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COMBATTING CORRUPTION IN EL SALVADOR

Evaluating State Capacity to Reduce Corruption and Improve Accountability

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INTRODUCTION

In the last decade, the problem of insecurity and impunity has deeply affected the people of Guatemala, El Salvador and Honduras, making this region (known as the Northern Triangle of Central America) one of the most violent in the world. High levels of violence, corruption, and impunity have eroded the capacity of the states to develop accessible and efficient institutions, and address the needs of their populations.

The absence of effective responses has weakened citizens' confidence in state institutions, leading to an alarming number of people who have been internally displaced or forced to migrate to other countries to escape the violence and lack of economic opportunities.

Against this backdrop, the Washington Office on Latin America (WOLA), the University Institute for Public Opinion (Iudop) of the José Simeón Cañas Central American University (UCA) of El Salvador, the University Institute on Democracy, Peace and Security (IUDPAS) of Honduras, and the Myrna Mack Foundation (FMM) of Guatemala have developed a tool for monitoring and evaluating the policies and strategies currently being implemented in Guatemala, Honduras, and El Salvador to reduce insecurity and violence, strengthen the rule of law, improve transparency and accountability, protect human rights, and fight corruption. This initiative has been made possible thanks to the support of the Latin America Division of the Swiss Agency for Development and Cooperation, the Tinker Foundation, the Seattle International Foundation (SIF), and the Moriah Fund.

THE CENTRAL AMERICA MONITOR

The Central America Monitor is based on the premise that accurate, objective, and complete data and information are necessary to reduce the high levels of violence and insecurity, and establish rule of law and governance in a democratic state. This will allow efforts to move beyond abstract discussions of reform to specific measures of change.

The Monitor is based on a series of more than 100 quantitative and qualitative indicators that allow a more profound level of analysis of the successes or setbacks made in eight key areas in each of the three countries.¹ More than a comprehensive list, the indicators seek to identify a way to examine and assess the level of progress of the three countries in strengthening the rule of law and democratic institutions. The indicators seek to identify the main challenges in each of the selected areas and examine how institutions are (or are not) being strengthened over time. The Monitor uses information from different sources, including official documents and statistics, surveys, interviews, information from emblematic cases, and analysis of existing laws and regulations.

The indicators were developed over several months in a process that included an extensive review of international standards and consultation with experts. The eight areas analyzed by the Monitor include:

1. Strengthening the capacity of the justice system;
2. Cooperation with anti-impunity commissions;
- 3. Combatting corruption;**
4. Tackling violence and organized crime;

5. Strengthening civilian police forces;
6. Limiting the role of the armed forces in public security activities;
7. Protecting human rights;
8. Improving transparency.

The Monitor reports are published by area and by country. The first series of reports will serve as the baseline for subsequent analysis, which will be updated annually. Each annual series of reports will be analyzed in comparison with reports from the previous year. This allows researchers, civil society organizations, and other actors to assess the level of progress in strengthening the rule of law and reducing insecurity.

The first round of Monitor reports will primarily focus on data sets from an approximate 4-year time period, 2014 to 2017, in order to provide a snapshot of Central America's institutions.

The Monitor will serve as a tool for searchable, easy-to-comprehend data, delineating trends, progress, patterns, and gaps within and between the three countries of the Northern Triangle. The data, graphics, charts, and reports will be available on the Monitor's website.

This report of the Central America Monitor produced by the University Institute for Public Opinion (Iudop) of the José Simeón Cañas Central American University (UCA) aims to define a baseline for the indicators related to analyzing the fight against corruption in El Salvador and government capacity to investigate and administer justice for crimes of corruption.

ABOUT THE RESEARCH FOR THIS REPORT

The quantitative data in this report was obtained via the bibliographic review of official reports, institutional annals, and relevant information available on the official transparency web pages of the government bodies analyzed. In addition, requests for statistical information were made via the Public Information Access Law (*Ley de Acceso a la Información Pública*, LAIP) of El Salvador, which establishes a specific process by which government agencies must receive information requests and respond within a set timeframe.

This report specifically analyzes statistical data provided by government institutions analyzed, such as the Public Defender's Office of the Republic (*Procuraduría General de la República*, PGR) and the Office of the Prosecutor General of the Republic (*Fiscalía General de la República*, FGR). This information sheds light on public defense and prosecutorial effectiveness in the fight against corruption.

Strikingly, no information could be obtained from the judicial branch, namely the Supreme Court of Justice (*Corte Suprema de Justicia*, CSJ) on crimes and sentences. As revealed by the court's Access to Public Information Unit (*Unidad de Acceso a la Información Pública*, UAIP), there were inconsistencies in the records of criminal cases of the different Courts of Sentence (*Tribunales de Sentencia*) at the national level. The branch stopped producing these statistics because the methodology of manual data collection could not guarantee provision reliable information. Consequently, this report does not include official information from the judicial branch.

The report includes Information concerning citizens' perception of corruption, which Iudop collected through various public opinion polls.

KEY FINDINGS

- Between 2014 and 2017, prosecutors faced several difficulties in prosecuting crimes related to the improper administration of justice—that is, public officials who illegally intervened or participated in judicial proceedings. Prosecutors also faced challenges in effectively prosecuting cases involving corruption in public administration. This report focuses on 11 types of crimes related to the administration of justice and 19 types of crimes related to public administration, as codified in law.
- El Salvador has numerous and varied regulations, as well as norms and institutions, meant to detect and deter corruption. However, the country has faced challenges in updating certain aspects of these regulations and implementing other reforms that would more effectively deter public employees and officials from committing acts of corruption.
- Notably, the 1959 Law on Illicit Enrichment of Public Officials and Employees remains in effect, establishing fines for public officials and employees convicted of corruption. This outdated law still levies fines for infractions in colones, a currency that El Salvador has not used since 2001. This law also establishes the amount that corrupt officials may be fined, which range between a minimum of \$11.43 and a maximum of \$1,142.86.
- The Salvadoran government has made some strides in establishing regulations allowing authorities to seize illegally obtained assets and re-purpose them for state use. In another positive step, the Constitutional Chamber of the Supreme Court of Justice issued a ruling that eliminated a statute of limitations for asset seizure and recovery, stating that time limits should not determine whether authorities could recover illegally obtained assets.
- Despite this positive ruling, the judiciary has contributed to weakened transparency and accountability in government, particularly by shielding public officials from disclosing asset declarations, which the judiciary is responsible for collecting and verifying. This opaque practice prevents the Salvadoran public from accessing and verifying information in the asset declarations of public officials, blunting what should be a powerful tool for discouraging corruption.
- Data obtained for this report shows that public defenders are rarely used for corruption-related crimes (that is, cases initiated by prosecutors involving crimes related to administration of justice and public administration, as defined under El Salvador's Criminal Code). This suggests that the complexity and seriousness of the charges involved in these causes frequently prompt the accused to resort to private attorneys for a stronger defense.

- Information obtained from prosecutors' offices shows that investigations and trials for a large number of corruption-related crimes do not move forward. Between 2014 and 2017, the government registered charges for 5,004 corruption cases. Of these cases, 565 resulted in a dismissal, with the court suspending criminal proceedings due to a lack of evidence.
- Between 2014 and 2017, the Office of the Prosecutor General of the Republic (*Fiscalía General de la República*, FGR) opened investigations into 846 cases involving crimes related to the administration of justice, 452 of which went to trial. During this same period, the government authorities initiated investigations of 6,064 cases of alleged corruption in public administration, 1,723 of which went to trial.
- The government did not secure a single conviction for the following types of criminal offenses involving corruption in public administration: failure to investigate, failure to give notice, negligent misrepresentation, destruction, nullification, or concealment of documents by lawyer or agent, or aiding in evasion of arrest. Similarly, the government did not convict anyone for the following types of criminal offenses crimes related to corruption in administration of justice: failure to provide assistance; disclosure of secret facts, acts, or documents by an official employee; extortion, exaction, embezzlement, and illicit enrichment.
- Of the 173 cases involving asset seizures between 2014 and 2017, only 34.7 percent (60) were resolved. However, given the way in which judicial statistics are produced, it is not possible to identify how many resolutions allowed the state to successfully seize the assets in question, and how many resulted in dismissals.
- From 2014 to 2017, the Institute for Access to Public Information (*Instituto de Acceso a la Información Pública*, IAIP)—El Salvador's central transparency portal—registered a 111.8 percent increase in freedom of information requests related to public administration. More than half of these requests involved appeals after the initial information request to the state institution in question had been denied.
- From 2014 to 2017, a total of 2,050 civil servants and public employees were investigated for violations of the Government Ethics Law. Of these, the courts only issued penalties for 7.3 percent (149 people).
- The government body charged with auditing public funds, the Court of Accounts of the Republic (*Corte de Cuentas de la República*, CCR), made little public information available between 2014 and 2017. The court received 682 complaints of irregularities this period, with the most involving administrative and financial issues or irregularities concerning internal oversight of staff.

COMBATTING CORRUPTION IN EL SALVADOR

Evaluating the State's Capacity to Reduce Corruption and Improve Accountability

CITIZEN PERCEPTIONS OF CORRUPTION

Corruption has had been a main focus in the public arena since 2009, when former President Mauricio Funes made corruption allegations against prior administrations as a candidate and during his presidency. Transparency International (TI) annually publishes the Corruption Perceptions Index (CPI), in which countries are classified according to the degree

of perceived corruption of public and political officials. TI uses a scale between 0 and 100, 0 meaning highly corrupt, and 100 meaning non-corrupt.² During the 2014-2017 period, El Salvador was rated extremely low in the index, with scores between 33 to 39 points. This is well below the annual average. Table 1 shows El Salvador's performance in this index.

TABLE 1

CORRUPTION PERCEPTION INDEX FOR EL SALVADOR, 2014-2017

	2014	2015	2016	2017
Score	39	39	36	33
Ranking	80	72	95	112
Countries	175	167	176	180

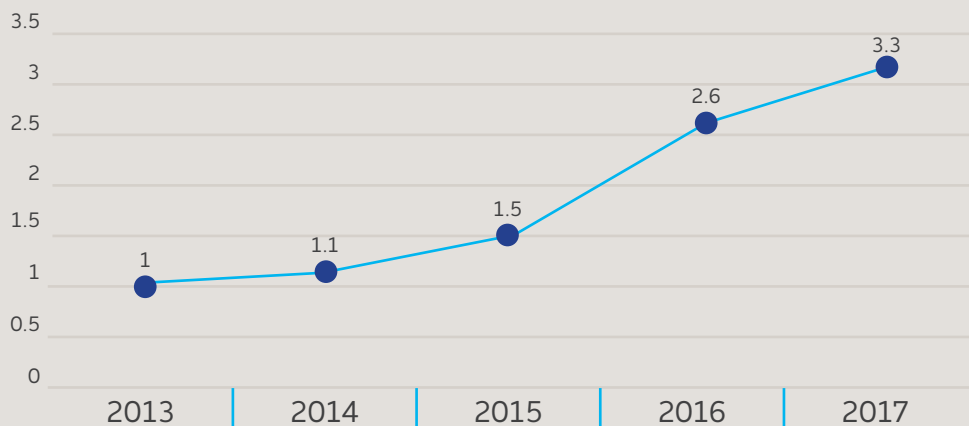
Source: Transparency International, 2014-2017

In terms of public opinion, although the main problems that citizens identify in the country are crime and the economy, since 2013, the proportion of Salvadorans who have declared

corruption as the country's main problem has continuously grown. This demonstrates a greater awareness about corruption in the collective Salvadoran thinking, as illustrated in Graph 1.

GRAPH 1

PROPORTION OF EL SALVADORANS WHO THINK THAT THE COUNTRY'S MAIN PROBLEM IS CORRUPTION, 2014-2017



Source: Iudop public opinion surveys, 2014-2018

LAWS TO COMBAT CORRUPTION

Different international organizations have indicated that the phenomenon of corruption not only has implications for human development, but also has repercussions for states and their functions. In addition, there is a close relationship between corruption and certain limitations to human rights. Corruption undermines democratic institutions, delegitimizes the culture of legality, and corrodes democratic rule of law and stability of countries.³

The Inter-American Commission on Human Rights (IACHR) characterizes corruption as the abuse or misuse of power, which may be public or private. That is to say, it displaces public interest for private benefit (personal or for a third party) and weakens both administrative and judicial controls.⁴ In turn, it can involve public officials and actors, societies, and other private agents.

CONSTITUTIONAL REGULATIONS

According to article 240 of the Salvadoran Constitution, illicit enrichment for public employees and civil servants is prohibited.

This provision is one of the most extensive within the Constitution and points out several relevant aspects:

- In addition to the criminal, civil or administrative penalty, or penalty of another nature, incurred by the employee or official who acquired wealth illegally, there must be reimbursement to the State or Municipality, if applicable, of what was acquired.
- There is a presumption of law, that is to say, enrichment occurs when there is a markedly

higher increase in wealth during the period in which the position was exercised that could not be attributed to legal pay or raises.

