The Political Workings of the Funes Administration’s Gang Truce in El Salvador

José Miguel Cruz

Introduction

This paper reviews the trajectory of the Salvadoran gang truce and provides some reflections about the political conditions and implications of this unique process. It is mostly based on public information made available by different Salvadoran media outlets, in particular by El Faro news website, but it also draws on the author’s long-lasting research on Central American gangs, and on some private interviews with gang members and public officials between May 2012 and April 2013. The paper aims to draw attention to some of the most salient facts around the truce, and lays the groundwork for a range of potential theoretical explorations in future papers. These discussions would include public security, non-state armed groups, organized crime, political legitimacy, state formation, and democratic rule of law, among others.

The Truce

In late March of 2012, the Salvadoran Minister for Public Security, General David Munguía Payés, revealed that the two main gangs operating in El Salvador had called a truce. The pact between the leaders of Mara Salvatrucha 13 (MS-13) and the two Eighteenth Street Gang (Barrio 18) factions entailed a drastic reduction of homicides that was already being perceived by the

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1 An earlier version of this paper was presented in the Conference “Improving Citizen Security in Central America: Options for Responding to Youth Violence,” organized by the Woodrow Wilson International Center for Scholars, Latin American Program, October 18, 2012, Washington, D.C.
2 Visiting Assistant Professor, Department of Politics and International Relations, Florida International University.
news media. The announcement by the Security Minister came, however, as a late admission after a reputed Salvadoran news website had revealed two weeks earlier that the government covertly negotiated the reduction of homicides with gang leaders. The violence drop would have been in exchange for the transferal of thirty gang leaders from a maximum security prison to regular penitentiaries; the bargain would also have included an offer to disburse thousands of dollars to the high-ranking gang leaders. ³

The story generated a political scandal in the Salvadoran media, and the government quickly moved to deny any official involvement in the gang talks. In the ensuing weeks, law-enforcement officials got tangled in contradictory statements and public denunciations of the news reports. First, the government attributed the drop in killings to an enhancement of police operations against gangs and credited the movement of imprisoned gang leaders to “humanitarian reasons.”⁴ Several days later, the first version of a gang truce surfaced when government officials declared that the drastic reduction of homicides was the result of a ceasefire between the largest gang organizations, forged by the Catholic Church, represented by Msgr. Fabio Colindres, and a former guerrilla commander, Raúl Mijango, acting solo to stop the high levels of violence in El Salvador. The government version was backed by a press release signed by spokespersons of the Mara Salvatrucha and Barrio 18 gangs. In the statement, the gang leaders denied any direct negotiation with the government. They explained that they entered a “process of reflection” in 2011, which took them to the realization that their organizations were in part responsible for the pressing national problems facing El Salvador. They also recognized

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the mediation roles of army chaplain Colindres and former guerrilla commander turned writer, Raúl Mijango. While the press release stopped short of officially declaring a truce between MS-13 and the Eighteenth Street Gang, the text acknowledged the existence of a “common agreement (…) to reduce homicides significantly in the country and, in a gesture of goodwill, to cancel all operations that include attacks against military, police and security personnel, as well as contribute to the peace initiative, with the only objective of benefitting the Salvadoran people in this process.”

The statement was divided into ten different clause points, but most of the text addressed three recurring topics: a) the gangs’ denunciation of media reports about the existence of an agreement with the government; b) the consideration of gang violence as part of larger problems of social exclusion, lack of opportunities, and institutional repression; and c) their request for support for their peace initiative by providing job opportunities and fair treatment in the criminal justice system.

The gangs’ press release did little to quell public misgivings about the official accounts of the truce as most of the details on the process of agreement have remained unclear or even contradictory after more than a year following its implementation. A national survey conducted by the University of Central America (UCA) in May of 2012 showed that 60.5% of Salvadorans were against any negotiation between the government and gang organizations. Several months later, another nationwide survey revealed that 89% of total respondents had little or no trust in the truce. By May 2013, the public distrust in the truce had decreased by six points, to 83% of

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the national adult population, but most Salvadorans continued having their qualms about the ceasefire. 

