Public Security Policy in El Salvador During the Presidency of Nayib Bukele (2017–2019)

Política de seguridad pública en El Salvador durante la presidencia de Nayib Bukele (2019–2021)

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ABSTRACT

The purpose of this article is to analyze the public security policy of President Nayib Bukele in the years 2019–2021. The main objective of the author is to present the guidelines of the President's plan to fight crime as well as to analyze the measures taken and assess their effectiveness in comparison with the public security strategies implemented by his predecessors in the period from 2003 to 2019. The article consists of three parts. In the first, the author synthetically characterizes gangs as the major threat to public security in El Salvador. In the second, he outlines the public security policy in El Salvador from 2003 to 2019. He focuses on the changing perception of threats and changes in the law, as well as the mechanisms and consequences of the security militarization process. In the third part of the text, the author analyzes President Bukele's plan to fight the maras, both in terms of his declared statements and on a practical level. He focuses on identifying and exposing the changes and continuity in the public security policy implemented in El Salvador since 2003.

KEYWORDS: *policy, public safety, crime, maras, El Salvador.*

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RESUMEN

El propósito de este artículo es analizar la política de seguridad pública del presidente Nayib Bukele en los años 2019–2021. El objetivo principal del autor es presentar los ejes del plan del presidente en materia de lucha contra la delincuencia, así como analizar las medidas adoptadas y evaluar su eficacia en comparación con las estrategias de seguridad pública implementadas por sus predecesores en el período 2003–2019. El artículo consta de tres partes. En la primera, el autor caracteriza sintéticamente a las pandillas como la principal amenaza a la seguridad pública en El Salvador. En la segunda, describe la política de seguridad pública en El Salvador desde 2003 hasta 2019. Se centra en la percepción cambiante de las amenazas y los cambios en la ley, así como en los mecanismos y consecuencias del proceso de militarización de la seguridad. En la tercera parte del texto, el autor analiza el plan de lucha contra las maras propuesto por el presidente Bukele, tanto en sus declaraciones como a nivel práctico. El autor se centra en identificar y exponer los cambios y la continuidad de la política de seguridad pública implementada en El Salvador desde 2003.

PALABRAS CLAVE: *política, seguridad ciudadana, delincuencia, maras, El Salvador.*

Introduction

For decades, El Salvador has been one of the most dangerous countries in the world. Since the signing of the Peace Accords in 1992, the country has essentially been functioning under conditions of endemic criminal violence, manifested primarily in the appalling number of homicides committed each year. Although the intensity of violence in the post-war period has fluctuated – there have been short periods of relative calm and longer periods of particularly intense violence –, for years El Salvador has topped the rankings of the most dangerous countries in the world, and the capital, San Salvador, has been among the most dangerous cities in the world. The high level of violence in the last decade of the 20th century and the 21st century, which constantly devastates society, the state, and the economy, is primarily the result of the activity and rivalry of criminal organizations – gangs called *maras*, as well as the violent confrontation between gangs and successive governments, which for nearly 30 years have consistently pursued extremely repressive strategies based on armed forces as part of their public security policy.

In 1992, the end of the civil war created an opportunity to redefine the doctrine and concept of security as well as the roles of various institutions responsible for its maintenance. In times of democracy and peace, public security is defined in terms of "citizen security" (seguridad ciudadana) understood as the protection of the lives and physical integrity as well as the property of all citizens from crime with the help of available institutions and means while respecting human rights. The Peace Accords and the constitution clearly separated public security from defense and national security, placing both spheres

under separate civilian ministries. At present, the ministry responsible for combating crime and reducing violence is the Ministry of Justice and Public Security (Ministerio de Justicia y Seguridad Pública), to which the National Civil Police (Policía Nacional Civil) reports. The mission of the armed forces, which report to the Ministry of National Defense (Ministerio de la Defensa Nacional), has been restricted to tasks related to the defense of sovereignty and territorial integrity. Politicians, aware of the inefficiencies of the newly created civilian police force, have established mechanisms that allow the use of the armed forces in the area of security and public order in exceptional situations as a temporary and emergency measure. In a continuous security crisis, the temporary measures quickly turned into permanent ones.

The purpose of this article is to analyze the public security policy of President Nayib Bukele in the years 2019–2021. The main objective of the author is to present the guidelines of the President's plan to fight crime as well as to analyze the measures taken and assess their effectiveness in comparison with the public security strategies implemented by his predecessors in the period from 2003 to 2019. To examine public security policy in El Salvador after 2019, the author formulates two research hypotheses: 1) the public security policy implemented from 2019 onwards by President Bukele, contrary to the declared changes, is in line with the previous model of combating crime in El Salvador – it remains highly militarized and is based on state terror legalized by the authorities; 2) the decrease in the homicide rate in El Salvador in 2020 is not a direct consequence of the implemented security policy, despite what the authorities claim, but is rather a consequence of the gangs' decisions to temporarily reduce violence.

Nayib Bukele's strategy to combat gangs will be presented against a broader historical and political background and inserted into an analysis of post-war public security policy in El Salvador. The article consists of three parts. In the first, the author synthetically characterizes gangs as the major threat to public security in El Salvador. In the second, he outlines the public security policy in this country from 2003 to 2019. He focuses on the changing perception of threats and changes in the law, as well as the mechanisms and consequences of the security militarization process during the presidential administrations stemming from the Nationalist Republican Alliance (Alianza Republicana Nacionalista, ARENA) and the Farabundo Martí National Liberation Front (Frente Farabundo Martí para la Liberación Nacional, FMLN). In the third part of the text, the author analyzes President Nayib Bukele's plan to fight the *maras*, both in terms of his declared statements and on a practical level. He focuses on identifying and exposing the changes and continuity in the public security policy implemented in El Salvador since 2003.

