gabriel remembered US officials asked him if he had been tortured. He told Human Rights Watch, “I didn’t want to lie, because [what I consider torture] had not happened to me, although threats had been made, and they remained active.”<sup>175</sup> Since being deported in 2018, Gabriel remains fearful and stays in hiding when he is not at work as a security guard, leaving his home as little as possible and refusing even to inform his wife of his weekly work schedule for fear that she might inadvertently tell others and the gang would attack him while he travels to work.<sup>176</sup> He described to us how different gang members come to the gate outside his house to demand he turn over his work-issued firearm. He consistently refuses to hand over the weapon, and in response the gang members threaten to kill him.<sup>177</sup>

At least 17 deported individuals whose cases we identified or investigated for this report attempted to hide from the violence or extortion they feared in the same neighborhoods

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<sup>173</sup> Human Rights Watch interview with Gabriel G. and his wife, El Salvador’s (region withheld for security), March 23, 2019 (pseudonym).

<sup>174</sup> Individuals who fought against the military-led Salvadoran government forces during El Salvador’s civil war.

<sup>175</sup> Human Rights Watch interview with Gabriel G. and his wife, El Salvador’s (region withheld for security), March 23, 2019 (pseudonym).

<sup>176</sup> Human Rights Watch interview with Gabriel G., El Salvador’s (region withheld for security), December 15, 2019 (pseudonym).

<sup>177</sup> Ibid.

they had originally fled. Two who were beaten and extorted,<sup>178</sup> and one who was beaten, extorted, and raped have since fled El Salvador again.<sup>179</sup> Seven are dead.<sup>180</sup> Discussed more fully in Section IV below, individuals also relocated from one particularly violent neighborhood to another.<sup>181</sup> In another case, a male deportee fled the particularly violent neighborhood where one gang killed his father, to a neighborhood where a different gang controlled the territory.<sup>182</sup> Three additional male deportees attempted to go into hiding in a new location before they were killed or disappeared, according to press accounts.<sup>183</sup>

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<sup>178</sup> Human Rights Watch interview with Elías F., United States (region withheld for security), (exact date withheld for security) 2019 (pseudonym), and Human Rights Watch telephone interview with Helio L., United States Mountain West, July 1, 2019 (pseudonym).

<sup>179</sup> Human Rights Watch interview with Angelina N., United States East Coast, February 22, 2019 (pseudonym).

<sup>180</sup> Human Rights Watch telephone interview with Moises X., United States West Coast, January 3, 2019 (pseudonym); Human Rights Watch interview with Karina I., United States West Coast, March 6, 2019 (pseudonym); Human Rights Watch interview with Yaneth D., United States South, March 13, 2019 (pseudonym); Mauricio Bolaños, “La Paz: Murder of Man Reported in Santiago Nonualco” (“La Paz: reportan asesinato de hombre en Santiago Nonualco”), *La Prensa Gráfica*, April 28, 2013, <https://www.laprensagrafica.com/elsalvador/La-Paz-reportan-asesinato-de-hombre-en-Santiago-Nonualco-20130428-0020.html> (accessed October 28, 2019); “His Brother Sought Asylum in the USA, the Judge Denied Him and Later, He was Killed: This is the Story” (“Su hermano pidió asilo EUA, el juez se lo negó y luego fue asesinado: esta es la historia”), *La Prensa Gráfica*, March 15, 2017, <https://www.laprensagrafica.com/departamento15/Su-hermano-pidio-asilo-EUA-el-juez-se-lo-nego-y-luego-fue-asesinado-esta-es-la-historia-20170315-0043.html> (accessed November 4, 2019); Kevin Sieff, “When Death Awaits Deported Asylum Seekers,” *Washington Post*, December 26, 2018, <https://www.washingtonpost.com/graphics/2018/world/when-death-awaits-deported-asylum-seekers/?noredirect=on> (accessed November 10, 2019); and Gadiel Castillo, “Man is Killed When He Was Going to Work” (“Hombre es asesinado cuando iba a su trabajo”), *El Diario de Hoy*, November 28, 2018, <https://www.elsalvador.com/noticias/nacional/hombre-es-asesinado-cuando-iba-a-su-trabajo/543809/2018/> (accessed on June 22, 2019).

<sup>181</sup> Human Rights Watch interview with Gaspar T. and Walter T., El Salvador’s Central Region, March 28, 2019 (pseudonyms); Human Rights Watch interview with Santiago U., El Salvador’s Eastern Region, January 28, 2019 (pseudonym); Human Rights Watch interview with Irene J., United States East Coast, March 1, 2019 (pseudonym); Human Rights Watch interview with Alexander N., El Salvador’s (region withheld for security), November 25, 2018 (pseudonym); Human Rights Watch telephone interview with Zaida L., United States West Coast, July 12, 2019 (pseudonym); Human Rights Watch interview with Ransés I., Tijuana, Mexico, March 8, 2019 (pseudonym); Human Rights Watch interview with Digna R., El Salvador’s Eastern Region, November 30, 2019 (pseudonym); Human Rights Watch interview with Jairo Q., El Salvador’s Central Region, January 26, 2019 (pseudonym); Human Rights Watch social media interview with Óscar K., El Salvador’s (region withheld for security), June 10, 2019 (pseudonym); Human Rights Watch interview with Paloma V., United States East Coast, June 17, 2019 (pseudonym).

<sup>182</sup> Human Rights Watch interview with hospital-based OLAV official, El Salvador’s Central Region, March 26, 2019.

<sup>183</sup> Francisco Narváez, “Youth Murdered Who Had Recently Been Deported” (“Asesinan a joven que había sido deportado recientemente”), *El Blog*, June 1, 2017, <http://elblog.com/noticias/registro-42799.html> (accessed October 10, 2019); Flor Lazo, “Relief Teams Search for Missing Man” (“Cuerpos de socorro buscan a hombre extraviado”), *La Prensa Gráfica*, September 17, 2017, <https://www.laprensagrafica.com/elsalvador/Cuerpos-de-socorro-buscan-a-hombre-extraviado-20170917-0028.html>, (accessed October 10, 2019); “Extortion and Murder Afflicts El Carmen” (“Extorsiones y asesinatos afligen a El Carmen”), *El Diario del Hoy*, February 23, 2013, <https://historico.elsalvador.com/historico/101223/extorsiones-y-asesinatos-afligen-a-el-carmen.html> (accessed October 10, 2019).

### Alexander N.

Several months before our November 2018 interview with 20-year-old Alexander N. and his parents, men dressed in black identifying themselves as police arrived in the night. The men wanted only to take Alicia N., Alexander's teenage sister. They tied up the rest of the family and posted two men outside to make sure they did not leave. The other men took 17-year-old Alicia with them. Not long after, the family heard a shot, seemingly a few blocks away. Once they broke free and felt sure the men outside were gone, they went toward it. They found Alicia dead with one bullet to her forehead. Alexander and his parents showed a Human Rights Watch researcher the photo of her body, splayed on the dirt, hands above her head and blood coming from the gunshot wound.<sup>184</sup>

After the killing, the press arrived. Nearly every Salvadoran media outlet covered the murder, some in more than one story.<sup>185</sup> Some for several months. None could say definitively if the men in black were gang members of the neighborhood's particularly strong gang clique, law enforcement, or so-called "extermination groups." Alexander and his family suspect police involvement. In recent years, the Attorney General's Office investigated a group, police chiefs and businessmen among them, for forming an extermination group who killed those they believed to be gang members in Alexander's neighborhood and in surrounding municipalities. Alicia's murder was at least the seventh in four months in their community; she was the second child to be killed, and the second female. More killings, including of two females, occurred in the same neighborhood before the year ended. Authorities found additional bodies in clandestine graves. A press report alleged a member of the gang had raped girls and young women in the neighborhood.

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<sup>184</sup> Human Rights Watch interview Alexander N., El Salvador's (region withheld for security), November 25, 2018 (pseudonym); Human Rights Watch interview with Alexander N.'s mother and father, El Salvador's (region withheld for security), November 25, 2018 (pseudonym); and January 23, 2019. Human Rights Watch interview with Alexander N.'s neighbor, El Salvador's (region withheld for security), November 25, 2018 (pseudonym); Human Rights Watch telephone interview with journalist, El Salvador's (region withheld for security), November 25, 2018; Human Rights Watch telephone interview with journalist, El Salvador's (region withheld for security), May 23, 2019.

<sup>185</sup> All press articles described in this account are withheld for security but are on file with Human Rights Watch.

Within 48 hours of his sister's death, the killers called Alexander's home and told his mother that they would come back and kill her son, Alexander, for "giving the press information" on the way they had killed her daughter.<sup>186</sup> She and her husband could not bear the thought of losing their son too. She told us what little they had; they gave him to flee. Alexander's father broke down when he told us he had decided, "My only child who remains can at least go."<sup>187</sup>

Less than a month after his sister's murder, Alexander was at the border in Texas. He told Human Rights Watch that he had told US authorities what happened to his sister and that he was afraid to return. At the seventh US immigration detention center he was held in, he got lucky: a group of volunteers worked with him and five or six other asylum seekers on how to present himself in his credible fear interview (the first stage of the US asylum process). US authorities determined Alexander had demonstrated credible fear and he was transferred to another detention center to present his case before the Immigration Court nearest it. A fellow detainee from Mexico helped him translate the proof he carried: photos, a news report, death certificate, and letters of support from his Catholic church, work, school, and City Hall.

In our interview with him, Alexander appeared humble and shy. He had recently graduated high school. In his community, eye contact and talking could get you killed, he said. According to Alexander, after four hearings, at which he appeared without counsel, he was denied asylum. Alexander said, "There was no one to help me. I felt so bad. There *was* danger of return." About a month later, US officials cuffed him at the wrists and ankles to deport him to El Salvador.

Alexander and his family told us that the men in black have gone to other homes since then, and they see masked police and soldiers stroll their dirt roads. Alexander lives in constant fear, saying that he feels it "day and night." His strategy: "I don't go out. I hide." He is not studying, working, or spending time with friends, despite his dreams

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<sup>186</sup> Human Rights Watch interview with Alexander N.'s mother and father, El Salvador's (region withheld for security), November 25, 2018; and January 23, 2019.

<sup>187</sup> Ibid.

to get a college degree and help his family. When asked how long this could last, Alexander's mom said she did not know. "Meanwhile," she said, "we fear."<sup>188</sup>

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<sup>188</sup> Human Rights Watch interview with Alexander N.'s mother and father, El Salvador's (region withheld for security), November 25, 2018; and January 23, 2019.

## IV. Particularly Violent Neighborhoods

When people are deported to El Salvador, the original neighborhoods they lived in prior to their emigration may carry significant risks of disappearance, homicide, and sexual crime, such that living in safety at home is nearly impossible. These particularly violent neighborhoods (see Glossary for definition) tend to have not just a concentration of organized crime but also of abusive law enforcement actors, documented cases of domestic and sexual violence, and violence perpetrated by so-called “death squads” or “extermination groups” (as discussed in Section V).

### Specific Neighborhoods, High Levels of Violence

According to government data, from 2013 to 2018, all of El Salvador’s 262 municipalities registered at least a homicide or sexual crime.<sup>189</sup> In most municipalities, however, crime tends to concentrate in a small percentage of specific neighborhoods.<sup>190</sup> Such

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<sup>189</sup> In that period, only three rural municipalities with populations of less than 2,600—El Rosario of Morazán department and [San José] Las Flores and San Fernando of Chalatenango department—registered no murders, but even so these municipalities registered multiple sexual crimes. Data obtained via public information request to the Salvadoran Attorney General’s Access to Public Information Office for crime incidence data throughout El Salvador, data on homicides between 2013-2017 were received November 9, 2018 and data on sexual crimes between 2013-2017 were received November 1, 2018. Homicide data for 2018 were received February 18, 2019, sexual crime data for 2018 were received February 25, 2019 (data on file with Human Rights Watch).

<sup>190</sup> Since the late-1980s, research in numerous Brazilian, Canadian and US cities with varying populations has shown that crimes, including homicide and rape, concentrate at very small units of geography. Across studies, researchers have tended to find that roughly 1.5 percent of street segments in cities see about 25 percent of crime incidents. L.W. Sherman, P.R. Gartin, and M.E. Buerger, *The Geography of Crime* (London: Routledge, 1989); P.L. Brantingham and P.J. Brantingham, “Hot Spots of Predatory Crime: Routine Activities and the Criminology of Place,” *Criminology*, vol. 27, no. 1 (1999), pp. 27-56; P.L. Brantingham, “A Theoretical Model of Crime Hot Spot Generation,” *Studies on Crime and Crime Prevention*, vol. 8, no. 1 (1999), pp. 7-26; D. Weisburd, S. Bushway, C. Lum, S.M. Yang, “Trajectories of Crime at Place: A Longitudinal Study of Street Segments in the City of Seattle,” *Criminology*, vol. 42, no. 5 (2004), pp.283-322; Ilona Szabo de Carvalho, Juan Carlos Garzon, and Robert Muggah, “Citizen Security Rising: New Approaches to Addressing Drugs, Guns and Violence in Latin America,” Norwegian Peacebuilding Resource Centre (NOREF), 2013; A.A. Braga, A.V. Papachristos, and D.M. Hureau, “The Effects of Hot Spots Policing on Crime: An Updated Systematic Review and Meta-analysis,” *Justice Quarterly*, vol. 31, no.4, (2014), pp.633-63; A.S. Curmen, M.A. Andresen, and P.J. Brantingham, “Crime and Place: A Longitudinal Examination of Street Segment Patterns in Vancouver, BC,” *Journal of Quantitative Criminology*, vol. 31, no.1 (2014), pp.127-47; and David Weisburd, “The 2014 Sutherland Address: The Law of Crime Concentration and the Criminology of Place,” *Criminology*, vol. 53, no. 2, (2015), pp.133-57.

neighborhoods register multiple homicides and sexual crimes each year.<sup>191</sup> Many have also been the sites of clandestine graves containing victims who were kidnapped, disappeared, and often tortured before they were killed.<sup>192</sup> Multiple actors, including gangs, authorities, those who present themselves as authorities, and private individuals are alleged to have committed these crimes. Victims include girls, boys, men, and women and those known or believed to be informants or witnesses. Visitors to these neighborhoods are also victims, and residents of these neighborhoods are victimized elsewhere because they are imputed to be affiliated with the gang that controls the neighborhood from which they fled.

Given persistent violence in these neighborhoods, individuals growing up in them likely experience multiple traumatic events.<sup>193</sup> For example, an aid director for deported persons, in summarizing the case of a mother and her daughters who fled sexual harassment, extortion, and threats (but have since been deported from the US back to El Salvador), said of residents of such neighborhoods: “One [criminal] event does not tend to be it [for what drove them to flee].”<sup>194</sup> The majority of directly impacted individuals we interviewed who originated from a particularly violent neighborhood recounted they or their loved ones being victims of multiple crimes before and after deportation, including witnessing or having loved ones abused, disappeared, or killed. Four deportees we interviewed had to live in the same home in which a family member had been killed.<sup>195</sup> They—like other

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<sup>191</sup> Data obtained via public information request to the Salvadoran Attorney General’s Access to Public Information Office for crime incidence data throughout El Salvador, data on homicides between 2013-2017 were received November 9, 2018 and data on sexual crimes between 2013-2017 were received November 1, 2018. Homicide data for 2018 were received February 18, 2019, sexual crime data for 2018 were received February 25, 2019 (data on file with Human Rights Watch).

<sup>192</sup> As described in the methodology section, using an open source media monitoring methodology, Human Rights Watch systematically searched the Salvadoran press for the neighborhood names (including various spelling variations, when necessary) where those interviewed lived or fled, yielding over 22,000 total results that we reviewed, and when relevant, analyzed. The results were then filtered to produce a database of neighborhood-specific violent incidents. These data have extreme limitations. However, they did allow us to identify themes on neighborhood dynamics, including poverty level, crimes committed, victims, victimizers and state actions.

<sup>193</sup> See US Centers for Disease Control and Prevention, “Adverse Childhood Experiences,” <https://www.cdc.gov/violenceprevention/childabuseandneglect/acestudy/index.html> (accessed October 7, 2019).

<sup>194</sup> Human Rights Watch interview with aid director for persons deported from Mexico and the United States for international non-profit, El Salvador’s Central Region, March 28, 2019.

<sup>195</sup> Human Rights Watch interview with Alexander N., El Salvador’s (region withheld for security), November 25, 2018 (pseudonym); Human Rights Watch interview with Yaneth D., United States South, March 13, 2019 (pseudonym); and Human Rights Watch interview with Vivian R. and Wendy R., El Salvador’s Eastern Region, March 25, 2019 (pseudonyms).

residents—may show symptoms of trauma.<sup>196</sup> At time of writing, such particularly violent neighborhoods in El Salvador included but *were not limited to*:

- Lourdes neighborhood of Colón municipality in La Libertad department;<sup>197</sup>
- Altavista neighborhood at the border of Ilopango, San Martín, and Tonacatepeque municipalities of San Salvador department,<sup>198</sup> and surrounding areas like San José Flores neighborhood of Tonacatepeque municipality of San Salvador department;

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<sup>196</sup> Mayo Clinic, “Post Traumatic Stress Disorder,” <https://www.mayoclinic.org/diseases-conditions/post-traumatic-stress-disorder/symptoms-causes/syc-20355967> (accessed December 3, 2019). A Salvadoran researcher told Human Rights Watch that “We don’t have many holistic programs here [for deportees]. ... The psychosocial and cultural pieces are not addressed.” Human Rights Watch telephone interview with Salvadoran researcher, December 14, 2018.

<sup>197</sup> Human Rights Watch interview with LGBT service provider, El Salvador’s Central Region, December 1, 2018 and Human Rights Watch interview with aid director for persons deported from Mexico and the United States for international non-profit, El Salvador’s Central Region, March 28, 2019. Furthermore, since August 2013, the FGR has operated a Twitter page for disappeared children. Our search of this page revealed 13 of 17 children forcibly disappeared from Colón municipality through July 2014 disappeared from the Lourdes neighborhood. Finally, a 2014 study produced by a co-author of this report contains data that Human Rights Watch re-analyzed for this report, showing that Lourdes was among the three most common neighborhoods of origin for child migrants. The data further shows that these neighborhoods frequently registered higher-than-average numbers of disappearance, homicide and suspected death squad activity. Elizabeth G. Kennedy, “No Childhood Here: Why Central American Children are Fleeing Their Homes,” American Immigration Council, July 1, 2014, <https://www.americanimmigrationcouncil.org/research/no-childhood-here-why-central-american-children-are-fleeing-their-homes> (accessed January 18, 2020).

<sup>198</sup> Human Rights Watch telephone interview with Yeshua O., El Salvador’s Central Region, November 13, 2018 (pseudonym); Human Rights Watch interview with aid director for internally displaced persons for international non-profit, El Salvador’s Central Region, December 4, 2018. 5,749 results appeared for “Altavista” and “Alta Vista,” some of them duplicates, in 14 news sources in El Salvador between 2000 and September 2019 reporting on incidents of violent crime; multiple outlets covered some incidents but often had consistent but more or less details. Human Rights Watch compiled all these results but completed analysis of only relevant articles from November 2009 to November 2016. Three relevant articles from the thousands are: Roberto Valencia, “Scan of a Neighborhood of Swallows Called Ciudad Futura” (“Radiografía de una colonia de golondrinas llamada Ciudad Futura”), *El Faro*, February 8, 2019, [https://elfaro.net/es/201902/el\\_salvador/22992/Radiograf%C3%ADa-de-una-colonia-de-golondrinas-llamada-Ciudad-Futura.htm](https://elfaro.net/es/201902/el_salvador/22992/Radiograf%C3%ADa-de-una-colonia-de-golondrinas-llamada-Ciudad-Futura.htm) (accessed June 12, 2019); Ezequiel Barrera, “Attackers Used War Weapons to Kill Seven in Alta Vista” (“Atacantes usaron armas de guerra para matar a 7 en Alta Vista”), *La Prensa Gráfica*, July 16, 2016, <https://www.laprensagrafica.com/elsalvador/Atacantes-usaron-armas-de-guerra-para-matar-a-7-en-Alta-Vista-20160716-0019.html> (accessed October 9, 2019); “Police Capture 31 Gang Members in Altavista Neighborhood” (“Policía captura a 31 pandilleros en residencial Altavista”), *El Diario de Hoy*, September 29, 2016, <https://historico.eldiariodehoy.com/historico-edh/26014/policia-captura-a-31-pandilleros-en-residencial-altavista.html> (accessed October 9, 2019). Furthermore, since August 2013, the FGR has operated a Twitter page for disappeared children. Our search of this page revealed six of 14 children forcibly disappeared from San Martín and Tonacatepeque municipalities through May 2018 disappeared from the Altavista neighborhood. Finally, a 2014 study produced by a co-author of this report contains data that Human Rights Watch re-analyzed for this report, showing that Altavista was among the three most common neighborhoods of origin for child migrants. The data further shows that these neighborhoods frequently registered higher-than-average numbers of disappearance, homicide and suspected death squad activity. Elizabeth G. Kennedy, “No Childhood Here: Why Central

- San Roque neighborhood and surrounding neighborhoods like Zacamil of Mejicanos municipality<sup>199</sup> in San Salvador department;
- Iberia<sup>200</sup> and San Jacinto<sup>201</sup> neighborhoods of San Salvador municipality in San Salvador department;
- La Campanera neighborhood<sup>202</sup> of Soyapango municipality in San Salvador department;

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American Children are Fleeing Their Homes,” American Immigration Council, July 1, 2014, <https://www.americanimmigrationcouncil.org/research/no-childhood-here-why-central-american-children-are-fleeing-their-homes> (accessed January 18, 2020).

<sup>199</sup> Human Rights Watch interview with LGBT service provider, El Salvador’s Central Region, December 1, 2018; Human Rights Watch interview with Salvadoran researcher on migration, El Salvador’s Central Region, November 29, 2018. 1,231 results appeared for San Roque in 14 news sources in El Salvador between 2000 and June 2019 reporting on incidents of violent crime; multiple outlets covered some incidents but often had consistent but more or less details. Human Rights Watch compiled all these results but completed analysis of only relevant articles in six outlets from 2013 to June 2019. Three relevant articles from the 1,231 are: “Raul Mijango’s Community” (“La comunidad de Raul Mijango”), *Diario1*, May 6, 2016, <http://diario1.com/nacionales/2016/05/la-comunidad-de-raul-mijango/> (accessed October 16, 2019); Carmina Castro, “Woman Murdered and Her Two-month-old Son Injured in Mejicanos” (“Asesinan a mujer y hieren a su hijo de dos meses en Mejicanos”), *El Salvador Times*, April 5, 2019, <https://www.elsalvadortimes.com/content/print/asesinan-mujer-hieren-hijo-meses-mejicanos/2019040519185757004> (accessed October 16, 2019); Jorge Archila, “Unknown Youth Eliminated by Gang Members in San Roque, Mejicanos” (“Joven desconocido fue ultimado por mareros en la San Roque, Mejicanos”), *El Blog*, April 5, 2019, <http://elblog.com/inicio/joven-desconocido-fue-ultimado-por-mareros-en-la-san-roque-mejicanos/> (accessed October 16, 2019). Furthermore, since August 2013, the FGR has operated a Twitter page for disappeared children. Our search of this page revealed five of 29 children forcibly disappeared in Mejicanos municipality through March 2019 disappeared from the San Roque or Zacamil neighborhood.