- The evaluation of the increase in wealth will take into consideration the children and spouse of the employee or public official.
- The constitution obligates public officials to present a declaration of assets before the Judiciary within 60 days of taking office or assuming functions in office.
- The Judiciary has the power to carry out actions it deems appropriate to verify the veracity of the asset declarations submitted by employees or public officials. However, this information will be reserved.
- The employee or public official must present a new declaration of assets at the end of their time in office. The employee or public official who omits, evades, or does not comply with this provision will have a sanction that must be established in a secondary law.
- The ability to pursue illicit enrichment will lapse in 10 years, starting the moment the employee or public official finishes his/her duties and leaves office.

However, Article 24 of the Salvadoran Constitution outlines an especially relevant component: public officials are to notify the competent authorities regarding official crimes committed by public personnel who are their subordinates. This clause specifically penalizes perpetrators who are government employees or officials.

The Constitution also stipulates that failure to provide timely notice of these acts will be

considered concealment with the corresponding criminal responsibility.

INTERNATIONAL TREATIES

Article 144 of the Salvadoran Constitution stipulates that international treaties are considered national law. In this context, the Salvadoran State signed the Inter-American Convention against Corruption (IACAC) in 1996 and approved the Follow-up Mechanism of said instrument in 2001. In addition, El Salvador has incorporated the United Nations Convention against Corruption (UNCAC) into its current regulatory body since 2004.

These international instruments that constitute domestic legislation include elements such as the need to create special conditions for public positions in which officials have more exposure or are more prone to corruption.⁵

In particular, the United Nations treaty requires the State to implement measures that hold “the private sector responsible for the acts of corruption;” as well as the application of compensation for damages “to financially compensate those affected.”⁶

This treaty includes mutual technical assistance to prosecute corruption-related crimes, an avenue for establishing joint investigations through case-by-case bilateral/multilateral agreements, and the ability to establish agreements that create mixed bodies of investigation.⁷

At a regional level, El Salvador has signed the Framework Treaty on Democratic Security in Central America (*Tratado Marco de Seguridad Democrática de Centroamérica, TMSDCA*), a binding agreement only for the countries of the region. Although done in a very concise

manner, this treaty shows that the foundation of the Central American Model for Democratic Security is based, among other things, on “the eradication of corruption,”⁸ recognizing that corruption, public or private, constitutes a threat to democracy and the security of the Central American region.⁹ In addition, the agreement invokes a commitment by Central American States to harmonize and modernize Central American criminal justice systems in order to eradicate impunity.¹⁰

This type of regional instrument is “aimed at intensifying cooperation, improving information exchange, and overcoming legal and operational obstacles that prevent the provision of assistance, especially in cases where States with different legal systems and traditions intervene.”¹¹

One of the instruments with greater technical potential for joint, regional, and coordinated investigation of corruption offenses is the Mutual Legal Assistance Treaty in Criminal Matters between the Republics of Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua and Panama, ratified on July 21, 2004. This instrument allows for legal assistance in criminal matters related to any punishable crime classified as such in any of the States of the treaty.¹²

However, this same normative body does not apply in cases related to: “matters directly, or indirectly, related to taxes or fiscal matters, detention of persons for the purpose of extraditing them (nor extradition requests) transfer of proceedings in criminal matters, transfer of prisoners in order to comply with a criminal sentence, and implementation in the Required State of the criminal sentences issued in the Requesting State.”¹³

Another important element of this regulation is that its provisions are compatible both with other international treaties and with domestic laws in each State.

SECONDARY LEGISLATION

Salvadoran legislation has different normative bodies that regulate mechanisms for judging acts of corruption. These are mainly the Constitution of the Republic, the Law on the Illicit Enrichment of Public Officials and Employees, the Criminal Code, the Law against money and asset laundering, the Government Ethics Law, the Special Law for Recovery and Administration of Assets of Illicit Origin or Destination.

BOX 1

SECONDARY LEGISLATION RELATED TO CORRUPTION



1959

Law of Illicit Enrichment of Public Officials and Employees

1998

Criminal Code

Law against Money and Asset Laundering

2011

Government Ethics Law

2013

Special Law for Recovery and Administration of Assets of Illicit Origin or Destination

LAW ON ILLICIT ENRICHMENT OF PUBLIC OFFICIALS AND EMPLOYEES

Within secondary legislation, the oldest regulatory body and the one that has become the most controversial in recent years is the Law on Illicit Enrichment of Public Officials and Employees (*Ley sobre el Enriquecimiento Ilícito de Funcionarios y Empleados Públicos, LEIFEP*) of 1959. There is a normative discrepancy regarding what can be constituted as acts of corruption, especially concerning the declaration of assets and illicit enrichment. Moreover, the 1959 regulation bases fines on an outdated currency that is no longer used in El Salvador, making fines easy to evade. For example, Article 17 of the LEIFEP establishes that the fines imposed by the Supreme Court of Justice can range between 100 and 10,000 Salvadoran colones. When converting to dollars, this equates to a range of \$11.43 to \$1,142.86.

This amount is absurd considering that Salvadoran members of Congress are the second highest paid legislators in Central America (\$4,025.72 per month for a regular member)¹⁴ and considering that officials such as former prosecutors have publicly declared that they received bonuses from the Presidency of the Republic of close to \$10,000.

Based on contemporary needs for regulation, in 2015, the government considered a new Probity Law in the form of three bills presented before Congress.¹⁵ The final product was not adequately robust and abolished civil trial for illicit enrichment, which could only be ordered directly by the Supreme Court of Justice through the LEIFEP to establish illicit enrichment of an official, in which the Office of the Prosecutor General of the Republic (*Fiscalía General de la República, FGR*) intervened.¹⁶

National media outlets indicated that during the 1959–2015 time period, the Supreme Court of Justice only ordered one civil trial "for evidence of illicit enrichment against an official"; the trial against National Conciliation Party (*Partido Conciliación Nacional, PCN*) Congress member Reynaldo López Cardoza, who was linked to a drug trafficking cartel.¹⁷

However, despite the legislative maneuver of 2015, which sought to omit civil trial for illicit enrichment, the Constitutional Chamber of the Supreme Court of Justice under Judgement of unconstitutionality 6–2016 / 2–2016 declared the Probity Law of 2015 unconstitutional, removing it from the Salvadoran regulatory body. The Supreme Court argued that by passing the law, Congress was acting outside of its jurisdiction and was regulating "matters related to the Judiciary organization [...] which violates Article 133, Section 3 of the Constitution since that is an exclusive power of the Supreme Court of Justice."¹⁸

THE CRIMINAL CODE

The Criminal Code is the normative body that specifically details crimes related to corruption. Title XV of the code defines crimes related to the administration of justice, which includes 11 types of crimes that relate specifically to public officials who know, intervene, or participate in judicial proceedings of any nature (see Annex 1). In addition, Title XVI, entitled crimes related to public administration, contains 20 types related to abuses of authority and various acts constituting corruption (see Annex 3).

Concerning corruption crimes committed by public officials or public employees, the code not only establishes a criminal sentence, but also special disqualifications for public office during the same period of the sentence.

Although the Criminal Code is frequently reformed, the aforementioned statutes do not have many modifications, especially those related to criminal offenses committed by public officials.

Within the Criminal Code, public administration offenses that establish fines as punishment are listed in colones and not in dollars. Fines for these crimes range from *100 thousand colones and 500 thousand colones*, which is equivalent to \$11,428.57 and \$57,142.86, variations between these amounts of money determine a prison sentence between 6 years and 15 years.

The fines established in the Criminal Code fall short of deterring acts of corruption because, according to recent prosecutions, in committing one or more of these criminal acts, the amounts

misappropriated, stolen, or misused by state coffers can exceed 4,562 times the maximum fine established in the Code. This is evident in the civil liability attributed to the Salvadoran ex-president Antonio Saca, which reached \$260.7 million. In addition, former Prosecutor General Luis Martínez failed to justify an accumulation of about \$500,000 in wealth.

In analyzing the Criminal Code, it is clear that the penalties do not correspond to the severity of the crime. In addition, no reforms have sought to adjust penalties since 1998.

LAW AGAINST MONEY AND ASSET LAUNDERING

The Law against Money and Asset Laundering (*Ley contra el Lavado de Dinero y de Activos, LCLDA*) establishes a relation between specific crimes related to the administration of justice and public administration, and investigation into the origin of funds with which the accused used to engage in money laundering in order to determine if the accused committed the crime.

According to Article 6 of the LCLDA, there are five types of crime linked to money laundering: bribery, prevarication, peculation, illegal negotiations, and illicit enrichment (for more detail on these crimes, see report annexes).

However, special criminal legislation has not considered crimes such as bribery, foreign bribery, and influence peddling whose perpetration usually involves financial and/or asset transactions or deals.

BOX 2

TYPES OF MONEY LAUNDERING CRIMES



Law against Money and Asset Laundering

Art. 307 Bribery Criminal Code
Art. 310 Prevarication Criminal Code
Art. 325 Peculation Criminal Code
Art. 328 Illegal Negotiations Criminal Code
Art. 333 Illicit Enrichment Criminal Code

The LCLDA is the regulatory body that gave rise to the Financial Investigation Unit (*Unidad de Investigación Financiera, FIU*) of the Office of the Prosecutor General of the Republic,¹⁹ which is responsible for the prevention and detection of money and asset laundering. In addition, the FIU is responsible for overseeing the laws that regulate national banking, micro-enterprises and small businesses, and customs transactions nationwide.²⁰

GOVERNMENT ETHICS LAW

The Government Ethics Law (*Ley de Ética Gubernamental, LEG*) creates a sanctioning administrative body, the Court of Government Ethics (*Tribunal de Ética Gubernamental, TEG*), which ensures proper management of public assets, the fight against corruption,

and efficiency of public administration. This newer regulatory body became active in 2011, completely repealing the previous Law passed in 2006.

The new LEG strengthens the TEG and the body's ability to prevent and sanction actions contrary to public ethics.²¹ The budgetary autonomy included in the LEG allows for greater objectivity in the decisions and resolutions handed down by the tribunal. The most relevant innovation of this new regulatory body is the creation of a public registry of sanctioned officials.²²

The new law only includes pecuniary penalties (fines). The written warning is eliminated for cases in which the official has breached the ethical duties in the LEG for the first time.²³ In the

previous law, fines were based on a percentage of the salary earned by the public official who violated the law. Under the new law, fines are based on the urban minimum wage in the country. Fines range from an urban minimum

wage to a maximum of 40 times this amount.²⁴ Based on the monthly minimum wage in the country during 2017, this equates to between \$304.17 and \$12,166.80.

BOX 3

ETHICS VIOLATIONS DEFINED BY ARTICLE 6 OF THE GOVERNMENT ETHICS LAW

a)

Request or accept, directly or through an intermediary, any good or services of economic value or benefit outside those necessary for the performance of one's work, to complete, accelerate, delay, or stop doing tasks or procedures related to one's functions.

b)

Request or accept, directly or through an intermediary, any good or service of economic value or benefit outside those necessary for the performance of one's work; to assert one's influence by virtue of their position over another person subject to the application of this law, so that this person completes, accelerates, delays or halts tasks or procedures relating to their functions.

c)

Receive more than one payment from the government budget for performing work, except those expressly allowed by the legal system.

d)

Simultaneously perform two or more positions or jobs in the public sector that are incompatible with each other by express prohibition of applicable regulations, by coinciding in working hours or because it goes against institutional interests.

e)

Carry out private activities during the ordinary working day, except those allowed by law.

f)

Require or request subordinates to use ordinary work time to carry out activities other than those required for the fulfillment of institutional purposes.

g)

Accept or maintain employment, contractual relationships, or responsibilities in the private sector, which undermine impartiality or cause a conflict of interest in the performance of one's public function.

h)

Appoint, hire, or promote in the public entity where one presides or exercises authority, their spouse, partner, relatives within the fourth degree of consanguinity or second of kinship by election, or associated partner, except as permitted by law.

i)

Delay without legal reason the provision of the services, procedures, or administrative processes that correspond according to their functions.

j)

Deny a person the provision of a public service to which they are entitled, based on nationality, race, sex, religion, political opinion, social or economic status, disability, or any other unjustified reason.

k)

Misuse the movable or immovable property of the institution in the service for a political party.

l)

Take advantage of the position for partisan gain.

In addition, the LEG determines legal presumption of undue influence when profits from the employee or public official favor natural

or legal persons with whom they are linked by nature of their functions.

BOX 4

UNDUE BENEFITS DEFINED BY ARTICLE 8 OF THE GOVERNMENT ETHICS LAW

It is legally presumed that there are undue benefits in the cases of acceptance or request of any good or service of economic value, or other additional advantages by a person subject to this law in the performance of their duties, if they come from a person or entity that:

Develops activities regulated or supervised by the institution;

Manages or exploits grants, permits, patents, or franchises granted by the institution;

Is a vendor or contractor of goods or services of the institution for which you work;

Has interests that may be significantly affected by the decision, action, delay, or omission of the institution.

SPECIAL LAW FOR RECOVERY AND ADMINISTRATION OF ASSETS OF ILLICIT ORIGIN OR DESTINATION

Another law related to the fight against corruption is the Special Law for Recovery and Administration of Assets of Illicit Origin or Destination (*Ley Especial de Extinción de Dominio y de la Administración de los Bienes de Origen o Destinación Ilícita, LEDAB*). Approved in 2013, the law regulates the process by which the Salvadoran State seizes any type of asset whose origin, use, or purpose is related to illegal acts; adjudicating the ownership rights of these assets without necessarily securing a prior criminal conviction.