Nayib Bukele became president of El Salvador in June 2019, which means that he is now halfway through his term. On this occasion, it is worth taking a look at the actions he has undertaken in the sphere of public security policy to confront his electoral declarations with the political practice, as well as to

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estimate the benefits and drawbacks resulting from the implementation of the security plan. The topic addressed in the article is extremely recent, so there is basically no academic research analyzing the public security policy in El Salvador after 2019. The article can therefore fill the knowledge gap on this subject. On the other hand, there is rich scholarly literature on public security policy in Central America and El Salvador up to 2018. A significant number of resources focus on the militarization of public security in the states of the region, including El Salvador in the post-war period, security system reforms with a particular focus on changes in the police force, the issue of penal populism, and human rights in the context of security. This article reviews relevant literature, revealing the trends and specificities of public security policy in El Salvador between 1992 and 2018, and uses rich source material such as reports produced by non-governmental organizations and think tanks, as well as press publications containing contributions from experts and politicians.

Gangs as a major security threat in El Salvador

In El Salvador (but also in Honduras and Guatemala) high rates of crime and criminal violence, mainly homicides, are usually explained by the growing activity and rivalry of gangs. Gangs, better known as *maras*, are criminal groups of young people, usually aged 5 to 35, sharing a common identity manifested through name, symbols (tattoos, clothing, graffiti), and rituals, who seize control over a particular territory and jointly perform acts prohibited by law (Garcia Bravo, 2013, p. 12; Klein, Weerman &Thornbery, 2006, p. 418; Goubaud, 2008, p. 36). It has been estimated that as many as 100,000 people were active in the ranks of these organizations in Central America in the second decade of the 21st century, between 30,000 and 60,000 of them in El Salvador alone, a figure representing between 0.5 and 1 percent of the population (Munaiz, 2013; García, 2021). Police data from 2015 report exactly 35,646 *pandilleros*. An additional 500 thousand or so are assumed to have some degree of affiliation with gangs (family members and sympathizers) (Martínez-Reyes & Navarro-Pérez, 2019, pp. 4–5).

Without delving too deeply into the subject of *maras*, which may constitute a separate research problem, it is worthwhile to highlight several interrelated factors that act as catalysts for the development of criminal organizations of this type in El Salvador (and Central America as a whole): unemployment and poverty, social inequality, exclusion, unequal access to education, and easy access to weapons (Rodgers, Muggah & Stevenson, 2009, p. 5). Among the external factors accelerating the growth and radicalization of Central American gangs, the mass deportation of criminals from the United States to their countries of origin should be pointed out first and foremost. Between 1998 and 2010, under the Illegal Immigration Reform and Immigrant Responsibility Act, 9,700 Salvadorans convicted in the United States, members of the

California gangs MS-13 and Barrio 18, returned to the country, a situation for which the vulnerable Salvadoran state was not prepared (Rodgers, Muggah & Stevenson, 2009, pp. 7–8).

Many gangs are operating in El Salvador, but two are certainly considered the most prominent: Mara Salvatrucha (MS-13) and Barrio 18. Other criminal groups, such as Mara Máquina, Mao-Mao, and Mirada Locos are much less organized, have no national presence, and are definitely less powerful. The two main gangs operating in El Salvador have a network organizational structure that is based, in the case of MS-13, on 96 *programas* made up of about 360 *clicas*, and in the case of Barrio 18, on about 35 *tribus* made up of about 200 *clicas* (Martínez-Reyes & Navarro-Pérez, 2019, p. 5; Farah & Babineau, 2017, p. 59; Dudley, 2015). Their main source of livelihood comes from the tributes that must be paid by all residents and those working in the neighborhood controlled by a given gang, as well as fees for contract killings and money from the sale of weapons and drugs. By taking control of large areas in the cities and provinces (today it covers about 81% of the country's territory), terrorizing the population through extortion and assassinations, arson of public transportation, as well as by carrying out premeditated assassinations of state officials – police officers, military officers and prosecutors, gangs generate insecurity and a state of the constant threat that significantly affects the living conditions of citizens, while simultaneously challenging the internal security system (Martínez-Reyes, A., Navarro-Pérez, 2021, p. 132).

Public security policies during the ARENA and FMLN governments

After 1992, i.e. after the end of the internal armed conflict, all successive Salvadoran presidents, representing both the right-wing ARENA and the left-wing FMLN, pursued a public security policy that can be described as a "hardline policy" underpinned by penal populism, characterized by mass arrests, harsher punishments for gang members as well as the systematic militarization of the security system and legitimization of unlawful operations carried out by police institutions and the armed forces.

Analyzing the public security policy in El Salvador in the 1990s and the first two decades of the 21st century, one can conclude that it was created mainly based on public opinion expectations. A. Martínez-Reyes and J. Navarro-Pérez point out that in weak states with a serious degree of dysfunctionality, the electoral calendar is an important factor that influences the final form of public policy (2019, p. 3). Public policy in such states is no longer formulated by experts, following consultations with different communities and specialists, instead, it is created at rallies, under the demands of an agitated public, under the influence of emotions, and on the basis of expressive speeches by political leaders. Anthony Bottoms argues that political elites in Latin Ameri-

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can countries have succumbed to public expectations and adopted a populist attitude toward penal policy. He refers to this as "penal populism" (De la Torre & Álvarez, 2011, p. 42). This means that politicians introduce solutions in the field of public security policy that primarily gain them popularity and votes in elections, but do not necessarily serve to effectively solve the problem and actually increase the level of security.