<sup>200</sup> Human Rights Watch interview with LGBT service provider, El Salvador’s Central Region, December 1, 2018. Human Rights Watch review of 783 articles appearing in 13 news outlets in El Salvador between January 2002 and February 2019 reporting on incidents of violent crime; multiple outlets covered some incidents but often had consistent but more or less details. Three relevant articles from the 783 are: Evelyn Machuca, “Between the Murderer and the Murder, There’s Something Called Life” (“Entre el asesino y el asesinato hay algo que se llama vida”), *La Prensa Gráfica*, November 8, 2018, <https://www.laprensagrafica.com/elsalvador/Entre-el-asesino-y-el-asesinato-hay-algo-que-se-llama-vida-20181107-0122.html> (accessed October 8, 2019); “San Salvador Divided by Gangs’ Control” (“San Salvador dividido por el control de las pandillas”), *El Diario de Hoy*, December 19, 2015, <https://www.elsalvador.com/fotogalerias/noticias-fotogalerias/san-salvador-dividido-por-el-control-de-las-pandillas/324851/2015/> (accessed October 16, 2019); David Martinez, “The Iberia, a Stigmatized Community That Looks to Develop its New Generations” (“La Iberia, una comunidad estigmatizada que busca desarrollar a sus nuevas generaciones”), *Diario Co-Latino*, April 30, 2015, <https://www.diariocolatino.com/la-iberia-una-comunidad-estigmatizada-que-busca-desarrollar-a-sus-nuevas-generaciones/> (accessed October 16, 2019). Furthermore, since August 2013, the FGR has operated a Twitter page for disappeared children. Our search of this page revealed two of 49 children forcibly disappeared from San Salvador municipality through March 2019 disappeared from the Iberia neighborhood.

<sup>201</sup> Since August 2013, the FGR has operated a Twitter page for disappeared children. Our search of this page revealed 12 of 49 children forcibly disappeared from San Salvador municipality disappeared from the San Jacinto neighborhood.

<sup>202</sup> Human Rights Watch interview with aid workers to internally displaced persons for national non-profit, El Salvador’s Central Region, December 4, 2018; Human Rights Watch interview with OLAV staff, El Salvador’s Central Region, January 11, 2019; and Human Rights Watch interview with social worker to internally displaced persons for national non-profit, El Salvador’s Central Region, January 23, 2019. See also, “The Crazy Life” (“La Vida Loca”), documentary, depicting the violence

- Amapalita neighborhood of La Unión municipality in La Unión department;<sup>203</sup>
- El Platanar neighborhood of Moncagua municipality in San Miguel department;<sup>204</sup>

plaguing Campanera; “‘La Vida Loca’ Captures Daily Reality of El Salvador’s Gangs, or Maras,” *Los Angeles Times*, April 10, 2019, <https://latimesblogs.latimes.com/laplaza/2009/04/la-vida-loc-reflects-a-depressing-and-hopeless-reality-the-documentary-filmed-by-photojournalist-and-filmmaker-chris.html> (accessed January 18, 2020). The filmmaker, Christian Poveda, was killed in September 2009. Rory Carroll, “Killers of Filmmaker Christian Poveda Jailed,” *Guardian*, March 11, 2011, <https://www.theguardian.com/world/2011/mar/11/christian-poveda-murders-jailed>, (accessed January 18, 2020). The neighborhood also appeared in these three representative articles: Roberto Valencia, “Scan of a Neighborhood of Swallows Called Ciudad Futura” (“Radiografía de una colonia de golondrinas llamada Ciudad Futura”), *El Faro*, February 8, 2019, [https://elfaro.net/es/201902/el\\_salvador/22992/Radiograf%C3%ADa-de-una-colonia-de-golondrinas-llamada-Ciudad-Futura.htm](https://elfaro.net/es/201902/el_salvador/22992/Radiograf%C3%ADa-de-una-colonia-de-golondrinas-llamada-Ciudad-Futura.htm) (accessed 12 June 2019); Enrique García, “Centers Overrun with Gangs to be Re-enforced” (“Reforzaran los centros asediados por las maras”), *El Mundo*, February 26, 2018, <https://elmundo.sv/reforzaran-los-centros-asediados-por-las-maras/> (accessed October 16, 2019); and “Ten Places Where Taxi Drivers Do Not Want to Go” (“Diez lugares donde los taxistas no quieren ir”), *El Diario de Hoy*, March 5, 2014, <https://www.elsalvador.com/noticias/nacional/124039/diez-lugares-donde-los-taxistas-no-quieren-ir/> (accessed October 16, 2019).

<sup>203</sup> Human Rights Watch interview with IML doctor, El Salvador’s Eastern Region, January 22, 2019; Human Rights Watch interview with FGR prosecutor, El Salvador’s Eastern Region, January 22, 2019; and Human Rights Watch interview with Criminal Sentencing Tribunal judge, El Salvador’s Eastern Region, January 23, 2019. 18th Street Sureños members killed the stepmother of a young deportee from the US, because they believed her to be an informant to police in this neighborhood. See also “Sentencing Document for 57 Alleged Gang Member Defendants,” Specialized Sentencing Court for Organized Crime Cases in El Salvador’s Eastern Region, San Miguel, August 3, 2018 (on file with Human Rights Watch). See Diana Escalante and Insy Mendoza, “Woman Killed Because of Disagreement Between Gang Members” (“Matan a una mujer por pleito entre pandilleros”), *El Diario de Hoy*, April 29, 2014, <https://www.elsalvador.com/noticias/nacional/matan-a-una-mujer-por-pleito-entre-pandilleros/125579/2014/> (accessed 12 June 2019). Human Rights Watch review of 146 articles appearing in 11 news outlets in El Salvador between 2003 and April 2019 reporting on incidents of violent crime; multiple outlets covered some incidents but often had consistent but more or less details. Three representative articles from the 146 are: Insy Mendoza, “One Student Killed and Three Injured in La Unión” (“Asesinan a un estudiante y lesionan a tres en La Unión”), *El Diario de Hoy*, March 6, 2015, <https://www.elsalvador.com/noticias/nacional/147746/asesinan-a-un-estudiante-y-lesionan-a-tres-en-la-union/> (accessed October 16, 2019); “A Woman is Killed Because of Gang Dispute” (“Matan a una mujer por pleito entre pandillas”), *El Diario de Hoy*, April 29, 2014, <https://historico.elsalvador.com/historico/125579/matan-a-una-mujer-por-pleito-entre-pandilleros.html> (accessed October 14, 2019); “Three Police Are Captured with Collaborating with Gang Members” (“Capturan a Tres Policías por Colaborar con Pandilleros”), *El Mundo*, May 16, 2017, <https://elmundo.sv/capturan-a-tres-policias-por-colaborar-con-pandilleros/> (accessed October 16, 2019).

<sup>204</sup> Human Rights Watch interview with Salvadoran journalist, El Salvador’s Eastern Region, November 6, 2018; Human Rights Watch interview with Salvadoran journalist, El Salvador’s Central Region, November 9, 2018; and Human Rights Watch interview with PNC high-ranking officer, El Salvador’s Eastern Region, November 26, 2018 Human Rights Watch review of 474 articles appearing in 10 news outlets in El Salvador between July 2001 and May 2019 reporting on incidents of violent crime; multiple outlets covered some incidents but often had consistent but more or less details. Three representative articles from the 474 are: “Extortion Obligates Tens of Businesses to Close in the East” (“Extorsiones obligan a cerrar decenas de negocios en Oriente”), *El Diario de Hoy*, June 2, 2015, <https://www.elsalvador.com/noticias/nacional/extorsiones-obligan-a-cerrar-decenas-de-negocios-en-oriente/154450/2015/> (accessed October 16, 2019); “He Took Charge of Terrorizing Moncagua Girls and Obligating Them to Have Sex with Him” (“Se encargaba de aterrorizar a muchachas de Moncagua y las obligaba a que tuvieran sexo con el”), *La Prensa Gráfica*, August 3, 2017, <https://www.laprensagrafica.com/elsalvador/Se-encargaba-de-terrorizar-a-muchachas-de-Moncagua-y-las-obligaba-a-que-tuvieran-sexo-con-el-20170803-0022.html> (accessed October 16, 2019); Jorge Beltrán, “Why is There So Much Violence in Just One Neighborhood Called ‘El Platanar’ in El Salvador?” (“¿Por que hay tanta violencia en un solo cantón llamado ‘El Platanar’ en El Salvador?”), *El Diario de Hoy*, July 15, 2018, <https://www.elsalvador.com/noticias/nacional/un-infierno-llamado-el-platanar/500528/2018/> (accessed November 11, 2019).

- Ciudad Pacífica,<sup>205</sup> Milagro de la Paz<sup>206</sup> and San Antonio Silva<sup>207</sup> neighborhoods of San Miguel municipality in San Miguel department;

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<sup>205</sup> Human Rights Watch interview with PNC high-ranking officer, El Salvador's Eastern Region, November 26, 2018 and Human Rights Watch interview with CANAF staff, El Salvador's (region withheld for security), November 26, 2018. In Human Rights Watch's review of 528 articles appearing in 11 news outlets in El Salvador between April 2011 and January 2019 reporting on incidents of violent crime; multiple outlets covered some incidents but often had consistent but more or less details. Three representative articles from the 528 are: "These are the Places That Provoke Most Fear in Salvadorans" ("Estos son los lugares que más miedo provocan a los salvadoreños"), *La Prensa Gráfica*, March 16, 2017, <https://www.laprensagrafica.com/lpgdatos/Estos-son-los-lugares-que-mas-miedo-provocan-a-los-salvadorenos-20170316-0002.html> (accessed October 16, 2019); Wilmer Lizama, "Police Deploy FIRT—Intervention and Recuperation of Territory Force—Group in San Miguel" ("PNC despliega grupo FIRT en San Miguel"), *El Mundo*, July 13, 2016, <https://elmundo.sv/pnc-despliega-grupo-firt-en-san-miguel/> (accessed October 16, 2019); Lucinda Quintanilla, "Extortion Obliges Tens of Businesses to Close in the East" ("Extorsiones obligan a cerrar decenas de negocios en Oriente"), *El Diario de Hoy*, June 2, 2015, <https://www.elsalvador.com/noticias/nacional/extorsiones-obligan-a-cerrar-decenas-de-negocios-en-oriente/154450/2015/> (accessed October 16, 2019). Finally, a 2014 study produced by a co-author of this report contains data that Human Rights Watch re-analyzed for this report, showing that Ciudad Pacífica was among the three most common neighborhoods of origin for child migrants. The data further shows that these neighborhoods frequently registered higher-than-average numbers of disappearance, homicide and suspected death squad activity. Elizabeth G. Kennedy, "No Childhood Here: Why Central American Children are Fleeing Their Homes," American Immigration Council, July 11, 2014, <https://www.americanimmigrationcouncil.org/research/no-childhood-here-why-central-american-children-are-fleeing-their-homes> (accessed January 18, 2020).

<sup>206</sup> Human Rights Watch interview with PNC high-ranking officer, El Salvador's Eastern Region, November 26, 2018 and Human Rights Watch interview with CANAF staff, El Salvador's (region withheld for security), November 26, 2018. In Human Rights Watch's review of 620 articles appearing in 11 news outlets in El Salvador between June 2000 and April 2019 reporting on incidents of violent crime; multiple outlets covered some incidents but often had consistent but more or less details. Three representative articles from the 620 are: Roberto Valencia, "Scan of a Neighborhood of Swallows Called Ciudad Futura" ("Radiografía de una colonia de golondrinas llamada Ciudad Futura"), *El Faro*, February 8, 2019, [https://elfaro.net/es/201902/el\\_salvador/22992/Radiograf%C3%ADa-de-una-colonia-de-golondrinas-llamada-Ciudad-Futura.htm](https://elfaro.net/es/201902/el_salvador/22992/Radiograf%C3%ADa-de-una-colonia-de-golondrinas-llamada-Ciudad-Futura.htm) (accessed June 12, 2019); Wilmer Lizama, "Police Deploy FIRT—Intervention and Recuperation of Territory Force—Group in San Miguel" ("PNC despliega grupo FIRT en San Miguel"), *El Mundo*, July 13, 2016, <https://elmundo.sv/pnc-despliega-grupo-firt-en-san-miguel/> (accessed October 16, 2019); "The Neighborhoods Causing Fear in the East" ("Las colonias que dan miedo en el oriente"), *La Prensa Gráfica*, September 12, 2014, <https://www.laprensagrafica.com/elsalvador/Las-colonias-que-dan-miedo-en-el-oriente-20140912-0097.html> (accessed October 16, 2019).

<sup>207</sup> Human Rights Watch review of 1,377 articles appearing in 13 news outlets in El Salvador between 2000 and February 2019 reporting on incidents of violent crime; multiple outlets covered some incidents but often had consistent but more or less details (San Antonio Silva had more-than-normal irrelevant results, because "San Antonio" is common neighborhood name in multiple municipalities, and Silva is a common last name, including of a journalist and politician). Of relevant articles three representative ones are: "More Than a Thousand Salvadorans Leave in a Caravan With Their Eyes Toward the United States" ("Más de mil salvadoreños salen en caravana con la mirada en EEUU"), *El Mundo*, October 31, 2018, <https://elmundo.sv/parte-segunda-caravana-de-migrantes-salvadorenos-rumbo-a-estados-unidos/> (accessed October 16, 2019); "The Killing that Uncovered a Death Squad" ("El asesinato que delató al grupo de exterminio"), *El Diario de Hoy*, July 24, 2016, <https://www.elsalvador.com/noticias/nacional/el-asesinato-que-delato-al-grupo-de-exterminio/193811/2016/> (accessed October 16, 2019); "Three Are Killed in San Salvador, San Vicente and San Miguel" ("Asesinan a tres en San Salvador, San Vicente y San Miguel"), *La Prensa Gráfica*, February 26, 2015, <https://www.laprensagrafica.com/elsalvador/Asesinan-a-tres-en-San-Salvador-San-Vicente-y-San-Miguel-20150226-0088.html> (accessed October 16, 2019).

- Tierra Blanca neighborhood of Jiquilisco municipality in Usulután department;<sup>208</sup>
- Chaguantique neighborhood and surrounding areas at the border of Jiquilisco and Puerto El Triunfo municipalities in Usulután department;<sup>209</sup>
- El Ojuste<sup>210</sup> and La Poza<sup>211</sup> neighborhoods of Usulután municipality in Usulután department;

<sup>208</sup> 507 results appeared for “Tierra Blanca” in 14 news sources in El Salvador between 2000 and October 2019 reporting on incidents of violent crime; multiple outlets covered some incidents but often had consistent but more or less details. Human Rights Watch compiled all these results but completed analysis of only relevant articles for one sector of the neighborhood in five outlets from 2002 to June 2019. See, for example: “Information About Killings in Different Parts of the Country” (“Informan sobre asesinatos en distintos puntos del país”), *La Prensa Gráfica*, December 5, 2014, <https://www.laprensagrafica.com/elsalvador/Informan-sobre-asesinatos-en-distintos-puntos-del-pais-20141205-0002.html> (accessed October 16, 2019); “Man Killed in San Miguel” (“Matan a hombre en San Miguel”), *La Prensa Gráfica*, June 25, 2014, <https://www.laprensagrafica.com/elsalvador/Matan-a-hombre-en-San-Miguel-20140625-0027.html> (accessed October 16, 2019); and Rosa Fuentes, “Citizens Help Capture Rapists” (“Ciudadanos ayudan a capturar a violadores”), *El Diario de Hoy*, October 15, 2002, <http://archivo.elsalvador.com/noticias/2002/10/15/elpais/elpais8.html> (accessed October 16, 2019).

<sup>209</sup> Human Rights Watch review of 89 articles appearing in nine news outlets in El Salvador between July 2012 and February 2019 reporting on incidents of violent crime; multiple outlets covered some incidents but often had consistent but more or less details. Three representative articles are: “Residents of Jiquilisco at Risk Because of the Diversion of River Canal” (“Habitantes de Jiquilisco en riesgo por desvío de cauce de río”), *La Prensa Gráfica*, February 24, 2017, <https://www.laprensagrafica.com/elsalvador/Habitantes-de-Jiquilisco-en-riesgo-por-desvio-de-cauce-de-río-20170224-0069.html> (accessed October 15, 2019); “Usulután, Under a Wave of Killings and a Siege from Gangs” (“Usulután, bajo ola de asesinatos y asedio de pandillas”), *El Diario de Hoy*, March 3, 2014, <https://www.elsalvador.com/noticias/nacional/usulután-bajo-ola-de-asesinatos-y-asedio-de-pandillas/124984/2014/> (accessed October 16, 2019); “Ex-policeman and Ex-soldier Captured” (“Capturan a expolicía y a exmilitar”), *La Prensa Gráfica*, August 8, 2017, <https://www.laprensagrafica.com/elsalvador/Capturan-a-expolicía-y-a-exmilitar-20170808-0090.html> (accessed October 16, 2019).

<sup>210</sup> Human Rights Watch review of 170 articles appearing in 12 news outlets in El Salvador between 2001 and February 2019 reporting on incidents of violent crime; multiple outlets covered some incidents but often had consistent but more or less details. Three representative articles are: Willian Martínez, “Young Woman Reported as Missing is Found Dead in Santa Elena, Usulután” (“Joven reportada como desaparecida es encontrada muerta en Santa Elena, Usulután”), *Cronia*, February 8, 2019, <http://cronia.sv/nacionales/joven-reportada-como-desaparecida-es-encontrada-muerta-en-santa-elena-usulután/> (accessed October 16, 2019); Iliana Avila, “A Fruit and Sweet Seller is Killed in Front of a School” (“Matan a vendedora de frutas y dulces frente a escuela”), *El Diario de Hoy*, August 16, 2018, <https://www.elsalvador.com/noticias/nacional/509872/matan-a-vendedora-de-frutas-y-dulces-frente-a-escuela/> (accessed October 16, 2019); Jaime López, “Thugs Take a Man by Force and He is Found Dead in Usulután” (“Maleantes toman por la fuerza a un hombre anoche y ahora amaneció muerto en Usulután”), *El Diario de Hoy*, <https://historico.eldiariodehoy.com/historico-edh/37704/maleantes-toman-por-la-fuerza-a-un-hombre-anoche-y-ahora-amanece-muerto-en-usulután.html> (accessed January 20, 2020).

<sup>211</sup> Human Rights Watch review of 170 articles appearing in 12 news outlets in El Salvador between 2001 and February 2019 reporting on incidents of violent crime; multiple outlets covered some incidents but often had consistent but more or less details. Three representative articles are: Héctor Rivas, “Deportee is Killed in La Poza” (“Deportado es asesinado en La Poza”), *La Prensa Gráfica*, June 1, 2018, <https://www.laprensagrafica.com/elsalvador/Deportado-es-asesinado-en-La-Poza-l-20180531-0142.html> (accessed October 7, 2019); Beatriz Calderon, Francisco Aleman, and Hector Rivas, “Two Injured After Attack on Route 152 Microbus in Front of Santa Tecla Police Station” (“Dos heridos tras ataque a microbus ruta 152 frente a la PNC en Santa Tecla”), *La Prensa Gráfica*, May 31, 2018, <https://www.laprensagrafica.com/elsalvador/Dos-heridos-tras-ataque-a-microbus-ruta-152-frente-a-la-PNC-en-Santa-Tecla-20180531-0079.html> (accessed 10 June 2019); and “11

- El Junquillo neighborhood of Ahuachapán municipality in Ahuachapán department;<sup>212</sup> and
- Apaneca and surrounding neighborhoods of Chalchuapa municipality of Santa Ana department.<sup>213</sup>

No publicly available dataset demonstrates what percentage of migrants leaving El Salvador come from hot spots of violence;<sup>214</sup> however, among the cases of people deported from the United States who were subsequently harmed in El Salvador

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Homicides Committed in Last 24 Hours; Attorney General also Reports Finding Human Bones in Usulután” (“11 homicidios cometidos en las últimas 24 horas Fiscalía además informó del hallazgo de osamentas en Usulután”), *La Prensa Gráfica*, November 8, 2014, <https://www.laprensagrafica.com/elsalvador/11-homicidios-cometidos-en-las-ultimas-24-horas-20141108-0050.html> (accessed October 7, 2019).

<sup>212</sup> Human Rights Watch interview with Salvadoran journalist, El Salvador’s Central Region, November 9, 2018; Human Rights Watch interview with PNC investigator, El Salvador’s Western Region, January 24, 2019; and Human Rights Watch interview with IML doctor, El Salvador’s Western Region, January 24, 2019. Human Rights Watch review of 342 articles appearing in 14 news outlets in El Salvador between 2000 and September 2019 reporting on incidents of violent crime; multiple outlets covered some incidents but often had consistent but more or less details. Three representative articles of the 342 are: “Gang Member was Brought Down by Police During Confrontation in Ahuachapán” (“Pandillero fue abatido por la PNC durante enfrentamiento en Ahuachapán”), *Solo Noticias*, April 18, 2018, <https://www.solonoticias.com/2018/04/18/pandillero-fue-abatido-por-la-pnc-durante-enfrentamiento-en-ahuachapan/> (accessed October 14, 2019); Iliana Rivas, “A Mother and Two Children Massacred in Ahuachapán” (“Masacran a una madre y a dos hijos en Ahuachapán”), *La Prensa Gráfica*, September 10, 2017, <https://www.laprensagrafica.com/elsalvador/Masacran-a-una-madre-y-a-dos-hijos-en-Ahuachapan-20170911-0407.html> (accessed October 14, 2019); “Inside a House That is Being Constructed a Man Was Killed at Noon” (“Dentro de una casa en construcción asesinaron a un hombre este mediodía”), *El Blog*, <http://elblog.com/noticias/registro-46061.html> (accessed October 14, 2019).

<sup>213</sup> Human Rights Watch review of 1,482 articles appearing in 14 news outlets in El Salvador between 2002 and March 2019 reporting on incidents of violent crime; multiple outlets covered some incidents but often had consistent but more or less details (Apaneca had more-than-normal irrelevant results, because Apaneca is also the name of a municipality in Sonsonate department and a common neighborhood name in other municipalities). Three representative articles of the 1482 are: “The Most Feared Neighborhoods in the West” (“Las colonias más temidas en occidente”), *La Prensa Gráfica*, September 13, 2014, <https://www.laprensagrafica.com/elsalvador/Las-colonias-mas-temidas-en-occidente-20140913-0071.html> (accessed October 14, 2019); “Authorities Report Triple Homicide in Chalchuapa” (“Autoridades reportan triple homicidio en Chalchuapa”), *El Mundo*, August 3, 2018, <https://elmundo.sv/autoridades-reportan-triple-homicidio-en-chalchuapa/> (accessed October 14, 2019); “Confrontation Between the Police and Gang Members Leaves a Terrorist Dead in Chalchuapa” (“Enfrentamiento entre PNC y pandilleros deja un terrorista muerto en Chalchuapa”), *Solo Noticias*, November 25, 2017, <https://www.solonoticias.com/2017/11/25/enfrentamiento-entre-pnc-y-pandilleros-deja-un-terrorista-muerto-en-chalchuapa/> (accessed October 14, 2019). Furthermore, since August 2013, the FGR has operated a Twitter page for disappeared children. Our search of this page revealed two of four children forcibly disappeared in the Chalchuapa municipality through October 2018 disappeared from the Apaneca neighborhood. In Chalchuapa municipality, neighborhoods are particularly small in size, sometimes containing only four blocks.

