

ACADEMIC GUIDE



Defying the ordinary, building the extraordinary

Committee

Department of
Justice

Department of Justice

MEDIUM

Single Topic: Capture of Elmer Canales Rivera (The Hollywood Crook), leader of the organized crime organization “la Mara Salvatruchas”.

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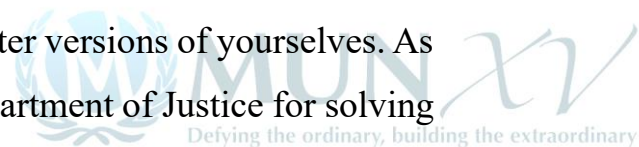
Crisis

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Welcome letter

Esteemed delegates,

Please receive a cordial greeting from the chair of this prestigious commission, the United States Department of Justice. It is a great honor for us to guide you through this investigative process to acquire justice regarding topics of deep concern that you need further investigation. Our objectives within the development of this committee will be to follow MMUN's core principle of helping you grow as global citizens to become better versions of yourselves. As well as understand the use of resources of the Department of Justice for solving



a specific case and the procedures required for enforcing federal law within such a complex nation as the United States.

We trust that delegates will arrive at the conference with enough research and preparation for this committee to function appropriately. However, we must let you know that you can contact us without hesitation if any doubt or question arises. Likewise, we hope you enjoy impersonating the DOJ's agents all throughout the debate's development.

Kind regards,

Sara and Samuel.

Introduction to the commission:

The Department of Justice was founded in 1870 to regulate law enforcement in the United States. This prestigious agency follows its mission of “to uphold the rule of law, to keep the country safe, and to protect civil rights” (About DOJ, 2024); by assisting the Attorney General, a position currently filled by Merrick B. Garland, and encouraging the resolution of disputes through federal courts or criminal proceedings. It also focuses on building an accessible justice system, so that correction, prosecution, and law enforcement services are implemented in the country. It is equally a priority to protect the rights of the population, granting the possibility of filing complaints to acquire justice per the provisions

presented in the Constitution of the United States (Department of Justice (DOJ), n.d.).

In an attempt to focus the organization on several major aspects of implementing federal justice, it is divided into various specialized offices, some known as divisions or litigation offices. Regarding the development of the commission, MMUN will be focused on the criminal division. This office conducts the implementation of laws specifically related to its division. Thus, it guarantees the reinforcement of policies based on criminal acts and oversees security measures and civil assistance. In the exercise of criminal action, they have the duty of providing legal advice to the executive branches, such as the White House and the Attorney General (About the Criminal Division, 2023).

The division itself is divided into sections i.e., Child exploitation, Computer crime, and Fraud, among others; the committee will specialize in the Narcotic and Dangerous Drug Section (NDDS), hand in hand with the Violent Crime and Racketeering Section (VCRS). The NDDS's mission consists of performing an investigation and following the appropriate prosecuting processes toward compelling illicit substance organizations active locally, since most of these organizations also commit crimes such as violent crimes and illicit finance. Attorneys must make use of the office's intelligence and law enforcement resources to respect this objective and achieve justice in the country (Mission, 2023b). On the other hand, the VCRS works to combat and dismantle organized crime groups referring to the statute 18 U.S.C. § 1961, et seq found on the

Racketeer Influenced and Corrupt Organizations (RICO) in the Penal Code of the United States.

Topic Summary:

“La Mara Salvatrucha” is considered one of the most feared organized crime groups in the United States, since it has been present in 46 of 50 states. With this in mind, delegates will assume the role of investigating and prosecuting the suspect, hand in hand with the establishment of measures to dismantle this violent organization under the

Violent Crime and Racketeering Section.

Single topic: Capture of Elmer Canales Rivera (The Hollywood Crook), leader of the organized crime organization “la Mara Salvatruchas”.

SINGLE TOPIC: Capture of Elmer Canales Rivera (The Hollywood Crook), leader of the organized crime organization “la Mara Salvatrucha”.

Introduction to the topic:

Often referred to as the “single most notorious street gang in the Western Hemisphere”, the Mara Salvatrucha is a predatory criminal syndicate that

thrives mostly off of extortion, smuggling, and illegal trade. (InSight, n.d.) Tracing its origins back to the least-resourced, marginalized neighborhoods of urban Los Angeles, the Mara Salvatrucha (more colloquially known under the codename MS-13) consists primarily of Salvadoran immigrants, before ultimately expanding their order of operations and range of recruitment throughout the United States, Central America and Canada. During their peak in the early 2000s, MS-13 had an active presence in almost every single U.S. State as well as a majority of Central American countries, among other strategic America-bound locations. Do note that despite their near-continental reach, the syndicate's profits hailed primarily from the United States—prompting a series of decade-long investigations by the American government to try to crack down the intricate trade routes and colonized neighborhoods tied to MS-13's name.