Penal populism in El Salvador appeared in several ways and at different stages of security policy and strategy making. First of all, it was strongly present in media and political discourse, especially during periods of electoral campaigns. The correct diagnosis of the factors that generate crime and the proper identification and prioritization of threats are fundamental to the quality and effectiveness of public security policies. In El Salvador, the enemy and the image of security threats have been largely created by political elites. A perfect illustration of this phenomenon is the activity of presidents Flores and Saca, who managed to create and impose on society the discourse of "one enemy" and personify all threats in the person of the *pandillero*, whose characteristic appearance (clothing, tattoos) made it easy to point out and stigmatize. Politicians began to use war metaphors in public speeches, and the media eagerly picked up on them. In newspaper articles, *mareros* were compared by politicians, journalists, and commentators to "garbage that should be thrown in the trash," or a "cancer" that affects society and that must be removed, even if "it involves removing some healthy tissue." (Marroquín Parducci, 2007). Politicians called explicitly for a "war against crime" and called for a "fight against gangs," advocating radical action. They attributed most of the homicides – 75% – committed in El Salvador to the *maras*, which was not true, since even official police statistics held the gangs responsible for 30.6% of homicides, and according to data presented by forensic centers, the responsibility of the gangs for homicides was even lower at the time, hovering around 10% (Aguilar, 2019, p. 24). Politicians deftly attributed brutal murders of women (decapitations) to the *mareros*, creating a sense of even greater danger in society. It is worth noting that President Flores initiated the hardline policy in 2003, exactly one year before the end of his term, in order to increase ARENA's chances of winning the upcoming elections, after his party's defeat in the 2003 parliamentary and regional elections. The distortion of the real picture certainly influenced public perception of threats and translated into greater support for hardline policies. This is amply demonstrated by public opinion polls. In 2002, 2003 and 2004, for Salvadorans the main problem was not gangs but unemployment (25.9%, 21.6%, 25.8% respectively). In a very short period of time, the ARENA party managed to place gangs at the center of the public debate and portray them as the main threat to public safety in El Salvador. In 2005, it was gangs that became the biggest problem for Salvadorans (25.5%), pushing unemployment to second place (17.6%) (Martínez-Reyes & Navarro-Pérez, 2021, p. 133).

The ideas put forward by the governments of Francisco Flores and Antonio Saca were widely criticized by the opposing FMLN as populist, based on

extralegal actions, and carrying a serious risk of human rights violations. In the 2009 campaign, the FMLN candidate and future president Mauricio Funes, correctly perceiving the social discontent resulting from the ineffectiveness of the hardline policy (an increase in homicides), announced a new approach to the problem. The policy was to be more coherent and include, in addition to repression, control, and prevention, also elements of reintegration and rehabilitation as well as legal changes. In 2010, the party even submitted an official document outlining the new security policy, which differed from previous public security strategies. Nevertheless, soon afterwards President Mauricio Funes, faced with an increase in crime due to the worsening economic crisis and under pressure from the public demanding decisive action against gangs, decided to implement military solutions with a strongly repressive character.

The battle against gangs required those in power to develop a strategy and enact appropriate laws to legitimize the toughening of measures and militarization of security. President Francisco Flores announced the Mano Dura Plan, the first explicit strategy to combat gangs. The foundation of the plan was a special law proposed by the president and passed by the Legislative Assembly in 2003, the Ley Antimaras, which outlined the course of changes in the law. Although the law was declared unconstitutional by the Supreme Court in 2004 (49 articles were found to be flawed), it was not until the day after its formal expiration (the law was in effect for 180 days) (De la Torre & Álvarez, 2011, p. 44; Aguilar, 2019, p. 15; Jütersonke, Muggah &Rodgers, 2009, p. 383). It is significant that on the same day, the President presented and carried through the parliament a new anti-crime bill, the Ley para el Combate de las Actividades Delincuenciales de Grupos o Asociaciones Ilícitas Especiales, which many specialists, lawyers, and human rights defenders also considered contrary to the Basic Law (in fact, the provisions differed little from the previous version) and even more socially harmful. The laws became the basis for amendments to the Criminal Codes (over 40). These included criminalizing mere gang membership, increasing punishment for particular types of crimes, and lowering the age limit for criminal responsibility. In addition, they legalized the mass arrests of *pandilleros*, which for several years formed the core of public security policy in El Salvador (De la Torre & Álvarez, 2011, pp. 44–46).