This legal body establishes an administrative and judicial institutional framework that directly applies the law. The LEDAB established a specialized jurisdiction for pursuing asset forfeiture within the Judiciary.

The law also created the Specialized Prosecutorial Unit of Asset Forfeiture of the Office of the Prosecutor General of the Republic (*Fiscalía General de la República, FGR*), the Division of Patrimonial Investigation of Asset Forfeiture and Financial Crimes of the National Civilian Police (*Policía Nacional Civil, PNC*), as well as the National Council for the Administration of Assets (*Consejo Nacional de Administración de Bienes, CONAB*) within to the Ministry of Justice and Public Security (*Ministerio de Justicia y Seguridad Pública, MJSP*).

The Minister of Justice and Public Security heads the CONAB and appoints an Executive Directorate composed of six members. Apart from the minister, the other members include the President of the Supreme Court of Justice, the Prosecutor General of the Republic, the Minister of National Defense, the Minister of Finance, and the Director of the National Civilian Police.²⁵

The main function of CONAB is to determine how the State will use, lease, administer, trust, sell, auction, or donate assets seized by the State.²⁶

During the 2014-2017 period, the government made two reforms to the LEDAB. The first, in April 2016 (D.L No. 355), modified procedural deadlines related to precautionary measures²⁷ requested in asset forfeiture trials.

According to the amendment, the judge must ratify precautionary measures requested by the special prosecutor within a period of five business days. Originally, this step of the process was carried out within the investigation stage and the judge had only 24 hours to complete it.

Additionally, the first reform extends the term that these precautionary measures are valid; they may last up to 180 days (6 months) prior to the approval of the judge, while previously were only valid for 90 days.

BOX 5

INSTITUTIONS ESTABLISHED UNDER THE LEDAB

Judicial Branch

Specialized
Jurisdiction

Judiciary
Specialized Court of Asset Forfeiture

Public Prosecutor's Office and Ministry of Justice and Public Security

Investigative Offices

Office of the Prosecutor General of the Republic
Specialized Prosecutorial Unit of Asset Forfeiture

National Civilian Police
Division of Patrimonial Investigation of Asset Forfeiture
and Financial Crimes

Justice System

Executive Offices

Ministry of Justice and Public Security
National Council for the Administration of Assets

In July 2017, the Legislative Assembly carried out the second amendment to this law (D.L. No. 734). At a substantive level, it established that asset recovery may be pursued over a 10-year period, while the time period for assets related to organized crimes or those linked to illegal activities of gangs and terrorist organizations is 30 years.

Despite the legislature's decision to establish a statute of limitations for asset recovery, the Constitutional Chamber, as the highest court in constitutional matters, reversed this imposition in Judgment No. 146-2014AC. The court wrote that the illicit origin of such assets "do not heal with the passage of time,"²⁸ ruling that the Salvadoran Constitution prohibits the illicit acquisition of goods outright, so "their destination for legal purposes, regardless of the amount of time passed," may not be justified.²⁹

LAW OF THE COURT OF ACCOUNTS OF THE REPUBLIC

Another regulation strictly related to the control and execution of public funds is the Law of the Court of Accounts of the Republic (*Ley de la Corte de Cuentas de la República*, LCCR).

The Court of Accounts of the Republic (*Corte de Cuentas*, CCR) is a constitutional body and its main function is monitoring, inspecting, and auditing public funds, as well as their liquidation and proper administration.³⁰

Under its jurisdiction, the CCR has the responsibility to report any possible crimes it observes to the Prosecutor General of the Republic.³¹ However, the CCR has historically been considered ineffective and is known to conduct superficial audits that allow for the misappropriation of public funds.³²

LAW OF ACCESS TO PUBLIC INFORMATION

Although this legislation is analyzed in greater detail in the Central America Monitor transparency report, this law is a significant achievement promoted by Salvadoran civil society.³³ It is the main internal instrument that promotes transparency of information that is produced by the public administration as a whole, which has a parallel effect of requiring authorities both to make transparent their functions and to be held accountable for the decisions they take while in office.

This regulation creates an Institute for Access to Public Information (*Instituto de Acceso a la Información Pública, IAIP*), the authority that determines what information produced by the Salvadoran State will be public and what will be reserved.

On this matter, a major setback noted by other international research centers is the way that the Probitry Section of the Judiciary conducts investigations, adherent to framework established by the Law of illicit enrichment of public officials and employees.

In June 2017, the Plenary of the Supreme Court of Justice resolved that “audits on affidavits, discharge documents submitted by officials, and magistrates’ deliberations in the analysis of cases”³⁴ are reserved. Therefore, they cannot become public.

However, this decision was interpreted by some media as a shield that “protects” officials from public scrutiny. In addition, it is contradictory to the position that this same entity had already taken in 2015. In that year, the Full Court established that the reservation of information referred to in the Constitution of the Republic is

related to the sworn statement made by officials about their assets, but not the information that was disaggregated from the statements, such as the reports resulting from audits.³⁵

This decision is a setback for IAIP jurisprudential precedent, which had already established that, under the principle of maximum publicity considered in the LAIP, the audit reports prepared from the study, and verification of the information recorded in the asset declarations should be public.³⁶

According to journalistic investigations, audits and other financial information used in investigations are not delivered until the end of investigations and there is no set deadline or specific period in which the Probitry Section must issue its report or resolution. Therefore, it can take months or even years before this information reaches the public eye.³⁷

The absence of procedural deadlines defined in this type of process makes it difficult to monitor audits in an impartial, objective, and substantive manner. Complicating impartial oversight decreases the likelihood of legal action and further contributes to impunity in the country.

ANALYSIS OF NATIONAL REGULATIONS

Although most specialized national laws to fight corruption were created in response to international treaty obligations, in the case of criminal legislation, prison sentences do not accurately reflect the serious implications that corruption crimes, such as embezzlement have on Salvadoran society. For example, embezzlement of public funds has serious implications for the type and quality of public services for citizens, constituting a systematic violation of human rights.

It is paradoxical to think that the Salvadoran Legislative Assembly could create deterrents that prevent acts related to corruption considering that there has been no action in the

assembly to change financial penalties to the national currency or assign more realistic fines that are based on facts and judicial precedents.

EFFECTIVENESS IN THE FIGHT AGAINST CORRUPTION IN EL SALVADOR

This section will analyze criminal prosecution of corruption through official information provided by the Public Defender's Office of the Republic (*Procuraduría General de la República, PGR*) and the Office of the Prosecutor General of the Republic (*Fiscalía General de la República, FGR*). This section will also analyze asset recovery and forfeiture between 2014 and 2017. Later on, the report analyzes administrative procedures related to internal control mechanisms for each of the regulatory bodies.

CRIMINAL PROSECUTION

One way to estimate the capacity of the Salvadoran Public Prosecutor's Office in investigating and prosecuting different types of corruption is to use official statistics produced by the FGR through the Prosecution Process Information and Automated Management System (*Sistema de Información y Gestión Automatizada del Proceso Fiscal, SIGAP*).

As stated earlier, it is not possible to make a comparison between data from prosecutors' offices and the courts because, according to the Office of Information and Response of the Judiciary, the national trial courts stopped producing their statistics of convictions and acquittals by type of crime. In addition, other factors that represent obstacles to accurately analyzing the capacity of justice entities are the delay in trials, the use of maximum procedural deadlines stipulated by law during trials, technical limitations within the FGR to reduce

investigation deadlines for corruption cases, and the security and justice authorities' resistance to promote an integrated registration system that makes it possible to consolidate the administrative or procedural stage for the same case or defendant.

Statistical information provided by the FGR shows a reduced amount of cases entering the prosecutor's office related to the administration of justice compared to crimes related to public administration

In particular, crimes related to the administration of justice (see Annex 1) show a modest but sustained increase in cases initiated during the 2014-2017 period. During this period, the FGR recorded a total of 846 cases initiated of this nature. In the same period, there is a 19.8% increase in the number of cases initiated in prosecutors' offices, going from 197 cases initiated in 2014 to 236 in 2017.

In relation to the number of cases closed at prosecutors' offices, the data shows that during the 2014-2017 period, 504 cases were closed, 445 of which auxiliary prosecutors closed permanently. That is to say, auxiliary prosecutors are not likely to bring more evidence to substantiate or strengthen the indictment or that it is impossible to identify the suspect. On the other hand, 59 cases were closed provisionally, making it possible for an auxiliary prosecutor to reopen the case when new evidence is available to allow the criminal charge to be formalized.³⁹

Disaggregated by type of crime, the highest number of cases definitively closed during the period analyzed were procedural fraud (115 cases), aiding in evasion of arrest (84 cases), concealment (82 cases), and aiding in evasion (74 cases). Together, these crimes constitute 79.8% of the total cases definitively closed during the 2014-2017 period.

Considering the number of cases initiated during the 2014-2017 period (846 cases) and the number of cases closed in prosecutors' offices both provisionally and definitively, more than half of the case initiated at the prosecutors' offices have been closed definitively (52.6%, or 445 cases) and 7% of those have been closed provisionally (59 cases). Only 36.3% of the cases initiated during the reference period were classified as being in the investigation phase, which is when authorities carry out corresponding procedures to obtain all the necessary evidence to formalize a criminal accusation through prosecutors filing charges (*requerimientos fiscales*).

According to prosecutor reports, the total number of crimes prosecuted during the 2014-2017 period is 452 cases. The year 2015 records the highest amount of prosecutors filing charges for crimes related to the administration of justice (141). Meanwhile, 2017 had the least amount of charges filed for crimes of this nature (95).

The crimes most frequently prosecuted during the 2014-2017 period are: concealment (198 charges filed by prosecutors, or 43.8% of prosecutions during the period); aiding in the evasion of arrest (85 charges filed by prosecutors, or 18.8% of all prosecutions); and procedural fraud (70 charges filed by prosecutors, or

15.5% of these prosecutions). See Annex 2 for additional information.

According to FGR statistics, crimes related to the administration of justice with the least amount of prosecutions during the 2014-2017 period included bribery (five charges filed by prosecutors), failure to investigate (two charges filed by prosecutors), negligent misrepresentation, and destruction, nullification, or concealment of documents by a lawyer or agent (one charge filed by prosecutors for each crime).

Regarding the prosecution of crimes related to the administration of justice, out of the 452 cases prosecuted in the corresponding courts, during the 2014-2017 period, there were only 86 convictions (19%) and 50 acquittals (11.1%)

There are some crimes related to the administration of justice that do not report any conviction during the 2014-2017. These are failure to investigate, failure to give notice, negligent misrepresentation, destruction, nullification, or concealment of documents by a lawyer or agent, and aiding in the evasion of arrest.

In contrast, crimes of this nature that recorded the greatest number of acquittal sentences are concealment (20), procedural fraud, and aiding in the evasion of arrest (9 each).

In addition, during the 2014-2017 period, 140 cases were reported in which some type of dismissal was issued. That is to say, a judge suspended criminal proceedings due to lack of elements that justify pursuing criminal action.

TABLE 2

CORRUPTION CRIMES RELATED TO ADMINISTRATION OF JUSTICE REGISTERED BY PROSECUTORS



	Cases Initiated	Provisional Closure	Definitive Closure	Under Investigation
2014	197	17	126	48
2015	200	15	124	60
2016	213	17	105	77
2017	236	10	90	122



	Charges Filed	Provisional Dismissals	Definitive Dismissals	Acquittals	Convictions
2014	120	20	21	12	12
2015	141	12	26	5	20
2016	96	14	16	16	31
2017	95	19	12	17	23

Source: Compiled using data from the FGR

Information provided by the FGR shows that the number of cases initiated for public administration crimes is seven times greater than the number of administration of justice crimes analyzed during the 2014-2017 period. In total, the FGR reports a total of 6,064 cases initiated during the period analyzed.

However, unlike previous rates of criminal offenses, there is a slight reduction in the number of cases registered in prosecutors' offices at the beginning of each year.

The data show that in 2014, the FGR registered 1,704 cases due to alleged crimes related to public administration. However, in 2017, this figure dropped to 1,323 cases initiated, representing a 22.4% decrease.

During the period analyzed, the FGR statistical reports show no transnational bribery cases were initiated.

On the other hand, prosecutor records show that the crimes with the least cases initiated are the disclosure of facts, secret actions and documents by an official employee (35 cases initiated), influence peddling (35 cases), illicit enrichment (31 cases), extortion (14 cases), exaction (13 cases), denial of aid (8 cases) and wrongful peculation (4 cases).

A striking fact in relation to the cases initiated is that 57% of them (3,458 cases) correspond to trafficking of prohibited objects in prisons. This crime is included in the analysis because it requires consent, negligence, or complicity from prison staff of different levels. Conversely, statistical prosecutor records indicate that the amount of such cases decreased overall by

44.8% during the 2014-2017 period. According to FGR data, most of these cases (4,280) remain definitively closed, representing 95.1% of the total cases closed in the period under study (4,500). In contrast, cases provisionally closed (220) represent 4.8% of the total cases closed.

Taking into account the number of cases initiated by the FGR during the 2014-2017 period (6,064) and the number of cases closed in prosecutors' offices both provisionally and definitively, more than half of the cases initiated at the prosecutors' offices have been definitively closed (70.6%, or 4,280 cases) and 4.8% of these types of cases have been provisionally closed (220 cases).