Such efforts came to be in the late 2000s, with the U.S. Federal Bureau of Investigation (FBI) designating a subsidiary branch exclusively dedicated to profiling prominent figures within MS-13. This, coupled with the rather controversial Immigration Control and Financial Responsibility Act of 1996, granted American officials the necessary resources to identify, detain, and criminalize (see. deport) the criminal figures, leaders, and members. The result of said crackdown efforts was a drastic decrease in MS-13's presence in the United States, forcing a sizable percentage of its members out of North America. This led to what is now known as the Northern Triangle, consisting of countries El Salvador, Honduras, and Guatemala. And albeit at a lower degree, the Mara Salvatruchas continue to carry out their crimes within American urban areas—the most notable of which are still, to this day, the Los Angeles bases the syndicate originated from. (Pirtle, 2024)

However, the search and prosecution of MS-13 leaders and members did not subside over time, carrying on to this day. Such was the case of Elmer Canales-Rivera, (also operating under the moniker “The Hollywood Crook”, due to his base of operations being located in urban Los Angeles), an alleged founding member of MS-13 who was arrested under charges of terrorism and conspiracy upon arriving at George Bush International Airport in Houston, Texas. Canales-Rivera is suspected of providing intel and monetary support to terrorist organizations hailing from Central America, with officials tied to his capture stating the process as a “warning to MS-13’s other leaders that the Department of Justice will hold [them] accountable for [their] crimes.” (Kandel, 2023)

No conclusive results of Elmer Canales-Rivera’s trial have been published yet, due to him pleading not guilty to every single charge under his arrest. Thus, delegates must provide a satisfying conclusion of the trial based on factual evidence and following the U.S. Penal Code, but also deliver proper reparations to those affected by similar organized crime groups committing violent acts as a whole. To achieve this, you must ensure the non-repetition of calamities via the prosecution of relevant organized crime figureheads— using Canales-Rivera’s case as a basis for any future attempts at cracking down on international organized crime.



**Elmer
CANALES RIVERA
AKA: "Cruck"
DOB: 1/26/1978**

Taken from: US Captures “Crook”, MS-13 Fugitive Released by Bukele Administration (Martínez, 2023)

Key Concepts

Corruption: Formally defined as the abuse of entrusted power for private gain, corruption can come in one of many forms— such as bribery, embezzlement, peddling of influence, and extortion. Prosecutorial corruption in particular can be extremely effective in slowing down the proper course of justice since it breaches the protocols that bind government officials and allows criminals (or criminal conglomerates) to avoid taking accountability for their actions even after being captured and put under trial. (*What Is Corruption? - Transparency.org*, n.d.) The Chair recommends taking this into account due to the controversial negotiations between MS-13 and the Bukele administration of El Salvador in 2021, the result of which was the illegal release of Elmer Canales-Rivera from State-imposed captivity.

Fair Trial: Ratified under U.S. law in 1791, the right to a fair trial constitutes an essential part of the American Justice System— protected under documents such as the Sixth Amendment and the Due Process Clause of the Fourteenth Amendment. Thus, a fair trial requires the following elements to be guaranteed under any and all circumstances:

a. **Presumption of Innocence:** The accused is assumed as innocent until the course of the trial proves them otherwise. However, the burden of proof is on the state, not the defendant. (Strom & Earhart, 2023)

b. **Impartial Jury:** The defendant has the right to be tried by an impartial jury of their peers, who in turn must be free of bias and solely operate on the evidence presented during the trial. A unanimous jury verdict is required for conviction. (*Article 6: Right to a Fair Trial | EHRC, n.d.*)

c. **Due Process of Law:** No external circumstances may affect the outcome or procedure of the trial. Thus, defendants cannot be compelled to incriminate themselves or appear before the jury in a prejudicial manner.

d. **Right to Confrontation/Summoning of Witnesses and other Third Parties:** Defendants have the right to confront and cross-examine any witnesses testifying against them. This renders hearsay invalid as evidence during a trial, ensuring only competent accounts can affect its course.

e. **Right to Counsel:** Defendants have the right to be represented by a proper attorney, including a court-appointed lawyer if they cannot afford one.

Status Quo: In the context of politics, *status quo* refers to the existing state of affairs in a particular situation— often encompassing the established policies, power structures, laws, and norms already in place. The main purpose of governmental structures such as the Department of Justice is maintaining said conditions, either by penalizing perpetrators or granting reparations to their victims.