On September 30, 2004, President Antonio Saca announced Plan Súper Mano Dura, which had three components: control, prevention, and rehabilitation. Prevention ("Mano Amiga") and rehabilitation ("Mano Extendida") programs were included by the government in the official crime-fighting program after consultations with NGOs, which questioned and challenged the effectiveness of programs based solely on violence. Nonetheless, the authorities, firstly, did not take into account most of the demands made by various groups, and secondly, used the programs mainly in political discourse, while in practice the greatest importance was still attributed to police operations involving the identification and mass arrests of *pandilleros* (operation "Iron Fist"). Between October 2004 and August 2005, 14,601 detentions were made,

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and as many as 40,000 people were arrested in 2006 (Aguilar, 2019, p. 18). Yet, this policy proved highly ineffective, if not counter-effective, despite the large sums of money and the engagement of enormous forces. Throughout the period of Plan Súper Mano Dura, only less than 30% of detainees were brought to justice (Aguilar, 2019, p. 17). Even when trials did occur, gang members were usually released because the manner in which they were arrested and processed violated their rights to a fair trial. On the other hand, such a large number of detentions in a short time led to paralysis of the judicial system and the overcrowding of prisons, which became a new center for *maras* activity. In addition, as an unintended consequence of the policy, gangs evolved and radicalized, quickly adapting to the authorities' policies. Gangs modified their recruitment system, members changed their apparel and disguised their tattoos, so that they would not be easily identified by the police and military. MS-13 and Barrio 18 entered new territories, extortion increased, and the homicide rate rose dramatically from 36 in 2003 to 64 per 100,000 in 2006 (Aguilar, 2019, p. 18). The ineffective Súper Mano Dura plan was therefore discreetly withdrawn in mid-2006.President Funes continued repressive policies in the first years of his term under the Política Nacional de Justicia, Seguridad Pública y Convivencia, and Estrategia Nacional de Prevención Violencia. The confrontation with gangs was justified by the arson of a bus by the maras in June 2010, in which 12 people were burnt. In October 2010, the Legislative Assembly passed the Ley de Proscripción de Maras, Pandillas, Agrupaciones, Asociaciones y Organizaciones de Naturaleza Criminal (Decree 458). The law outlawed gangs and death squads (Sombra Negra), prohibited their existence, funding, and support, and created a legal basis for prosecuting individuals (including politicians) who financed and collaborated with gangs (Decreto No. 458, 2010). The introduction of the new laws was accompanied by further militarization of security (the military took over the leadership of the Justice and Security Ministry and the police) and a high level of repression. The FMLN's new security policy did not produce the intended results. As many as 12,000 homicides were recorded between 2009 and 2012. Unexpectedly, in 2012, the number of killings dropped dramatically from 14 to 5 per day (Martínez Reyes & Navarro Pérez, 2021, p. 135). The government argued that this was the result of a hardline policy. However, as journalists from the daily *El Faro* revealed, the drop in homicides was the result of a simultaneously pursued "policy of peace" ("Tregua entre pandillas"), initiated by the Minister of Defense and Justice and Security, General David Munguía Payés, and carried out with the support of the Catholic Church (the chief chaplain of the army and police, Monsignor Fabio Colindres, was an intermediary in the talks). As part of a negotiated agreement between MS-13 and Barrio 18, the gangs, in exchange for transferring 30 leaders to lower-security prisons, pledged to cease fire, create "violence-free zones," and stop recruiting on school premises (Glenda Tager & Aguilar Umaña, 2013, pp. 9–10). The idea of negotiating with criminal organizations proved ill-fated for several reasons. First, they created an opportunity

for permanent contact between politicians and criminals, and the lack of control mechanisms fostered corruption. Second, criminal organizations used the truce to strengthen their structures and capacities. Third, after a temporary decline, the number of killings and attacks on police officers began to rise sharply as early as the end of 2012, demonstrating the ineffectiveness of this policy in the long term. The secret agreements made with gangs were never accepted by the public, who considered them anti-democratic and unjust actions.

When taking power in 2014, Salvador Sánchez Cerén (FMLN) strongly distanced himself from the "politics of peace" and announced a "direct confrontation" with gangs. At the same time, he called for a reduction in militarization and an increased role for preventive programs. In announcing the "Salvador Adelante" program and Plan El Salvador Seguro PEES, he emphasized the preventive dimension of security policy. However, due to a confluence of several factors and events, the president very quickly returned to repressive measures. First, gang attacks on state officials have increased since the beginning of his term in 2014, with the police reporting 39 killings of police officers in 2014 (3 times more than in 2013) and killings of as many as 63 police officers and 24 soldiers, 6 guards and prison guards, and 1 prosecutor in 2015 (Aguilar, 2019, pp. 56–57). Second, the number of homicides increased dramatically. The most tragic year in terms of homicides was 2015, when 6,650 homicides were registered, resulting in a rate of 105.44 homicides per 100,000 inhabitants, which in turn represented more than 35% of the homicides committed in all of Latin America (Gagne, 2016). Third, the president had to deal with growing opposition within his cabinet. All of this caused President Ceren to backtrack on his proposals and declare total war on the gangs. In August 2015, the Constitutional Chamber of the Supreme Court of Justice ruled that organized crime groups such as MS-13 and Barrio 18 fall within the legal definition of a terrorist group. The ruling allowed the government to use the 2006 Ley Especial Contra Actos de Terrorismo to prosecute gang members for terrorist activities such as setting buses on fire, killing security force officers, taking control of parts of urban territories, and using violence against schoolchildren, among others. The anti-terrorism law increased prison sentences for gang members (10–12 years) and leaders (10–15 years) as well as for those who commit offences against health and life or the freedom and security of public officials (40–60 years) (Decreto No. 108, 2006). As part of the Medidas Extraordinarias de Seguridad, the government amended the law to allow to transfer all prisoners accused of involvement in attacks on police officers and public officials to maximum security prisons without the knowledge or approval of the court. In the first quarter of 2015, 97 *pandilleros* were transferred to Centro Penal de Zacatecoluca. Additionally, other emergency measures were implemented in prisons, including restricting detainees' access to outdoor activities and light (Plan Nemesis) (Aguilar, 2019, p. 57). In March 2016, when *maras* released footage of a massacre at one of the plantations (killing

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11 workers), discussions resurfaced in El Salvador about reinstating the death penalty, imposing a state of emergency, and applying emergency measures against *pandillas*. The government, giving in to public discontent, began to pursue a strategy aimed at the physical elimination of threats and toughened the law once again. The catalog of crimes was expanded by introducing new categories so that *mareros* could be punished more easily. On the other hand, efforts were made to provide greater security for the officers of the security and justice organs. Concealing the identity of those involved in the process created ideal conditions for impunity (Aguilar, 2019, pp. 59–60).