23% or 1,394 of the cases initiated during the study period were classified as under investigation.

The prosecution of crimes related to public administration is low. Of 6,064 cases initiated, records show that 1,723 were submitted for judicial review.


In particular, the crimes related to public administration that resulted in the least amount of trials after prosecutors filed charges recorded during 2014-2017 are denial of aid (one charge filed by prosecutors), illicit enrichment (2), exaction (2), extortion (3), embezzlement (6), disloyalty in the custody of public registers or documents (7), illegal negotiations (9) and influence peddling (9).

However, of the total charges filed by prosecutors reported (1,723) during the 2014-2017 period, 24.7% of the cases did not advance in court because of the absence of elements that justify the accusation and some type of dismissal (provisional or definitive dismissal).


According to the prosecutor reports during the period analyzed, there were 538 convictions and 145 acquittals. This represents 31.2% and 8.4% of the total number of prosecutions reported in the 2014-2017 period, respectively.

In particular, the crimes with the most number of acquittals recorded are trafficking of prohibited objects in prisons (92), bribery (12), peculation (7) and arbitrary acts (7). Together, these represent 81.4% of the acquittal sentences during the 2014-2017 period.

Along the same lines, crimes that do not report any conviction during the analyzed period are denial of aid, disclosure of facts, actions, or secret documents by an official employee, extortion, exaction, embezzlement and illicit enrichment (see Annex 4).

TABLE 3**CORRUPTION CRIMES RELATED TO PUBLIC ADMINISTRATION REGISTERED BY PROSECUTORS**


	Cases Initiated	Provisional Closure	Definitive Closure	Under Investigation
2014	1704	49	1369	264
2015	1559	66	1233	223
2016	1478	48	967	415
2017	1323	57	711	492



	Charges Filed	Provisional Dismissals	Definitive Dismissals	Acquittals	Convictions
2014	466	73	49	27	125
2015	504	42	40	35	162
2016	389	54	51	41	145
2017	364	53	63	42	106

Source: Compiled using data from the FGR

Given the low number of prosecuted cases and convictions reported by the FGR, the capacity of the FGR to direct criminal investigations, especially of corruption related crimes, is called into question.⁴⁰

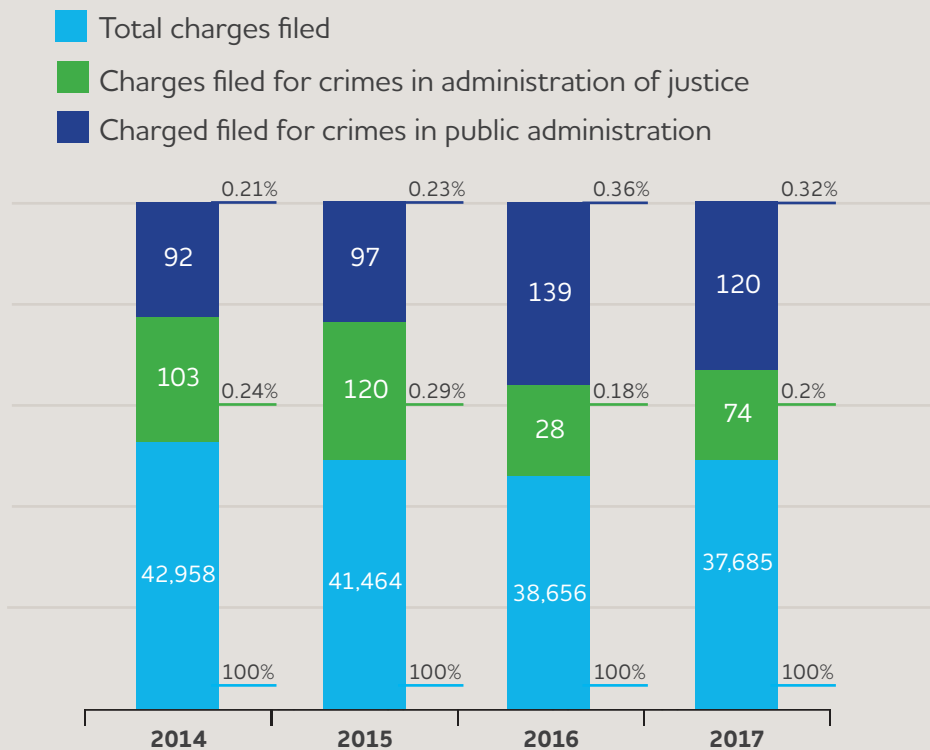
Prosecutors face many difficulties in developing investigations that guarantee a robust criminal accusation in corruption matters. This is evident when comparing the amount of charges filed annually by the FGR overall and the total charges filed for crimes against the administration of justice and public administration.

The data show that charges filed by prosecutors related to corruption do not even amount to 1% of all charges filed by prosecutors and submitted to the Judiciary annually.

In addition, information produced by the FGR makes it evident that the complexity of some cases may cause discrepancies in tracking the phases of the case. The system of information and automated management of prosecution proceedings (SIGAP) tracks cases in annual periods that can be different from what is reported at the end of the criminal phase, making more precise monitoring difficult. However, the figures presented in this document are the closest approximation of the prosecutorial data related to crimes of corruption.

GRAPH 2

PROPORTION OF CORRUPTION CHARGES IN RELATION TO TOTAL CHARGES FILED BY PROSECUTORS, 2014-2017



Source: Compiled using data from the FGR

PROSECUTION FOR ILLEGALLY OBTAINED ASSETS

When analyzing the information published by the Judiciary of the special jurisdiction of asset forfeiture, data shows that said jurisdiction began operations in 2014, with a modest amount of nine cases heard.

During the 2014-2017 period, this jurisdiction ruled in favor of the State regarding goods that had an illegal origin or destination in a total of 134 cases.

Of these cases, 60 (44.8%) ended in a sentence, making it possible to know the merits of each of them.

TABLE 4**ASSET RECOVERY CASES**

	Cases pending at the start of the year	New cases initiated during the year	Cases closed during the year	Cases open at the end of the year	Rulings
2014	0	9	2	7	0
2015	7	30	26	12	20
2016	12	43	27	29	19
2017	29	52	39	43	21

Source: Compiled using data from the Supreme Court of Justice, 2014-2017

According to available data, 2017 saw a greater number of new cases admitted to the Specialized Court of Asset Forfeiture (52) and a modest increase in the number of rulings issued in asset recovery cases (21).

In 2017, of the total number of active cases in this court (81), only 25.9% (21) of them saw a final ruling.

However, given the way the Judiciary provides statistical information concerning jurisdictional activity of this matter, it is not possible to specify whether the owners against whom the asset forfeiture was initiated were public officials, reflecting a main challenge in providing transparency on this subject.

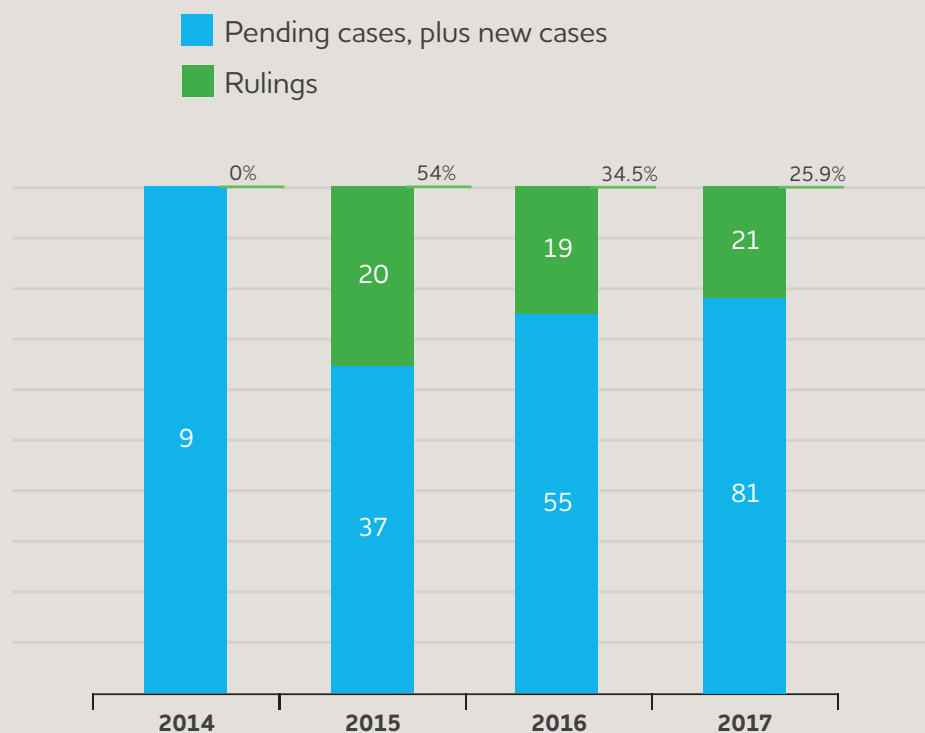
Another challenge related to the quality of judicial statistics on asset forfeiture is the lack of statistical information linking the action of asset forfeiture with a parallel prior or subsequent

criminal charge. Given that the law establishes that the assets susceptible to this action are those that originated from an illegal activity or were destined for its realization, it is necessary to know what the criminal offenses are that may be reflected in the process. Therefore, there is a need for coordination between the statistics of the criminal, ordinary, and specialized courts, so that the Judiciary can have triangulated information.

It is also not possible to obtain disaggregated information to see how many sentences represent convictions and how many represent acquittals. This is because the statistical reports of the Judiciary do not reveal this category of information, which is necessary to gauge the strengths and weaknesses of both the FGR and the Specialized Court of Asset Forfeiture. Therefore, the sentencing should be considered within judicial statistics in order to more accurately track levels of effectiveness.

GRAPH 3

CASES HEARD BY THE SPECIALIZED COURT OF ASSET FORFEITURE, 2014-2017



Source: Compiled using data from the Supreme Court of Justice, 2014-2017

PROSECUTION FOR ADMINISTRATIVE CRIMES

Regarding this point, statistics produced by the Institute of Access to Public Information, the Court of Accounts, and the Court of Government Ethics have been taken as a reference.

In producing official statistics, the IAIP should standardize some of its indicators in both its annual reports and in its public statistical reports. This would allow a more accurate annual monitoring of the jurisdictional activity carried out by the IAIP.

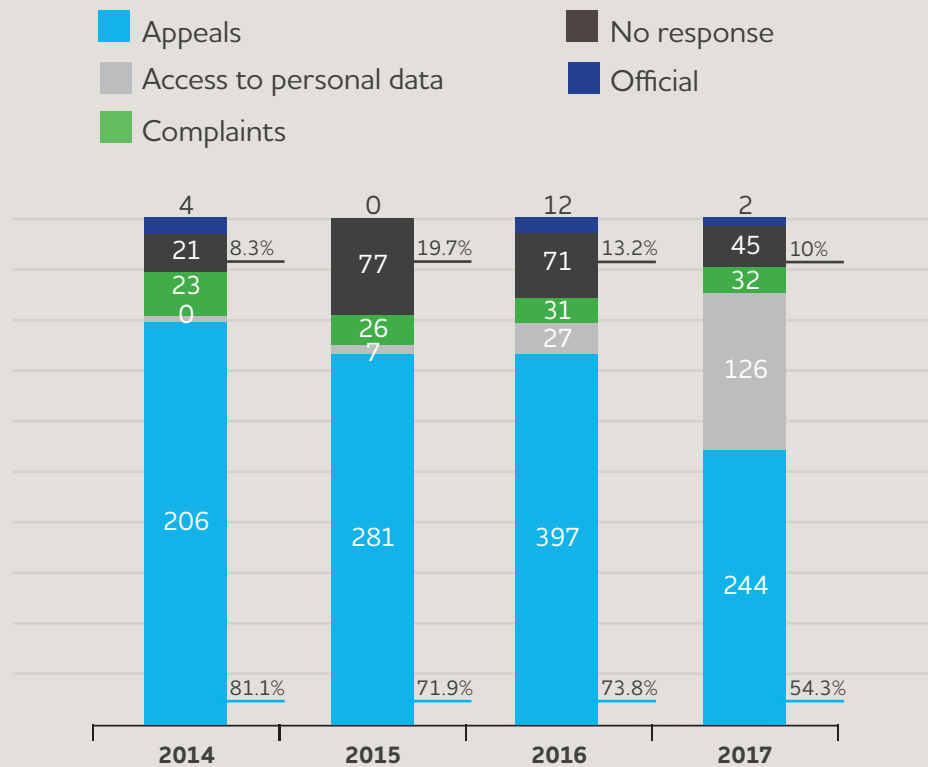
Based on the statistical information available

at the close of this report, there is a sustained increase in the number of information requests on public administration during the 2014-2016 period. The IAIP went from processing 254 requests in 2014 to 538 requests in 2016, representing a 111.8% increase.

Likewise, more than half of requests were appealed due to the denial of public information issued by the Information Officer of the relevant entity. In many cases, this constitutes a violation of the principle of maximum publicity established by the LAIP. In addition, one in ten cases heard in this administrative authority is related to a lack of response to information requests by the required state entity.