<sup>214</sup> The Salvadoran Migration Agency (DGME) collects neighborhood and municipality of origin information from those deported from both Mexico and the United States but did not agree to share this information with Human Rights Watch when we asked for it in 2018. Likewise, the United States Agency for International Development (USAID) selects “high risk” neighborhoods for its funding, which often aims to “reduce migration,” but USAID does not make these neighborhoods public.

identified or investigated for this report, many had lived in the neighborhoods listed above. For example:

- From 2006 to 2019, four deportees were reported killed in **Lourdes neighborhood of Colón municipality**,<sup>215</sup> as was an uncle who reportedly died defending his deported nephew in a shootout in which the nephew and one other person with them were also injured.<sup>216</sup>
- In 2017 and 2018, a Salvadoran-born individual who moved between El Salvador and the United States, and two deportees—who residents told reporters were cousins—were killed in **El Platanar of Moncagua**.<sup>217</sup>
- In 2014, one deportee was reported killed in Tierra Blanca of **Jiquilisco**.<sup>218</sup>
- Two deportees were killed in the **La Poza neighborhood of Usulután municipality** in 2014 and 2018.<sup>219</sup>
- In September 2017, according to press sources, in **El Junquillo neighborhood of Ahuachapán municipality** a deportee’s female partner, her mother, and her child were killed; one article reporting on this incident also reported that the

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<sup>215</sup> See, for example, Anna-Catherine Brigida, “Kicked Out of the U.S., Salvadoran Deportees Are Struggling Simply to Stay Alive,” *World Politics Review*, October 9, 2018, <https://www.worldpoliticsreview.com/articles/26302/kicked-out-of-the-u-s-salvadoran-deportees-are-struggling-simply-to-stay-alive> (accessed June 10, 2019). Two of these cases are also documented in Salvadoran Criminal Tribunal decisions on file with Human Rights Watch.

<sup>216</sup> See, for example, Enrique Ortiz, “Two Men’s Lives Taken in La Libertad” (“Le quitan la vida a dos hombres en La Libertad”), *El Blog*, May 20, 2019, <http://elblog.com/inicio/le-quitan-la-vida-a-dos-hombres-en-la-libertad/> (accessed June 10, 2019).

<sup>217</sup> Human Rights Watch interviews with Salvadoran reporters in 2018 and mid-2019. See also, Wilmer Lizama, “Double Homicide Registered in Moncagua, San Miguel” (“Registran doble homicidio en Moncagua, San Miguel”), *El Mundo*, June 16, 2017, <https://elmundo.sv/registran-doble-homicidio-en-moncagua-san-miguel/> (accessed June 10, 2019); Beatriz Mendoza and Flor Lazo, “A Man Was Killed in San Miguel When He Returned from Running Errands” (“Un hombre fue asesinado en San Miguel cuando volvía de hacer diligencias”), *La Prensa Gráfica*, February 26, 2018, <https://www.laprensagrafica.com/elsalvador/Un-hombre-fue-asesinado-en-San-Miguel-cuando-volvia-de-hacer-diligencias-20180226-0094.html> (accessed June 10, 2019); and “Patrols Look for a Tailor Kidnapped by Gang Members in San Miguel” (“Patrullas buscan a un sastre privado de libertad por pandilleros en San Miguel”), *El Blog*, October 20, 2017, <http://elblog.com/noticias/registro-47382.html> (accessed June 10, 2019).

<sup>218</sup> “DJ in Usulután Shot Dead” (“Assesinan a balazos a DJ en Usulután”), *El Blog*, September 28, 2014, <http://elblog.com/noticias/registro-16430.html> (accessed June 10, 2019).

<sup>219</sup> Héctor Rivas, “Deportee is Killed in La Poza I” (“Deportado es asesinado en La Poza I”), *La Prensa Gráfica*, June 1, 2018, <https://www.laprensagrafica.com/elsalvador/Deportado-es-asesinado-en-La-Poza-I-20180531-0142.html> (accessed October 7, 2019); Beatriz Calderón, Francisco Alemán, and Héctor Rivas, “Two Injured After Attack on Route 152 Microbus in Front of Santa Tecla Police Station” (“Dos heridos tras ataque a microbús ruta 152 frente a la PNC en Santa Tecla”), *La Prensa Gráfica*, May 31, 2018, <https://www.laprensagrafica.com/elsalvador/Dos-heridos-tras-ataque-a-microbus-ruta-152-frente-a-la-PNC-en-Santa-Tecla-20180531-0079.html> (accessed June 10, 2019); and “11 Homicides Committed in Last 24 Hours” (“11 homicidios cometidos en las últimas 24 horas”), *La Prensa Gráfica*, November 8, 2014, <https://www.laprensagrafica.com/elsalvador/11-homicidios-cometidos-en-las-ultimas-24-horas-20141108-0050.html> (accessed October 7, 2019).

deportee himself had been killed the day prior.<sup>220</sup> An official in that region told Human Rights Watch two other deportees from the United States had also been killed in El Junquillo or adjacent Las Viñas in 2012 or 2013 and 2016.<sup>221</sup> A separate official in the same region told reporters they “go [there] frequently” to investigate homicides.<sup>222</sup>

- In 2014, two deportees were reported killed near **Cara Sucia neighborhood in San Francisco Menéndez municipality** (where one’s brother was killed a month earlier).<sup>223</sup>

## Society and Authorities Stigmatize Certain Neighborhoods

According to a poll by the Salvadoran paper, *La Prensa Gráfica*, Salvadorans fear particular neighborhoods and try to avoid them. From 2008 to 2017, *La Prensa Gráfica* three times polled a representative sample of the population in El Salvador’s most populous municipalities, asking: “From what you know and have heard said, what is the most dangerous place in the municipality?”<sup>224</sup> Residents’ responses included Altavista (and San Jose de las Flores next to it), San Roque, Iberia, La Campanera, Ciudad Pacífica, Milagro de la Paz, and San Francisco adjacent to Apaneca of Chalchuapa. These neighborhoods are often notorious beyond just residents. For example, in 2019, the Salvadoran investigative

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<sup>220</sup> Iliana Rivas, “A Mother and Two Children Massacred in Ahuachapán” (“Masacran a una madre y a dos hijos en Ahuachapán”), *La Prensa Gráfica*, September 10, 2017, <https://www.laprensagrafica.com/elsalvador/Masacran-a-una-madre-y-a-dos-hijos-en-Ahuachapan-20170911-0407.html> (accessed June 10, 2019).

<sup>221</sup> Human Rights Watch interview with official who attends crime scenes, El Salvador’s Western Region, January 24, 2019.

<sup>222</sup> Human Rights Watch interview with separate official who attends crime scenes, El Salvador’s Western Region, January 24, 2019.

<sup>223</sup> “Four Dead in Two Armed Attacks” (“Cuatro muertos en dos ataques armados”), *La Prensa Gráfica*, December 23, 2014, <https://www.laprensagrafica.com/elsalvador/Cuatro-muertos-en-dos-ataques-armados-20141223-0082.html> (accessed October 7, 2019) and “They Kill an Evangelical Pastor and His Friend in Ahuachapán” (“Matan a pastor evangélico y su acompañante en Ahuachapán”), December 22, 2014, *El Diario de Hoy*, <https://historico.elsalvador.com/historico/142406/matan-a-pastor-evangelico-y-su-acompanante-en-ahuachapan.html> (accessed October 7, 2019).

<sup>224</sup> “These Are the Places That Most Provoke Fear in Salvadorans” (“Estos son los lugares que más miedo provocan a los salvadoreños”), *La Prensa Gráfica*, March 16, 2017, <https://www.laprensagrafica.com/lpgdatos/Estos-son-los-lugares-que-mas-miedo-provocan-a-los-salvadorenos-20170316-0002.html> (accessed June 12, 2019) and “The Neighborhoods That Cause Fear in the East” (“Las colonias que dan miedo en el oriente”), *La Prensa Gráfica*, September 12, 2014, <https://www.laprensagrafica.com/elsalvador/Las-colonias-que-dan-miedo-en-el-oriente-20140912-0097.html> (accessed June 12, 2019).

press outlet, *El Faro*, noted that Altavista, La Campanera, and Milagro de la Paz are nationally stigmatized.<sup>225</sup>

For their security, multiple non-PNC governmental offices keep maps or appoint a long-serving staff member to inform others of neighborhoods where staff have been threatened or harmed in the past, and thus, they either cannot enter or only enter with a police presence.<sup>226</sup> One police officer expressed concerns to Human Rights Watch that naming such neighborhoods can negatively impact their residents and make them “even hotter.”<sup>227</sup>

Police statements to the press in articles reporting on crime sometimes solidified stigmatization. Police would describe homicide victims in these neighborhoods as either gang members, collaborators of gang members, or those with personal relationships to gangs or gang members, even when relatives told the press their loved ones who were killed had no such links. For one youth from Iberia, this stigma from authorities especially stung. He broke down in tears recalling to a reporter what a policeman told him about his neighborhood: “All of them that live in that community, they are rats.”<sup>228</sup>

The stigmatization of these neighborhoods’ residents is partially due to perceived and real links between crime and poverty. The residents of these neighborhoods that Human Rights Watch interviewed reported monthly household incomes of less than US\$500, and their homes were often composed of mud- or dirt-mixture for the walls, tin metal for the roof,

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<sup>225</sup> Roberto Valencia, “Scan of a Neighborhood of Swallows Called Ciudad Futura” (“Radiografía de una colonia de golondrinas llamada Ciudad Futura”), *El Faro*, February 8, 2019, [https://elfaro.net/es/201902/el\\_salvador/22992/Radiograf%C3%ADa-de-una-colonia-de-golondrinas-llamada-Ciudad-Futura.htm](https://elfaro.net/es/201902/el_salvador/22992/Radiograf%C3%ADa-de-una-colonia-de-golondrinas-llamada-Ciudad-Futura.htm) (accessed June 12, 2019).

<sup>226</sup> Human Rights Watch interview with CANAF, El Salvador’s (region withheld for security), November 6, 2019; Human Rights Watch interview with CANAF, El Salvador’s (region withheld for security), November 5, 2018; Human Rights Watch interview with CANAF, El Salvador’s (region withheld for security), November 26, 2018; Human Rights Watch interview with IML, El Salvador’s Eastern Region, January 22, 2019; and Human Rights Watch interview with FGR, El Salvador’s Eastern Region, January 22, 2019.

<sup>227</sup> Human Rights Watch interview with Salvadoran PNC officer, El Salvador’s Eastern Region, November 26, 2018.

<sup>228</sup> Evelyn Machuca, “Between the Killer and the Killing, There is Something Called Life” (“Entre el asesino y el asesinato hay algo que se llama vida”), *La Prensa Gráfica*, November 8, 2019, <https://www.laprensagrafica.com/elsalvador/Entre-el-asesino-y-el-asesinato-hay-algo-que-se-llama-vida-20181107-0122.html> (accessed January 18, 2020).

bars to cover windows, and dirt floors.<sup>229</sup> Similarly, two youth from one of the neighborhoods listed above, who fled in 2013 and were deported in 2018, made only \$5 per day in the nearby fields; even in planting and harvesting season, they could not count on five days of work in a week.<sup>230</sup> Another family whose young daughter fled with her grandmother in 2017 and was deported in 2018 did not have a home, and they instead moved from place to place in the neighborhood, living with hosts who would let them stay for brief periods if they paid for their use of utilities only.<sup>231</sup>

One Salvadoran policeman said: “Evidently, there are places safer than others, and it is related to wealth levels. Poverty levels influence [crime]. We rarely go to residences where middle-class people live.”<sup>232</sup> One criminal sentencing judge went further in his analysis of the links between poverty and crime to say that in these places, “We have to say it ... the state has been absent.”<sup>233</sup>

## Nowhere Else to Go

Deportees often have nowhere to go in El Salvador except to live with family already residing in a particularly violent neighborhood. For example, Nohemy P. fled El Salvador at the age of nine in 2000 because she feared gang kidnapping and rape.<sup>234</sup> She had lived two-thirds of her life in the US, had DACA status, and had three US-citizen children under the age of nine. However, US authorities near the Texas-Mexico border accused her of trafficking her own children across the border (she told us she had not crossed the border), told her “DACA was over,” and detained and deported her in the fall 2018. Upon arriving back in El Salvador, Nohemy had no choice but to live with an aunt in a violent neighborhood “because she is the only family we have here [now].” Nohemy’s mother,

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<sup>229</sup> Human Rights Watch interview Alexander N., El Salvador’s (region withheld for security), November 25, 2018 (pseudonym); Human Rights Watch interview with Vivian & Wendy R., El Salvador’s Eastern Region, March 25, 2019 (pseudonyms); and Human Rights Watch interview with Bartolo A., El Salvador’s (region withheld for security), November 26, 2018 (pseudonym).

<sup>230</sup> Human Rights Watch telephone interview with Gaspar T., May 21, 2019 (pseudonym).

<sup>231</sup> Human Rights Watch interviews with Teresa Q. and Teresa’s mother Gloria Q., El Salvador’s Eastern Region, January 28, 2019 and March 24, 2019 (pseudonyms).

<sup>232</sup> Human Rights Watch interview with Salvadoran PNC officer, El Salvador’s Eastern Region, November 26, 2018.

<sup>233</sup> Human Rights Watch interview with Salvadoran criminal sentencing judge, El Salvador’s Eastern Region, January 23, 2019.

<sup>234</sup> Human Rights Watch interview with Nohemy P., El Salvador’s Eastern Region, February 8, 2019 (pseudonym).

Leticia P., told Human Rights Watch that Nohemy and her two deported male cousins “almost don’t go out, because they’re afraid to do so.”<sup>235</sup>

Deportees are often unable to find another, safer neighborhood to live in. Press accounts we identified for this report describe three male deportees’ attempts to hide in new neighborhoods before they were killed or disappeared.<sup>236</sup> An FGR prosecutor told Human Rights Watch that “depending on the deportee’s [neighborhood], we do see changing addresses as a risk [for death].”<sup>237</sup>

Deportees often cannot afford to relocate long distances away nor can they afford exclusive, gated residences with private security. An FGR prosecutor told Human Rights Watch: “People with few resources [who are displaced] have nowhere to go. Someone should be investigating that. Sometimes, it hurts me to observe that there is nothing more we [the authorities] can do for these people.”<sup>238</sup> The brother of a young man killed approximately two years after his September 2013 deportation explained why his brother did not try to live elsewhere: “We don’t have resources to go moving around in El Salvador. Likewise, if he’d gone to a place without the gang [in our neighborhood], they [rival gang members] would have assumed [he was aligned with the gang in our neighborhood]. You are trapped in the same system.”<sup>239</sup>

Individuals we interviewed for this report were repeatedly forced to move from one particularly violent neighborhood to another after being deported to El Salvador from the United States. For example, the neighborhood where Ransés I. grew up no longer existed when he was deported nearly 15 years later in 2015. Therefore, he went to an uncle’s home in a chronically violent neighborhood. He said: “One day, I went to the store not far [from my home] with my nephew who’d lived his whole life

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<sup>235</sup> Ibid.

<sup>236</sup> Francisco Narváez, “Youth Murdered Who Had Recently Been Deported” (“Asesinan a joven que había sido deportado recientemente”), *El Blog*, June 1, 2017, <http://elblog.com/noticias/registro-42799.html> (accessed October 10, 2019); Flor Lazo, “Relief Teams Search for Missing Man” (“Cuerpos de socorro buscan a hombre extraviado”), *La Prensa Gráfica*, September 17, 2017, <https://www.laprensagrafica.com/elsalvador/Cuerpos-de-socorro-buscan-a-hombre-extraviado-20170917-0028.html>, (accessed October 10, 2019); “Extortion and Murder Afflicts El Carmen” (“Extorsiones y asesinatos afligen a El Carmen”), *El Diario del Hoy*, February 23, 2013, <https://historico.elsalvador.com/historico/101223/extorsiones-y-asesinatos-afligen-a-el-carmen.html> (accessed October 10, 2019).

<sup>237</sup> Human Rights Watch interview with FGR prosecutor, El Salvador’s Paracentral Region, November 5, 2018.

<sup>238</sup> Human Rights Watch interview with FGR prosecutor, El Salvador’s Paracentral Region, March 29, 2019.

<sup>239</sup> Human Rights Watch telephone interview with Moises X., January 3, 2019 (pseudonym).

there.... Two [gang members] looked at me. Then, five more came and asked who I was, from where I was.... I told them I was deported.... I was there only a month [before I moved again].<sup>240</sup>

In nearly all particularly violent neighborhoods, gang members, authorities, and residents view new arrivals with suspicion. Nelson E., after his most recent deportation from the US in October 2014, tried living on his own in a new neighborhood but soon had to flee that neighborhood. He told Human Rights Watch,

When I got back [in 2014], I didn't want to live with my mom.... I had work. But one time, people arrived to rob me. They wanted my DUI [government-issued, photo identification]. They told me I couldn't be there. They told me to remove myself from there. They said they would disappear me if I stayed ... so I went back to my mom. This is the risk here. You cannot go where they do not know you.<sup>241</sup>

It is likely, and especially dangerous, that a person who attempts to relocate inside El Salvador will end up in a neighborhood controlled by a different gang.<sup>242</sup> A PNC officer told Human Rights Watch that among murdered deportees, including women, are those who “arrive to live in or visit a neighborhood different from the one they are from.”<sup>243</sup> Irene J., said of her recently deported husband:

It actually worries me more [that he's not in our old neighborhood]. Our neighborhood was MS-controlled, but where he is now is 18 [18 Revolucionarios or 18 Sureños]-controlled. If they realize that, they'll take him out and kill him just for that. He is afraid of it, too, so he's not going out at all. He can't stay in one place. He's having to move around.<sup>244</sup>

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<sup>240</sup> Human Rights Watch interview with Ransés I., Northern State of Mexico, March 8, 2019 (pseudonym).

<sup>241</sup> Human Rights Watch interview with Nelson E., El Salvador's (region withheld for security), January 26, 2019 (pseudonym).

<sup>242</sup> Human Rights Watch telephone interview with Irene J. about husband, July 1, 2019 (pseudonym); Human Rights Watch telephone interview with Paloma V., June 17, 2019 (pseudonym); and Human Rights Watch interview with Walter T., El Salvador's Central Region, March 28, 2019 (pseudonym).

<sup>243</sup> Human Rights Watch interview with PNC officer, El Salvador's Eastern Region, November 26, 2018.

<sup>244</sup> Human Rights Watch interview with Irene J., United States East Coast, March 1, 2019 (pseudonym).

## V. State Actors as Perpetrators of Harm

Many authorities in El Salvador are dedicated to protecting Salvadoran citizens and ensuring justice in the country. However, authorities often face significant barriers to providing protection, especially—as discussed in the previous section—in particularly violent neighborhoods. These authorities and their families face serious threats themselves from gangs or from other authorities within their own government for the actions they may take to protect the public.

Data obtained by Human Rights Watch through a public information request submitted to El Salvador’s Attorney General Office’s (FGR) illustrate pervasive impunity.<sup>245</sup> Nationwide, in 2018, authorities made arrests in approximately 22 percent of registered homicide cases.<sup>246</sup> For homicides of boys, the 2018 clearance rate (meaning charges were filed) in El Salvador is 13.6 percent.<sup>247</sup> The clearance rate for homicides in the US (adults and children) was several times higher at 62 percent; in many European countries the rate is above 75 percent.<sup>248</sup> For sexual crimes, authorities in El Salvador made arrests in only 9.5

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<sup>245</sup> Data obtained via public information request to the Salvadoran Attorney General’s Access to Public Information Office for crime incidence data throughout El Salvador, data on homicides between 2013-2017 were received November 9, 2018, and data on sexual crimes between 2013-2017 were received November 1, 2018. Homicide data for 2018 were received February 18, 2019, sexual crime data for 2018 were received February 25, 2019 (data on file with Human Rights Watch).

<sup>246</sup> Registered cases mean those identified through a monthly coordination meeting between the FGR, IML and PNC to harmonize all reported cases of homicide. This is a crude clearance rate, following the US Federal Bureau of Investigation methodology. It is computed by dividing the number of annual arrests by the number of annual cases. An arrest in any given year may pertain to a murder from a previous year. There were 3,341 registered homicides in 2018 and 730 arrests. The arrest data is from a public information request to the Salvadoran Attorney General’s Access to Public Information Office. Data on file with Human Rights Watch.

<sup>247</sup> 32 arrests for 235 registered homicides in 2018. The registered cases mean those identified through a monthly coordination meeting between the FGR, IML and PNC to harmonize all reported cases of homicide and the arrest data is from a public information request to the Salvadoran Attorney General’s Access to Public Information Office. Data on file with Human Rights Watch.

<sup>248</sup> There may be slight differences in the definitions used between the two countries for definition of the crime and clearance. Still, this is the closest comparative measure possible. See United States Department of Justice, Federal Bureau of Investigation, “Crime in the United States, 2018, Table 25,” September 2019. The US figure includes murder and nonnegligent manslaughter. Additional international examples include a clearance rate of 98 percent for homicides in Finland, 77 percent in the Netherlands, 83 percent in Sweden and 95 percent in Switzerland. See Marieke Liem, Karoliina Suonpää, Martti Lehti, Janne Kivivuori, Sven Granath, Simone Walsler, and Martin Killias, “Homicide Clearance in Western Europe,” *European Journal of Criminology*, Vol 16, Issue 1 (2019), doi: <https://doi.org/10.1177/1477370818764840> (accessed January 18, 2020).

percent of registered<sup>249</sup> cases in 2018.<sup>250</sup> The comparable clearance rate for sexual crimes in the US was 33.4 percent in 2018.<sup>251</sup> For sexual crimes against girls in El Salvador, the 2018 clearance rate was 7.6 percent.<sup>252</sup> Low clearance rates can occur for a number of reasons, but in El Salvador, the state is frequently either unable, due to limited resources, or unwilling, because of corruption, infiltration and threats, to protect its citizens.

In this report, we documented cases in which government authorities were responsible for committing grave abuses against deportees in particularly violent neighborhoods. These abuses—alongside low arrest, hearing, and conviction rates—are especially concerning, because they contribute to residents’ perception that authorities are persecutors, rather than protectors facing structural limits on their ability to successfully pursue their work.

Enrico X., a resident of a particularly violent neighborhood, told Human Rights Watch about his state of mind after police killed his cousin, a former gang member, at point blank range in public in 2016 or 2017 (after the cousin had been deported from the US in 2016 or 2017): “I became wary of the police even more after they killed my cousin in this manner.... I was afraid to report [other crimes] to them.”<sup>253</sup>

El Salvador’s crime and insecurity should be seen within the context of the power, control, and violence imposed by gangs, and the state’s feeble struggles to protect public safety.

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<sup>249</sup> Sexual crime cases are registered when a victim or witness or interested party reports an alleged sexual crime to the police, local justices of the peace, local municipal offices for women, child protection agencies (there are two in El Salvador), and/or mandatory reporters such as hospital and school staff, and the IML; in accordance with procedure, all of these cases should be reported to the FGR. Our calculation of these rates is based on the FGR’s data for rape.

<sup>250</sup> Data obtained via public information request to the Salvadoran Attorney General’s Access to Public Information Office for crime incidence data throughout El Salvador. Homicide data for 2018 were received February 18, 2019, sexual crime data for 2018 were received February 25, 2019 (data on file with Human Rights Watch).

<sup>251</sup> The US definition of rape within the FBI’s Uniform Crime Report is “penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.” There may be slight differences in the definitions used between the two countries for definition of the crime and clearance. Still, this is the closest comparative measure possible. United States Department of Justice, Federal Bureau of Investigation, “Crime in the United States, 2018, Table 25,” September 2019.

<sup>252</sup> Data obtained via public information request to the Salvadoran Attorney General’s Access to Public Information Office for crime incidence data throughout El Salvador. Homicide data for 2018 were received February 18, 2019, sexual crime data for 2018 were received February 25, 2019 (data on file with Human Rights Watch).

<sup>253</sup> Human Rights Watch interview with (name withheld for security), (location withheld for security), (date withheld for security) 2019. US Department of Justice, Executive Office for Immigration Review, *In re* (name withheld for security), (location withheld for security) Immigration Court, (date withheld for security).