Public security policy from 1992 to 2019 was heavily militarized. The process of militarization of the fight against crime began immediately after the civil war, contrary to the provisions of the Peace Accords, which unambiguously separated public security from national security (Article 159, Constitución de la República de El Salvador, 1983). During the period of transition, the heavily militarized Cuerpos de Seguridad Pública, which included the Guardia Nacional, Policía de Hacienda, and Policía Nacional, were dissolved. The Policía Nacional Civil was established in their place as the sole institution responsible for public security. The role of the armed forces was also redefined. Their main task was to be the defense of sovereignty and territorial integrity against external threats of a military nature (Article 212, Constitución de la República de El Salvador, 1983). However, both the Peace Accords and the constitution left the door open for military involvement in matters of public security, giving the president the option of using the armed forces in exceptional situations when ordinary means for maintaining domestic peace and public security have been exhausted (art. 168, p. 12, Constitución de la República de El Salvador, 1983). The involvement of the military in the area of public security was intended to be temporary, but it quickly turned into a permanent measure, thwarting the achievements of the peace process and democratization.

Over the years, both the number of soldiers directed to fight crime and the scope of use of the armed forces (tasks and functions) changed. Initially, between 1992 and 2002, the role of the military was limited solely to supporting police patrols as part of the so-called *patrullas conjuntas* on city streets and in the provinces (Plan Grano de Oro – 1992, Plan Vigilante – 1993). In 1995, the Plan Guardianes established special police-military units that operated mainly in the provinces (Grupos de Tarea Conjunta). Due to the inefficiency of the Policía Nacional Civil, the military's involvement in operations strictly related to the police was continually prolonged (Amaya Cóbar, 2012, pp. 75–76). Between 2003 and 2006, the role of the military, which took an active part in police interventions, increased. However, between 2003 and 2006, the military took an active part in police interventions. Soldiers detained gang members on the territory of municipalities that had been identified as an area of particular activity of the *pandillas* (initially in 18, later in 39 municipalities). Detentions under the " Iron Fist " campaign, carried out under the Antimaras Ley, were performed by specially created Grupos de Tarea Antipandillas (GTA)

[there were as many as 333 such groups], consisting mostly of soldiers (Aguilar, 2017, p. 537). Every year more and more soldiers were assigned to public security tasks. In 2006, only 897 soldiers performed police tasks; a year later, there were already 1,432 of them, and by 2008, 1,975 (Aguilar, 2017, p. 542).

During the period 2009–2014, the process of militarization of security progressed. Between September 2009 and March 2014, seven executive decrees and one legislative decree were adopted to sanction a gradual increase in military participation in the field of public security ("militarization by decree"), both quantitatively and qualitatively. In 2009, 6,500 soldiers participated in public security operations and with each successive year the quota was increased, reaching 8,200 soldiers in 2010 and 2011 and as many as 11,200 soldiers in 2014 (Aguilar, 2017, p. 542). Interestingly, the last decree to increase the quota was issued by President Funes a few months before he stepped down. President Salvador Sánchez Cerén reduced the number of military personnel involved in public security to 7,900 in the second half of 2014. The number of soldiers performing police tasks was significantly reduced only during the government's "policy of peace with gangs" in 2012–2013, when it came to 6,300 and 6,200 military personnel, respectively (Aguilar, 2017, p. 542). The scope of the armed forces' tasks was also increased; the military became *de facto* police officers. Under Decreto Ejecutivo 70, the special task forces (Fuerzas de Tarea), composed exclusively of military personnel, were formed to perform police tasks, including the identification of citizens, making arrests, confiscating drugs and weapons, and inspecting vehicles. The government directed 1,000 soldiers to patrol the borders, in particular, to secure 62 blind spots in the border areas to combat the smuggling of goods, weapons, drugs, and people (Operational Plan Sumpul). In addition, the militarization of the penitentiary system began. 1,500 military personnel were assigned to 11 prisons. In the following years, the military took control of more penitentiary institutions (18 prisons) and appeared in 3 juvenile correctional institutions (San Carlos Operational Plan) (Aguilar, 2019, p. 40, pp. 61–62).

In 2015, Defense Minister Gen. David Payes enlisted 1,000 military reservists to support the police in the fight against gangs. The reservists joined nearly 8,000 soldiers who were already performing police tasks and patrolling city streets. In the midst of a direct confrontation with gangs, after 2015, the creation of new units began: an elite anti-gang unit within the police, 3 rapid response battalions within the army, and the Fuerzas Especiales de Reacción El Salvador, composed of 600 soldiers and 400 police officers who were deployed to fight gangs in rural areas. An elite force of 200 anti-terrorists and 200 commandos was also created and equipped with heavy weapons – tanks, assault weapons, and helicopters. In addition, the Rapid Reaction Battalions (BIRI), which had been disbanded under the Peace Accords due to numerous human rights violations during the civil war ("batalliones de limpieza"), were reconstituted. The government had also planned to establish citizen support committees to be coordinated by the police but given the negative connota-

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tions of the self-defense units that existed during the civil war, it abandoned this idea (Aguilar, 2019, p. 580).