GRAPH 4

TYPES OF CASES HANDLED BY THE INSTITUTE FOR ACCESS TO PUBLIC INFORMATION, 2014-2017



Source: Compiled using data from the IAIP, 2015-2016; 2016-2017

The prevailing fact that entities of the state apparatus do not issue a response or refuse to provide information implies how difficult it is to expand the culture of transparency mandated by the LAIP.

On the other hand, the increase in citizen information requests to the IAIP represents an important factor in promoting transparency of state management as a whole. These requests act as deterrents to administrative violations that may constitute acts of corruption regarding access to public information.

Regarding information produced by the Court of Government Ethics (*Tribunal de Ética Gubernamental, TEG*), the 2016 data first shows that a significant flow of cases initiated in 2016 (429) against public officials for alleged violation of the LEG.

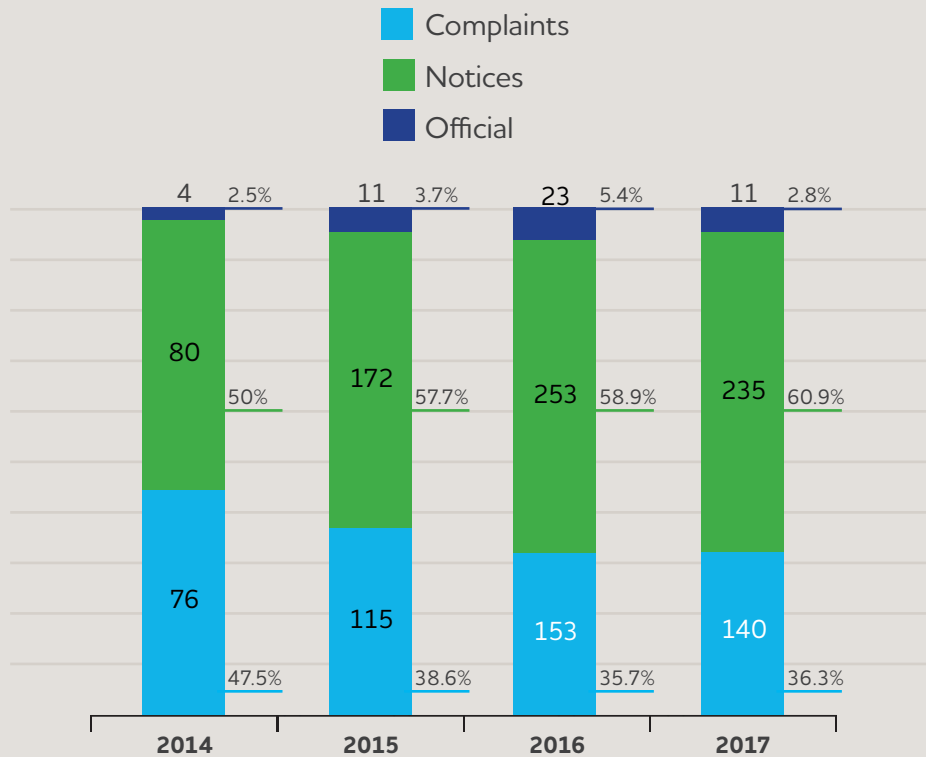
According to its official statistics, most of the cases the TEG heard during the 2014-2017 period were processed through notices. These notices are citizen notifications made before the TEG that then must be investigated. During the period analyzed, they represent more than half of the cases.

The data also show that the amount of official jurisdictional activity of the TEG (meaning the proceedings the TEG prompted itself without the need to mediate a complaint or notice) is

very small. During the analyzed period, it does not exceed 6% of the total cases heard by this court.

GRAPH 5

CASES HEARD BY THE COURT OF GOVERNMENT ETHICS, 2014-2017*



*Statistical report for 2014 and 2017 available as of September and August respectively
 Source: Compiled using data from the Court of Government Ethics

That said, during the 2014-2017 period, the number of employees and public officials the TEG investigated for allegedly committing an ethical offense regulated in the LEG was 2,050 employees and officials. The TEG investigated the greatest number of public servants (614) in 2016 and had the least amount of investigations (380) in 2017.

Annex 3 shows the historical record of the employees and officials sanctioned by the TEG and the type of infraction attributed to them. This public record shows that in 2014 and 2015, of the total number of employees and officials investigated (537 and 519, respectively), the TEG only sanctioned 6.7% and 6.4% of them (36 and 33 public servants, respectively). In 2016, of the 614 employees and officials investigated,

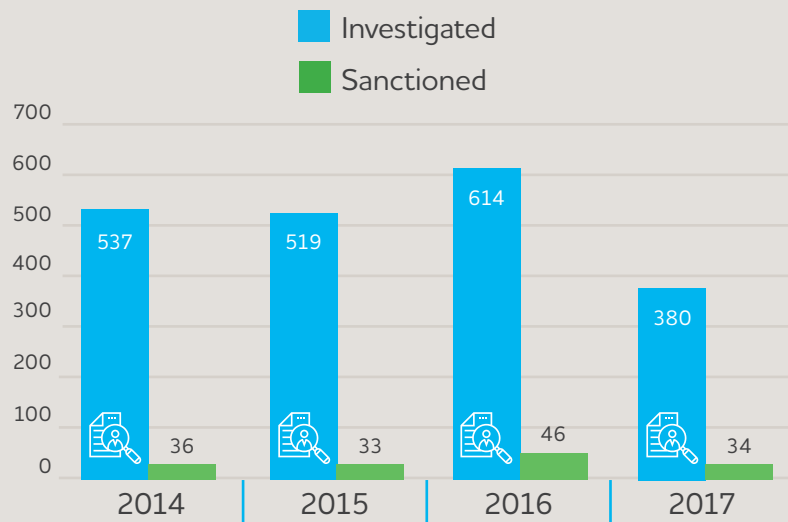
only 7.5% were sanctioned (46). In 2017, the TEG only sanctioned 8.9% (34) of the 380 people investigated.

The aforementioned annex shows the types of offenses committed by public personnel. These

are misuse of public goods, funds, resources or services and accepting or maintaining contractual relationships or responsibilities with private entities that undermine impartiality or cause conflicts of interest in performing the employee's job or position.

GRAPH 6

PUBLIC OFFICIALS AND EMPLOYEES INVESTIGATED AND SANCTIONED BY THE COURT OF GOVERNMENT ETHICS, 2014-2017



Source: Compiled based on data from the Court of Government Ethics

The Court of Accounts of the Republic is one of the public entities with the least availability of public information concerning the investigations and procedures it carries out.

However, the reports of complaints published by said entity show that during the 2014-2017 period, the CCR received a total of 682 complaints.

In 2014, out of a total of 245 complaints received, 10.6% (26 complaints) were closed, so

the matter was not known. In 2015, out of a total of 184 complaints, 21.7% (40 complaints) were closed. In 2016, closures represented 16.9% (22 complaints) of the total complaints published by the CCR (130). For 2017, closures accounted for 28.5% of the complaints published in the CCR reports (123 complaints).

The CCR reports consulted show that the most repeated irregularities for which complaints are filed with this entity are administrative irregularities, financial irregularities, and irregularities related to internal staff control.

TABLE 5**TYPES OF IRREGULARITIES INVESTIGATED BY THE COURT OF ACCOUNTS, 2014-2017**

	2014	2015	2016*	2017**
Abuse of authority	6	11	4	2
Administrative irregularities	71	56	54	23
Irregular purchases	-	2	2	1
Internal staff oversight	13	31	30	38
Project implementation	25	26	12	14
Financial irregularities	60	32	16	23
Breach of contract	14	5	2	2
Embezzlement of funds	3	-	2	-
Public bidding process	14	2	4	9
Misuse of government vehicles	33	16	4	10
Other irregularities***	6	3	-	1
Total	245	184	130	123

Compiled using data from the Court of Accounts of the Republic, 2014-2017

*For 2016, the CCR transparency portal reports only the data for the first and fourth quarter of that year

**For 2017, the CCR transparency portal did not include the July data report

***The category "Other irregularities" includes for the year 2014: Misuse of state assets, Implementation of projects and financial, Administrative and financial, Excess charges, Collection of Municipal Taxes; for 2015: Excessive charges and irregular bidding; and for 2017: Irregular bidding

PROGRESS OF EMBLEMATIC CASES

The various institutions that provide statistical information and regulate the framework of laws that have to do with public office find difficulty in producing official information related to cases that spark public interest due to their media coverage or the financial scale.

Two key examples are the prosecution of the former president, Elías Antonio Saca, and the former prosecutor general, Luis Martínez.

First, here are a few procedural aspects of the former president's case:

- The prosecution against the former president took place approximately seven years after the end of his presidential term.
- The Probity Section's discussion of the audit report required five work sessions and his arrest warrant was signed 13 days later.
- Former president Saca's arrest was made seven months and 24 days after the signing of the aforementioned warrant.
- The former president's the Justice of the Peace that initiated the trial was made within 48 hours.
- The preliminary hearing (where evidence that supports the case is admitted or rejected) was held 1 year, 2 months and 25 days after his capture.
- The transfer of criminal proceeding to the sentencing court took place approximately 19 days later.
- Between the trial phase and the conviction of the former president, approximately one month elapsed.
- Asset forfeiture carried on until the former president was sentenced, 7 months and 23 days later.
- The public information available on the case indicates that in the face of the former president's confession for the crimes of peculation and money laundering, the FGR handed down a minimum sentence of 5 years for each crime and the return of a tenth of what was taken from the State coffers.

The timeline of the main events related to the prosecution of former President Saca is detailed in Box 6.

BOX 6

TIMELINE OF EVENTS: THE CORRUPTION PROBE OF PRESIDENT ANTONIO SACA

Year	Date	Event
2003	April 14	Arena renews leadership of the party for the fifth time in three years. This leadership distances itself from one dominated by executives from the commercial-industrial and financial sector (Archie Baldocci, Ricardo Poma and Guillermo Sol Bang), to one apparently more attached to the ideological livelihoods of the right-wing party, especially the agricultural branch, led by José Antonio Salavarría. This change will favor the internal election of Elías Antonio Saca for the presidency of the Arena party. ⁴¹
	July 13	Elías Antonio Saca, Salvadoran radio entrepreneur, becomes the Arena party presidential nominee, beating Carlos Quintanilla Schmidt. Saca obtained 2,023 votes, while Quintanilla Schmidt received 48. ⁴²
2004	March 21	Elías Antonio Saca wins the presidential elections with 1.3 million votes. With him, Arena secured its fourth consecutive government since 1989.
	April	Elías Antonio Saca receives reference check ZB0002399 for \$100,000, corresponding to the funds donated by Taiwan in the past presidency. ⁴³
	May 18	Between November 25 and May 18, 2004, Elmer Charlaix, campaign manager and person responsible for managing the funds of the Presidential House budget, received 41 checks associated with Taiwan totaling \$1.35 million. ⁴⁴
	June 1	Elías Antonio Saca takes possession of the presidency of the republic. According to the Public Prosecutor's Office, one of the first actions taken on the first day of his term was establishing a "special regulation" ⁴⁵ that allowed him to transfer funds allocated to the Presidential House to private accounts. ⁴⁶
2009	March 15	Mauricio Funes, of the FMLN party, wins the elections for the 2009-2014 term.
	June 1	Mauricio Funes takes over as President of the Republic.
	May	Alfredo Cristiani becomes president of the National Executive Committee (<i>Consejo Ejecutivo Nacional</i> , COENA), taking on a \$6 million debt, after the terms of Elías Antonio Saca and Rodrigo Ávila at the head of the Arena party. ⁴⁷
	December	COENA expels Elías Antonio Saca from the Arena party.
2013	October 31	Elías Antonio Saca registers as a presidential candidate for the 2014-2019 term.