Violence and killings occur against a backdrop of “armed confrontations,” when authorities report being called to an area or on a routine patrol, are attacked with gunfire and respond with reportedly defensive fire. In 2016, the Central American Institute of Investigations for Development and Social Change (INCIDE) reported an increase of these incidents in El Salvador between state actors and gangs, with 142 incidents in 2013, 256 incidents in 2014 and 676 incidents that left 359 people dead in 2015.<sup>254</sup>

## Unable or Unwilling to Protect

There are many reasons why authorities are unable or unwilling to help protect Salvadoran citizens who are afraid for their safety, including the fact that they themselves are monitored and threatened, authorities’ offices have also been infiltrated by gangs, they lack resources, and carry large caseloads.<sup>255</sup> Women victims of violence face particular obstacles in seeking protection or justice, due to the inadequacy of Salvadoran laws and deeply entrenched institutional resistance to gender equality, which has led to, among other problems, insufficient funding for investigation and law enforcement focused on violence against women, and virtual impunity for the failure of governmental officials to carry out their responsibilities.<sup>256</sup>

For this report, we interviewed several individuals who attempted to seek help from Salvadoran agencies or authorities but were unable to receive assistance. For example, Gaspar T., who fled threats from gangs in his particularly violent neighborhood and has,

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<sup>254</sup> Alexander Segovia, Leslie Quiñonez, Diana Contreras, Laura Pacheco and Manuel Talavera, “El Salvador: New Pattern of Violence, Territorial Impact and Community Response” (“El Salvador: Nuevo patrón de violencia, afectación territorial y respuesta de las comunidades”), Central American Institute of Investigations for Development and Social Change (“Salvador Instituto Centroamericano de Investigaciones para el Desarrollo y el Cambio Social, INCIDE”), August 2016. In 2011, State security forces killed just 0.66 percent of homicide victims, but in 2015, 2016 and 2017, they killed 5.72, 11.69, and 10.27 percent of victims, respectively. “Report on the Use and Abuse of Lethal Force in Latin America: A comparative study of Brazil, Colombia, El Salvador, Mexico and Venezuela” (“Monitor del uso de la fuerza letal en América Latina: Un estudio comparativo de Brasil, Colombia, El Salvador, México y Venezuela”), August 2019, <http://monitorfuerzaletal.com> (accessed November 26, 2019), pp. 80-95. Across years, officials had marked in their databases that between 92 and 99 percent of the victims in these “confrontations” were gang members, even though some were as young as 13 years old. In one such case of a 13-year-old shot dead by authorities, the Salvadoran Human Rights Ombudsperson (PDDH) found he had been shot six times from behind while on his knees.

<sup>255</sup> In our interviews with 41 officials from the FGR, IML, PNC and OLAV in nine departments, El Salvador, November 2018 to December 2019, officials repeatedly named most of these reasons. For the other reasons, the US State Department has repeatedly named some of these reasons for the inability of state authorities to effectively protect public safety.

<sup>256</sup> See Karen Musalo, “El Salvador—A Peace Worse than War: Violence, Gender and a Failed Legal Response,” *Yale Journal of Law and Feminism*, vol. 30, Issue 1 (2019), <https://digitalcommons.law.yale.edu/cgi/viewcontent.cgi?article=1383&context=yjlf> (accessed January 18, 2020).

since his February 2019 deportation, faced new threats by gangs and abuse by state authorities (discussed below):

They [the Salvadoran DGME] asked me why I had left, and I told them I'd been threatened by gangs. They took my name and nothing else, and that was it, they didn't offer me protection or services ....<sup>257</sup>

Walter T., who had been threatened by gangs and witnessed a murder before fleeing to the US, was deported in 2019 to face new threats by gangs and abuse by state authorities (discussed below). He said: "I told them [the Salvadoran DGME] I'd left because of threats, and they offered me nothing."<sup>258</sup> Zaida L., who fled domestic violence and rape, was deported in July 2018 and then went into hiding from her abusers, said: "The police asked why I'd left, what my motives were, if I'd reported [the rape and domestic violence] beforehand and why I did not.... No, no one from the government followed up with me."<sup>259</sup>

#### **Walter T. and Gaspar T.**

In 2013, cousins Walter T. and Gaspar T. when they were 16 and 17 years old, respectively, were desperate to escape constant harassment and gang recruitment in their violent Salvadoran neighborhood; between them, they know of six friends or relatives they said were disappeared or murdered between 2013 and the time of our interview with them, in 2019. They crossed into the US without documentation. Walter was able to finish 9th grade in Maryland before he left school to work construction in order to pay the coyote (smuggler) who brought him across the border. Gaspar made his way to New Jersey, where he lived with an older brother, and was excited to enroll in the local high school and resume his studies.

During his junior year of high school Gaspar said he was arrested by US Immigration and Customs Enforcement "off the street." He was put in removal proceedings for his unauthorized status and applied for asylum during those proceedings. He was denied asylum in December 2016, a decision he appealed and lost. He was deported back to

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<sup>257</sup> Human Rights Watch interview with Gaspar T., El Salvador's Central Region, March 28, 2019 (pseudonym).

<sup>258</sup> Human Rights Watch interview with Walter T., El Salvador's Central Region, March 28, 2019 (pseudonym).

<sup>259</sup> Human Rights Watch telephone interview with Zaida L., United States West Coast, July 12, 2019 (pseudonym).

El Salvador in February 2019. His cousin, Walter, had already been deported slightly earlier. Gaspar said that in April/May 2019, when they were sleeping at their respective homes:

A patrol arrived and took me and Walter and three others from our homes, without a warrant or a reason. They began beating us [in the vehicle and continued doing so] until we arrived at the police barracks. There, they held us for three days, claiming we'd be charged with illicit association [*agrupaciones ilícitas*]. We were beaten [repeatedly] during those three days.<sup>260</sup>

Walter and Gaspar were subsequently released from police custody and, through June 2019, were still living in a chronically violent neighborhood in El Salvador. They could no longer be reached in December 2019.

## Police Killings and Abuse

In several cases in which deportees were killed after return to El Salvador, police were responsible for the killings (see Section II, above). The United Nations special rapporteur on extrajudicial killings noted in her 2018 report on El Salvador that killings of alleged gang members by security forces increased from 103 in 2014 to 591 in 2016.<sup>261</sup> Some of these confrontations certainly involve shoot-outs between gangs and police, in which law enforcement is responding to threats with lawful force. In other cases, journalists and human rights investigators question the degree to which police are using force lawfully.<sup>262</sup>

In 2019, the governmental Ombudsperson for the Defense of Human Rights (PDDH) in El Salvador reported that it had examined killings of 28 boys, 7 women, and 81 men and

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<sup>260</sup> Human Rights Watch telephone interview with Gaspar T., May 21, 2019 (pseudonym).

<sup>261</sup> United Nations Office of the High Commission for Human Rights, El Salvador End of Mission Statement, Agnes Callamard, Special Rapporteur for extrajudicial, summary or arbitrary executions, February 5, 2018, <https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=22634&LangID=E> (accessed June 16, 2019).

<sup>262</sup> Anna-Catherine Brigida, "El Salvador's Tough Policing Isn't What It Looks Like," *Foreign Policy*, July 6, 2019, <https://foreignpolicy.com/2019/07/06/el-salvadors-tough-policing-isnt-what-it-looks-like/> (accessed July 13, 2019).

found few resulted from such armed confrontations.<sup>263</sup> In 70 percent, witnesses said victims were unarmed. In 37 percent, witnesses saw police move the body or place or hide evidence. In 30 percent, PDDH concluded that the body showed signs of torture, including sexual assault.<sup>264</sup> Data on police and military's use of lethal force from 2011 to 2017 include deportee victims, but we could not reliably analyze the data in order to include these cases in our overall counts.<sup>265</sup>

In our research, we also found cases in which authorities without justification stopped and then harassed, and in some cases beat, individuals recently deported from the United States.

Elías F., who migrated to the United States as a teenager in the early-2000s, was deported to El Salvador in early 2011. Upon his return, he learned the home his remittances built was at a dividing line between two gangs. Starting a few years after his return, the rural police began to also view it as a strategic location, which made Elías deeply concerned about the risk to his family. One time, when Elías returned from work, a policeman stopped him and asked him for information about the gangs. When Elías could not answer, the policeman assaulted him:

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<sup>263</sup> “Special Report of the Ombudswoman for the Defense of Human Rights, Attorney Raquel Caballero de Guevara, about extralegal executions attributed to the National Civilian Police in El Salvador, period 2014-2018: Characterization of cases of violation of the right to life and patterns of extralegal action” (“Informe especial de la señora Procuradora para la Defensa de los Derechos Humanos, licenciada Raquel Caballero de Guevara, sobre las ejecuciones extralegales atribuidas a la Policía Nacional Civil, en El Salvador, periodo 2014-2018: Caracterización de casos de violación al derecho a la vida y patrones de actuación extralegal”), August 2019, <https://www.pddh.gob.sv/portal/file/index.php?dwfile=MjAxOS8xMCMjZmZvcmlLLWVzcGVjaWFsLXNvYnJLLWVqZWZWN1Y2lvaWVzLWV4dHJhbGVnYWxlcyoxLFEucGRm> (accessed November 11, 2018).

<sup>264</sup> Ibid.

<sup>265</sup> Limitations of the data prevent us from calculating true numbers for deportations from each country in each year. Primarily, the closed-response (Y/N) box about whether a homicide victim is a deportee is only one of tens to be completed and may be skipped for reasons other than not knowing. Also, if authorities later learn a victim was a deportee, the box is not updated to reflect that knowledge. See Access to Public Information Unit (“Unidad de Acceso a la Información Pública, UAIP”), “Modification of compliance to final resolution NUE 322-A-2017” (“Modificación de cumplimiento a resolución definitiva NUE 322-A-2017”), August 17, 2018. While it does not discuss deportees among victims, fuller analysis of “use of lethal force” in El Salvador using this data is can be found in: “Report on the Use and Abuse of Lethal Force in Latin America: A comparative study of Brazil, Colombia, El Salvador, Mexico and Venezuela” (“Monitor del uso de la fuerza letal en América Latina: Un estudio comparativo de Brasil, Colombia, El Salvador, México y Venezuela”), August 2019, <http://monitorfuerzaletal.com> (accessed November 26, 2019), pp. 80-95.

Some people were playing loud music at another house and drinking. The police saw me walking without a shirt on and stopped me, asking me who had just yelled at them. I didn't know who yelled. I had just heard music. I did not have the information that the officer wanted but I guess he thought I was lying to him or ignoring him.... The officer grabbed a broomstick and hit me very hard across the stomach.... I was very angry and also scared.... Some other police officers came by and the owner of the store told me to come inside for a while. The police officer told me that he would find me alone one day and get me.... The next day the officer saw me on the street. He told me that one day he will find me alone. He also said that if I try to report him to anyone, I know what will happen to me.<sup>266</sup>

Several people recently deported from the US told Human Rights Watch that law enforcement authorities had detained or stopped and questioned them.<sup>267</sup> They said they lived in fear of something worse. Santiago U., in his early twenties and gay, fled a series of violent neighborhoods in mid-2016 and was deported from the United States in late 2018. According to Santiago, who we interviewed in January 2019—about two months after his November or early December deportation from the United States—his brothers, with whom he had been living, were targeted by an extermination group which Santiago feared would also target him. His brothers and the rest of his family in El Salvador also did not accept his sexual orientation. For both reasons—fear of the gang that was targeting his brothers, and rejection by his own family—he decided to live with friends in a particularly violent neighborhood near the police barracks. In an interview with a Human Rights Watch researcher, Santiago explained that police were constantly stopping him:

The police ask me where I'm from, because they haven't seen me here.... I got the Yo Cambio document [confirming no criminal record] a week ago.<sup>268</sup>

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<sup>266</sup> Human Rights Watch interview with Elías F., United States East Coast, winter 2019 (exact date withheld for security) (pseudonym).

<sup>267</sup> Human Rights Watch interview with Santiago U., El Salvador's Eastern Region, January 28, 2019 (pseudonym); Human Rights Watch interview with Carlos P., El Salvador's Central Region, March 27, 2019 (pseudonym); Human Rights Watch interview with Bartolo A., El Salvador's (region withheld for security), November 26, 2018 (pseudonym); Human Rights Watch interview with Walter T., written communication by text, April and May 2019 (pseudonym); and Human Rights Watch interview with Gaspar T., written communication by text, April and May 2019 (pseudonym).

<sup>268</sup> Human Rights Watch researcher reviewed Santiago's "Yo Cambio" form, which confirmed he did not have a criminal record in El Salvador (form on file with Human Rights Watch).

I went [to Yo Cambio] then, because here, the police stopped me many times. There [at the barracks], many people are innocent. Only because they have US\$80 in their backpack, they're accused of extortion. So, when friends send me money, I always have records of the remittance with me.<sup>269</sup>

In 2018, Alexander N. fled El Salvador after men who identified themselves as police arrived at his home stating they were “doing a census,” and took his sister from their family home. She was later found dead. He and his family believe the killers were police. When Alexander sought asylum in the US in June 2018, his application was denied, and he was deported in the fall of 2018. A few months after his deportation, Alexander told us that he and his family feared they would be killed when men who identified themselves as police again arrived at his home claiming they intended to “do a census.”<sup>270</sup>

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<sup>269</sup> Human Rights Watch interview with Santiago U., El Salvador's Eastern Region, January 28, 2019 (pseudonym).

<sup>270</sup> Human Rights Watch telephone interview with Alexander N., March 20, 2019 (pseudonym).

## Death Squads and Extermination Groups

People deported to El Salvador also fear so-called “death squads” or “extermination groups”—not new phenomena in El Salvador. They existed before,<sup>271</sup> during,<sup>272</sup> and immediately after the country’s civil war from 1980 to 1992.<sup>273</sup> Experts have shown that during and after the civil war, “death squads” or “extermination groups” were deeply rooted in the country’s security forces<sup>274</sup> and in specific cases, targeted deportees.<sup>275</sup>

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<sup>271</sup> See Margaret Popkin, *Peace without Justice: Obstacles to Building the Rule of Law in El Salvador* (University Park: The Pennsylvania State University Press, 2000); Michael McClintock, *The American Connection, vol.1: State Terror and Popular Resistance in El Salvador* (London: Zed, 1986).

<sup>272</sup> The United Nations Truth Commission found that paramilitary groups and death squads were responsible for 25 percent of 22,000 human rights violations from 1980 to 1991 included in their review. See Americas Watch, *El Salvador’s Decade of Terror* (New Haven: Yale University Press, 1991); Americas Watch, *El Salvador—Accountability and Human Rights: The Report of the United Nations Commission on Truth for El Salvador*, News from Americas Watch, vol. V, no. 7, August 10, 1993, <https://www.hrw.org/legacy/reports/pdfs/e/elsalvdr/elsalv938.pdf>; Americas Watch, *El Salvador—The Jesuit Trial: An Observer’s Report*, News from Americas Watch, vol. III, no. 13, December 13, 1991, <https://www.hrw.org/legacy/reports/pdfs/e/elsalvdr/elsalv91d.pdf>; and Americas Watch, “El Salvador: Impunity Prevails in Human Rights Cases,” *News from Americas Watch*, September 1990, <https://www.hrw.org/legacy/reports/pdfs/e/elsalvdr/elsalv909.pdf>.

<sup>273</sup> Human Rights Watch/Americas, *El Salvador—Darkening Horizons: Human Rights on the Eve of the March 1994 Elections*, vol. VI, no. 4, March 1994, p. 1 (“[A]ssassinations, which became more frequent, brazen, and selective in the fall of 1993, have continued into the new year. They have raised fears that notorious death squads which sowed terror in the 1980s have been reactivated if, in fact, they were ever disbanded.”), <https://www.hrw.org/legacy/reports/pdfs/e/elsalvdr/elsalv943.pdf>.

<sup>274</sup> Cynthia Arnsen, “Window on the Past: A Declassified History of Death Squads in El Salvador,” in Bruce Campbell and Arthur Brenner, *Death Squads in Global Perspective: Murder with Deniability* (New York: St. Martin’s Press, 2000) (stating that “Death squads in El Salvador were deeply rooted in official security bodies, particularly the intelligence sections of the Treasury Police, National Police, and National Guard, but also the army and air force. Privately constituted groups, especially the one headed by Roberto D’Aubuisson, distinguished themselves less for their independence from than for their degree of contact, and at times, coordination with state security bodies.”).

<sup>275</sup> Robert S. Kahn, *Other People’s Blood: U.S. Immigration Prisons in the Reagan Decade* (Boulder: Westview Press, 1996) (stating that “On 20 June 1984, the American Civil Liberties Union (ACLU) Political Asylum Project gave the US House Subcommittee on Rules a list of 112 Salvadoran deportees believed to have suffered human rights abuses after they were deported. ...The State Department ... wrote to two Salvadoran human rights organizations ... they confirmed eight of the 26 cases and provided the U.S. Embassy with eyewitness testimonies to them, [including] ... Four deportees were captured in daylight by heavily armed civilians while nearby security forces ignored the abductions.... Two were taken from their homes in the city at night—one by heavily armed civilians armed with G-3 rifles, standard government issue in El Salvador.”).

UN agencies,<sup>276</sup> human rights observers,<sup>277</sup> the press,<sup>278</sup> and government<sup>279</sup> all acknowledge that death squads and extermination groups still operate in El Salvador

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<sup>276</sup> United Nations High Commissioner for Refugees, “Eligibility Guidelines for Assessing the International Protection Needs of Asylum-Seekers from El Salvador,” <https://www.refworld.org/docid/56e706e94.html>, accessed December 13, 2019, (stating that “Moreover, since 2014, reports have begun to emerge of death squads and vigilante groups with possible connections to the security forces engaging in the extrajudicial killing of suspected gang members ...”); United Nations Office of the High Commissioner for Human Rights, El Salvador End of Mission Statement, Agnes Callamard, Special Rapporteur for extrajudicial, summary or arbitrary executions, February 5, 2018, <https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=22634&LangID=E> (accessed June 16, 2019) (stating, “In addition, I received various allegations of the existence of “death squads” within the Police, some of which have been confirmed by officials and corroborated by investigations.”); Cecilia Jimenez-Damary, “Report of the special rapporteur on the human rights of internally displaced persons on her visit to El Salvador,” April 23, 2018, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G18/116/64/PDF/G1811664.pdf?OpenElement> (accessed December 13, 2019).

<sup>277</sup> Sarah Kinoshian, “El Salvador’s Security Policy is Increasing Extra Judicial Killings and Abuse,” Latin American Working Group (LAWG), February 12, 2016, <https://www.lawg.org/el-salvadors-security-policy-is-increasing-extrajudicial-killings-and-abuse/> (accessed December 4, 2019); International Crisis Group, “El Salvador’s Politics of Perpetual Violence,” December 19, 2017, <https://www.crisisgroup.org/latin-america-caribbean/central-america/el-salvador/64-el-salvadors-politics-perpetual-violence> (accessed January 22, 2019); US Department of State, “El Salvador 2018 Human Rights Report,” <https://www.state.gov/wp-content/uploads/2019/03/EL-SALVADOR-2018.pdf>, p. 2 (accessed December 13, 2019) (stating that “an alleged extermination group operating in San Miguel. The group, composed of civilians, some of whom were alleged rival gang members, and retired and active members of the military and police, was purportedly responsible for murder-for-hire and targeted killings of alleged gang members in San Miguel. Funding for the extermination group reportedly came from Salvadoran citizens living abroad.”); US Department of State, “El Salvador 2017 Human Rights Report,” [https://www.justice.gov/sites/default/files/pages/attachments/2018/04/24/dos-hrr\\_2017\\_el\\_salvador.pdf](https://www.justice.gov/sites/default/files/pages/attachments/2018/04/24/dos-hrr_2017_el_salvador.pdf), p. 10 (stating that “559 members of the PNC had been arrested for crimes including membership in extermination groups.”).

<sup>278</sup> Jorge Beltrán Luna, “Tension in El Tigre Neighborhood After the Killing of El Limonada” (“Tensión en caserío El Tigre tras el asesinato de El Limonada”), *El Diario de Hoy*, October 12, 2019, <https://www.elsalvador.com/eldiariodehoy/tension-en-caserio-el-tigre-tras-el-asesinato-de-el-limonada/648744/2019/> (accessed December 4, 2019); “Supposed Extermination Group Advertises on Social Media That it Will ‘Clean La Herradura’ of Criminals” (“Supuesto grupo de exterminio advierte en redes sociales que va a ‘limpiar La Herradura’ de delincuentes”), *La Prensa Gráfica*, March 15, 2018, <https://www.laprensagrafica.com/elsalvador/Supuesto-grupo-de-exterminio-advierte-en-redes-sociales-que-va-a-limpiar-La-Herradura-de-delincuentes-20180315-0096.html> (accessed December 4, 2019); Ricardo Flores and Gabriel García, “Six Police Members of Extermination Group Sentenced” (“Condenan a 6 policías miembros de grupo de exterminio”), *La Prensa Gráfica*, February 10, 2018, <https://www.laprensagrafica.com/elsalvador/Condenan-a-seis-policias-miembros-de-grupo-de-exterminio-20180209-0135.html> (accessed December 4, 2019).

<sup>279</sup> “Special Report of the Ombudswoman for the Defense of Human Rights, Attorney Raquel Caballero de Guevara, about extralegal executions attributed to the National Civilian Police in El Salvador, period 2014-2018: Characterization of cases of violation of the right to life and patterns of extralegal action” (“Informe especial de la señora Procuradora para la Defensa de los Derechos Humanos, licenciada Raquel Caballero de Guevara, sobre las ejecuciones extralegales atribuidas a la Policía Nacional Civil, en El Salvador, periodo 2014-2018: Caracterización de casos de violación al derecho a la vida y patrones de actuación extralegal”), August 2019, <https://www.pddh.gob.sv/portal/file/index.php?dwfile=MjAxOS8xMC9JbmZvcml1LlVzZGVjaWFsLXNvYnJlLlVqZWZWN1Y2lvbmVzLlVW4dHJhbGVnYWxlcyoxLlTEucGRm> (accessed November 11, 2018) (“Paralelamente a la adopción de las medidas extraordinarias de seguridad, se advirtió un resurgimiento de estructuras de exterminio que han generado temor y zozobra en diferentes comunidades del interior del país, algunas de las cuales se integraron con miembros de la PNC, militares y civiles, tal y como ha quedado evidenciado en algunos casos que se judicializaron.”). In addition, Salvadoran press have reported on the police and judicial proceedings in El Salvador arresting and bring to trial member of death squads and extermination groups. See, for example, Jorge Beltrán Luna, “Tension in El Tigre Neighborhood After the Killing of El Limonada” (“Tensión en caserío El Tigre tras el asesinato de El Limonada”), *El Diario de Hoy*, October 12, 2019, <https://www.elsalvador.com/eldiariodehoy/tension-en-caserio-el-tigre-tras-el-asesinato-de-el-limonada/648744/2019/> (accessed December 4, 2019); Ricardo Flores and Gabriel García, “Six Police Members of Extermination Group Sentenced”

today. Three individuals interviewed for this report, all of whom were gang members but told us they left the gang prior to their deportations from the United States, expressed their fear of these groups to Human Rights Watch.<sup>280</sup> Often, when these cases are described by journalists in press accounts, the assailants are described as “men wearing black” or men “wearing military or police-style” uniforms; victims are sometimes described as blindfolded, with their hands and/or feet tied behind their backs.<sup>281</sup> For example, in four particularly violent neighborhoods:

- In San Antonio Silva, according to press accounts, such groups killed 11 of the 33 reported homicide victims in the neighborhood. A group of men dressed in

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(“Condenan a 6 policías miembros de grupo de exterminio”), *La Prensa Gráfica*, February 10, 2018, <https://www.laprensagrafica.com/elsalvador/Condenan-a-seis-policias-miembros-de-grupo-de-exterminio-20180209-0135.html> (accessed December 4, 2019); “‘The Exterminators,’ the Group that was Killing Gang members in San Miguel” (“‘Los exterminio’, el grupo que mataba pandilleros en San Miguel”), *El Diario de Hoy*, July 25, 2016, <https://www.elsalvador.com/noticias/nacional/los-exterminio-el-grupo-que-mataba-pandilleros-en-san-miguel/194433/2016/> (accessed December 4, 2019); “The Crime of a Gang Member that Uncovered an Extermination Group in San Miguel” (“El crimen del pandillero que dejó al descubierto al grupo de exterminio en San Miguel”), *El Diario de Hoy*, July 24, 2016, <https://historico.elsalvador.com/historico/193808/el-crimen-del-pandillero-que-dejo-al-descubierto-al-grupo-de-exterminio-en-san-miguel.html> (accessed December 4, 2019).