From the beginning, police-military operations implemented under the hardline policy have been accompanied by unlawful violence by police and military officers. State terror intensified after 2012. As many as 94 massacres were reported in El Salvador between 2012 and 2014. In 2015, there were 109 multiple killings resulting in more than 400 deaths (Morales & Rosales, 2016). Between June 2014 and May 2015, the office of the Human Rights Prosecutor in El Salvador (PDDH), David Morales, received 2,202 reports of human rights violations. In 92% of cases, they denounced the actions of the police, military, and other institutions responsible for providing security (Lochmuller, 2015). Most were about abuse, intimidation, searches, and arbitrary detentions, but there were also cases of torture and arbitrary executions. In the following years, the situation deteriorated. Between 2014 and 2018, 116 people were killed in extrajudicial killings. 93% of the victims died by gunshot. 77% of executions were carried out in rural areas. 94.1% of the victims were male, usually aged between 18 and 24. Twenty-eight of the victims were under the age of 17. Among the victims, there were children as young as 13–14 years old. Over 36% of the executions were in the form of massacres, meaning that at least 5 people were killed at a time. The impunity is shocking. Of the 48 cases, only 19 have gone to trial, and barely 2 have resulted in police officers being convicted. All of these cases took place during the government of President Ceren (BBC News Mundo, 2019a).

New Ideas and old practices. Public security policies beyond 2019

The 2019 presidential election was unexpectedly won by 38-year-old Nayib Bukele, the politician leading a new political force in El Salvador, Nuevas Ideas. By winning more than 53.1% of the votes in the first round of the elections, Bukele became the youngest president in the country's history and one of the youngest in the entire Latin American region (BBC News Mundo, 2019b). More significant, however, is the fact that with his victory he broke the duopoly of ARENA and the FMLN on the exercise of power in the country.

Although during the electoral campaign Nayib Bukele presented himself as an outsider, a politician coming from beyond the traditional elites and establishment, leading a new political formation, it is worth noting that he was already an experienced politician, well established in the structures of the traditional parties. Nayib Bukele began his political career in 2012 when, as a candidate of the FMLN, he won the election for mayor of Nuevo Cuscatlán and in 2015 for major of the country's capital city, San Salvador. In 2017, Bukele was expelled from the party for violating internal rules and creating divisions within the party. In the following years, he and his closest associates

formed a new party, Nuevas Ideas, but failed to register it in time for the 2019 elections. He ran for president representing the conservative and nationalist Gran Alianza por la Unidad Nacional (GANA), consisting mostly of former ARENA activists. Being a conservative himself regarding worldview issues, Bukele fit well into the party's image. He openly opposed abortion and same-sex relationships (Wolf, 2021, p. 64; Medina Núñez, 2019, pp. 186–187). In the campaign, Bukele skillfully exploited the crisis among the leading traditional political parties, which had been taking turns in power after 1992. The FMLN and ARENA were easy targets for attack. Both parties faced serious problems – they were internally divided and, above all, tainted by numerous corruption scandals. Former presidents were indicted and convicted for corruption. Francisco Flores died while awaiting trial, Antonio Saca was sentenced to prison, and Mauricio Funes fled to Nicaragua (Wolf, 2021, p. 64). Bukele used corruption scandals to blame the two main parties for the dire economic situation, waste of public funds, and lack of security. Using the slogan "pay back what you stole," he promised transparent and effective governance and the eradication of corruption (The Guardian, 2019; El País, 2019). Above all, however, he focused on security issues.

In the Nuevas Ideas election program, considerable importance was attached to the problem of gangs. It drew attention to the influence of gangs on the economy, emphasizing the threats to businesses arising from operating in areas under the control of criminal groups and involving, for example, the obligation to pay tributes. Analyzing the content of the election program it seems that its authors and Nayib Bukele himself correctly diagnosed the country's problems. They emphasized the consequences resulting from the decades-long practice of an exclusionary model of economic development and the weakness of public institutions, pointing to the need for deep reconstruction of both the economic system to ensure a more equitable distribution of income and the reform of state institutions. Moreover, they indicated that the plan for the reconstruction of the country should be developed through consultations with both the public and non-governmental organizations. The state of public security was also correctly diagnosed.

According to the Cuscatlan Plan, public security policy was to be based on three pillars: prevention, the fight against crime, and the reintegration of ex-offenders into society. In the area of prevention, Nayib Bukele promised to extend protection to children and juveniles vulnerable to gang recruitment. The state would focus on measures aimed at increasing the prospects and opportunities for young people, thereby eliminating the structural factors that encourage them to join gangs. Nuevas Ideas plan was intended to invest in cultural, sports, and educational infrastructure in communities that were most affected by poverty and exclusion. In the fight against crime, Bukele's party planned to modify existing tactics, use new technologies to facilitate investigations, and provide greater protection for the police officers, prosecutors, and judges who conduct them. The priority was to improve working conditions in the police

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and armed forces (including wage increases) and to strengthen public security and justice institutions in technological (new equipment) and legal (increased prerogatives) terms. There was also an emphasis on the need to effectively combat corruption, which was to be done with the support of international organizations. On the other hand, social reintegration required actions in the area of rehabilitation and resocialization, as well as an effective inclusion in the social and economic life of the previously excluded sectors, deprived of access to most goods. The measures were to focus on children who had been forcibly incorporated into gangs and the population forced to live in areas controlled by criminal groups. The party promised not to duplicate projects already underway, but only to improve well-functioning programs by streamlining and developing them (Plan Cuscatlan, 2019).