Year	Date	Event
2013	November 25	The Constitutional Chamber recognizes a lawsuit in which the October 31, 2013 ruling by the Supreme Electoral Court (TSE) is declared unconstitutional. The ruling allowed Elías Antonio Saca to run for president under the political coalition formed by the Grand Alliance for National Unity (<i>Gran Alianza por la Unidad Nacional</i> , GANA) party, the National Coalition Party (<i>Partido de Concertación Nacional</i> , PCN), and the Christian Democratic Party (<i>Partido de Concertación Nacional</i> , PDC). ⁴⁸
2014	June 26	The Constitutional Chamber declares unconstitutional the ruling of the TSE through which Elías Antonio Saca registered as a candidate for the presidency for the term 2014-2019. The decision was unanimous, signed by magistrates Florentín Meléndez, Belarmino Jaime, Sidney Blanco, Rodolfo González, and Eliseo Ortiz. ⁴⁹
2016	January 6	Douglas Meléndez begins functions as Prosecutor General. ⁵⁰
	February 19	The Plenary Court discusses a first audit report of the assets of former President Elías Antonio Saca. 14 of the total 15 magistrates who met (Judge Florentín Meléndez was on an official business in the interior of the country), suspect signs of illicit enrichment by Elías Antonio Saca, who, according to the Probity Section report of the Supreme Court of Justice, failed to justify a \$6,574,445.40 increase in wealth during his term. ⁵¹
	February 23	After five working sessions, 13 of the 15 magistrates of the Plenary Court of the Supreme Court of Justice ordered that former president Elías Antonio Saca be sent to trial for illicit enrichment (except magistrate Ovidio Bonilla and Ricardo Iglesias, who replaced Judge Óscar López Jerez, who were the only ones to abstain from voting). At this point, the signing of the ruling, which details the bank accounts and assets of the former president that will be frozen during the process, in parallel to his arrest warrant, is pending. In the auditing of the affidavits of assets, there are 13 findings totaling \$6.5 million. Of this amount presented in the first report on February 19, the former president managed to justify only \$1.5 million. ⁵²
	March 7	After 13 days, the Supreme Court of Justice sign a ruling authorizing the arrest of former President Elías Antonio Saca and his wife Ana Ligia Mixco Sol de Saca; both are to be taken to trial for illicit enrichment. The case is referred to the First Civil Chamber of the First Section of the Center of San Salvador , where Saca will face a civil trial for the illicit enrichment of \$4,559,621.65. Of this money, \$2.2 million correspond to what the former president allegedly accumulated during his tenure, \$1.7 million correspond to what was obtained outside the five-year presidential term, and \$589,000 correspond to what the former first lady failed to justify. At this time, the Supreme Court of Justice also signs an order to freeze five bank accounts, five properties, and assets owned by the Saca family in four radio companies (<i>Promotora de Comunicaciones SA de CV</i> , <i>Grupo Samix SA de CV</i> , <i>Radiodifusión de El Salvador SA de CV</i> , and <i>Stereo Noventa y Cuatro Punto Uno SA de CV</i> , which registered an increase of assets of up to 1600 percent, between 2004 and 2009) for violating accounting standards by mixing their assets, their finances, and their accounting , which goes against the Commercial Code and the International Financial Reporting Standards. ⁵³

Year	Date	Event
2016	October 13	The Probity Section of the Supreme Court of Justice instructs that Elmer Roberto Charlaix Urquilla, a former private secretary of ex-President Elías Antonio Saca who failed to justify the use of \$ 18.8 million stolen from an official account of the presidency, be prosecuted for illicit enrichment. Of this amount, \$15.8 million comes from the Subsidiary Institutional Account of the Public Treasury of the Presidency of the Republic, known as “Secret Budgetary Appropriation” (“ <i>Partida Secreta</i> ”), and were channeled through checks in favor of former President Elías Antonio Saca. The checks were deposited to Charlaix’s personal accounts. The report indicates that other checks were issued to the following people, drawing from Charlaix’s accounts: Elmer Roberto Charlaix (\$5,878,686.23), Pablo Gómez (\$1,983,421.00), Julio Roberto Zamora, employee of CAPRES (\$1,166,665.00), César Funes, former president of ANDA (\$281,000.00), Elías Antonio Saca (\$117,800.00), and the Arena party (\$400,000.00). With the unanimous vote of the 15 judges, the Supreme Court sent the case to the House to work on signs of corruption present in the probity report. It also advised the FGR to proceed with the corresponding criminal investigation. ⁵⁴
	October 30	On Sunday, October 30, at 2:15 a.m., a group of police officers belonging to the Elite Division against Organized Crime (<i>División Élite contra el Crimen Organizado</i> , DECO) arrest former President Elías Antonio Saca . The same operation also saw the following people arrested: Julio Humberto Rank Romero (former deputy of Arena and former secretary of communications during Elías Antonio Saca’s presidency), César Daniel Funes Durán (secretary for youth affairs during the 2004-2006 term and President of ANDA during the 2006-2009 term), Francisco Rodríguez Arteaga (head of the financial unit of the [Presidency during Elías Antonio Saca’s term), who will be prosecuted for the crimes of money laundering and criminal enterprise . The same day, Jorge Alberto Herrera (treasurer during Elías Antonio Saca’s presidency) and Pablo Gómez (accountant of the private secretary of the presidency from Elías Antonio Saca’s administration until this year) were also arrested in their respective residences and will be prosecuted for peculation and criminal enterprise . The four officials and three financial technicians were transferred to holding cells of the Anti-Drug Trafficking Division (<i>División Antinarcostráfico</i> , DAN), where Elmer Charlaix Urquilla turned himself in that morning. ⁵⁵
	November 1	Elías Antonio Saca, along with the other six accused on October 30, are presented before the Fourth Peace Court. They are accused of belonging to a corruption network that diverted a total of \$246 million in public funds. Of this amount, \$116 million was collected in cash by Elías Antonio Saca, Charlaix, Pablo Gómez, and Rodríguez Arteaga throughout the 2004-2009 term of the former presidential administration. Another \$122 million was embezzled through bank transfers and deposits, while \$6 million was allegedly laundered between companies, accounts of Elías Antonio Saca, and radio companies in which he appears as a shareholder, according to the investigation presented by the FGR before the aforementioned court. ⁵⁶

Year	Date	Event
2018	April 24 to 27	A preliminary hearing is held behind closed doors against Elías Antonio Saca and the other six accused. ⁵⁷
	May 16	The Fourth Instruction Court of San Salvador rule that former President Elías Antonio Saca and the other six defendants will proceed to trial for allegations of involvement in a corruption network that diverted \$300,347,117.17 in public funds. The FGR has managed to validate the case involving peculation and money laundering charges, and moved to proceedings before a trial judge. ⁵⁸
	July 5	The agreement between former Prosecutor General Douglas Meléndez and former President Elías Antonio Saca and his defenders sign an agreement to be tried through abbreviated proceedings in exchange for confessing to trying to bribe an employee of the First Chamber of Civil Affairs of San Salvador. ⁵⁹
	July 17	Elías Antonio Saca's defense requests an abbreviated process by writing to the office of Prosecutor General Douglas Meléndez. This process stipulates that if they confess to the acts, the accused may be sentenced with the minimum to one-third of the minimum of the original penalty. In principle, Elías Antonio Saca and Charlaix could be sentenced to 30-year prison sentences for crimes of peculation and money laundering. Through the confession and the abbreviated process endorsed by the FGR, this sentence was reduced to 5 years for the crime of peculation and 5 years for the crime of money laundering. The FGR did not disclose how long ago the negotiation of the abbreviated process began, contemplated in Article 417 of the Criminal Procedure Code; nor was there a public explanation why the FGR accepted a minimum sentence, nor the return of less than a tenth of what was allegedly stolen from the public treasury in one of the most emblematic cases investigated by the FGR. ⁶⁰
	August 7	The so-called “uncover corruption” (<i>Destape a la corrupción</i>) trial begins against Elías Antonio Saca and the other defendants, accused of being part of a structure that looted and laundered \$301 million. Elmer Charlaix gave an “extrajudicial declaration” to prosecutors, lawyers and two witnesses, confessing to the crime he is accused of on paper. The other three defendants, former President Elías Antonio Saca included, gave their confession to the prosecutors. The FGR asked the trial court for each of the defendants to read their statements aloud during the trial. ⁶¹
	August 10	The Court of Second Instance of San Salvador continues the trial against former President Elías Antonio Saca and six other defendants, who served during his tenure. This day, Elías Antonio Saca confesses his crimes, accepting the charges and describing how he embezzled the funds. ⁶²
	September 12	The Court of Second Instance of San Salvador sentences Former President Elías Antonio Saca to five years in prison for the crime of money laundering and five years for the crime of peculation; this followed negotiations with the FGR to reduce his penalty in exchange for confessing to committing his crimes. This court also issued a civil liability conviction to each of those involved, requiring they must proportionally return the \$300,347,117.17 that was misappropriated. Elías Antonio Saca was imposed \$260.7 million in civil liability. ⁶³

Year	Date	Event
2019	January 5	Douglas Meléndez ceases functions as prosecutor general. ⁶⁴
	January 6	Raúl Melara assumes the position of prosecutor general.
	May 6	The FGR officially presents the asset seizure request for the goods of former President Elías Antonio Saca and those of his close associates. ⁶⁵
	June 18	The Specialized Unit of Asset Forfeiture seizes real estate valued at \$16 million against former President Elías Antonio Saca and the rest of the accused. Prosecutor personnel of the Special Unit for Asset Recovery proceeded on Tuesday to materialize or seize more than 30 properties, located in five departments of the country, belonging to different people who are either facing criminal processes or have received convictions for acts linked to corruption. All would be linked to former President Elías Antonio Saca. ⁶⁶
	June 10	The FGR files charges in the Eighth Peace Court of San Salvador against Hernán Contreras (former president of the Court of Accounts from June 29, 2002 to December 28 June 2011), accused of breach of duties and aggravated forgery. Hernán Contreras was aware that the information submitted by the Presidential House was incomplete and insufficient, which is why the charges state that the former official consciously omitted information previously requested by the state. The first order to audit the item of reserved expenses was in August 2005. The following auditable examinations were made under the same irregular mechanisms, until the term of former President Elías Antonio Saca ended. ⁶⁷
July 5	The Second Criminal Chamber of San Salvador definitively exonerates, based on the statute of limitations of the crime, former president Elías Antonio Saca and businessmen Juan Tennant Wright Castro and Gerardo Antonio Balzaretto Kriete, accused of money laundering. ⁶⁸	

Based on monitoring of former Prosecutor General Luis Martínez’s criminal proceedings, it is important to note:

- The prosecution of the former prosecutor general revealed a precedent of using the prosecuting apparatus to manipulate and create proof in anomalous support of judgments that benefit particular interests.
- According to the information published by national media, the FGR Telephone Listening Center was used for purposes other than those provided by law.
- Criminal responsibility was ultimately established for the crime of disclosure of reserved material. This is particularly worrisome since one of the responsibilities of the public official who directs the FGR is to use evidence in compliance with legal parameters.
- This prosecution exposed bias in pursuing criminal action, and sheds doubt on the impartiality of the FGR’s investigative work because of the way in which the presidency granted funds directly and unjustifiably to the former prosecutor.

- The different criminal proceedings involving former Prosecutor General Luis Martínez demonstrate that opening the door to corruption just once can trigger an irreversible series of criminal offenses, which, over time, become a common practice in the exercise of the duties of office.

BOX 7

TIMELINE OF MAIN EVENTS RELATED TO THE PROSECUTION OF FORMER PROSECUTOR GENERAL LUIS MARTÍNEZ

PROSECUTION FOR DISCLOSURE OF RESERVED INFORMATION

Year	Date	Event
2009	September 19	Romeo Benjamín Barahona begins functions as prosecutor general. ⁶⁹
2012	April 24	The Legislative Assembly elects former Deputy Minister of Security and former Prosecutor General Ástor Escalante as prosecutor general. ⁷⁰
	July 10	The Constitutional Chamber annuls the election of former Prosecutor General Ástor Escalante based on proceedings involving unconstitutionality in which impropriety was alleged in the election process because the Legislative Assembly of the 2009-2012 period had twice made the appointment of this official in the same term. ⁷¹
	September 18	Romeo Benjamín Barahona's term as prosecutor general ends. ⁷²
	December 4	Luis Martínez begins functions as prosecutor general after a two-month and 19-day delay in selection. ⁷³
2014	September 8	Luis Martínez releases recordings of intimate telephone conversations that former priest Antonio Rodríguez held during the “gang truce” negotiations, which ended in the confession, condemnation and, at that time, the departure of Rodríguez from the country. Former Prosecutor General Luis Martínez revealed these conversations to Monsignor José Luis Escobar Alas, the apostolic forerunner, León Kalenga Badkibele, the representatives of the congregation of passionist priests, Father Carlos Sanmartín, the ambassador of Spain in El Salvador Francisco Ravena, and to the consul of Spain, Fernando Villena. ⁷⁴
2015	September 29	Luis Martínez is running for re-election of his position. ⁷⁵
	December 3	Luis Martínez's term as prosecutor general ends. ⁷⁶
2016	January 6	Douglas Meléndez begins functions as prosecutor general. ⁷⁷
	August 26	Former priest Antonio Rodríguez presents an accusation to the FGR for disclosure of his intimate telephone conversations. ⁷⁸

Year	Date	Event
2016	August 28	The FGR files charges against Luis Martínez for the disclosure of former priest Antonio Rodríguez's intimate conversations before the 1st Peace Court . ⁷⁹ In this same term, the former prosecutor general already has parallel criminal proceedings in the 7th Peace Court in which he is accused of failure to investigate and businessman Enrique Rais is accused of procedural fraud. ⁸⁰
	August 30	The 1st Peace Court of San Salvador issues the arrest of former Prosecutor General Luis Martínez for disseminating said talks. ⁸¹
2018	October 16	The Eighth Instruction Court of San Salvador initiates preliminary hearing against former Prosecutor General Luis Martínez. ⁸²
	October 22	The Eighth Instruction Court of San Salvador decrees that the proceedings be referred for its trial stage at the FGR's request for the crime of disclosure of reserved material. The court also admitted all evidence presented by the FGR. ⁸³ Total reservation of this evidence was ordered in this proceeding. ⁸⁴
	November 19	Former Prosecutor General Luis Martínez appears at his public hearing in the 6th Court of Instance in San Salvador. He is charged with the crime of disclosure of reserved material. ⁸⁵
	December 4	The 6th Court of Instance of San Salvador sentences former Prosecutor General Luis Martínez to five years in prison for the disclosure of material reserved to the detriment of former priest Antonio Rodríguez. In addition, the court imposed a \$125,000 payment in civil liability. ⁸⁶
	January 5	Douglas Meléndez ceases functions as prosecutor general. ⁸⁷