Accountability: Criminal accountability refers to the legal responsibility individuals bear for committing an offense against the law. It is a fundamental concept that establishes direct consequences a criminal must assume to restore the legal status quo— be it from action or inaction, so long as an official crime has been sanctioned. Do note that legal accountability distinguishes between an *actus reus* (the physical aspects of a crime) and a *mens rea* (the mental nuances that establish a criminal’s willingness to commit said crime) to guarantee the burden of proof— effectively detailing the criminal’s agency in regards to the harm of their action/inaction.

Transitional Justice: *Transitional justice* refers to a set of judicial and non-judicial measures aimed at addressing human rights abuses and injustices during periods of transition from conflict to peace and democracy. It seeks to help societies heal, promote accountability, and rebuild trust in public institutions. The enforcement of transitional justice involves reforming institutions, such as the judiciary and military, to prevent further abuses, and fostering reconciliation efforts to mend relationships within communities. By balancing the demands for justice, truth, and reconciliation, transitional justice aims to create a more peaceful and democratic society, effectively maintaining the legal status quo for all involved.

Reparations: Legal reparations refer to a series of measures to remedy violations of human rights by providing a series of benefits to the affected victims. According to the United Nations Basic Principles and Guidelines on the Right to Remedy and Reparation, legal reparations can take any of the following forms:

- **Restitution:** Implies the restoration of the victim to their situation before the transgression of their rights. (i.e. return of property, reinstatement of employment.)
- **Compensation:** Requires the assignment of tangible benefits (such as monetary payment) as a means of restitution, or as further reparation beyond the victim's original state.
- **Rehabilitation:** Mostly associated with medical and psychological care assigned to victims who have been rendered incapable of operating in society. However, legal and social services for victims whose access to them is limited also fall under said category.

However, within the confines of transitional justice, the single most effective form of reparation are known as GNR's, or Guarantees of Non-Recurrence. They refer to reforms made to existing legislation that address the root of violations and prevent them from happening again in the future, often going beyond individual situations and aiming to provide a broader, long-term fix for

said problems. However, GNRs have faced challenges in effectively addressing the "hidden powers" and informal structures of power that can undermine institutional reforms. Victims have also expressed the importance of GNRs in ensuring non-repetition of violence, even if they feel somewhat detached from their individual experiences.

Historical Context

Elmer Canales Rivera, aka the Hollywood Crook, is one of the fourteen founding members of the well-known organized crime group La Mara Salvatrucha, or MS-13. Rivera is currently required for capture to bring decree to the United States because he participated in multiple crimes that put into danger the implementation of federal justice to achieve public safety. He was condemned to a 40-year sentence, however, he was released by the Salvadoran administration during the government of Nayib Bukele (Testigo Directo, 2023). During his criminal career, he has committed crimes advocating for public safety such as bribery, deprivation of liberty, aggravated robbery, illicit associations, acts of unlawful "terrorism", and planning as well as the execution of threats at life. With this in mind, Canales-Rivera is being prosecuted by the United States since 2020.

Bearing in mind his relationship with the organized crime group MS-13, he is considered as one of the most influential and dangerous members that compose these criminal groups. The Crook is also part of the twelve most influential and operative minds of this criminal association, which are known as the "Twelve

Apostles of the Devil”. The members of this illicit organization are nowadays considered to be official objectives of the Federal Bureau of Investigation (Arévalo, 2024).

Merrick B. Garland stated the following about the crook: *“We hold Elmer Canales-Rivera, a founding member of MS-13's "Twelve Apostles of the Devil," accountable for the gang's actions over several decades to terrorize communities, attack law enforcement, and sow violence here in the United States and abroad,”*. Plus, this sentence demonstrates the urgency of the U.S. government to pursue this case, which has altered the public security of the country.

Down below, delegates will have a criminal profile made by the Chair to have clearer ideas for the investigation process regarding the defendant.

Criminal profile

File number: SEwUJ9zMd1Mk

PROFILE INFORMATION

| | |
|---------------|------------------------|
| NAME | Elmer Canales |
| SURNAME | Rivera |
| ALIAS | The Hollywood Crook |
| DATE OF BIRTH | 21/01/1976 |



RELEVANT INFORMATION

| | |
|-----------------------|----------------------------|
| GANG | MS-I3 |
| PHONE NUMBER | N/A |
| EDUCATIONAL LEVEL | Ninth grade |
| OCCUPATIONAL ACTIVITY | Mecanic |
| CIVIL STATE | Accompanied |
| MOTHER | Nicolasa Rivera |
| FATHER | Buenaventura Canales |
| SPOUSE | Jemmy Guadalupe Pocasangre |
| PLACE OF BIRTH | El Carmen, La Unión |
| INTERPOL STATE | Red notice |



Current Situation

Nowadays, Elmer Canales-Rivera is awaiting trial in a New York court after being extradited from Mexico. Likewise, there are allegations of serious violations of federal law in the United States, especially in Los Angeles, with crimes committed by the MS-13 involving high influence in the narcotics industry, and violent crimes against civilians, among others. Furthermore, other members of the “Twelve Apostles of the Devil” are also on the run from U.S. authorities, with no feasible way to trace their whereabouts as of now.