In September 2012, the Security Minister finally conceded publicly that the gang truce was the result of a carefully designed government strategy to stop skyrocketing murder rates. The plan had enlisted Raúl Mijango to start talks with the gang leaders in January 2012. Later, when the terms of the ceasefire were already being discussed, the government sought to include army chaplain Msgr. Fabio Colindres as a representative of the Catholic Church to provide moral legitimacy to the process. The Salvadoran government’s involvement in the process reached the highest levels of the Funes Administration; according to the Security Minister, President Mauricio Funes knew and approved the negotiations with the gang leaders from the very beginning.

The negotiations yielded their first results with the transferal of thirty gang leaders from the national maximum-security prison, located in Zacatecoluca, to minimum security prisons in different parts of the country. The movement, which took place on March 8th and 9th of 2012, was followed by an extraordinary drop in the national count of homicides per day. As reported by El Faro and other news outlets, the daily average of homicides was nearly fourteen during the weeks preceding the move; in the days and months after the relocation of the gang bosses, the average homicide count dropped to almost six. In the weeks following the unveiling of the truce, the landscape of homicidal violence dramatically changed in El Salvador. By the end of

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9 Msgr. Colindres was tapped as negotiator after the Archbishop of San Salvador and two other bishops declined to serve as mediators in the talks. See: Carlos Martínez and José Luis Sanz. 2012. “La nueva verdad sobre la tregua entre las pandillas.” El Faro, September 11, 2012. Can be found at: http://www.salanegra.elfaro.net/es/201209/cronicas/9612/.
2012, El Salvador had seen a reduction of nearly 1,800 homicides in comparison with 2011. As a result, the homicide rate dropped to 41.2 per 100,000 inhabitants in 2012: a decrease of 43% in the overall levels of homicidal violence (see Figure 1). The negotiations between the government and the different gang organizations had resulted in the most dramatic murder reduction in El Salvador since the Civil War.

![Figure 1. Number of homicides per month in El Salvador recorded by the Tripartite Commission, 2011-2012.](image)

**Source:** Instituto de Medicina Legal “Dr. Roberto Masferrer”. Informe Preliminar Enero-Diciembre 2012. Departamento Académico y Estadístico DACE.

However, the impact of the gang ceasefire on other crimes in El Salvador turned out to be less dramatic and more contentious. In particular, statistics on extortion, a felony widely attributed to gang organizations, did not show a significantly decreasing trend. While authorities pointed out a sensible reduction in the number of extortions months after the implementation of the truce, no consistent figures have been released to the public. For instance, the Salvadoran police reported an 8% reduction in extortions by October 2012, while the Salvadoran Attorney
General’s Office revealed that extortions decreased by 10% during 2012.\textsuperscript{11} Conversely, five months into the truce, Salvadoran transport unions and other trade organizations reported a significant rise in the amounts of ransom monies demanded by gangs.\textsuperscript{12}

Surveys conducted by the University of Central America before and after the truce indicate no significant change in the levels of crime and extortion experienced by the Salvadoran population. In December 2011, 22.8% of respondents to the Institute of Public Opinion (IUDOP) poll said that they had been victims of crime at least once during the last twelve months. In May

\begin{figure}[h]
\centering
\includegraphics[width=\textwidth]{figure2.png}
\caption{Total crime victimization and extortion victimization in El Salvador in 2011 and May 2012-April 2013.}
\textbf{Source:} IUDOP-UCA, 2012b, p. 10; IUDOP-UCA, 2013, pp.11-12.
\end{figure}


2013, that figure slightly increased to 23.6%. In terms of extortions, victimization stayed essentially the same: from 5.9% of the Salvadoran adult population in December 2011 to 5.5% in May 2013 (see Figure 2). All in all, the general crime and extortion trends after the gang ceasefire have not corresponded to the impressive drop in homicides; rather, they seem to have remained largely unaffected by the truce.

In June 2012, the ceasefire process entered a new phase when the Organization of American States Secretary General (OAS) agreed to be the official guarantor of the ceasefire.\textsuperscript{13} The OAS had received a request from the Salvadoran gang organizations to oversee the peace process.\textsuperscript{14} In the first agreed-upon meeting celebrated between the government negotiators, the OAS representatives, and the gang leaders, the latter formally requested that the OAS General Secretary, José Miguel Insulza and the Secretary for Multidimensional Security, Adam Blackwell, serve as verifiers and guarantors in the new talks phase with the Salvadoran government.\textsuperscript{15} Gang spokesmen also presented to the OAS a copy of a document that they had submitted to President Funes three weeks earlier. The missive detailed the conditions under which gangs would maintain and expand the peace process. The demands included: the suspension of police activity in the territories controlled by gang organizations, the repeal of the anti-gang laws, the elimination of social cleansing groups and death squads embedded in security institutions, the investigation of informal armed groups operating in private security companies, the eradication of torture practices by security forces, the improvement of prison conditions, the

withdrawal of army units from the streets, the pardon of convicted senior gang members in retirement age, the creation of job opportunities for youth, and the establishment of social reinsertion plans for gang members.\textsuperscript{16}