<sup>280</sup> Human Rights Watch interview with Yavany B., El Salvador’s Central Region, December 1, 2018 (pseudonym); Human Rights Watch interview with Bartolo A., El Salvador’s (region withheld for security) November 26, 2018 (pseudonym); Human Rights Watch interview with Ransés I., Tijuana, Mexico, March 8, 2019 (pseudonym).

<sup>281</sup> For example, police agents told the press that extermination groups could be involved in a February 2016 incident, in which a group of men in a double-cabin pickup got a 17-year-old from his home, took him away, and he was then found dead in sugar-cane fields with his eyes blindfolded, hands tied and a message on his back. “Body with Eyes Blindfolded Found in San Miguel with Message ‘This is How Gang Members Will Die’” (“Encuentran en San Miguel un cadáver con los ojos vendados y con el mensaje ‘Así morirán los pandilleros’”), *El Blog*, February 23, 2016, <http://elblog.com/noticias/registro-27043.html> (accessed July 2, 2019). Then, in March, four masked men kidnapped 19- and 25-year-old men from their homes, took them to a ravine and shot them in the head. See “Two Youth Killed in San Miguel Ravine” (“Matan a dos jóvenes en quebrada de S. Miguel”), *La Prensa Gráfica*, March 19, 2016, <https://www.laprensagrafica.com/elsalvador/Matan-a-2-jovenes-en-quebrada-de-S.-Miguel-20160319-0019.html> (accessed July 2, 2019). Three days after that double homicide, various men in dark clothing “acting as police” attacked a 17-year-old boy as he entered his home. “Three Gang Members Killed in San Miguel” (“Matan en San Miguel a tres pandilleros”), *La Prensa Gráfica*, March 22, 2016, <https://www.laprensagrafica.com/elsalvador/Matan-en-San-Miguel-a-tres-pandilleros-20160322-0026.html> (accessed July 2, 2019). The next day, the body of a 25-year-old man kidnapped earlier was found with his hands tied behind his back, his body showing signs of torture, with a written message left on his body. “Gang Member’s Body Found with a Message: ‘This Happens to Gang Members’” (“Localizan cadáver de pandillero con un mensaje: ‘Por mareros así les toca’”), *El Blog*, March 23, 2016, <http://elblog.com/noticias/registro-27926.html> (accessed July 2, 2019). A little over a week later, men identifying themselves as police took by force a 35-year-old man, and he was found dead days later in a different municipality. Jaime López, “Five Half-buried Bodies Found in Santo Tomas” (“Hallan cinco cadáveres semienterrados en Santo Tomas”), *El Diario de Hoy*, April 2, 2016, <https://www.elsalvador.com/noticias/nacional/hallan-cinco-cadaveres-semienterrados-en-santo-tomas/186510/2016/> (accessed 2 July 2019). Before April ended, a teenage male’s body was found with his hands and feet tied and bullet wounds to the head and back. Diana Escalante and Insy Mendoza, “Businessman Killed in Ayutuxtepeque” (“Asesinan a un comerciante en Ayutuxtepeque”), *El Diario de Hoy*, April 19, 2016, <https://www.elsalvador.com/noticias/nacional/asesinan-a-un-comerciante-en-ayutuxtepeque/184534/2016/> (accessed July 2, 2019).

military- or police-style uniforms arrived in at least five victims' homes, took them out, and then shot them dead, according to press reports.<sup>282</sup> Men dressed in dark clothing reportedly took at least six more victims from their homes before killing them.<sup>283</sup>

- In Chaguantique, of the 12 homicides the press reported, the killers of three in 2015 wore “clothing similar to what the police use.”<sup>284</sup>

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<sup>282</sup> Very early on New Year's Day 2016, a group of at least eight armed men, dressed in camouflage clothing similar to military uniforms arrived on foot to the community. When an 11-year-old boy came running, they shot him dead. They went to one home and asked for names on a list, taking the two brothers out, putting them to their knees, and shooting them. From there, they shot and possibly killed a woman. Then, they went to two other homes looking for a man, took him out, put him to his knees and shot him dead. They last went to the home of the man's mother, took her out, put her to her knees and shot her. See, for example, “First Day of the Year with a Massacre and a Confrontation” (“Primer día del año con una masacre y un enfrentamiento”), *La Prensa Gráfica*, January 2, 2016, <https://www.laprensagrafica.com/elsalvador/Primer-dia-del-ano-con-una-masacre-y-un-enfrentamiento-20160102-0025.html> (accessed July 2, 2019); Liseth Alas and Lucinda Quintanilla, “Five Gang Members Die When Confronting Police in the Beginning of 2016” (“Mueren 5 pandilleros tras enfrentarse a policías en el inicio de 2016”), *El Diario de Hoy*, January 1, 2016, <https://www.elsalvador.com/noticias/nacional/mueren-5-pandilleros-tras-enfrentarse-a-policias-en-el-inicio-de-2016/176047/2016/> (accessed 2 July 2019); and “2016 Starts with Two Quintuple Homicides in San Miguel and La Paz” (“2016 inicia con dos quintuples homicidios en San Miguel y La Paz”), *El Mundo*, January 1, 2016, <https://elmundo.sv/2016-inicia-con-quintuple-homicidio-en-san-miguel/> (accessed July 2, 2019). Then, in February 2019, four men with their faces covered and dressed in uniforms similar to police who identified themselves as police took from their home a man in the community and then another man and woman from a neighboring community from their homes and shot them dead. See, for example, Beatriz Calderon, Flor Lazo, and Juan Carlos Díaz, “Four People Were Killed in San Miguel: One Victim had an Electronic Bracelet” (“4 personas fueron asesinadas en San Miguel: una víctima tenía brazalete electrónico”), *La Prensa Gráfica*, February 15, 2019, <https://www.laprensagrafica.com/elsalvador/4-personas-fueron-asesinadas-en-San-Miguel-una-victima-tenia-brazalete-electronico-20190215-0183.html> (accessed July 2, 2019).

<sup>283</sup> Then in March 2016, three youth, aged 18 to 24, and one 38-year-old man were taken from their homes to the community's stadium. There, they were killed. See, for example, Carlos Segovia, Jaime López, and Enrique Carranza, “Four Alleged Gang Members Are Killed in San Miguel” (“Asesinan a cuatro supuestos pandilleros en San Miguel”), *El Diario de Hoy*, March 25, 2016, <https://www.elsalvador.com/noticias/nacional/asesinan-a-cuatro-supuestos-pandilleros-en-san-miguel/180334/2016/> (accessed July 2, 2019). Within a seven-week period of 2018, two or more men took two male youth, aged 18 and 21, from their homes in the La Piedad section of the neighborhood and then killed them. See, for example, “Two Young People Were Killed Last Night in the Municipality of San Miguel” (“Dos jóvenes fueron asesinados anoche en el municipio de San Miguel”), *Solo Noticias*, September 10, 2018, <https://www.solonoticias.com/2018/09/10/dos-jovenes-fueron-asesinados-anoche-en-el-municipio-de-san-miguel/> (accessed July 2, 2019), and Beatriz Calderón, Franklin Zelaya, Francisco Hernández, Juan Carlos Díaz, Broman Mármol, Ángel Gómez, and José Cardona, “A Shooting in San Salvador Leaves Five Victims” (“Tiroteo en San Salvador deja cinco víctimas”), *La Prensa Gráfica*, October 27, 2018, <https://www.laprensagrafica.com/elsalvador/Tiroteo-en-San-Salvador-deja-cinco-victimas-20181027-0017.html> (accessed July 2, 2019). Men in dark clothing arrived to a man's home in January 2019, took him out and shot him in the face. See, for example, Flor Lazo, “Five Men Are Killed in Different Points of San Miguel” (“Asesinan a cinco hombres en distintos puntos de San Miguel”) *La Prensa Gráfica*, January 6, 2019, <https://www.laprensagrafica.com/elsalvador/Asesinan-a-cinco-hombres-en-distintos-puntos-de-San-Miguel-20190105-0272.html> (accessed July 2, 2019).

<sup>284</sup> Jaime Anaya, “Three Men Are Killed in a Neighborhood in Puerto El Triunfo” (“Acribillan a tres hombres cantón de Puerto El Triunfo”) *El Diario de Hoy*, September 20, 2015, <https://www.elsalvador.com/noticias/nacional/acribillan-a-tres-hombres-canton-de-puerto-el-triunfo/161151/2015/> (accessed July 2, 2019).

- In Milagro de la Paz, of the 47 homicides reported by press in recent years, seven articles named as killers persons with extermination group profiles.<sup>285</sup>
- In 2017 in El Platanar, “men in black” reportedly took two women from their homes in the neighborhood and then killed them.<sup>286</sup> In 2018, residents and journalists alike reportedly suspected the “exterminators” in a separate double homicide.<sup>287</sup>

According to press accounts, people deported to El Salvador have been killed in circumstances consistent with the methods of operation that death squads and extermination groups have employed:

- In the El Zapote neighborhood of Jucuarán municipality in May 2015, 15 to 20 “men dressed in black and camouflage” entered a home “simulating a police operation,” according to a press report. They killed a 32-year-old deportee in the home’s hallway and took the other six to line them up in the street before shooting dead four face down and two face up.<sup>288</sup>
- In the El Jícaro neighborhood of Lolotique municipality in June 2017, subjects dressed in black simulating a police operation killed a man deported from the

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<sup>285</sup> In 2001, criminal groups dressed in police uniforms assaulted persons, especially those arriving from the US. See, for example, Evelyn Granados, “Criminals Suffer Reverse” (“Criminales sufren revés”), *El Diario de Hoy*, May 3, 2001, <http://archivo.elsalvador.com/noticias/2001/5/3/ELPAIS/elpais2.html> (accessed July 2, 2019) and Rosa Fuentes, “‘The Blues’ Fall in Police Operation” (“Caen ‘Los Azules’ en operativo policial”), *El Diario de Hoy*, August 25, 2001, <http://archivo.elsalvador.com/noticias/2001/8/25/ELPAIS/elpais1.html> (accessed July 2, 2019).

<sup>286</sup> “A R133 Fare Collector and Two Women Are Today’s Homicide Victims” (“Un cobrador de la R133 y dos mujeres son las víctimas de homicidio de hoy”) *La Prensa Gráfica*, February 23, 2017, <https://www.laprensagrafica.com/elsalvador/Un-cobrador-de-la-R-133-y-dos-mujeres-son-las-victimas-de-homicidio-de-hoy-20170223-0056.html> (accessed July 2, 2019) and Beatriz Calderón, Juan Carlos Díaz and Fátima Membreño, “Killers Hit and Shoot a Bread Maker in La Unión” (“Homicidas atropellan y tirotean a panadero en La Unión”) *La Prensa Gráfica*, October 2, 2017, <https://www.laprensagrafica.com/elsalvador/Homicidas-atropellan-y-tirotean-a-panadero-en-La-Unin-20171002-0014.html> (accessed July 2, 2019).

<sup>287</sup> Iliana Ávila, “In San Miguel, Brothers Linked to Gang killed” (“En San Miguel, matan a hermanos vinculados a pandilla”) *El Diario de Hoy*, January 11, 2018, <https://www.elsalvador.com/noticias/nacional/en-san-miguel-matan-a-hermanos-vinculados-a-pandilla/438000/2018/> (accessed July 2, 2019).

<sup>288</sup> Beatriz Calderon, Angela Alfaro, and Jessel Santos, “Two Massacres Leave 10 Gang Members Dead in Usulután” (“Dos masacres dejan 10 pandilleros muertos en Usulután”) *La Prensa Gráfica*, <https://www.laprensagrafica.com/elsalvador/Dos-masacres-dejan-10-pandilleros-muertos-en-Usulután-20150510-0023.html> (accessed June 23, 2019).

United States in 2015 who had non-gang-related tattoos, at his home.<sup>289</sup>

- In the Los Lagartos neighborhood of San Julián in January 2019, armed men arrived at the home of a man deported from the US two months prior, taking him and his teenage nephew, both alleged gang members, some 100 meters away to a coffee field where they were interrogated and killed.<sup>290</sup>

### Ransés I.

Ransés I., a 44-year-old-man deported from the US to El Salvador in 2018, spoke about the scrutiny he faced from Salvadoran authorities after he returned to his home country, much of it based on tattoos that he had painstakingly tried to remove or alter in order to distance himself from the gang to which he had once belonged. He told Human Rights Watch, “I’d gone [to a tattoo artist] since 2006, changing each of them. Correcting them....”<sup>291</sup>

However, upon arrival in El Salvador, his tattoos became the focus of police attention. Soon after he returned, Ransés got into a dispute with another man, who called the police. When they arrived at Ransés’ home, they seemed to intentionally expose his tattoos, which he otherwise kept hidden wherever he went. He explained, “They called me outside. They took off my shirt in public. ‘Don’t worry about your tattoos,’ they told me. ‘Do you have documents?’ I showed them my DUI [documento único de

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<sup>289</sup> “San Miguel Deportee Was Killed While He Was Waiting for a US Migratory Pardon” (“Migueleno deportado fue asesinado mientras esperaba perdón migratorio de EUA”) *La Prensa Gráfica*, May 10, 2015, <https://www.laprensagrafica.com/elsalvador/Migueleno-deportado-fue-asesinado-mientras-esperaba-perdon-migratorio-de-EUA-20170629-0048.html> (accessed on June 22, 2019).

<sup>290</sup> “Armed Group Kills Deportee and Exconvict From MS13 in Sonsonate” (“Grupo armado asesina a deportado y exconvicto de la MS13 en Sonsonate”), *Diario1*, January 12, 2019, <http://diario1.com/nacionales/2019/01/grupo-armado-asesina-a-deportado-y-exconvicto-de-la-ms13-en-sonsonate/> (accessed June 22, 2019). In an earlier case, in the San Juan de Dios neighborhood of Olocuilta municipality in 2010, according to press accounts, five men dressed in black arrived at a neighborhood basketball court. The around 40 persons present remained, because they thought the men were police. The men called out the names of youth playing a quick soccer game, then asked them to remove their shirts and primarily shot those who had tattoos, including one deported from the United States years earlier. Claudia Huete and Liz Aguirre, “Inhabitants of Olocuilta Neighborhood Dismayed by Massacre” (“Habitantes de colonia en Olocuilta consternados por masacre”), *La Prensa Gráfica*, May 2, 2010, (on file with Human Rights Watch).

<sup>291</sup> Human Rights Watch interview with Ransés I., Northern State of Mexico, March 8, 2019 (pseudonym).

identidad]<sup>292</sup> and passport ... They took photos of everything ... and told me it was evidence.”<sup>293</sup>

When Ransés complained to the Human Rights Ombudsperson about police harassment and exposure of his tattoos in public, he said the Ombudsman staff, “told me to be careful, because extermination groups use those photos to exterminate.”<sup>294</sup>

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<sup>292</sup> El Salvador’s government-issued photo identification.

<sup>293</sup> Human Rights Watch interview with Ransés I., Northern State of Mexico, March 8, 2019 (pseudonym).

<sup>294</sup> Ibid.

## VI. Long-Term Residence in the US

Salvadorans who have resided for an extended period in the United States face several unique risks as deported persons. They are often easily identified because of their style of clothing, way of speaking, and financial resources. At the same time, because they have been away for so long, they often do not understand the unspoken rules Salvadorans follow in order to protect themselves from gangs, extermination groups, or corrupt authorities. As a result, they can be particularly susceptible to harm in El Salvador after deportation.<sup>295</sup>

Several people harmed after being deported to El Salvador had arrived in the United States as children and adolescents.<sup>296</sup> Several described attending school in the US and nearly all

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<sup>295</sup> Salvadoran news articles on persons disappeared or killed after their deportation also often indicate that the victim had lived in the United States for years – even most of their life – beforehand. “In San Miguel, Life Taken of Man Who Returned Deported to the Country Yesterday” (“Le quitan la vida a un hombre que ayer regreso deportado al país en San Miguel”), *El Blog*, December 4, 2018, <http://elblog.com/inicio/le-quitan-la-vida-a-un-hombre-que-ayer-regreso-deportado-al-pais-en-san-miguel/> (accessed June 21, 2019); Gadiel Castillo, “Man is Killed When He Was Going to Work” (“Hombre es asesinado cuando iba a su trabajo”), *El Diario de Hoy*, <https://www.elsalvador.com/noticias/nacional/hombre-es-asesinado-cuando-iba-a-su-trabajo/543809/2018/> (accessed June 22, 2019); Anna-Catherine Brigida, “Kicked Out of the U.S., Salvadoran Deportees Are Struggling Simply to Stay Alive,” *World Politics Review*, November 28, 2018, <https://www.worldpoliticsreview.com/articles/26302/kicked-out-of-the-u-s-salvadoran-deportees-are-struggling-simply-to-stay-alive> (accessed June 22, 2019); David Marroquín, “Violence Takes the Life of 64 People in the Last Four Days” (“Violencia acaba con la vida de 64 personas en los últimos cuatro días”), *El Diario de Hoy*, March 15, 2018, <https://www.elsalvador.com/noticias/nacional/violencia-acaba-con-la-vida-de-64-personas-en-ultimos-cuatro-dias/460839/2018/> (accessed June 21, 2019); Jaime López, “Youth Arrived to El Salvador from the United States and Disappeared in Sensuntepeque” (“Joven llego a El Salvador de EE.UU. y desapareció en Sensuntepeque”), *El Diario de Hoy*, September 23, 2018, <https://www.elsalvador.com/noticias/nacional/joven-llego-a-el-salvador-de-ee-uu-y-desaparecio-en-sensuntepeque/521291/2018/> (accessed June 21, 2019); Roberto Lovato, “Deported to Death: the Tragic Journey of a Salvadoran immigrant,” *Al Jazeera*, July 11, 2015, <http://america.aljazeera.com/articles/2015/7/11/deported-to-death-the-tragic-journey-of-an-el-salvadoran-immigrant.html> (accessed June 21, 2019); David Marroquín, “2,841 Murders Registered on the Year, with 297 in September” (“Registran 2,841 asesinatos en el año, septiembre con 297 homicidios”), *El Diario de Hoy*, September 29, 2014, <https://www.elsalvador.com/noticias/nacional/registran-2841-asesinatos-en-el-ano-septiembre-con-297-homicidios/136337/2014/> (accessed June 21, 2019); Ricardo Flores, “Witness to Crime Killed in the Capital” (“Matan en la capital a testigo de crimen”), *La Prensa Gráfica*, (on file with Human Rights Watch); and Julia Preston, “Losing Asylum, Then His Life,” *New York Times*, June 28, 2010, <https://www.nytimes.com/2010/06/29/us/29asylum.html> (accessed June 22, 2019).

<sup>296</sup> Human Rights Watch interview with Karina I., United States West Coast, March 6, 2019 (pseudonym); Human Rights Watch interview with Wendy R., El Salvador’s Eastern Region, December 9, 2019 (pseudonym); Human Rights Watch telephone interview with Jennifer B., United States East Coast, March 6, 2019 (pseudonym); Human Rights Watch interview with Nohemy P., El Salvador’s Eastern Region, March 24, 2019 (pseudonym); Human Rights Watch interview with Bernardo A., El Salvador’s Central Region, January 25, 2019 (pseudonym); Human Rights Watch interview with Yavany B., El Salvador’s Central Region, December 1, 2018 (pseudonym); Human Rights Watch interview with Óscar K., El Salvador’s (region withheld

worked, but given their limited economic means and precarious legal status, many also found themselves living in US communities with higher levels of poverty.<sup>297</sup> In the areas where they resided in the US, poverty also coincided with higher levels of police abuse, gangs, and violence, placing them at higher risk of being victims of crime and of being accused of crimes themselves.<sup>298</sup>

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for security), December 2019 (exact date withheld for security)(pseudonym); Human Rights Watch interview with Ruben M.'s immigration attorney, United States East Coast, February 22, 2019 (pseudonym); Human Rights Watch interview with Walter T. and Gaspar T., El Salvador's Central Region, March 28, 2019 (pseudonyms); and Human Rights Watch interview with Ransés I., Tijuana, Mexico, March 8, 2019 (pseudonym).

<sup>297</sup> Allison O'Connor, Jeanne Batalova, and Jessica Bolter, "Central American Immigrants in the United States," Migration Policy Institute, August 15, 2019, <https://www.migrationpolicy.org/article/central-american-immigrants-united-states> (accessed August 24, 2019).

<sup>298</sup> Since the late-1980s, research in numerous Brazilian, Canadian and US cities with varying populations has shown that crimes, including homicide and rape, concentrate at very small units of geography. Across studies, researchers have tended to find that roughly 1.5 percent of street segments in cities see about 25 percent of crime incidents. See W. Crow and J. Bull, *Robbery Deterrence: An Applied Behavioral Science Demonstration: Final Report*, (La Jolla: Western Behavioral Science Institute, 1975); M. Felson, "Routine Activities and Crime Prevention in the Developing Metropolis," *Criminology*, vol. 25, no. 4, 1987, pp. 911-32; G.L. Pierce, S. Spaar, and L.R. Briggs, *The Character of Police Work: Strategic and Tactical Implications*, (Boston, MA: Center for Applied Social Research, Northeastern University, 1988); D.J. Evans and D.T. Herbert, *The Geography of Crime*, (London: Routledge, 1989); L.W. Sherman, P.R. Gartin and M.E. Buerger, "Hot Spots of Predatory Crime: Routine Activities and the Criminology of Place," *Criminology*, vol. 27, no. 1, 1989, pp. 27-56; P.L. Brantingham and P.J. Brantingham, "Hot Spots of Predatory Crime: Routine Activities and the Criminology of Place," *Criminology*, vol. 27, no. 1 (1999), pp. 27-56; P.L. Brantingham, "A Theoretical Model of Crime Hot Spot Generation," *Studies on Crime and Crime Prevention*, vol. 8, no. 1 (1999), pp. 7-26; D. Weisburd, S. Bushway, C. Lum, and S.M. Yang, "Trajectories of Crime at Place: A Longitudinal Study of Street Segments in the City of Seattle," *Criminology*, vol. 42, no. 5 (2004), pp.283-322; Ilona Szabo de Carvalho, Juan Carlos Garzon, and Robert Muggah, "Citizen Security Rising: New Approaches to Addressing Drugs, Guns and Violence in Latin America," Norwegian Peacebuilding Resource Centre (NOREF), 2013; A.A. Braga, A.V. Papachristos, and D.M. Hureau, "The Effects of Hot Spots Policing on Crime: An Updated Systematic Review and Meta-analysis," *Justice Quarterly*, vol. 31, no.4, (2014), pp.633-63; A.S. Curmen, M.A. Andresen, and P.J. Brantingham, "Crime and Place: A Longitudinal Examination of Street Segment Patterns in Vancouver, BC," *Journal of Quantitative Criminology*, vol. 31, no.1 (2014), pp.127-47; and David Weisburd, "The 2014 Sutherland Address: The Law of Crime Concentration and the Criminology of Place," *Criminology*, vol. 53, no. 2, (2015), pp.133-57. As early as 1977, research in the US found that as unemployment increased in an area, so too did the area's homicide rate. See H. Brenner, "Health Costs and Benefits of Economic Policy," *International Journal of Health Services*, vol. 7 no. 4, 1977, pp. 581-623. This is inherently tied with poverty, as areas of high unemployment are stigmatized and often provide few educational or economic opportunities. Indeed, subsequent research showed that when socioeconomic status is controlled across place and race, homicide rate discrepancies disappear. See J. Jason, L.T. Strauss, C.W. Tyler, "A Comparison of Primary and Secondary Homicides in the United States," *American Journal of Epidemiology*, vol. 117, no. 3, 1983, pp. 309-319; B.S. Centerwall, "Race, Socioeconomic Status, and Domestic Homicide, Atlanta, 1971-1972," *American Journal of Public Health*, vol. 74, no. 8, 1984, pp. 813-5; R. Sampson and J. Laub, *Crime in the Making: Pathways and Turning Points through Life*, (Boston: Harvard University Press, 1993); and Steven Whitman, Nanette Benbow, and Glenn Good, "The Epidemiology of Homicide in Chicago," *Journal of the National Medical Association* vol. 88, no. 12, 1996, pp. 781-787. Such neighborhoods are likely marked by authorities who fail to make arrests as well. A *Washington Post* investigation found that all of the US's 50 most populous cities had neighborhoods they dubbed as "pockets of impunity" with homicide arrest rates less than 33 percent. See Wesley Lowery, Kimbriell Kelly, Ted Mellnik, and Steven Rich, "Where Killings Go Unsolved," *Washington Post*, June 6, 2018, <https://www.washingtonpost.com/graphics/2018/investigations/where-murders-go-unsolved/> (accessed January 21, 2020).