Under Nayib Bukele, El Salvador has ceased to be the most dangerous country in the world. In recent years, the daily number of homicides dropped from 18 in 2015 to 9 in 2018, and to 4 in the first year of Bukele's presidency (Wolf, 2021, p. 67). The year 2020 can be considered the most peaceful year in El Salvador's post-war history, although it should be noted that the restrictions and limitations imposed on access to public information (the police and the attorney general stopped publishing data on the number of homicides) made it difficult to reliably measure the level of violence. In early August 2019, President Bukele announced that July 31 was the first day without a homicide in two years and only the eighth in a span of 19 years (RT, 2019). According to data released by NGOs, the lowest number of homicides – 21 per 100,000 population – was recorded in 2020 (Martínez, 2021). In May 2021, Nayib Bukele and his office celebrated the 40th day without a homicide during his presidency (Gobierno de Presidencia, 2021)The president attributes the drop in the nationwide homicide rate to *Plan de Control Territorial*. The success of this propaganda is reflected in the fact that 72% of Salvadorans surveyed believe that President Bukele's policies have contributed to the decrease in crime and homicide rates (Wolf, 2021, p. 68). Interestingly, this is not confirmed by the surveys conducted in the municipalities included in the plan. In fact, it appears that in some of them there was no decrease in the number of homicides, while in cities that were not included in the plan, such decreases occurred (Wolf, 2021, p. 68). Moreover, it is worth noting that the level of violence has not been stabilized, and its intensity fluctuates. There are days without a single homicide, and shortly afterward there is an explosion of violence such as during the long April weekend in 2021 when as many as 77 homicides were committed (Human Rights Watch, 2020).

Nayib Bukele announced the Plan de Control Territorial on Twitter. Interestingly, there is no official document, or at least it has not been made public, with the objectives, strategy, and measures of the security policy, as was the case under the previous governments. The government, claiming that revealing its details could make it difficult if not impossible to implement the plan, has kept 90% of it classified, making public only rudimentary information,

generally favorable to the administration (ARPAS, 2020). However, from the communications sent to the public via social media, it is possible to identify three key areas of the new security policy, namely: 1) taking control over the centers of major cities, 2) cutting off gangs from proceeds, and 3) regaining control over prisons.

The plan was to be executed in seven phases. So far, only three have been implemented. Phase one, which consists of the authorities retaking control of gang-controlled territories, began just days after the president took office, in June 2019. It is being implemented in 12 of the 262 municipalities that make up the republic (San Salvador, Mejicanos, Apopa, Soyapango, Ilopango, San Martín, Santa Tecla, Colón, San Marcos, Ciudad Delgado, San Miguel y Santa Ana). It entails an increased military and police presence in the city centers where the greatest number of crimes are committed, and the installation of video surveillance to facilitate the detection of offenders. A total of 2,500 policemen and 3,000 soldiers are deployed to help prevent crimes and impede gangs from getting money. The municipalities have not been randomly selected. The Minister of Public Security, Rogelio Rivas, stated that increased police and military forces have been directed to the historical centers of those municipalities where gangs make the most profits. On July 2, 2019, phase 2, which has been named "Oportunidad," was launched. Its core consists of social programs in education, culture, art, sports, and health. They include scholarships, temporary housing, and job opportunities. All of these programs have been targeted at youth living in high-risk conditions, and vulnerable to gang recruitment. The total cost of implementing this phase has been estimated at $158 million ($91 million will be funded by the Bank of Central America). At the end of July, the president announced the transition to phase 3 called "Modernización", which aims to strengthen the police and armed forces with the latest equipment (Fuertes Alfonso, 2020, pp. 24–27). Here, however, the president encountered a major obstacle in the parliament. It appeared that without a majority in the Legislative Assembly, it was going to be very difficult for him to gain support for the new spending. In February 2020, Bukele petitioned the parliament to authorize a 109 million loan from the Central American Bank for Economic Integration to finance spending on modernization. On that day, Bukele arrived at the parliament accompanied by the police and the army, triggering a major constitutional crisis. Politicians accused the president of attempting a coup and demanded his resignation. The president, with the support of the armed forces, *de facto* occupied parliament and called on citizens to revolt against the legislature. The Supreme Court barred Bukele from unlawfully using the armed forces and police (Salinas Maldonado, 2020). Interestingly, and to some extent surprisingly, the public supported the president's unlawful actions. Following these events, the support for the president slightly declined, but it still remained very high, above 80% (Wolf, 2021, p. 64).

The period of Nayib Bukele's presidency has been marked by further militarization of public security. In his first year in office, the Bukele administra-

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tion took an important step towards military conscription and significantly increased the budget of the defense ministry. It is noteworthy that at the same time, the president did not take steps toward professionalizing the police. Instead, he encouraged police officers to use legitimized violence when they or citizens were threatened, which was met with considerable opposition from human rights activists. In February 2021, the Salvadoran government extended the armed forces' public security tasks by one year, until the end of December 2021. Executive Decree No. 46 stipulates that the military will support the police in "operations to maintain internal peace, tranquility, and public security" (López, 2021). The military may participate in so-called joint patrols to prevent crime, make arrests, and take part in disarming organized and petty crime structures throughout the country. The decree issued by President Bukele stipulates that the armed forces will provide border protection as well as the security of prisons and educational centers. Under President Bukele, 10,000 soldiers (out of an army of more than 20,200 soldiers) perform tasks in the area of public security, of which more than half – 5040 – are involved in activities undertaken under the Territorial Control Plan (Agencia EFE, 2021; Marroqín, & Velásquez, 2019).