While the OAS responded with a series of actions backing the process and formulated a proposal to create a multi-sectorial Coordinating Technical Commission to support the peace process, the government reacted ambiguously. In September, one week after the Minister of Security had admitted that the truce was a formal government strategy conceived of in his office, the President repeated the claim that his administration had not negotiated with gang organizations and denied the existence of any official plan to accommodate the gang truce.\textsuperscript{17}

Eventually, on November 22, the two government negotiators proposed the progressive institutionalization of the truce on specific territories through the gradual establishment of what they called “Sanctuary Municipalities” (Municipios Santuario) across the country.\textsuperscript{18} These municipalities would operate as violence-free zones, in which gang members would stop all criminal activities. At the same time, local and national authorities, as well as civil society organizations, would promote violence prevention programs and reinsertion plans for delinquent youth. In addition, the “Special Peace Zones”—as the plan was also called—would involve the primary deployment of community police units and the ending of massive and nighttime police raids. Two weeks later, gang leaders released a statement embracing the proposal of the

\textsuperscript{16} A video of the meeting can be found here: \url{http://vimeo.com/45841934}.

\textsuperscript{17} Efrén Lemus. 2012. “Funes se vuelve a desmarcar de la tregua entre pandillas,” \textit{El Faro}, September 17, 2012/ Can be found at: \url{http://www.elfaro.net/es/201209/noticias/9671/}.

\textsuperscript{18} Pronunciamiento a la nación de Raúl Mijango y Fabio Colindres. November 23, 2012. Can be found at: \url{http://cronicasguanacas.blogspot.com/2012/11/pronunciamiento-la-nacion-de-raul.html}. 
government representatives and announced that they were ready to carry out the plan in ten municipalities.\textsuperscript{19}

By early 2013, five municipalities had been publicly designated as “Sanctuary,” and government representatives and gang organizations pledged to expand the number of cities to eighteen. In these towns, the peace initiative is being institutionalized with the support from local actors and funding from the government and some international cooperation agencies. Although preliminary assessments of the implementation of the peace zones are mixed and show the difficulties to achieve the crime-free goals instituted in the negotiations, government and gang spokespersons have voiced their commitment to keep the truce in effect.\textsuperscript{20}

**The Political Backdrop of the Truce**

To understand the negotiations leading to the truce, it is necessary to review the sequence of circumstances that created the critical necessity and the window of opportunity for the government and the gang leaderships to build an initial agreement. A series of events set the conditions for the negotiations leading to the truce. First of all, the confinement of the national bosses of the gang organizations in a single facility enabled the first talks and exchanges between the main organizations years before the negotiations with the government. Secondly, the restoration of government’s control over the prison system put pressure over the imprisoned gang leaders to recover their influence on streets groups and pushed them to reach out to the government for easing the conditions within the prisons. Next, the appointment of the former

\textsuperscript{19} The names of the municipalities were not initially disclosed by the gangs. See: Séptimo comunicado de las pandillas, December 4, 2012. Can be found at: http://cronicasguanacas.blogspot.com/2012/12/septimo-comunicado-de-las-pandillas.html.

\textsuperscript{20} The former in spite of the decision of the president to remove Munguía Payés from his post as Security Minister, following the ruling of the Supreme Court that declared his appointment as unconstitutional. The dismissal of Munguía Payés has been followed by a reshuffle in the Public Security bureau.
defense minister, a military officer, as security minister in November 2012 transformed the landscape of interaction between the government and the gang organizations. Finally, the abrupt increase of violence in the months following the appointment of the new security minister precipitated a reconsideration of gang violence reduction on the side of the government.