Relevant approaches:

During the committee, delegates are expected to draw their knowledge of the criminal code and the Constitution of the United States. They will argue for actions to be taken by the Department of Justice to apprehend the subject. As well as to analyze how the crimes committed by Elmer Canales-Rivera have affected the implementation of federal law enforcement. All delegates must demonstrate a high level of understanding of the domain selected for the commission and the offices established in the introduction of the committee. This provides actions available for the delegates in which they can develop an investigation hand in hand with the Delegate of Crisis.

(Note: Due to the multiple complexities of the American legal system, the Chair has provided a series of resources explaining most concepts of interest down below, in the “Useful Links” section.)

As it is a single-topic committee, the chair suggests that delegates focus first on the capture of Elmer Canales-Rivera so that the dismantling of the Mara Salvatrucha cartel can be more effective. Please dedicate time to these objectives in a balanced manner for the better development of the committee, and emphasize the appropriate legal processes to develop respective actions. Delegates will be evaluated on how they support their ideas and arguments, rather than their oratory. They should also create measures to reduce the impact of organized crime groups on public security. As for the final document, it will be explained by the chair during the debate.

Block Positions:

Although all agents present in the Division will be working alongside each other in presenting and directing the investigation, they are highly encouraged to join what is known as an Office (also known as “block” in other committees), based on their priorities and areas of interest. Down below are the three main offices within the Department of Justice’s Criminal Division that will be actively working in the Canales-Rivera case, as well as their main focus in regards to the legal sectors involved. (DOJ, n.d.)

- ***Narcotic and Dangerous Drug Section (NDDS)***: Officially established in 1968, the NDDS focuses on the investigation and prosecution of the most significant national and transnational drug trafficking threats in the United States. Within the context of the committee, their main function

will be providing legal advice and support to federal law enforcement agencies (such as the DEA), and coordinating with foreign counterparts to crack down on illegal multinational operations. They are expected to have a broad knowledge on international law and transitional justice.

- ***Office of Overseas Prosecutorial Development, Assistance, and Training (OPDAT)***: Established in 1991 as a subsidiary of the Department of Justice, the OPDAT is tasked with amending existing legislation and strengthening foreign criminal justice systems to combat international crime and terrorism. They will be the ones assisting with criminal procedure code reform, criminal justice sector institutional improvement, task force development, and promoting judicial independence and human rights standards, as well as strengthening the link between security sector assistance and tangible law enforcement. They are expected to have a broad knowledge of the local U.S. Penal Code, and a developed understanding of foreign (particularly Central-American) criminal justice systems.
- ***Violent Crime and Racketeering Section (VCRS)***: Established in 2010 as a blend of the former Organized Crime and Racketeering Section, Gang Unit and GangTECC, the VCRS is specifically tasked with combating and prosecuting all forms of organized crime under U.S. federal law. They are expected to lead directives regarding active sprouts of MS-13 activity all throughout the country, suggest protocols for

dealing with figureheads such as Canales-Rivera, and supervise his due trial as to ensure his conviction.

QARMAS

- How can we, as the DOJ, use the Canales-Rivera case to guarantee the non-recurrence of gang violence and other related crimes?
- Under what charges can Canales-Rivera be tried, and with whom can the DOJ collaborate to ensure his conviction?
- Which of the provided DOJ Offices best suits my expertise and areas of interest?
- How can I collaborate with other Offices to reach the Division's common goal?
- What kinds of legal protocols can be designed to hold criminals of Canales-Rivera's caliber accountable for their actions?
- Who are the victims directly affected by gang violence? Have any reparations been imparted to aid their situation? If not, what kind of reparations are due?

Useful links:



- H.R.2202 - Immigration Control and Financial Responsibility Act of 1996 (U.S. Congress, 1995)

<https://www.congress.gov/bill/104th-congress/house-bill/2202>

- 18 U.S. Code § 1961 - Definitions (U. Cornell, 2007)

<https://www.law.cornell.edu/uscode/text/18/1961>

- Crime, I., & Crime, I. (2024, February 28). Mara Salvatrucha (MS13). InSight Crime. <https://insightcrime.org/es/noticias-crimen-organizado-el-salvador/mara-salvatrucha-ms-13-perfil/>

- An introduction to transitional justice | William Schabas (Schabas, 2019)

<https://youtu.be/he-Zyv-ZDZg?si=HFHaCkE7mSwfyk5L>

- Overview of the American Legal System (Kendrick, 2019)



<https://youtu.be/d75upaDHSvY?si=AZKWPdsPly0sxXxE>

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