PROSECUTION FOR PROCEDURAL FRAUD AND FAILURE TO INVESTIGATE ALLEGED CRIMES

Year	Date	Event
2015	June	Mario Calderón, a former legal adviser for businessman Enrique Rais, accused then-Prosecutor General Luis Martínez of repeatedly acting on the behalf of Rais's interests. He argued that Martínez benefited from the use of an aircraft linked to Rais. Calderón also said that the case opened by the FGR, in which Calderón was accused of extortion, amounted to harassment. ⁸⁸
	October 29	Luis Martínez seeks re-election of his office. ⁸⁹
	December 3	Luis Martínez's term as prosecutor general ends. ⁹⁰
2016	January 6	Douglas Meléndez begins functions as prosecutor general. ⁹¹

Year	Date	Event	
2016	August 22	Luis Martínez is arrested alongside Enrique Rais, ⁹²⁻⁹³ facing charges of bribery, procedural fraud, and breach of duties as the former prosecutor general. ⁹⁴	
	August 25	In the 7th Court of Peace of San Salvador , the FGR files charges against Luis Martínez, Enrique Rais, former state prosecutor Julio Arriaza (who served under the Luis Martínez administration), former 9th Justice of the Peace Romeo Aurora Giammattei, former Rais defense attorney Wilfredo Ernesto Gutiérrez, Rais's nephew Hugo Blanco Rais, former Institute of Forensic Medicine expert Nestor Recinos, and other defendants. ⁹⁵	
	August 28	The 7th Justice of the Peace of San Salvador , Evelin Jiménez de Solís, modifies the precautionary measure of provisional detention by a substitute measure that allows continuing the criminal proceedings against those charged while free, basing his decision on the consideration of non-existence of a "danger of escape." At this time, the defendants were released waiting for the continuance of the trial. ⁹⁶	
	September 1	The FGR files an appeal before the First Criminal Chamber of San Salvador to reverse the measures used to substitute imprisonment measure decreed by the 7th Justice of Peace. ⁹⁷	
	September-October		The Seventh Instruction Court is inhibited from knowing the stage of investigation of the proceedings against Luis Martínez, Rais, and the rest of the accused because it was prohibited by Article 24, subsection 2, of the Special Law for the Intervention of Telecommunications. This article establishes that "the judge authorizing the intervention shall not be aware of instruction in criminal proceedings when authorized telecommunications intervention is incorporated." ⁹⁸
			The First Criminal Chamber refers judicial proceedings to the Eighth Instruction Court. ⁹⁹
November-December		The Eighth Instruction Court Judge is disqualified due to an alleged friendship with the defendants. ¹⁰⁰	
		Faced with the previous procedural incident, the First Criminal Chamber refers the judicial proceedings to the Ninth Instruction Court . This Court also had a procedural issue of disqualification similar to the Eighth Instruction Court . ¹⁰¹	
2017	January 12	In light of the appeal filed in September 2016 by the FGR, the First Criminal Chamber ordered that Rais and Martínez be retaken into custody . ¹⁰²	
	18 January	INTERPOL issues a red notice against Enrique Rais. ¹⁰³	
	January 13		Luis Martínez is once again taken into custody, per orders by the First Criminal Chamber of San Salvador. ¹⁰⁴
		That night, Martínez appears in court to face charges for failing to investigate alleged crimes and for participating in a corruption network within the justice system. He is also accused of fabricating evidence in a legal process involving Claudia Herrera and former Rais employee Mario Calderón. Martínez is sent to Metapán Prison Center while awaiting trial. ¹⁰⁵	

Year	Date	Event
2018	January	Enrique Rais completes one year as a fugitive of justice. ¹⁰⁶
	November 15	The 8th Instruction Court opens trial against Luis Martínez. The Press Unit of the Isidro Menéndez Judicial Center reports that the accused will be tried in the Court of Second Instance. ¹⁰⁷
2019	January 5	Douglas Meléndez ceases functions as prosecutor general. ¹⁰⁸

PROSECUTION FOR MONEY LAUNDERING AND ILLICIT ENRICHMENT CHARGES

Year	Date	Event
2016	December 10	Prosecutor General Douglas Meléndez confirms that, at the FGR's request, the 14th Court of Peace of San Salvador ordered the immobilization of accounts and some assets of former Prosecutor General Luis Martínez, due to the initiation of a criminal investigation for possible money laundering. According to Constitutional Chamber Magistrate Sidney Blanco, Martínez was laundering the money he received from the Presidential House in bonuses through a plastics company (<i>Sociedad Bolsas Desechables y Plásticos SA de CV</i>), using these funds to pay off four credit cards used by him and his family. ¹⁰⁹
	November 16	Luis Martínez revealed to the probity section of the Supreme Court that during his entire term (18 months of Funes' administration and 18 months of Sánchez Cerén's administration) he received a monthly bonus ranging between \$10,000 to \$20,000. ¹¹⁰
2018	October 17	Martínez is notified of crimes related to the "Operation Corruption" (" <i>Operación Corruptela</i> ") case, and therefore will be subjected to new court proceedings for laundering of money and other charges. ¹¹¹
	October 22	The FGR announces the crimes for which former Prosecutor General Luis Martínez is accused in "Operation Corruption," along with 12 other associates, including Aldo Vinicio Parducci Meléndez, Carlos Mauricio Funes Cartagena, José Aquiles Enrique Rais López, Hugo Ernesto Blanco Rais, Moisés Adalberto Torres Polanco, Edgar Isaías Márquez Argueta, Francisco José Paredes Valladares, Wilson Alexander Nieto Alvarado, Blanca Rosa Rais Mejía, and Atilio Adalid Pérez Salguero. Martínez is accused in the 4th Court of Peace of San Salvador of the following money laundering charges: peculation, unlawful negotiations, bribery, forgery, failure to investigate, money and assets laundering, and aggravated forgery. Martínez undergoes pretrial detention during the preliminary investigation phase for this criminal process. ¹¹²
	November 29	By unanimity of votes, the plenary of the Supreme Court of Justice orders the opening of a civil trial for illicit enrichment against Martínez, since he could not justify \$486,213.80 existing in his family estate, according to a report provided by the Probity Section. ¹¹³

ACRONYMS AND ABBREVIATIONS

CCR	Court of Accounts of the Republic
CNUCC	United Nations Convention against Corruption
CONAB	National Council for the Administration of Assets
CSJ	Supreme Court of Justice
FGR	Office of the Prosecutor General of the Republic
IACAC	Inter-American Convention against Corruption
IACHR	Inter-American Commission on Human Rights
IAIP	Institute for Access to Public Information
Iudop	University Institute for Public Opinion
LAIP	Public Information Access Law
LCCR	Law of the Court of Accounts of the Republic
LCLDA	Law against Money and Asset Laundering
LEDAB	Special Law for Recovery and Administration of Assets of Illicit Origin or Destination
LEG	Government Ethics Law
LEIFEP	Law on Illicit Enrichment of Public Officials and Employees
MJSP	Ministry of Justice and Public Security
OJ	Judiciary
PGR	Public Defender's Office of the Republic
PNC	National Civilian Police
TEG	Court of Government Ethics
TMSDCA	Framework Treaty on Democratic Security in Central America
UCA	José Simeón Cañas Central American University
WOLA	Washington Office on Latin America

ANNEX 1

CLASSIFICATION OF CRIMES RELATED TO THE ADMINISTRATION OF JUSTICE ANALYZED IN THIS REPORT

Art. 306 Procedural Fraud	Anyone who, in the course of a judicial procedure or immediately before it takes place, tampers with the evidence (the site, the position, or condition of persons, things or corpses) with the purpose of misleading the investigation or the judicial reconstruction of the facts; or anyone who destroys or alters the whole or a portion of that which establishes the reality or truth of what is intended to be known, investigated, or proven, in order to induce an error in the proceedings or judicial decision or by the Prosecutor General's Office.	2 to 10 years in prison
Art. 307 Bribery	Anyone who gives, offers, or promises money or any other perk to a witness, jury, attorney, investigator, expert witness, interpreter or translator, with the objective of obtaining false testimony, denial or concealment of the truth, as a whole or in part, in a judicial proceeding, even if the offer or promise was not accepted.	2 to 5 years in prison
Art. 308 Concealment	Anyone with knowledge of the perpetration of a crime and without prior legal agreement, commits any of the following acts: 1) Helps to avoid the government's investigations or evade justice; 2) Tries or helps someone to disappear, hide or tamper with traces or samples of evidence or equipment from the crime, or guards the resulting outcomes or developments of the crime; and 3) Acquires, receives or hides money, goods, or resulting outcomes from a crime or intervenes in their acquisition, receipt or concealment.	6 months to 3 years in prison
	If the previous acts took place in the context of extortion or kidnapping.	4 to 8 years in prison
Art. 310 Prevarication	A judge knowingly issues a ruling that runs counter to the law or is founded on false findings in pursuit of his/her own interest or for a bribe.	3 to 6 years in prison and ineligibility (<i>inhabilitación especial</i>) to hold the post for an equal amount of time
	If the ruling issued was a guilty verdict in a criminal proceeding.	3 to 10 years in prison
	It will be considered a breach of legal duty, or prevarication, if a judge or secretary, themselves or through a proxy, steers the parties of interest, the parties in trial, or any judicial proceeding being decided in a court in which he/she performs his/her responsibilities or in any other court.	1 to 3 years in prison
	The judge that issues an unjust sentence because of inexcusable ignorance or negligence.	2 to 4 years in prison
Art. 311 Omission of Investigation	The Prosecutor General or any staff directed by him/her who, outside of their jurisdiction, refuse to promote the investigation of a criminal act brought to his/her knowledge as a result of his/her functions. A staff member would receive the same punishment when, having knowledge of a criminal act, bypasses the enforcement of the corresponding criminal actions before the competent judge/tribunal.	3 to 5 years in prison and ineligibility to hold the post for an equal amount of time

Art. 312 Omission of Report	Any public employee, public staff member, law enforcement authority, or public authority who gains knowledge of the commission of a crime during the performance of his/her duties and fails to report within 24 hours to the designated authority. A chief or designated person in charge of a hospital, clinic, or similar establishment, public or private, would receive the same punishment if he/she does not inform the designated authority of the reception of injured persons within the first 8 hours in cases which would reasonably be considered to be related to a crime.	50 to 100 days fine
Art. 314 Unfaithful Representation	An attorney, public defender, or official who, before a judicial authority, defends or represents conflicting parties within the same issue, simultaneously or consecutively. The prosecutors, investigators, technical collaborators or any other public official involved in the ruling would receive the same punishment.	50 to 100 days fine and ineligibility to hold the profession, office, or post for 2 to 4 years
Art. 315 Feigned Influence	The attorney, public defender, prosecutor or principal that, feigns winning influence with the designated judge or magistrate, prosecutor, judicial secretary, witness, or expert witness involved in the case, on behalf of his/her client or obtains a promise to him/her or a third party of money or something else of use, with the pretext that the ruling would be favorable, otherwise the designated official would need to remunerate him/her.	1 to 3 years in prison
Art. 316 Destruction, Disablement or Concealment of Documents by an Attorney or Principal	Anyone intervening in a case as an attorney, public defender, prosecutor or principal who, abusing his/her position, destroys, disables or hides documents or facts of which he/she received in his/her professional capacity or in any other circumstance.	2 to 5 years in prison and ineligibility to hold the post or office from 3 to 6 years
Art. 318 Aiding in the Evasion of Arrest	Anyone who assists, facilitates or allows a detained or condemned person to evade their sentence.	5 to 10 years in prison and ineligibility to hold the post
Art. 318-A Wrongful Aiding in the Evasion of Arrest	Anyone who deliberately allows a detained or condemned person to evade his/her sentence.	5 to 10 years in prison and ineligibility to hold the post
		1 to 3 years in prison

ANNEX 2

CRIMES RELATED TO THE ADMINISTRATION OF JUSTICE ANALYZED IN THIS REPORT AND REGISTERED BY PROSECUTORS

Crimes Related to the Administration of Justice										
Crime	Year	Cases Initiated	Provisional Closures	Definitive Closures	Under Investigation	Charges Filed	Provisional Dismissals	Definitive Dismissals	Convictions	Acquittals
Procedural Fraud (Art. 306)	2014	62	8	38	15	16	1	3	5	2
	2015	50	4	25	21	16	1	3	4	2
	2016	59	7	21	25	15	1	5	2	1
	2017	94	2	31	59	23	0	2	4	4
Bribery (Art. 307)	2014	6	0	3	3	0	0	0	0	0
	2015	5	0	2	3	1	0	0	0	0
	2016	3	0	1	2	1	0	0	0	0
	2017	4	0	3	0	3	0	0	2	1
Concealment (Art. 308)	2014	35	2	22	7	70	6	4	7	4
	2015	44	1	33	9	65	3	5	13	2
	2016	32	4	18	8	33	3	5	26	9
	2017	19	1	9	6	30	3	4	10	5
Prevarication (Art. 310)	2014	26	2	12	11	1	0	0	0	0
	2015	20	1	6	13	5	0	1	1	0
	2016	37	0	15	20	5	0	0	2	0
	2017	40	1	8	26	3	0	0	1	0
Omission of Investigation (Art. 311)	2014	2	0	0	2	0	0	0	0	0
	2015	0	0	0	0	0	0	0	0	0
	2016	8	0	2	4	2	0	0	0	0
	2017	6	0	3	2	0	0	0	0	0
Omission of Report (Art. 312)	2014	6	0	4	2	0	0	0	0	0
	2015	5	2	3	0	2	0	0	0	0
	2016	9	1	5	2	4	1	0	0	2
	2017	4	0	1	3	0	0	0	0	0
Unfaithful Representation (Art. 314)	2014	2	0	0	2	0	0	0	0	0
	2015	0	0	0	0	0	0	0	0	0
	2016	5	1	1	3	1	0	0	0	0
	2017	4	0	0	4	0	0	0	0	0
Feigned Influence (Art. 315)	2014	8	0	6	2	1	0	0	0	2
	2015	9	1	6	2	5	0	0	0	0
	2016	4	0	1	2	3	0	0	0	1
	2017	9	0	4	5	5	0	0	2	0