At first, the leaders of MS-13 and the Eighteenth Street factions had started to engage in talks after some of their leaders were moved to a single maximum-security prison, and they and their relatives, who regularly visited them in prison, began to share the same conditions and treatment. After the implementation of the heavy hand (“mano dura”) plans, most gang members and their leaders had remained segregated in separate prisons corresponding to their gang identity; such regime changed around 2005 in an effort from the government to isolate leaders from the gang organizations. According to some gang members, the first coordinated action resulting from those inter-gang talks was a series of peaceful protests in the Salvadoran penitentiary system. The protests were later accompanied by synchronized public demonstrations by relatives of imprisoned gang members, who demanded better prison conditions and treatment for their imprisoned kin. Those strikes intensified on the eve of the 2009 presidential election process and continued well into the first year of the new government. Although the pickets had not achieved any of the objectives other than the announcement of the Saca administration to set a dialogue table among state institutions to improve prison conditions, the gang leadership realized the importance of conducting coordinated actions to put pressure on the government. In September 2010, facing the enactment of a new anti-gang law by the then-new government, Eighteenth Street Gang and MS-13 announced a new coordinated strike that would target the national public transportation system. Gang leaders threatened to launch attacks against

22 These negotiation tables were called “Mesas de la Esperanza.”
transportation units and ordered a three-day shutdown of the entire public transportation system to put pressure on the government not to pass the anti-gang law.\textsuperscript{23} The government did not back down and according to news outlets and the Salvadoran Chamber of Commerce, gangs succeeded in paralyzing the country: the curfew cost nearly $40 million dollars in losses as 80\% of public transport was suspended for three days.\textsuperscript{24} While gangs continued waging their wars in the streets, from 2009 to 2012 gang leaderships increasingly engaged in informal exchanges, and temporary agreements that sought to increase their leverage vis-à-vis the government.

Those internal exchanges between rival gang leaders became more urgent and decisive as the Funes government embarked in an effort to restore control over the prisons in the late 2009.\textsuperscript{25} Confronted with a penitentiary system ridden with corruption, anarchy, overcrowding, and under the sheer control of criminal groups, the new prison administration headed by Douglas Moreno enacted a series of measures the affected imprisoned gang leaders. The reforms included the removal of all the security personnel guarding the prisons and their temporary substitution for army units, who also controlled the prison outer perimeters; the establishment of effective systems of surveillance; the close regulation of activities within prisons; and a tougher enforcement of prison visitation rules.\textsuperscript{26} All these measures limited the capacity of gang leaders to keep a tight control over the streets and constrained their ability to reap the benefits from the cliques’ operations. With the unexpected isolation of some kingpins, vertical chains of communication and profit distribution were disrupted and small street wars among fellow and

\begin{itemize}
\item \textsuperscript{24} Carmina Castro and Jaime García. 2010. “Según Cámara de Comercio país perdió $40 millones por el paro,” El Diario de Hoy, September 10, 2010.
\item \textsuperscript{25} I am grateful to Edgardo Amaya for indicating me the importance of this point.
\item \textsuperscript{26} These policies generated several reports of abuses committed by the army units guarding the prisons. See: Amnesty International. 2012. \textit{Annual Report 2012 (El Salvador). The state of the world’s human rights}. London: AI. Can be found at: \url{http://www.amnesty.org/en/region/el-salvador/report-2012}.
\end{itemize}
rival gang cliques stepped up. As a result, gang leaders envisaged the truce negotiations not only as a means to deal with the government, but also as a way to restore their reign over the streets.27

The third series of events that favored the conditions for the truce came from the government itself. Responding to pressures from growing public criticism due to poor results in public security,28 President Funes decided to replace his civilian Minister of Security, Manuel Melgar, a veteran leader of the former guerrilla party (Frente Farabundo Martí para la Liberación Nacional--FMLN) for a retired career officer who had just recently held the post of Minister of Defense. Funes presided over a left-leaning political coalition, which came to power for the first time since the end of the civil war, and several Salvadoran civil society organizations viewed the appointment of a military officer to the public security portfolio as a reversal to the process of civilian consolidation in the security apparatus.29 Although Melgar had rejected any formal negotiation with gang organizations, he had thoroughly advanced a crime prevention approach in public security policies and had successfully restored government control over the penitentiary system. However, the appointment of a former military signaled the government’s toughening stance on crime. Before taking the post, Munguía had promised a tougher approach on crime and had even advanced the possibility of using the army to occupy communities affected by violence. To control gangs, he also hinted the suspension of constitutional guarantees within those communities.30 Upon taking office, Minister Munguía also made a pledge to reduce homicide rates by 30% during his first year in the post and to reinforce a special anti-gang unit in order to