## Former Long-Term US Residents Easy Targets of Abuse

Salvadorans who have lived for a long time in the United States are often easily identifiable. One director of an agency providing aid to deported persons told us: “At the beginning, there’s no problem. But as they’re noticed—their clothing, their accent, their money—the gang finds interest.”<sup>299</sup>

Yeshua O., in his late-thirties, fled a particularly violent neighborhood in El Salvador for the United States as a teenager and remained there nearly two decades with TPS before his deportation in 2018 after serving a sentence for first degree assault in Maryland.<sup>300</sup> Within weeks of his arrival back to his particularly violent neighborhood in El Salvador, Yeshua told Human Rights Watch he had tried to keep track of rules over whether he should or shouldn’t wear “certain shoes, certain colors and certain hair styles,” because they could signal membership in a gang and put him in danger. He said, “It’s confusing here. I’d always had a military style, but in [US immigration] detention, they [other detainees] told me to keep my hair longer.... I guess the military style is linked with one of the gangs.”<sup>301</sup>

The sister of Baltazar G., a man who had been deported in January 2012 after 10 years in the US, told Human Rights Watch, his style of dress was dangerous: “After living so long there, he dressed differently. Loose. It attracted gang members’ attention here. I told him to dress differently.”<sup>302</sup>

Bernardo A., in his late forties, first fled to the United States as a teenage child trying to avoid forced conscription into the guerilla forces. He has lived most of his life since then in the United States but has been deported multiple times to El Salvador, the first of which

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<sup>299</sup> Human Rights Watch interview with aid director for persons deported from Mexico and the United States for international non-profit, El Salvador’s Central Region, March 28, 2019.

<sup>300</sup> Human Rights Watch interview with Yeshua’s sister, United States East Coast, April 5, 2019 (pseudonym). The assault occurred when his sister attempted to take a hunting rifle away from Yeshua when he was drunk. According to our interview with Yeshua’s sister, her arm was only slightly injured by scratches during the struggle. She said that while there was some blood, her injuries were so minor that “at the hospital they did nothing.” Police were called when witnesses heard the rifle go off.

<sup>301</sup> Human Rights Watch telephone interview with Yeshua O., El Salvador’s Central Region, November 13, 2018 (pseudonym).

<sup>302</sup> Human Rights Watch interview with Baltazar’s sister and nephew, El Salvador’s Central Region, December 1, 2018 (pseudonym).

occurred in 1990 as a young adult and the most recent of which occurred in December 2017. He remembers that after his first deportation: “I was at church, and people wanted to beat me. So, I left. I think they didn’t like the way I talked. I didn’t speak Spanish well anymore. I’d learned English ... and no longer spoke Spanish well.”<sup>303</sup>

People deported from the United States, through remittances sent to their families, often end up having noticeable assets compared to others. For example, Elías F., who fled to the United States as a teenager from a violent neighborhood in the early 2000s, had sent money to his family for seven years to buy a home in their neighborhood.<sup>304</sup> When he was deported in the early 2010s, he realized his home was better constructed and had better finishes than the others and marked him as a target.

In our research for this report, we also learned of two cases of wives<sup>305</sup> of former long-term US residents who were killed, and of the case of a US citizen<sup>306</sup> who was killed after traveling to El Salvador to marry his fiancée (who had been deported from the US and had an infant child). While we were unable to document the motivation for the killing of the US citizen; in the two cases of the wives, we know from our interviews with them that one victim had regularly received money from the US and the other had resisted gang extortion. In all three cases, their linkages to former long-term US resident deportees who were perceived to have greater wealth seemed to make them conspicuous targets.

## Extortion

Deportees who spent a long time in the US are often targeted for extortion because they are perceived as having greater financial resources. Several of the people Human Rights Watch interviewed for this report told us that their unwillingness to succumb to gang extortion or other demands (motivated, they believed, by their perceived wealth resulting from their long residence in the US) put them or their family members at risk, including risk

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<sup>303</sup> Human Rights Watch interview with Bernardo A., El Salvador’s Central Region, January 25, 2019 (pseudonym).

<sup>304</sup> Human Rights Watch interview with Elías F., United States East Coast, winter 2019 (exact date withheld for security) (pseudonym).

<sup>305</sup> Human Rights Watch interview with surviving family member Norman S., United States (region withheld for security), March 2019 (pseudonym); Human Rights Watch telephone interview with surviving family member Ana P., United States Mountain West, March 5, 2019 (pseudonym).

<sup>306</sup> Human Rights Watch telephone interview with IML investigator, El Salvador’s Western Region, September 26, 2019.

of death.<sup>307</sup> Police officers interviewed for this report thought failure to pay extortion was the most common factor in the killings of deported former US long-term residents because some respond in ways—refusing to pay or reporting demands to authorities—that while typically non-life threatening in the United States, got them or their loved ones killed in El Salvador.<sup>308</sup>

A police investigator told Human Rights Watch that among his recent homicide cases were several involving deportees who had been extorted:

I can think of three cases. One was in El Junquillo, I think in 2016.... He was deported and was killed. The investigation showed that the gang extorted him. The second was in [neighborhood name withheld], likewise because of extortion. He set up a business, a cereal products store, and they killed him. That was in 2018. The third was in [municipality name withheld], but I don't remember the neighborhood. It was the same: the person was deported with a little money, set up a business, and [the demand for] *la renta* came.<sup>309</sup>

Implicit in these cases is that the person either did not pay at all or stopped paying. In the case of a woman killed by a gang, family members told Human Rights Watch the family,

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<sup>307</sup> Human Rights Watch interview with Norman S., El Salvador's (region withheld for security), first quarter of 2019 (exact date withheld for security) (pseudonym); Human Rights Watch interview with Matías J., United States East Coast, March 1, 2019 (pseudonym); Human Rights Watch telephone interview with Ana P., March 5, 2019 (pseudonym); Human Rights Watch interview with Elías F., United States (region withheld for security), first quarter of 2019 (exact date withheld for security) (pseudonym); and Human Rights Watch interview with PNC officer, El Salvador's Paracentral Region, March 25, 2019.

<sup>308</sup> Human Rights Watch interview with PNC Investigator, El Salvador's Western Region, January 24, 2019; Human Rights Watch interview with police person, El Salvador's Paracentral Region, March 25, 2019; Human Rights Watch interview with city hall based OLAV official, El Salvador's Central Region, January 11, 2019; Human Rights Watch interview with aid director for persons deported from Mexico and the United States for international non-profit, El Salvador's Central Region, March 28, 2019.

<sup>309</sup> Human Rights Watch interview with police officer, El Salvador's Western Region, January 24, 2019. Two other long-term residents from the United States were killed in 2014 and 2018 one in Ahuachapán and the other in La Libertad—worked for 10 or more years in the United States to save enough money to open businesses in El Salvador. David Marroquín, "Violence Takes the Life of 64 People in the Last Four Days" ("Violencia acaba con la vida de 64 personas en los últimos cuatro días"), *El Diario de Hoy*, March 15, 2018, <https://www.elsalvador.com/noticias/nacional/violencia-acaba-con-la-vida-de-64-personas-en-ultimos-cuatro-dias/460839/2018/> (accessed 21 June 2019), and David Marroquín, "2,841 Murders Registered in the Year, with 297 in September" ("Registran 2,841 asesinatos en el año, septiembre con 297 homicidios"), *El Diario de Hoy*, September 29, 2014, <https://www.elsalvador.com/noticias/nacional/registran-2841-asesinatos-en-el-ano-septiembre-con-297-homicidios/136337/2014/> (accessed June 21, 2019).

including the woman killed, had resisted extortion because after living for years in the United States, they felt they had worked too hard for their money to give it to “criminals.”<sup>310</sup> Similarly, an official [office withheld for security] reported a concluded case in which a former legal resident of the United States had started a business in Los Blancos neighborhood of San Luis La Herradura. The official said, “She refused to pay extortion and told them [the gang members]: ‘I didn’t owe my money to bums [*a vagos, no debía mi dinero*].’”<sup>311</sup>

## Tattoos

Tattoos are common in the United States.<sup>312</sup> Some deportees who had been long-term US residents we interviewed for this report had gotten them for artistic and sentimental reasons. For example, we interviewed Paloma V., who entered the US at around age 20 and lived there for six years. She returned from the US voluntarily to El Salvador to visit her sick family and because she was worried her sons were being forcibly recruited by the gangs. Upon her return, Paloma remained in hiding most of her time in El Salvador to avoid gang extortion demands rising to US\$50 per week and increased recruitment of her two boys. She explained the artistic tattoos on her neck, shoulder, and side were visual remembrances of her family, country, and God.<sup>313</sup> A few other former long-term US residents we interviewed acknowledged their tattoos were gang-related.<sup>314</sup>

Even gang-related tattoos are sometimes obtained in the United States as a survival mechanism rather than simply as a mark of gang affiliation. Bartolo A., who had lived in the US for 17 years before he was deported in 2017, got tattoos, according to his attorney,

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<sup>310</sup> Human Rights Watch interview with police officer, El Salvador’s Paracentral Region, March 25, 2019; Human Rights Watch interview with Norman S., El Salvador’s (region withheld for security), first quarter of 2019 (exact date withheld for security) (pseudonym).

<sup>311</sup> Human Rights Watch interview with Salvadoran official (office withheld for security), Paracentral Region, March 25, 2019.

<sup>312</sup> *Newsweek* reported on a survey of respondents in 18 countries, finding that 46 percent of respondents in the United States had tattoos – the third highest of the 18 countries surveyed. James Tennet, “Which Country Has the Most People with Tattoos? It’s not the US,” *Newsweek*, May 24, 2018, <https://www.newsweek.com/which-country-most-people-tattoos-943104> (accessed October 9, 2019).

<sup>313</sup> Human Rights Watch interview with Paloma V., United States East Coast, June 17, 2019 (pseudonym).

<sup>314</sup> Human Rights Watch interview with Yavany B., El Salvador’s Central Region, December 1, 2018 (pseudonym); Human Rights Watch interview with Bartolo A., El Salvador’s (region withheld for security) (pseudonym), November 26, 2018; Human Rights Watch interview with Ransés I., Tijuana, Mexico, March 8, 2019 (pseudonym).

after being beaten repeatedly in a US federal prison when he was young and vulnerable.<sup>315</sup> Bartolo A. agreed, stating: “Many times, one does it [gets tattoos while in prison] to obtain protection from the gangs. Yes, when one walks with gang tattoos, no one messes with him.”<sup>316</sup> Bartolo maintains it saved his life: “The tattoos were my help and my survival in prison.”<sup>317</sup>

In El Salvador, however, tattoos are deeply stigmatized, and can prove deadly. This has been true for many years.<sup>318</sup>

Today, gangs, authorities, and death squads link tattoos to gang membership in El Salvador. Officials<sup>319</sup> interviewed for this report thought tattoos were the most common factor among deportees who were killed:

- “Usually, the common factor is a tattoo, because people think that they are gang-related, but some are decorative.” This official remembered his own voluntary return to El Salvador at the end of the civil war in the mid-1990s, saying: “My own mom inspected me for tattoos. Apparently, all the [news] stories at the time were about tattooed gang members coming from the United States. My friends deported [around then] had tattoos and faced discrimination.”<sup>320</sup>
- “What I have noticed about those murdered after their deportation is nearly all have tattoos. Among them, they have artistic tattoos that do not allude to gangs. Yet, gangs will kill them, as will others. This happens primarily in rural

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<sup>315</sup> Human Rights Watch interview with defense attorney, United States (region withheld for security), April 4, 2019.

<sup>316</sup> Human Rights Watch interview with Bartolo A., El Salvador’s (region withheld for security), November 26, 2018 (pseudonym).

<sup>317</sup> Ibid. See also, “Why Prisoners Join Gangs,” *Economist*, November 12, 2014.

<sup>318</sup> “No Place to Hide: Gang, State, and Clandestine Violence in El Salvador,” The International Human Rights Clinic, Human Rights Program, Harvard Law School, February 2007, <https://static1.squarespace.com/static/5b3538249d5abb21360e858f/t/5cabca6ce4966bf580ea3471/1554762350561/No+Place+to+Hide+Cavallaro+2007.pdf>.

<sup>319</sup> Human Rights Watch interview with FGR prosecutor, El Salvador’s Paracentral Region, March 29, 2019; Human Rights Watch interview with FGR prosecutor, El Salvador’s Eastern Region, January 22, 2019; Human Rights Watch interview with IML examiners, El Salvador’s Western Region, January 24, 2019; Human Rights Watch interview with IML investigators, El Salvador’s Western Region, January 7, 2019; Human Rights Watch interview with IML examiner, El Salvador’s Eastern Region, November 26, 2018.

<sup>320</sup> Human Rights Watch interview with FGR prosecutor, El Salvador’s Eastern Region, January 22, 2019.

areas. The constant variables among murdered deportees and disappeared deportees is tattoos. Some are gang members.”<sup>321</sup>

Deportees who were disappeared and/or killed often had tattoos. Out of 30 cases reported in the Salvadoran media of deportees with tattoos from the United States who were killed between 2010 and 2019, only seven had gang-related tattoos, the 23 others had artistic or non-gang-related tattoos, like a tribute to children,<sup>322</sup> an angel and Christ,<sup>323</sup> a shield,<sup>324</sup> stars on the elbows,<sup>325</sup> and allusions to the US city of Los Angeles.<sup>326</sup> In some of these 30 cases, the individuals had spent their childhoods, their adolescence and/or more than 10 years in the US.<sup>327</sup> Some were killed within days of their deportation,<sup>328</sup> but others were killed years later, despite trying to leave their homes as little as possible (for example, travelling only to and from work).<sup>329</sup> Other cases we documented through interviews for this report include:

- A man, Jaír F., whose cousin Ángel F. had arrived in the US during his adolescence, had tattoos that Jaír believed were not gang related. Jaír told a

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<sup>321</sup> Human Rights Watch interview with IML doctor, El Salvador’s Eastern Region, November 26, 2018.

<sup>322</sup> “My Husband Went to Pay Installments to a Store and Did Not Return” (“Mi esposo fue a pagar a unas letras a un almacén y ya no regreso”), *El Blog* <http://elblog.com/noticias/registro-43551.html> (accessed October 28, 2019).

<sup>323</sup> Lilibeth Sanchez and David Marroquín, “Deportee from United States Killed” (“Matan a deportado de Estados Unidos”), *El Diario de Hoy* (on file with Human Rights Watch).

<sup>324</sup> Mauricio Bolanos, “La Paz: Murder of Man Reported in Santiago Nonualco” (“La Paz: reportan asesinato de hombre en Santiago Nonualco”), *La Prensa Gráfica*, April 28, 2013, <https://www.laprensagrafica.com/elsalvador/La-Paz-reportan-asesinato-de-hombre-en-Santiago-Nonualco-20130428-0020.html> (accessed October 28, 2019).

<sup>325</sup> “25 Persons Kidnapped in Usulután This Year” (“25 privados de libertad van este año en Usulután”) *La Prensa Gráfica*, April 28, 2013, <https://www.laprensagrafica.com/elsalvador/25-privados-de-libertad-van-este-ano-en-Usulután-20140303-0116.html> (accessed October 28, 2019).

<sup>326</sup> Anna-Catherine Brigida, “Kicked Out of the U.S., Salvadoran Deportees Are Struggling Simply to Stay Alive,” *World Politics Review*, October 9, 2018, <https://www.worldpoliticsreview.com/articles/26302/kicked-out-of-the-u-s-salvadoran-deportees-are-struggling-simply-to-stay-alive> (accessed October 28, 2019).

<sup>327</sup> Anna-Catherine Brigida, “Kicked Out of the U.S., Salvadoran Deportees Are Struggling Simply to Stay Alive,” *World Politics Review*, October 9, 2018, <https://www.worldpoliticsreview.com/articles/26302/kicked-out-of-the-u-s-salvadoran-deportees-are-struggling-simply-to-stay-alive> (accessed October 28, 2019); Gadiel Castillo, “Man is Killed While Going to Work” (“Hombre es asesinado cuando iba a su trabajo”), *El Salvador.com*, November 28, 2018 <https://www.elsalvador.com/noticias/nacional/hombre-es-asesinado-cuando-iba-a-su-trabajo/543809/2018/> (accessed October 10, 2019); Criminal Sentencing Order, Tribunal de Sentencia de Santa Tecla, June 22, 2015 (sentencing document for the individual convicted in a deportee’s killing)(on file with Human Rights Watch).

Human Rights Watch researcher that Ángel was killed in 2018 in their rural municipality after Ángel's deportation in 2018.<sup>330</sup>

- A Salvadoran journalist told us in 2018, “[D]ays ago, a youth arrived deported who had tattoos. He disappeared. Some cases like that are never reported.”<sup>331</sup>
- Another Salvadoran journalist remembered, “In [the neighborhood] where I live, a deportee around 40 years old got back [returned to El Salvador]. He had tattoos that I thought were super cool and in no way associated with a gang. However, few in El Salvador understand this. Here, having tattoos is a problem. He disappeared about a month later. The case was not reported [in the press]. I didn’t cover it, because of our [Salvadoran journalists’] rule: don’t cover anything in your own neighborhood.”<sup>332</sup>

Despite the grave risks associated with having tattoos, getting them removed is difficult in the United States, especially when a person is held in immigration detention.<sup>333</sup> In one case, after living in the US for 17 years, while his deportation proceedings were underway, Bartolo A.’s defense attorneys tried to arrange for the removal of his tattoos, but the immigration facility detaining him would not coordinate visits by tattoo-removal professionals or allow Bartolo to leave the facility to have them removed.<sup>334</sup>

According to Salvadoran officials, the government agency for the health and welfare of youth, the National Institute of Youth (Instituto Nacional de la Juventud, INJUVE) offers a tattoo removal program in El Salvador, so as one return center official put it to Human Rights Watch “you will not be confused with gang members.”<sup>335</sup> However, the removal

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<sup>330</sup> Human Rights Watch interview with Jaír F., United States East Coast, February 23, 2019 (pseudonym).

<sup>331</sup> Human Rights Watch interview with Salvadoran journalist, El Salvador’s Central Region, November 9, 2018.

<sup>332</sup> Human Rights Watch interview with Salvadoran journalist, El Salvador’s Central Region, November 8, 2018.

<sup>333</sup> Human Rights Watch’s decades of research in US immigration detention centers has shown that detainees are rarely, if ever, allowed to leave immigration detention centers including to go to hospitals for serious medical conditions, or to attend important events such as funerals or children’s graduations. It is also extremely difficult to enter immigration detention centers, unless as an attorney representing an immigrant client. Therefore, under current US policy, detainees would experience significant barriers to leaving detention to have tattoos removed and tattoo removal professionals would experience significant challenges in entering detention centers repeatedly to remove tattoos.

<sup>334</sup> Human Rights Watch interview with former public defender, United States (region withheld for security), April 4, 2019.

<sup>335</sup> Human Rights Watch interview with migrant reinsertion official, El Salvador’s Central Region, November 28, 2018.

sessions are only offered in San Salvador, must be spaced weeks apart, and can take years to completely remove tattoos.<sup>336</sup>

### **Javier B.**

In 2010, Javier B., 17, fled his particularly violent home neighborhood in El Salvador, where the local gang had repeatedly attempted to recruit him. His mother, Jennifer B., said that the gang had killed a close family member and generally targeted the family.<sup>337</sup>

After crossing the border, Javier lived with his mother in an unauthorized immigration status in a city located on the East Coast of the United States, where she worked to send money home to El Salvador. Javier started high school, but soon dropped out and began living with a friend.<sup>338</sup> He also worked the limited odd jobs that were available, such as construction, two or three times per week.<sup>339</sup> In 2012, Javier's girlfriend became pregnant. Javier later testified before the immigration judge in his deportation proceedings that he "was excited" to become a father, but he was also worried that he could "not support a family."<sup>340</sup> Javier testified that he "gave in to the easy money" of participating in burglaries.<sup>341</sup>

In June 2013, Javier was convicted, at the state level, of two separate counts of attempted burglary and burglary in the second degree. After serving his sentence in an East Coast prison, he was put in removal proceedings in New York State.

In August 2016, when Javier was 23, the immigration court denied him asylum due to his criminal convictions. Although Javier raised fears that gangs in El Salvador would attack and even kill him, the court found that it was not "more likely than not" that Javier would be tortured (defined in part as any act to intentionally inflict severe pain or suffering on an individual) upon return to El Salvador, thereby

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<sup>336</sup> Human Rights Watch interview with migrant reinsertion official, El Salvador's Central Region, November 28, 2018.

<sup>337</sup> US Department of Justice, Executive Office of Immigration Review, *In the Matter of* (name and date withheld for security) (ruling on file with Human Rights Watch).

<sup>338</sup> *Ibid.*

<sup>339</sup> *Ibid.*

<sup>340</sup> *Ibid.*

<sup>341</sup> *Ibid.*

denying him protection under the Convention against Torture and ordering him deported from the United States.<sup>342</sup> Javier was deported in approximately March 2017. He was killed by MS in June that same year, according to his mother, Jennifer. She told Human Rights Watch:

Only four months passed. He was thinking of living with my mother in [the neighborhood he had fled], but he decided to live with [my] sister in [a different but also violent neighborhood]. That's actually where they [MS] killed him.... It's terrible. They got him from the house at 11:00 am. They saw his tattoos. I knew they'd kill him for his tattoos. That is exactly what happened.... The problem was with [the gang] MS [-13], not with the police [who had stopped him multiple times but not beaten him].<sup>343</sup>

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<sup>342</sup> US Department of Justice, Executive Office of Immigration Review, *In the Matter of*(name and date withheld for security). (ruling on file with Human Rights Watch).