President Bukele also continues his policy of tightening and easing prison sanctions depending on the escalation of violence. Following a spike in killings in April 2020 (77 people were killed between April 24 and 27, 2020), the president introduced radical new measures in prisons, arguing that the orders were issued from prisons. The emergency measures included imposing phone signal blocking, banning visitors, locking prisoners in cells, and ending segregation of members of rival gangs, which raised fears of riots and escalating violence in prisons. The president's staff flooded social media with photos of inmates dressed only in briefs and masks, sitting one next to the other in prison corridors, with no distance between them, which was particularly outrageous at a time of ongoing pandemic (Wolf, 2021, p. 68). It is significant that this demonstration of repressive measures was received very positively by the public, accustomed to tough policies.

Bukele also repeats the mistake of his predecessors by negotiating secretly with gangs although it is prohibited by law. In 2015, after gangs were declared terrorist organizations and the ban on cooperation with them was implemented, then Bukele condemned ARENA and the FMLN for holding secret talks, as well as paying gangs during the 2014 electoral campaigns to win votes in particular districts. He publicly stated that he would not negotiate with the gangs so as not to legitimize them. However, the daily El Faro published an article revealing prison records clearly proving that politicians from the present ruling camp held a series of meetings with MS-13 and Barrio 18 leaders held in prisons, the purpose of which was to bring down violence and homicide rates in exchange for lenient treatment and privileges for gang members in prison (Martínez, Martínez, Arauz, & Lemus, 2020). Such a scenario cannot be ruled out, given that, as El Faro journalists also revealed at one time, the

president held talks with the maras when he served as mayor of the capital. As mayor of San Salvador, Bukele negotiated an agreement with the gangs so that they would not boycott his flagship project to modernize the capital's historic center. He offered the gangs privileges in the form of well-paid jobs and the installation of market stalls in prime locations. His associates also paid gang salaries to gain support in the 2015 local elections (Wolf, 2021, p. 68). It is reasonable to speculate that he is now using the connections he made during his time as a capital city administrator. While this is only speculation, there is much to suggest that despite his bellicose rhetoric, the president quickly reached an agreement with MS-13 to reduce the number of killings and support his party in the February 2021 parliamentary elections. In return, the government eased policies in prisons by allowing inmates access to better food, moving overzealous guards, and reversing the decision to desegregate prisoners. It has also suggested that it is open to easing other prison restrictions and changing the law.

Conclusions

After analyzing the public security policies implemented in the period from 2003 to 2019 and comparing them with the policies implemented by Nayib Bukele after 2019, several conclusions emerge. First, all these policies were designed under public pressure and were oriented towards maximizing political gains. Politicians usually proposed simple solutions that were popular with the public, hoping to gain more support in elections. Even if their programs and strategies included constructive elements, such as the need to remodel the system or the necessity to implement rehabilitation and reintegration programs, in practice the option of solving the problems using force prevailed. Secondly, the strategies adopted are for the most part strongly repressive and based mainly on the militarization of security and state terror. Nayib Bukele is following the path laid out by his predecessors – he consistently militarizes the internal security space, giving the armed forces a prominent role in anti-crime operations, thus violating the fundamental provisions of the Peace Accords that allowed presidents to use the armed forces in exceptional circumstances. In El Salvador, this extraordinary security measure has long since turned into a permanent tool in the fight against gangs. President Bukele's public statement condoning the use of violence by the police and military legitimizes the unlawful actions of the security forces and, in a sense, foreshadows impunity for perpetrators of human rights violations. Fourth, all of these policies focused on repression while neglecting social programs have failed in the sense that they have led neither to the dismantling of gangs nor to a sustained and significant reduction in killings and thus to the claimed increase in security. When examining the effects of these policies, it can even be argued that they have been counter-effective, because instead of leading to a reduction in criminal violence, they have contributed to

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the strengthening and spread of gangs, the intensification of state terror, in addition to generating a very serious social crisis. The "iron fist" policy implemented in El Salvador over the past nearly 30 years against gangs has transformed them into well-organized criminal groups that have expanded their territorial reach and have penetrated the legal economy to an even greater extent. So far, the strategies have been seriously flawed in both policy design and implementation, mainly due to a lack of professionalism and funding. Fifth, the government has lost its *de facto* ability to reduce violence. It seems that nowadays it is the gangs that determine the level of violence, and they are the only ones with real tools to reduce the number of murders, which is quite worrying because it shows the deepening dysfunctionality of the Salvadoran state. If this were indeed the case, the only way to end the conflict is through negotiations, however not clandestinely as used to be practiced in El Salvador until now, but rather overtly as an official mechanism of conflict resolution, peace process, and preventive strategy. Nayib Bukele, who enjoys great trust and support from the people (92.5% in 2020, making him the most popular politician in Latin America), has an absolute majority in the Legislative Assembly and a majority in the Constitutional Chamber of the Supreme Court, thus he has all the assets to officially initiate such talks. However, it is doubtful that they will be undertaken, given the current state of the law, as well as a lack of political interest in extinguishing the social conflict.

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