28 The replacement would have also responded to pressures from the U.S., which refused to work with the Minister due to his past involvement with an attack that killed Americans during the civil war.
30 Martínez and Sanz, “La nueva verdad sobre la tregua entre las pandillas.”
neutralize gang criminal activities.\textsuperscript{31} In the end, the selection of a former military officer as the new official responsible for public security allowed a reshuffle in security policies and reshaped the relations between the government and different political actors and violence operatives in El Salvador.

However, nearly two months into the new minister’s tenure, homicides rates experienced a dramatic increase over already elevated figures. The number of murders per month jumped from 361 in December 2011 to 412 in January 2012 and continued up for the next month (see Figure 1). The news media set off a series of reports indicating that after the new minister took the post, El Salvador had reached unprecedented levels of violence in the postwar period.\textsuperscript{32} Different civil society organizations harshly criticized the apparent ineffectiveness of the new security management and demanded the minister to honor his word to bring down violence or to step down. While it had been only months into his administration, the Salvadoran society was facing a conspicuous upward homicide trend, not a downward shift as promised by the government. Meanwhile, in interviews with the press, the Minister reacted to the upsurge of homicidal crimes saying that the violence wave was the “welcoming” salvo of criminal organizations in reaction to the enhanced work of his Ministry.\textsuperscript{33}

At the time of the composition of this paper, it is not entirely clear whether the negotiation with the gang leaders was a strategy implemented from the start of Munguía’s tenure


\textsuperscript{33} Beatriz Castillo. 2012. “Munguía Payés acepta alza de homicidios en su gestión y asegura que es una ‘bienvenida,’” \textit{Diario CoLatino}, March 1, 2012. Can be found at: http://www.diariocolatino.com/es/20120301/nacionales/100932/Mungu%C3%ADa-Pay%C3%A9s-acepta-alza-de-homicidios-en-su-gesti%C3%B3n-y-asegura-que-es-una-%E2%80%99bienvenida
or was an unforeseen response to the surge in homicides. The official accounts of the peace-talk process provided by one government negotiator and the Minister himself suggests the existence of a well-crafted plan that started just a couple of weeks after the Ministry reshuffle, but they contradict the public statements made by the Minister during the months leading up to the negotiations.\textsuperscript{34} Yet, all accounts agree that the first formal meeting between the negotiators and one of the gang leaders occurred in the second week of February and it is clear that the pace of negotiations fast-tracked since then. By the end of the same month, gang leaders and negotiators had reached a basic agreement. After that, however, government negotiators decided to slow down the process due to the approaching legislative national elections scheduled for March 11, 2012. In response, gang organizations threatened with a new national strike on the same day of the elections. The government, then, agreed to the most pressing gangs’ demand: the transferal of leaders from the maximum security prison so they could secure control over the cliques on the streets.\textsuperscript{35} In any case, whether part of a meticulous plan to tackle violence or a last-minute desperate response to the violence surge, the unfolding of events indicates that the abrupt rise of homicides in a context of electoral competition put enormous pressure on the new security administration to deliver substantial results.

The Political Implications of the Truce

These events and the terms of the ceasefire depicted above reveal several aspects that make the Salvadoran gang-truce unique. They also hint its political implications. First, although the fundamental negotiations were carried out between government representatives and the gang


\textsuperscript{35} Martínez and Sanz, “La nueva verdad sobre la tregua entre las pandillas.”
leaders, the truce actually revolved around an inter-gang understanding that entailed the reduction of homicidal violence among them. In exchange, government authorities eased off prison conditions for most of the confined gang members and provided certain benefits to the gang leaderships that have not been disclosed to the public. In other words, the key condition leading to the suspension of aggressive actions between the gang organizations was not contingent on the behavior of any the actual warring parties—in this case, MS-13 and the factions of Eighteenth Street Gang—, but on the comportment of a third party—in this case, the government. The armistice between gangs was possible only when government authorities conceded to the joint demands of MS-13 and Eighteenth Street Gang. Those demands were backed by the previous history of threats and strikes jointly conducted by the gang organizations, and by the government’s necessity for avoiding havoc during the 2012 legislative elections. Thus, youth gangs in El Salvador discovered how to use their numbers and activities to hold sway over the government and the Salvadoran society.