<sup>343</sup> Human Rights Watch telephone interview with Jennifer B., United States East Coast, March 6, 2019 (pseudonym).

## VII. US and International Law

In several key respects, US immigration law and policy violate international human rights and refugee law, with direct effects upon people seeking asylum or facing deportation from the United States, like the Salvadorans featured in this report.

### US Failure to Prevent Return to Persecution

The United States is obligated to uphold the central provisions of the 1951 Refugee Convention by its accession to the Refugee Convention's 1967 Protocol.<sup>344</sup> The US government passed the Refugee Act of 1980 in order to bring the country's laws into conformity with the Refugee Convention and Protocol, by incorporating into US law the convention's definition of a "refugee" as a person with a well-founded fear of being persecuted on account of race, religion, nationality, membership of a particular social group, or political opinion, and by incorporating the principle of non-return (also called "nonrefoulement"), which prohibits the return of people whose lives or freedom would be threatened on account of their race, religion, nationality, membership of a particular social group, or political opinion.<sup>345</sup>

Despite the fact that the principle of nonrefoulement is codified in US law, the cases in this report illustrate that Salvadorans face very uncertain odds when trying to convince US courts and authorities that they should not be deported due to their fears of serious harm.

Anyone who is an unauthorized immigrant (Salvadorans among them) will find it difficult to obtain protection from deportation to harm, especially once such an immigrant has been apprehended by immigration enforcement and put in removal proceedings. One of the biggest obstacles for these people is the reality that they are very likely to be locked up in

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- <sup>344</sup> Convention Relating to the Status of Refugees, 189 U.N.T.S. 150, entered into force April 22, 1954, <http://www.unhcr.org/3b66c2aa10.html>; U.N. Protocol Relating to the Status of Refugees, 606 U.N.T.S. 268, entered into force October 4, 1967. The United States acceded to the 1967 Protocol in 1968.

<sup>345</sup> The US incorporated the provisions of the 1967 Protocol into domestic law through the Refugee Act of 1980, Pub. L. No. 96-212, 94 Stat. 102 (1980). As the Supreme Court has confirmed, a primary purpose of Congress in passing the Refugee Act "was to bring United States refugee law into conformance with the 1967 United Nations Protocol." *INS v. Cardoza-Fonseca*, 480 U.S. 421, 426 (1987); see also, *INS v. Stevic*, 467 U.S. 407, 416-24 (1984) (providing a history of the incorporation of the Refugee Convention standards into US law through the Refugee Protocol and the Refugee Act of 1980).

immigration detention, from where they are expected to claim asylum, usually without assistance from an attorney, since nearly all migrants and asylum seekers facing deportation in the United States have no right to a court-appointed lawyer.<sup>346</sup>

In a review of immigration court data from 2007 to 2012, the American Immigration Council determined that of all Salvadorans (detained and non-detained) in removal proceedings, only 40 percent were represented by counsel. In addition, 38 percent of Salvadorans in removal proceedings were detained.<sup>347</sup>

Under a July 2019 rule that is currently enjoined, all unauthorized immigrants living in the US will become targets for arrests and deportation through expanded procedures that accelerate deportation known as “expedited removal.”<sup>348</sup> Any unauthorized foreigner who cannot prove continuous presence in the US for at least two years could, if the rule goes into effect, be placed in a fast-track deportation process, without the opportunity to plead their case in front of an immigration judge or, in most cases, to get the help of an attorney. Expedited removal proceedings do allow individuals to seek referral to an immigration court proceeding to seek asylum, but make access to a court hearing contingent on a screening procedure, and Human Rights Watch and other groups have consistently criticized expedited removal for DHS officers’ failure to identify legitimate asylum seekers during that screening process.<sup>349</sup>

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<sup>346</sup> The only exception is individuals with mental health disabilities or cognitive impairments. See *Franco-Gonzalez v. Holder*, No. CV-10-02211 DMG (DTBx), Central District of California, (October 29, 2014).

<sup>347</sup> Ingrid Eagly and Steven Shafer, “Access to Counsel in Immigration Court,” American Immigration Council, September 28, 2016, <https://www.americanimmigrationcouncil.org/research/access-counsel-immigration-court> (accessed January 5, 2020).

<sup>348</sup> See *Make the Road New York v. McAleenan*, No. 19-cv-2369, Order by the US District Court for the District of Columbia, September 27, 2019, [https://www.americanimmigrationcouncil.org/sites/default/files/litigation\\_documents/challenging\\_the\\_expansion\\_of\\_expedited\\_order\\_granting\\_preliminary\\_injunction.pdf](https://www.americanimmigrationcouncil.org/sites/default/files/litigation_documents/challenging_the_expansion_of_expedited_order_granting_preliminary_injunction.pdf) (accessed January 13, 2020).

<sup>349</sup> See, for example, Human Rights Watch, *You Don’t Have Rights Here: US Border Screening and Returns of Central Americans to Risk of Serious Harm* (New York: Human Rights Watch, 2014), <https://www.hrw.org/report/2014/10/16/you-dont-have-rights-here/us-border-screening-and-returns-central-americans-risk>.

Although deportations of individuals with TPS or DACA status are on hold as of the writing of this report,<sup>350</sup> those court-ordered injunctions could be lifted at any time. If this happens, these people are also likely to struggle to defend against deportation without assistance from a court-appointed attorney. Even with the aid of an attorney, every individual trying to prevent their deportation because they fear harm in El Salvador faces a battle to successfully make such a claim under current US law, discussed more below.

For individuals with criminal convictions, the odds against them being able to prevent deportation due to fear of harm in El Salvador are nearly insurmountable.<sup>351</sup> Article 33(2) of the Refugee Convention states that protection against refoulement may not be claimed by a refugee, “who, having been convicted by a final judgment of a particularly serious crime, constitutes a danger to the community of that country.”<sup>352</sup> The UN refugee agency (UNHCR) has defined such a crime as a “capital crime or a very grave punishable act.”<sup>353</sup> UNHCR’s Executive Committee has further explained that deporting a refugee under article 33(2) “may have very serious consequences for a refugee and his immediate family members ...

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<sup>350</sup> In September 2017, the Trump Administration announced that it would end the Deferred Action for Child Arrivals (DACA) program (1.8 percent of Salvadorans living in the US were DACA recipients), and although three lawsuits (*Regents of the University of California, et al. v. Dept. of Homeland Security (DHS)*, 908 F.3d 476 (9th Cir. 2018); *Batalla Vidal v. Nielsen*, 291 F. Supp. 3d 260 (E.D.N.Y. 2018); and *NAACP v. Trump*, 298 F. Supp. 3d 209 – (US Dist. Court, Dist. of Columbia 2018) have resulted in three nationwide injunctions, the government has appealed the injunctions to the US Supreme Court. Oral argument was held on November 12, 2019 and at the time of writing a decision was pending. At the same time, in May 2019, the Department of Homeland Security announced it would end Temporary Protected Status (TPS) for Salvadorans (13.9 percent of Salvadorans in the US were Temporary Protected Status (TPS) re-registrants). TPS status is also in a precarious state, because of legal challenges due to claims that the administration ended it for Salvadorans based on racial discrimination. In the case *Ramos et al v. Nielsen*, 336 F. Supp. 3d 1075 (N.D. Cal. 2018), Judge Edward Chen in the Northern District of California issued a preliminary injunction preventing DHS from implementing TPS terminations for El Salvador, Haiti, Nicaragua, and Sudan while the case is resolved on its merits. DHS published steps it is taking to comply with the injunction in Federal Register Notices issued on October 31, 2018, March 1, 2019, and November 3, 2019. Currently, an automatic extension of TPS for Salvadorans, Haitians, Nicaraguans, and Sudanese is in place through January 4, 2021 unless the injunction is overturned. The government has appealed the injunction to the 9th Circuit Court of Appeals, oral argument was held August 14, 2019 and at the time of writing a decision was pending.

<sup>351</sup> For further discussion of the legal arguments presented here, see Human Rights Watch, *A Price Too High: US Families Torn Apart by Deportations for Drug Offenses* (New York: Human Rights Watch, 2015), <https://www.hrw.org/report/2015/06/16/price-too-high/us-families-torn-apart-deportations-drug-offenses#bc77e3>; Human Rights Watch, *Forced Apart: Families Separated and Immigrants Harmed by US Deportation Policy* (New York: Human Rights Watch, 2007), <https://www.hrw.org/report/2007/07/16/forced-apart/families-separated-and-immigrants-harmed-united-states-deportation>.

<sup>352</sup> Convention Relating to the Status of Refugees, art. 33(2).

<sup>353</sup> UNHCR, Handbook on Procedures and Criteria for Determining Refugee Status under the 1951 Convention and the 1967 Protocol relating to the Status of Refugees, UNHCR, Geneva, January 1992), para. 155.

[and therefore should only happen] in exceptional cases and after due consideration of all the circumstances.”<sup>354</sup>

Therefore, in accordance with international refugee law, procedures must be in place to ensure careful application of this narrow exception.<sup>355</sup> Even individuals convicted of “particularly serious” crimes are guaranteed the right of a hearing to establish whether or not they pose a current threat. Indeed, the “danger to the community” exception “hinges on an appreciation of a future threat from the person concerned rather than on the commission of some act in the past.”<sup>356</sup> Accordingly, under international refugee law, past criminality is not per se evidence of future danger.

Unfortunately, United States law falls short of these standards, which helps to explain why some of the people featured in this report were deported to El Salvador after criminal convictions despite the clear harm they faced and the lack of danger they posed. People who have criminal convictions that are not “particularly serious” are usually barred from asylum in the US, but can seek protection from refoulement based on the much higher

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<sup>354</sup> UN High Commissioner for Refugees (UNHCR) Executive Committee, Conclusion No. 7 (1977). The exceptions to non-refoulement in article 33(2) were intended to be used only as a “last resort” where “there is no alternative mechanism to protect the community in the country of asylum from an unacceptably high risk of harm.” James C. Hathaway, *The Rights of Refugees under International Law* (Cambridge, UK: Cambridge University Press, 2005), p. 352.

<sup>355</sup> The Refugee Convention and Protocol require that a refugee should be “allowed to submit evidence to clear himself, and to appeal to and be represented for the purpose before competent authority or a person or persons specially designated by the competent authority.” *Ibid.*, art. 32(2). An individualized determination must occur before deportation, during which states must weigh two elements: 1) that a refugee has been convicted of a particularly serious crime and 2) that he or she constitutes a danger to the community. James C. Hathaway, *The Rights of Refugees under International Law*, pp. 344-351; Rene Bruin and Kees Wouters, “Terrorism and the Non-derogability of Non-refoulement,” *International Journal of Refugee Law*, vol. 15, no. 1 (2003), p. 18. With regard to the first prong of the inquiry, the determination of a particularly serious crime cannot be merely rhetorical: It requires that the crime in question be distinguished from other crimes. The “particularly serious crime” exception in article 33(2) is presumed to require that the individual refugee be even more dangerous in order to fall under this exception. See Sir Elihu Lauterpacht & Daniel Bethlehem, UNHCR, “Opinion: The Scope and Content of the Principle of Non-Refoulement,” June 20, 2001, paragraph 147 (“Article 33(2) indicates a higher threshold than article 1F . . .”) With regard to the second prong, a government must separately assess the danger the individual poses to the community: “A judgment on the potential danger to the community necessarily requires an examination of the circumstances of the refugee as well as the particulars of the specific offence.” UNHCR, “Nationality Immigration and Asylum Bill 2002: UNHCR comments relating to serious criminals and statutory review,” 2002, paragraph 3; UNHCR, Handbook, p. 157 (“The fact that an applicant convicted of a serious non-political crime has already served his sentence or has been granted a pardon or has benefited from amnesty is also relevant.”).

<sup>356</sup> UNHCR, “The Scope and Content of the Principle of Non-Refoulement,” June 20, 2001, <https://www.unhcr.org/en-us/protection/globalconsult/3b33574d1/scope-content-principle-non-refoulement-opinion.html> (accessed October 18, 2019), paras. 147 and 164. (“While past conduct may be relevant to an assessment of whether there are reasonable grounds for regarding the refugee to be a danger to the country in the future, the material consideration is whether there is a prospective danger to the security of the country”).

standard known as “withholding of removal.”<sup>357</sup> But for people who have been convicted of what are regarded as “particularly serious crimes,” withholding is also barred.<sup>358</sup>

In addition to all refugees convicted of aggravated felonies with five-year sentences, some US courts have found that the US attorney general has discretionary authority to send refugees or asylees back to persecution based on the attorney general’s often-unreviewable determination of what constitutes a particularly serious crime.<sup>359</sup>

A final defense against removal for people convicted of particularly serious crimes derives not from the Refugee Convention and Protocol but rather from the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), which prevents the United States from returning anyone without exception to countries where they would more likely than not face torture.<sup>360</sup> The CAT defines torture as severe pain or suffering that is intentionally inflicted by or at the instigation of or with the consent or acquiescence of a public official, or other person acting in an official capacity. CAT withholding or deferral of removal therefore requires that an applicant prove that he or she will “more likely than not” face torture upon return, which must be shown to be severe pain or suffering inflicted by or with the acquiescence of a government official. Though it is an essential protection in international and US law, and people with criminal convictions are eligible to seek CAT relief, it is a very difficult standard to meet, especially without the assistance of an attorney.

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<sup>357</sup> 8 USCS § 1231(b)(3) (2005) INA § 241(b)(3).

<sup>358</sup> 8 U.S.C. Section 1231 (b)(3)(B) (stating, “[A]n alien who has been convicted of an aggravated felony (or felonies) for which the alien has been sentenced to an aggregate term of imprisonment of at least 5 years shall be considered to have been convicted of a particularly serious crime. The previous sentence shall not preclude the Attorney General from determining that, notwithstanding the length of sentence imposed, an alien has been convicted of a particularly serious crime.”). US immigration law’s definition of “aggravated felony” includes a broad range of crimes, including some that are actually not felonies at all. See Human Rights Watch, *Forced Apart*; Human Rights Watch, *Forced Apart (By the Numbers): Non-Citizens Deported Mostly for Nonviolent Offenses* (New York: Human Rights Watch, 2009), <https://www.hrw.org/report/2009/04/15/forced-apart-numbers/non-citizens-deported-mostly-nonviolent-offenses>; Human Rights Watch, *A Price Too High: Detention and Deportation of Immigrants in the US for Minor Drug Offenses* (New York: Human Rights Watch, 2015), <https://www.hrw.org/report/2015/06/16/price-too-high/us-families-torn-apart-deportations-drug-offenses>.

<sup>359</sup> See *In re Y-L*, Immigration & Nationality Laws Administrative Decisions, vol. 23, decision 270, (B.I.A. 2002). The BIA and most courts have found that an offense that is not an “aggravated felony” may be deemed a “particularly serious crime”. See for example, *Matter of N-A-M*, 24 I&N Dec. 336 (BIA 2007), *aff’d*, *N-A-M v. Holder*, 587 F.3d 1052 (10th Cir. 2009), holding that Congress did not intend to limit what offenses may be “particularly serious crimes” to those offenses classified as aggravated felonies.

<sup>360</sup> Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, art. 1., Dec.10 1984, 1465 U.N.T.S. 85, art. 1., 8 C.F.R. § 208.18. See 8 CFR § 208.18.

Overly broad United States interpretation of crimes as “particularly serious” for purposes of barring individuals from asylum and withholding of removal, failure to assess whether the potential deportee poses a risk of dangerousness to the community of the US, and the failure to provide court-appointed legal representatives to people facing deportation on their rights and on the mechanics of due process, has resulted in the US failing to meet its obligations under international law not to return Salvadorans (and others) to countries where they would be under threat of persecution, torture, or other serious harms. In addition to policy changes within the authority of the Departments of Justice and Homeland Security, Congress should amend US law to ensure that criminal bars to asylum and withholding are consistent with international law, that there is greater judicial scrutiny of the application of these bars, and that people facing removal have the right to court-appointed attorneys.

## The United States Eviscerates the Right to Seek Asylum

There is no right to be granted asylum under international law, but there is a right to seek asylum.<sup>361</sup> On its face, US law generally recognizes this right. The law provides that any person “physically present in the United States or who arrives in the United States ... irrespective of such alien’s status, may apply for asylum....”<sup>362</sup>

However, since President Donald Trump’s inauguration, the federal government has nearly eviscerated the right to seek asylum in a relentless series of policy and legal changes. This attack on asylum affects all nationalities, Salvadorans among them. Salvadorans whose claims to asylum have not yet been resolved, and those who may be attempting to travel to the United States to claim asylum from persecution in their home country, face enormous obstacles due to these changes to asylum law and policy.

One of the most sweeping US policies undermining the right to seek asylum in the United States is the Migrant Protection Protocols (MPP), also called the “Remain in Mexico” policy, which have been in place since January 2019. Under this policy, the implementation of which Human Rights Watch has investigated,<sup>363</sup> the US government returns to Mexico

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<sup>361</sup> Universal Declaration of Human Rights, 1948, art. 14.1.

<sup>362</sup> 8 USC Sec. 1158.

<sup>363</sup> Human Rights Watch, *“We Can’t Help You Here”: US Returns of Asylum Seekers to Mexico* (New York: Human Rights Watch, 2019), <https://www.hrw.org/report/2019/07/02/we-cant-help-you-here/us-returns-asylum-seekers-mexico>.

nearly all asylum seekers who have been put into removal proceedings. Since its inception, the program has been implemented at ports of entry and Border Patrol sectors across the southern border, placing asylum seekers at risk of violence, exploitation at the hands of cartels and corrupt officials, and death. Approximately one percent of people returned to Mexico under the program are able to find representation in their court cases,<sup>364</sup> vulnerable populations such as pregnant women, babies, and LGBT individuals have been regularly returned, and our own research shows the program regularly results in family separations.<sup>365</sup>

Although legal challenges continue, the United States Court of Appeals for the Ninth Circuit has allowed this sweeping policy to remain in place.<sup>366</sup> At time of writing, more than 59,000 asylum seekers had been returned to dangerous and unlivable conditions in Mexico, with significant barriers to obtaining legal representation and a fair asylum hearing.<sup>367</sup>

The MPP program is layered on top of a policy that dates back to 2016 (called “metering”), under which United States Customs and Border Protection (CBP) turns back asylum seekers at ports of entry where they are forced to wait in haphazardly operated queues in Mexico, which can cause weeks and months of delay. People affected by these policies often make desperate decisions to attempt to cross the border in dangerous locations. Among these were Óscar Alberto Martínez Ramírez and his daughter Valeria, both from the

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<sup>364</sup> Syracuse University Transactional Records Access Clearinghouse, “Access to Attorneys Difficult for Those Required to Remain In Mexico,” July 29, 2019, <https://trac.syr.edu/whatsnew/email.190729.html> (accessed November 25, 2019).

<sup>365</sup> “US: Family Separation Harming Children, Families,” Human Rights Watch news release, July 11, 2019, <https://www.hrw.org/news/2019/07/11/us-family-separation-harming-children-families>.

<sup>366</sup> Immigrant advocacy groups challenged MPP in the US District Court for the Northern District of California in *Innovation Law Lab v. McAleenan*, No. 19-00807 (N.D. Ca. 2019). The court originally halted MPP and the government appealed to the U.S. Court of Appeals for the Ninth Circuit. The government also moved for a stay of the order during the pendency of the appeal which the Ninth Circuit granted. See *Innovation Law Lab v. McAleenan*, No. 19-15716, U.S. Court of Appeals for the Ninth Circuit, May 7, 2019, <http://cdn.ca9.uscourts.gov/datastore/general/2019/05/07/19-15716%20opinion.pdf>. Thus, MPP remains in effect until the Ninth Circuit reviews the merits of the case.

<sup>367</sup> Michelle Hackman, “At Migrant Camp in Mexico, Crowds and Complaints Swell,” *Wall Street Journal*, November 23, 2019, <https://www.wsj.com/articles/at-migrant-camp-in-mexico-crowds-and-complaints-swell-11574510400> (accessed November 25, 2019); “US Move Puts More Asylum Seekers at Risk: Expanded ‘Remain in Mexico’ Program Undermines Due Process,” Human Rights Watch news release, September 25, 2019, <https://www.hrw.org/news/2019/09/25/us-move-puts-more-asylum-seekers-risk#>.

particularly violent Altavista neighborhood in El Salvador, who both died while trying to cross the Rio Grande in June 2019.<sup>368</sup>

In July 2019, in another change with devastating effect on all people trying to cross the United States-Mexico border to seek protection from persecution, the administration published an interim final rule banning all people, including children, who have traveled through another country first, and did not apply for and get asylum there, from applying for asylum in the United States.<sup>369</sup> This rule (sometimes referred to as “Asylum Ban 2.0”) is a ban of nearly all non-Mexican asylum seekers attempting to enter the US through the southern border. On September 11th, the Supreme Court issued a decision allowing the ban to go into effect while litigation challenging it continues.<sup>370</sup>

In yet another effort to block people from even accessing the United States asylum system, in the summer and fall of 2019, the Trump administration reached agreements with Honduras, El Salvador, and Guatemala that will enable the administration to reject asylum claims from people who first pass through any of these countries.<sup>371</sup> The United States’ Asylum Cooperative Agreement with Guatemala, in particular, raises alarm bells for Salvadorans, since nearly all Salvadoran asylum seekers transit through that country on their northward journey. Few details about these agreements had been released at time of writing; however, what is known about each country’s refugee protection system raises

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<sup>368</sup> Kirk Semple, “I Didn’t Want Them to Go: Salvadoran Family Greives for Father and Daughter Who Drowned,” *New York Times*, June 28, 2019, <https://www.nytimes.com/2019/06/28/world/americas/rio-grande-drowning-father-daughter.html> (accessed October 23, 2019); Sharyn Alfonsi, “You’ve Seen the Image. Now, Hear a Widow Recall How her Husband and Daughter Drowned in the Rio Grande,” *CBS News 60 Minutes*, November 24, 2019, <https://www.cbsnews.com/news/tania-avalos-mother-wife-drowned-migrants-salvador-60-minutes-2019-11-24/>.

<sup>369</sup> See Executive Office for Immigration Review, Department of Justice; U.S. Citizenship and Immigration Services, Department of Homeland Security, “governing asylum claims in the context of aliens who enter or attempt to enter the United States across the southern land border after failing to apply for protection from persecution or torture while in a third country through which they transited en route to the United States,” *US Federal Register*, July 16, 2019, <https://www.federalregister.gov/documents/2019/07/16/2019-15246/asylum-eligibility-and-procedural-modifications>.

<sup>370</sup> *Barr v. East Bay Sanctuary Covenant*, 140 S.Ct. 3 (2019), September 11, 2019, [https://www.supremecourt.gov/opinions/18pdf/19a230\\_k53l.pdf](https://www.supremecourt.gov/opinions/18pdf/19a230_k53l.pdf).

<sup>371</sup> Priscilla Alvarez and Geneva Sands, “US Signs Asylum Deal with Honduras, the Latest in a String of Agreements with Central America,” *CNN*, September 25, 2019, <https://www.cnn.com/2019/09/25/politics/united-states-honduras-asylum-agreement/index.html> (accessed November 25, 2019); Priscilla Alvarez and Geneva Sands, “US Signs Asylum Agreement with Guatemala,” *CNN*, July 26, 2019, <https://www.cnn.com/2019/07/26/politics/guatemala-us-immigration/index.html> (accessed November 25, 2019); Geneva Sands, “Deal Could Allow the US to Send Some Asylum Seekers Back to El Salvador,” *CNN*, September 20, 2019, <https://www.cnn.com/2019/09/20/politics/asylum-us-el-salvador/index.html> (accessed November 25, 2019).

serious doubts about their ability to handle large numbers of asylum claims and offer effective protection.<sup>372</sup>

Each of these changes are layered upon other, earlier policy shifts engineered to create a harsh and punishing response to arriving asylum seekers. In 2017, then-Attorney General Jeff Sessions introduced a "zero-tolerance" policy, which required that all migrants arriving between ports of entry, including asylum seekers, be prosecuted for the federal crimes of illegal entry or reentry. What resulted was the mass, systemic separation of families, as parents were prosecuted and children were ripped away from them to be taken into separate custody, causing irreversible, life-long trauma to over 5,400 children,<sup>373</sup> including all but one of the Salvadoran children interviewed for this report. Subsequently revealed internal government memos show that this policy was explicitly intended to serve as a deterrence mechanism for asylum seekers.<sup>374</sup> Despite the official end to family separation in June 2018,<sup>375</sup> many separations are still happening,<sup>376</sup> and the "zero-tolerance" memo was still in place, at time of writing.

Other changes have attempted to narrow the definitions United States immigration judges use to determine who merits asylum. In 2019, US Attorney General William Barr reversed a case, *Matter of L-E-A*<sup>377</sup>, limiting and in some cases eliminating the possibility of even presenting a claim for asylum for individuals who are fleeing harm on the basis of their

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<sup>372</sup> See, for example, "Human Rights Watch Submits Comment in Opposition to the Asylum Eligibility and Procedural Modifications Interim Final Rule," Human Rights Watch news release, August 15, 2019, <https://www.hrw.org/news/2019/08/15/human-rights-watch-submits-comment-opposition-asylum-eligibility-and-procedural> (accessed January 13, 2020); Eleanor Acer, "Safe Third Country Agreement with Guatemala Would Endanger, not Protect Refugees," Human Rights First, June 14, 2019, <https://www.humanrightsfirst.org/press-release/safe-third-country-agreement-guatemala-would-endanger-not-protect-refugees> (accessed January 13, 2020).

<sup>373</sup> Chantal da Silva, "More Than 5,400 Children Were Separated from Their Parents by the Trump Administration, 'Shocking' New Tally Shows," *Newsweek*, October 25, 2019, <https://www.newsweek.com/trump-administration-family-separation-policy-aclu-1467715> (accessed November 25, 2019).

<sup>374</sup> Cora Currier, "Prosecuting Parents—and Separating Families—Was Meant to Deter Migration, Signed Memo Confirms," *The Intercept*, September 25, 2018, <https://theintercept.com/2018/09/25/family-separation-border-crossings-zero-tolerance/> (accessed January 13, 2020).

<sup>375</sup> Executive Order of the President of the United States, "Affording Congress the Opportunity to Address Family Separation," June 20, 2018, <https://www.whitehouse.gov/presidential-actions/affording-congress-opportunity-address-family-separation/> (accessed January 13, 2020).

<sup>376</sup> "US: Family Separation Harming Children, Families," Human Rights Watch news release, July 11, 2019, <https://www.hrw.org/news/2019/07/11/us-family-separation-harming-children-families>; Miriam Jordan, "No More Family Separations, Except These 900," *New York Times*, July 30, 2019, <https://www.nytimes.com/2019/07/30/us/migrant-family-separations.html> (accessed January 13, 2020).

<sup>377</sup> 27 I&N Dec. 40 (BIA 2017).

membership in a particular family. This decision holds dire consequences for many asylum seekers, including several of the Salvadoran individuals and their family members whose cases are documented in this report. Also, in 2018, then-Attorney General Sessions issued *Matter of A-B*<sup>378</sup>, effectively limiting the availability of asylum to most individuals fleeing gender-based violence or violence at the hands of gangs—each of which is often central to the fears of harm that prompt people from El Salvador to flee to the United States.<sup>379</sup>

Former Attorney General Sessions took this decision despite caselaw in the United States clearly establishing, for decades, that gang violence and gender-based violence can constitute persecution under international refugee law.<sup>380</sup> This established legal understanding is shared by UNHCR, the United Nations refugee agency, which has concluded that people fleeing gang and gender-based violence, as well as forced recruitment by gangs, may have valid persecution claims under the Refugee Convention.<sup>381</sup> Beyond that, his decision failed to evidence awareness of the state’s absence and inability or unwillingness to protect, as well as its role in active persecution, as root causes of gender-based and gang violence.

In February 2017, United States Citizenship and Immigration Services (USCIS) raised the threshold for demonstrating credible fear in the first stage of the asylum process. This new guideline ordered asylum officers to be stricter in assessing claims of fear made during

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<sup>378</sup> 27 I&N Dec. 316 (A.G. 2018).

<sup>379</sup> See *In Matter of E-F-H-L*, Sessions certified to himself and then overturned a third BIA decision, eviscerating the rights of asylum seekers to testify on their own behalf before they can be denied asylum and/or deported. 27 I&N Dec. 226 (A.G. 2018).

<sup>380</sup> See *Matter of A-R-C-G-*, 26 I&N Dec. 338 (BIA 2014) (establishing domestic violence survivors as a “particular social group” under US asylum law in certain cases); and USCIS, “Notification of *Ramos v. Holder*: Former Gang Membership as a Potential Particular Social Group in the Seventh Circuit,” March 2, 2010, <https://www.uscis.gov/sites/default/files/USCIS/Laws/Memoranda/2010/Asylum-Ramos-Div-2-mar-2010.pdf> (discussing Circuit Court precedent in which gang membership is considered to be a “particular social group” under US asylum law in certain cases).

<sup>381</sup> United Nations High Commissioner for Refugees, Brief of the United Nations High Commissioner for Refugees before the United States Court of Appeals for the First Circuit in the case *O.L.B.D., petitioner, v. William P. Barr, Attorney General, respondent*, March 11, 2019, <https://www.refworld.org/docid/5c8924454.html> (accessed October 23, 2019); United Nations High Commissioner for Refugees, Eligibility Guidelines for Assessing the International Protection Needs of Asylum-Seekers from El Salvador, March 15, 2016, <https://www.refworld.org/docid/56e706e94.html> (accessed October 23, 2019).

“credible fear interviews,” the threshold interview that is required before an affirmative asylum seeker is allowed to present their claim to an immigration judge.<sup>382</sup>

Each of these policy changes on its own represents a significant erosion of the right to seek asylum in the United States. Taken together, the US is violating the rights of hundreds of asylum seekers on a daily basis. One proposed bill before Congress, the Refugee Protection Act of 2019, would make important strides towards reversing these, and other, harmful policies.<sup>383</sup>

## US Law Fails to Adequately Value Long-Term Connections to US<sup>384</sup>

Salvadorans (and immigrants of other nationalities in similar situations) who have lived in the United States for many years in an unauthorized status, as legal permanent residents, or as TPS or DACA beneficiaries often have developed and/or deepened family and other ties to the United States. Under current US law these ties are often not weighed at all before deportation.<sup>385</sup> This is despite the fact that the UN Human Rights Committee (HRC), the expert body that interprets and monitors state party compliance with the International Covenant on Civil and Political Rights (ICCPR), has explicitly stated that the right to family unity entails limits on states’ power to regulate immigration.<sup>386</sup> Though it has not always ruled in favor of migrants seeking to defend against their deportations, the HRC jurisprudence establishes that any interference with a person’s family caused by deportation is “arbitrary” if the state fails to weigh that human rights impact in the balance against its own interests in deporting the person.<sup>387</sup> Moreover, the UN special rapporteur

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<sup>382</sup> United States Citizenship and Immigration Services, “Credible Fear and Torture Determinations and Reasonable Fear and Torture Determinations,” USCIS Memorandum, February 13, 2017, [https://drive.google.com/file/d/oB\\_6gbFPjVDoxYoFCczROOFZ4SVk/edit](https://drive.google.com/file/d/oB_6gbFPjVDoxYoFCczROOFZ4SVk/edit) (accessed January 13, 2019).

<sup>383</sup> See “Leahy & Lofgren Introduce Bicameral Refugee Protection Act of 2019,” November 21, 2019, <https://lofgren.house.gov/media/press-releases/leahy-lofgren-introduce-bicameral-refugee-protection-act-2019> (accessed November 26, 2019).

<sup>384</sup> For further discussion of the legal arguments presented in this section, see Human Rights Watch, *The Deported: Immigrants Uprooted from the Country They Call Home* (New York: Human Rights Watch, 2017), <https://www.hrw.org/report/2017/12/05/deported/immigrants-uprooted-country-they-call-home#5de4cc>; Human Rights Watch, *A Price Too High*; Human Rights Watch, *Forced Apart*; Human Rights Watch, *Forced Apart (By the Numbers)*.

<sup>385</sup> This is true except under highly limited circumstances where removal would result in “extremely unusual hardship” to the US citizen or lawful permanent resident child, spouse, or parent of the otherwise deportable person who has lived in the US for ten or more years and maintained good moral character. See Immigration and Nationality Act § 240A(b)(1).

<sup>386</sup> United Nations Human Rights Committee, General Comment No. 15, paras. 5 and 7.

<sup>387</sup> See, for example, *Madaferri v. Australia*, Communication No. 1011/2001, UN Doc CCPR/C/81/D/1011/2001 (2004). See also, *Husseini v. Denmark*, Communication No. 2243/2013, UN Doc CCPR/C/112/D/2243/2013 (2014); *MGC v. Australia*, Communication No. 1875/2009, UN Doc CCPR/C/113/D/1875/2009 (2015).

on the rights of non-citizens has stated, “[D]eportation is justified only if the interference with family life is not excessive compared to the public interest to be protected.”<sup>388</sup> Even without strong family ties, an unauthorized immigrant develops stronger ties to the country of immigration over time. Children brought as unauthorized immigrants to the US at a very young age often have no ties at all to their country of origin, other than birth, yet are subject to deportation without consideration of their ties to the US.

There is no recognized human right to immigrate to another country and obtain legal status, and states enjoy considerable leeway to remove non-citizens from their territory—particularly those who are present unlawfully.<sup>389</sup> But this discretion is not unlimited, and the US should ensure its immigration policies meet its obligations under international human rights law. In particular, US law should take into account the often profound human rights impacts and other hardships of deportation, and weigh those in the balance against its interest in deporting a person.

Article 12(4) of the International Covenant on Civil and Political Rights (ICCPR) requires that “no one shall be arbitrarily deprived of the right to enter his own country,” and the Human Rights Committee has found that the definition of “one’s own country” is broader than the concept of a person’s country of nationality.<sup>390</sup> In two cases involving people who were brought to Australia and Canada from other countries as young children, the Committee found a violation of article 12(4) where the state sought to deport those individuals later on in life.<sup>391</sup> These cases are closely analogous to the situation of DACA beneficiaries and, in some cases, TPS beneficiaries as well.

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<sup>388</sup> United Nations Office of the High Commissioner for Human Rights (OHCHR), *The Rights of Non-Citizens*, 2006, HR/PUB/06/11, <http://www.refworld.org/docid/46ceabb22.html> (accessed December 3, 2017).

<sup>389</sup> Article 13 of the International Covenant on Civil and Political Rights (ICCPR) provides that non-citizens “lawfully present in the territory of a state party” may be only be expelled pursuant to a decision made “in accordance with law,” and that the person in question should have the opportunity to have their case reviewed before some “competent authority or a person or persons especially designated by the competent authority.” Article 13 explicitly allows a limited exception to these obligations where “compelling reasons of national security otherwise require,” and excludes from its scope all immigrants who articulate no claim that their presence on the state party’s territory is “lawful.” International Covenant on Civil and Political Rights (ICCPR), adopted December 16, 1966, G.A. Res. 2200A (XXI), 21 U.N. GAOR Supp. (No. 16) at 52, U.N. Doc. A/6316 (1966). 999 U.N.T.S. 171, entered into force March 23, 1976. The United States ratified the ICCPR in 1992.

<sup>390</sup> UN Human Rights Committee, General Comment No. 27, Freedom of Movement (art. 12), U.N. Doc. CCPR/C/21/Rev.1/Add.9 (1999), Para. 20.

<sup>391</sup> UN Human Rights Committee, *Nystrom v. Australia*, Communication No. 1557/07, U.N. Doc CCPR/C/102/D/1557/2007; UN Human Rights Committee, *Warsame v. Canada*, Communication No. 1959/10, U.N. Doc CCPR/C/102/D/1959/2010 (2011).

Instead of requiring deportation of almost any immigrant without legal status, including those who have lived in the country for many years, US law should be changed to uphold these rights to family unity and to enter one’s own country, among others. One way to recognize these rights is to weigh them before deporting someone from the United States. Another is to implement a fair and inclusive legalization program that provides legal status for certain qualifying unauthorized immigrants in the US—including those who previously qualified for and had a prolonged temporary legal status—who meet a clearly defined set of criteria, and that aims to integrate those with strong family and community ties to the US.

## US Law Should Protect People at Risk of Serious Harm Who Do Not Qualify for Asylum

In addition to all the limitations to the right to seek asylum and to be protected from return to persecution outlined above, Human Rights Watch notes two additional gaps in US law governing who should be protected from return to harm: first, US law fails to meet US treaty obligations not to return people to places where they would be at real risk of facing cruel, inhuman, or degrading treatment or punishment; second, US law fails to protect from deportation newly arriving asylum seekers who are fleeing situations of indiscriminate violence or other exceptional circumstances that would threaten their lives or personal security.

On the first gap, the United States has rejected any obligation to prevent people from being returned to face the risk of cruel, inhuman, or degrading treatment or punishment that does not rise to the level of torture, in contravention of the requirements of the Convention against Torture. In the case *In re J-E-*, the US Board of Immigration Appeals dismissed the appeal of a Haitian man who showed that he would most likely be subjected to inhuman and degrading treatment upon return, saying, “we find that the respondent has failed to establish that these severe instances of mistreatment are so pervasive as to establish a probability that a person detained in a Haitian prison will be subject to torture, as opposed to other acts of cruel, inhuman, or degrading punishment or treatment.”<sup>392</sup>

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<sup>392</sup> 23 I&N Dec. 291 (BIA 2000).

This interpretation is inconsistent with the United States' obligation under the International Covenant on Civil and Political Rights (ICCPR).<sup>393</sup> The UN Human Rights Committee, the expert body that interprets and assesses state compliance with the ICCPR, has stated that, "States parties must not expose individuals to the danger of torture or cruel, inhuman or degrading treatment or punishment upon return to another country by way of their extradition, expulsion or refoulement."<sup>394</sup>

On the second gap in US law, countries around the world receiving migrants conduct a two-pronged assessment when considering a claim for protection against deportation.<sup>395</sup> First, they examine claims using the international refugee definition from the Refugee Convention: a well-founded fear of being persecuted on account of race, religion, nationality, membership of a particular social group, or political opinion. But they also assess in the same individualized interview whether an asylum seeker who does not meet this definition can also be recognized as qualifying for a complementary status as a protected person if they can establish that, if returned, they would face a real risk of serious harm for reasons other than a fear of being persecuted. This type of "complementary protection" provides a safety net for those people who still face extreme risks.

Human Rights Watch recommends that US law be amended to ensure protection from deportation for people who would face serious threats to life or physical integrity if returned to their countries because of a real risk of violence or in exceptional situations, such as natural or human-made disasters, including from the effects of climate change, for which there is no adequate domestic remedy. As this report has shown, this is important for those Salvadorans who might not meet the high persecution or torture standard but who nevertheless would be at real risk of death or serious bodily injury if returned. It is

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<sup>393</sup> GA res. 2200A (XXI), 21 UN GAOR Supp. (No. 16) at 52, UN Doc. A/6316 (1966); 999 UNTS 171; 6 ILM 368 (1967).

<sup>394</sup> UN Human Rights Committee (HRC), CCPR General Comment No. 20: art. 7 (Prohibition of Torture, or Other Cruel, Inhuman or Degrading Treatment or Punishment), March 10, 1992, <https://www.refworld.org/docid/453883fbo.html> (accessed November 24, 2019).

<sup>395</sup> They include all European Union (EU) member states, Albania, Australia, Bosnia, Canada, Finland, Macedonia, Mexico, Montenegro, New Zealand, Norway, Serbia, South Africa, South Korea, Switzerland, Turkey, and Ukraine. Bill Frelick, "What's Wrong with Temporary Protected Status and How to Fix It: Exploring a Complementary Protection Regime," *Journal of Migration and Human Security* (forthcoming).

also important for individuals of any nationality who would face a real risk of serious harm after deportation from the United States.

## Medium and Long-Term Recommendations

### To the US Congress

- Enact legislation that codifies into domestic law the international legal obligations of the United States by passing the Refugee Protection Act of 2019 or similar legislation that:
  - Realigns the definition of terms in US law like “particular social group” to international standards;
  - Clarifies that transit through a third country shall not be grounds for discretionary denial of asylum;
  - Provides that asylum officers, with training in asylum law and non-adversarial interviewing techniques, have initial jurisdiction over all asylum claims;
  - Ends federal criminal prosecution, such as the “zero tolerance policy,” for asylum seekers;
  - Ensures access to counsel for all persons in immigration detention and border facilities and provides counsel for certain particularly vulnerable populations;
  - Creates a presumption of release from detention for all asylum seekers.
- Enact legislation that enables access to fair asylum determination proceedings in the United States by: 1) Rescinding the Migrant Protection Protocols (MPP) with retroactive effect. For individuals already in the MPP program, ensure that each has access to full and fair asylum proceedings under US law by paroling them into the United States and enrolling them in community-supported release programs that will ensure their appearance for immigration proceedings and provide support for them while their claims are pending; 2) Providing a right to readjudication for those deported to El Salvador under the Trump administration; and 3) Ending metering of asylum claims.
- Also, in order to provide access to fair asylum determination proceedings in the United States, enact legislation to eliminate expedited removal from US law. Until such legislation is adopted, while expedited removal remains in place: 1) Provide sufficient resources to the United States Citizenship and Immigration Services (USCIS) for additional asylum officers; 2) Allow the USCIS to conduct

timely in-person “credible fear” and “reasonable fear” screening interviews and address backlogs, without creating delays for affirmative asylum interviews or for USCIS interviews in the overseas US refugee admissions program; 3) Ensure that USCIS has adequate training and supervision; 4) Expand the grounds of qualification for parole.

- Protect and safeguard the independence and impartiality of the immigration court system by adopting a law creating an independent immigration court system in the form of an Article I court, modeled after the US Bankruptcy Court.
- Enact the New Way Forward Act of 2019 or similar legislation that improves due process for all immigrants by:
  - Ending near-mandatory deportation for people with criminal convictions and ending expedited deportation proceedings;
  - Restoring discretion to immigration judges to grant relief to those otherwise barred by criminal records or certain conduct if it would serve humanitarian purposes, to assure family unity, or in the public interest;
  - Reducing unnecessary detention by adopting a presumption of liberty for immigrants during deportation proceedings;
  - Repealing laws making illegal entry and reentry federal criminal offenses, rather than simply civil offenses to be addressed in an administrative court.
- Enact legislation providing “complementary protection” from removal to people outside their country and subject to the jurisdiction of the United States who would face serious threats to life or physical integrity if returned to their countries because of a real risk of violence or exceptional situations, such as natural or human-made disasters, including from the effects of climate change, for which there is no adequate domestic remedy.

## To Congress and the Executive Branch

- The Attorney General should withdraw or Congress should rescind through legislation the Attorney General decisions that overruled Board of Immigration Appeals (BIA) decisions *Matter of AB* and *Matter of L-E-A*- narrowing gender, gang-related, and family-based grounds for asylum.
- Ensure that US funding for Mexican border and immigration enforcement capacity includes funding:

- To improve and expand Mexico's capacity to register and process refugee and other protection claims;
- To increase Mexico's capacity to provide social support for asylum seekers with pending claims and for other vulnerable migrants; and
- To integrate recognized refugees and beneficiaries of complementary protection.
- Direct US foreign assistance to El Salvador and other countries in the region to initiatives designed to enhance due process, accountability, and equitable economic development, and support critical efforts to promote human rights, tackle corruption, strengthen the rule of law, reintegrate Salvadorans who repatriate, and provide trauma-informed care to Salvadorans.
- End political pressure and US funding to El Salvador and other countries in the region for border security or immigration enforcement that has the purpose or effect of infringing on the right to leave one's own country, the right to seek asylum from persecution in other countries, or in any other way violates fundamental human rights.

## **To the US Department of Justice**

- Reduce barriers to due process and backlog in the immigration court system, including by restoring the ability of immigration judges to close cases administratively and funding court-appointed counsel for removal proceedings.
- End reliance on gang databases as an indicator of gang membership for arrests and detention decisions without a criminal conviction evidencing gang membership and warranting detention for removal purposes.

## **To the Attorney General of the United States**

- Issue a new opinion reverting to the pre-2018 definition of a “particular social group” and recognizing that certain individuals (including those of Salvadoran nationality) may possess a well-founded fear of persecution and/or a need for complementary protection from removal due to factors that include long term residence in the United States, neighborhood of origin, tattoos, sexual violence, and all forms of intimate partner violence.

## To the Immigration and Customs Enforcement Agency

- Grant parole to people in expedited removal who have established a credible fear.
- End all unnecessary immigration detention. In instances in which detention is warranted based on flight risk or danger demonstrated by the government to an immigration judge and regularly reviewed, locate immigration detainees in areas more accessible to families, lawyers, and community support.
- Promulgate a new policy allowing individuals in immigration detention to access tattoo removal at their own (or at charitable organizations') expense, without extending the period of detention for such individuals.

## To the Government of El Salvador

- Conduct prompt, thorough, and impartial investigations into allegations of killings and other abuses committed by gang members, including into their possible links to authorities.
- Collect accurate data about victims and perpetrators of crime who are also returned migrants.
- Train police and law enforcement not to make assumptions that individuals have committed a crime or belong to a gang based on reasons such as being a deportee or having tattoos.
- Conduct prompt, thorough, and impartial investigations into allegations of abuses committed by authorities and security forces and remove them from their official duties that relate to contact with the public until their cases are resolved.
- Invest in the justice system, particularly around gender equity and inclusion, investigation capacity, and addressing state corruption and gender-based violence.
- Enhance the government's ability to provide trauma-informed care to victims of crime and human rights abuse.
- Enhance the government's reception and re-integration capacity for Salvadorans who repatriate.

- Ensure Consular staff in the United States are monitoring abuses experienced at the hands of immigration enforcement and border protection personnel and submit complaints with individuals' consent.

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## DEPORTED TO DANGER

### United States Deportation Policies Expose Salvadorans to Death and Abuse

The US is deporting Salvadorans to death and abuse. *Deported to Danger* identifies 138 cases of Salvadorans who, since 2013, were killed after deportation from the United States and more than 70 others who were beaten, sexually assaulted, extorted, or tortured.

People deported to El Salvador are sometimes targeted by the same abusers they originally fled—such as gangs or former intimate partners—or are targeted for reasons, such as their status as a deportee, their neighborhood of origin, or perceived wealth, that US government officials should take into account when deciding their eligibility for asylum or other protection from deportation.

US authorities should strengthen, not further weaken, asylum protections, ensuring that all asylum-seekers receive dignified treatment via procedures that ensure full and fair consideration of their claims. Human Rights Watch also urges the United States to take a step further and offer “complementary protection” to anyone, including Salvadorans, facing a real risk of serious harm upon return. Instead of closing the door on Salvadorans and others fleeing their homelands, the US should ensure their protection.

*(above) People gather at the scene of a shooting in downtown San Salvador on September 29, 2018.*

*(front cover) A newly-arrived Salvadoran deportee from the United States waits for an interview with Salvadoran authorities at a reception center on September 28, 2018.*

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