Second, although the ultimate goal of the government in carrying out the negotiations and accepting the demands of gang organizations was the national reduction of homicidal violence, authorities had little direct control over the behavior of the warring parties other than the traditional strategies to deal with crime. Since the government had limited means to enforce the ceasefire between gang members, authorities entirely depended on the willingness and ability of gang leaderships to put a curb on the homicidal activities of the street gang cliques, and elevated gang leaders as influential players in the public security policy game. The apparent success in bringing homicides down in a national scale is, thus, a testament not only to the willingness of the national gang command to abide by the terms of the negotiation, but also to the organizational sophistication reached by the Salvadoran gang organizations. While gang leaders
complained about the difficulties to reign over many of the youngest and recently inducted members,\textsuperscript{36} gang organizations were remarkably successful in projecting the reduction in the number of homicides committed by their gang militias. Hence, they effectively responded to the expectations of government authorities. In turn, such effectiveness reinforced their position as valid actors in the provision of public security. Gang leaders turned out to be a reliable party in the violence-reduction plan and paved the way for their claims of legitimacy in the national public arena. Ever since the truce, gang leaders have increasingly claimed a spot in the political discussion leading to the next presidential election.\textsuperscript{37} As a result, in the near future, any political force with governing aspirations will have to acknowledge and deal with these de-facto armed groups.

Third, at the center of the negotiations and the ceasefire was the perceptible reduction of homicides, not the disbanding of gang organizations, the reduction of their activities, or even the cessation of other criminal activities, such as extortions or drug trafficking. In spite of the effort to consolidate and expand what has been called “Special Peace Zones,” the gang truce in El Salvador is not a Disarmament, Demobilization and Reintegration process (DDR). In different media interviews, gang leaders have stated that although extortions and drug trafficking are also part of the negotiation table, the ceasefire agreement primarily includes the reduction of homicides as stated in their very first joint public statement. This is an essential feature of the Salvadoran truce process.

\textsuperscript{36} Roberto Valencia. 2013. “‘Hay cipotes que solo matar saben; no es tan sencillo calmarse de un día para otro.’ Voceros nacionales del Barrio 18,” \textit{El Faro}, May 13, 2013. Can be found at: \url{http://www.salanegra.elfaro.net/es/201208/entrevistas/9256/}.

In part, the former has to do with the ambiguous public stance that the government has projected toward the process from the beginning. Although gang leaders have accepted the terms of the “Special Peace Zones” plan, which includes the eradication of any criminal activity at the local level, the crux of the national pact zeroes in on homicides. Furthermore, it hinges on the visibility of homicidal violence. In other words, the fundamental pact between the gang organizations and the government does not revolve around the existential character of the gang organizations and their structures, but around the reduction of the perceptibility of homicides. Such arrangements not only allow gang leaders to offer a concrete incentive to government’s advances, but also to keep their control over the gang structures and claim internal as well as external legitimacy as spokespersons and kingpins.

Violence visibility has also other implications: it allows gang leaders to maneuver the delicate mechanisms of internal enforcement of the truce. In a scenario in which the government is incapable of actually stopping youth gangs from murdering each other, gangs can only enforce the terms of the ceasefire by resorting to the same mechanisms that the truce is trying to eradicate: namely, the use of severe violence. In practice, this contradiction is resolved not by moderating the threat of violence, but by reducing the public perceptibility of violence. This feature was made exceptionally clear in a private interview with a couple of middle-ranked gang Eighteenth Street Gang members is May 2012. Asked about how gangs enforced the terms of the truce without violating them, these two gang street leaders responded: “If somebody violates the truce, we not only go after him, but also after his relatives… and we do not kill them: we ‘disappear them’.”38

In a country ravaged by violence for decades such as El Salvador, the manipulation of violence visibility is no small thing. It transforms and reduces the discussion of public security

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from the rule of law to homicide rates. More importantly, it grants the government and its allies 
some degree of political legitimacy inside and outside the borders. After all, in a context marked 
by the relentless penetration of organized crime in the national political institutions—as it is 
happening in Central America—there is nothing more reassuring than having the assistance 
funds of the international community.