Crime	Year	Cases Initiated	Provisional Closures	Definitive Closures	Under Investigation	Charges Filed	Provisional Dismissals	Definitive Dismissals	Convictions	Acquittals
Destruction, Disablement or Concealment of Documents by an Attorney or Principal (Art. 316)	2014	2	0	1	1	0	0	0	0	0
	2015	2	0	1	1	1	0	0	0	0
	2016	4	0	2	2	0	0	2	0	0
	2017	4	0	0	3	0	0	0	0	0
Aiding in the Evasion of Arrest (Art. 318)	2014	23	3	19	1	15	6	5	0	1
	2015	40	6	29	5	25	2	7	2	1
	2016	21	1	13	7	6	5	1	1	2
	2017	27	4	13	10	10	3	3	4	2
Wrongful Aiding in the Evasion of Arrest (Art. 318-A)	2014	25	2	21	2	17	7	9	0	3
	2015	25	0	19	6	21	6	10	0	0
	2016	31	3	26	2	26	4	3	0	1
	2017	25	2	18	4	21	13	3	0	5
TOTAL		846	59	445	307	452	65	75	86	50

Source: Criminal Code and official FGR statistics, 2018

ANNEX 3

CLASSIFICATION OF CRIMES RELATED TO PUBLIC ADMINISTRATION ANALYZED IN THIS REPORT

Art. 320 Arbitrary Acts	The public official or public employee or someone in charge of a public service who, when performing their duties, commits an illegal or arbitrary act, violation or abuse against persons, or harm against property, or uses unlawful or unnecessary coercion for the purpose of fulfilling their duties or service or allows a third party to do so on their behalf.	2 to 4 years in prison and special ineligibility to hold the post for an equal amount of time
Art. 321 Failure to Fulfill Duties	The public official or public employee, law enforcement agent, or someone in charge of a public service who illegally bypasses, declines to perform, or delays a responsibility of their role.	4 to 6 years in prison and special ineligibility to hold the post for an equal amount of time
	When the failure to fulfill duties gives rise to a criminal act or is the motive for one.	Punishment escalates to the maximum penalty; ineligibility to hold the post for an equal amount of time
Art. 322 Disobedience	The public official or public employee, law enforcement officer or public authority that openly refuses to comply with the appropriate sentencing, decision, or order from a superior, given within their jurisdiction and authorized with the required legal formalities. Regardless of the previous subsection, public officials, public employees, law enforcement officers, or public authorities do not incur criminal repercussions if the mandate is an evident, clear, and categorical infraction of a legal precept or any regulatory provision.	6 months to 1 year in prison and ineligibility to hold the post for an equal amount of time

Art. 323 Withholding of Assistance	The public official, public employee, law enforcement officer, public authority, or someone in charge of a public service who, without justified cause, bypasses, declines, or delays the provision of assistance legally required of the responsible authority.	6 months to 2 years in prison and ineligibility to hold the post for an equal amount of time
Art. 324 Disclosure of Secret Facts, Actions or Documents by a Public Employee	The public official or public employee who reveals or divulges facts, actions, information or documentation that should be maintained in a reserve classification or who facilitates the release of such information in some way.	4 to 6 years in prison
	If there is great harm to the country as a result of revealing or divulging information.	Punishment escalates to the maximum penalty
Art. 325 Peculation	The public official or public employee or the person in charge of the public service who appropriates, for their personal interest or for another individual's interest, a benefit from money, valuables, federal or municipal funds, or other goods under their administration, in their collected revenue, in their custody, or through sales that they were charged with in their function or employment.	6 to 8 years in prison for sums up to \$11,428.57 8 to 10 years in prison for sums between \$11,428.58 and \$57,142.86 12 to 15 years in prison for sums exceeding \$57,142.86
Art. 326 Wrongful Peculation	The public official or public employee who is at fault for allowing another person to commit the peculation detailed in article 325.	2 to 3 years in prison for sums up to \$11,428.57 3 to 5 years in prison for sums exceeding \$11,428.57
Art. 327 Extortion	The public official or public employee, law enforcement agent, or public authority who, abusing their status or function, forces someone to give or promise money or other lucrative profits to him/her or a third party.	3 to 6 years in prison and ineligibility to hold the post for an equal amount of time
Art. 328 Illicit Negotiations	The public official or public employee who is to preside over a contract, bidding, auction, decision, or another operation as part of his/her post takes advantage of the circumstance to force or facilitate any form of direct participation or involvement of an intermediary in such business or proceedings.	4 to 8 years in prison and ineligibility to hold the post for an equal amount of time
	The public official or public employee who is to preside over a contract, bidding, auction, decision, or another operation that is of interest to public finances and accepts commission, shares, or other gifts offered by the interested parties or intermediaries.	2 to 5 years in prison
	If the public official or public employee solicits a commission or shares.	Punishment escalates to the maximum penalty
	The provision outlined in the first paragraph is applicable to adjudicators, expert witnesses, accountants, and other professionals with respect to the proceedings that they are involved in professionally as well as teachers and unions and anyone else who, under the law, is involved in any other legal proceeding such as accounting, selling of shares, tenders, liquidations, and other analogous acts.	

Art. 329 Exaction	The public official or public employee, law enforcement officer or public authority who, exploiting their status or role, imposes or obtains rates, rights, contributions, taxes, or any other financial benefit for the municipal or public administration that he/she knows is not legal or, if it is legal, employs a humiliating or oppressive means that the law does not authorize or falsely invokes a superior order, judicial mandate, or other legitimate authorization.	6 months to 2 years in prison
Art. 330 Proper Bribery	The public official or public employee, law enforcement officer or public authority who themselves or through an intermediary, solicits or receives a share or other wrongful benefit or accepts the promise of a payment of the same nature in order to carry out an act that is in conflict with his/her duties or to evade or delay an act he/she is responsible for in their role.	3 to 6 years in prison and ineligibility to hold the post for an equal amount of time
Art. 331 Improper Bribery	The public official or public employee, law enforcement officer or public authority who themselves or through an intermediary, solicits or receives a share or other wrongful benefit or accepts the promise of a payment of the same nature in order to carry out an appropriate duty of his/her functions or a duty that should be appropriately carried out in his/her functions.	2 to 4 years in prison and ineligibility to hold the post for an equal amount of time
Art. 332 Embezzlement	The public official or public employee who directs wealth or goods toward a different purpose than that which it was legally destined toward. If he/she or a third party receives a personal profit from the aforementioned act.	50 to 100 days fine 1 to 3 years in prison and ineligibility to hold the post for an equal amount of time
Art. 333 Illicit Enrichment	The public official, public authority, or public employee who obtains an unjustified increase in assets during the period of employment or through their functions. An intermediary who facilitated the unjustified increase in assets will incur the same prison sentence.	3 to 10 years in prison and ineligibility to hold the post for an equal amount of time
Art. 334 Unfaithfulness while Overseeing Public Registries and Documents	The public official or public employee who: 1) Steals, destroys, hides, or disables registries or documents that were in his/her care in his/her role; 2) Destroys or disables established mediums to impede access that has been regulated by the designated authority, with respect to public registries or documents, or consents to their destruction or disablement; and 3) Agrees or permits that another person terminates registries or documents that were entrusted to their custody as a result of their role or office. A notary who destroys, hides, or disables his/her book of protocols will receive the same penalty.	2 to 4 years in prison and ineligibility to hold the post for an equal amount of time
Art. 335 Active Bribery	Anyone who, themselves or through an intermediary, promises, offers, or gives a public official or public employee financial shares or any other improper benefit so that they perform an act in conflict with his/her official duties or do not perform or delay an act for which she/he is responsible. If the act is comprised of the person performing appropriate duties as required by their official functions or if it is related to an act already undertaken and appropriate in his/her role.	6 to 10 years in prison 2 to 4 years in prison

Art. 335-A Transnational Bribery	Anyone who offers, promises, or grants a public official or public employee, public authority, or law enforcement agent of another country or international organization, directly or indirectly, money or any other object of pecuniary value including financial shares, favors, promises, or perks so that said person carries out or omits whatever act in the exercise of their public duties related to an economic or commercial transaction.	2 to 4 years in prison
Art. 336 Influence Peddling	Anyone who, feigning or exploiting their influence with a public official or public employee, receives or makes someone promise money or other perks such as an incentive or reward for the perpetrator or another person or under the pretext of buying favors or remunerating benefits in exchange for the official's negotiation with said person.	1 to 3 years in prison and 50 to 100 days fine
	If the person who committed the above is a public official or public employee.	1 to 3 years in prison; 50 to 100 days fine; ineligibility to hold the post for an equal amount of time
Art. 338-B Trafficking of Prohibited Objects in Prisons or Detention or Rehabilitative Facilities	Anyone who enters, introduces, traffics, possesses, or puts into circulation objects into a penitentiary center or a detention center or location, protected or rehabilitative, that are prohibited under penitentiary law and respective regulations.	3 to 6 years in prison
	Anyone who provides prohibited objects by throwing them from the exterior of said facilities will receive the same penalty.	
	The public official or public employee who carries out, permits, or facilitates such conduct will receive the maximum punishment and will be disqualified from performing their public role, employment, or functions for the same period of time.	Punishment escalates to the maximum penalty; ineligibility to hold the post for an equal amount of time
	There is an exception from this mandate for those who commit this act with justified cause and with the appropriate, written authorization of the corresponding administration.	
	The penitentiary official or employee who, through action or omission, alters or modifies internal security system norms, affecting their functionality.	4 to 8 years in prison and ineligibility to hold the post for an equal amount of time

ANNEX 4

CLASSIFICATION OF CRIMES RELATED TO PUBLIC ADMINISTRATION ANALYZED IN THIS REPORT AND REGISTERED BY PROSECUTORS

Crimes Related to Public Administration										
Crime	Year	Cases Initiated	Provisional Closures	Definitive Closures	Under Investigation	Charges Filed	Provisional Dismissals	Definitive Dismissals	Convictions	Acquittals
Arbitrary Acts (Art. 320)	2014	168	6	103	53	9	0	1	0	1
	2015	190	18	112	55	12	0	1	0	2
	2016	249	11	126	101	24	5	3	1	1
	2017	266	14	125	114	19	0	6	2	3
Failure to Fulfill Duties (Art. 321)	2014	70	2	43	22	9	2	3	0	0
	2015	71	6	27	36	8	1	1	1	1
	2016	138	9	57	66	17	2	1	1	2
	2017	122	5	33	79	21	2	1	2	4
Disobedience (Art. 322)	2014	103	1	69	31	12	0	4	0	2
	2015	32	2	17	11	9	0	0	1	0
	2016	66	6	22	35	20	0	4	0	1
	2017	82	7	18	52	8	0	11	1	0
Withholding of Assistance (Art. 323)	2014	2	0	0	2	0	0	0	0	0
	2015	0	0	0	0	0	0	0	0	0
	2016	3	0	2	1	0	0	0	0	0
	2017	3	0	0	2	1	0	0	0	0
Disclosure of Secret Facts, Actions or Documents by a Public Employee (Art. 324)	2014	7	0	4	3	1	0	0	0	0
	2015	6	0	4	1	2	0	0	0	0
	2016	13	0	5	8	4	0	0	0	2
	2017	9	0	2	6	2	0	0	0	1
Peculation (Art. 325)	2014	109	4	44	60	18	2	4	5	1
	2015	61	5	22	34	16	2	3	5	2
	2016	101	1	31	68	26	1	4	7	4
	2017	47	5	10	31	23	2	2	10	0
Wrongful Peculation (Art. 326)	2014	0	0	0	0	0	0	0	0	0
	2015	0	0	0	0	1	0	0	1	0
	2016	0	0	0	0	0	0	0	1	0
	2017	4	0	1	3	0	0	0	0	0

Crime	Year	Cases Initiated	Provisional Closures	Definitive Closures	Under Investigation	Charges Filed	Provisional Dismissals	Definitive Dismissals	Convictions	Acquittals
Extortion (Art. 327)	2014	7	0	3	4	1	1	0	0	0
	2015	2	0	1	1	1	0	0	1	0
	2016	4	1	1	1	0	0	1	0	0
	2017	1	0	0	1	1	1	0	0	0
Illicit Negotiations (Art. 328)	2014	8	0	5	3	0	0	0	0	0
	2015	4	1	0	3	2	0	0	0	1
	2016	18	0	3	15	6	0	0	0	1
	2017	12	1	1	10	1	0	1	1	0
Exaction (Art. 329)	2014	2	0	2	0	0	0	0	0	0
	2015	3	1	1	1	2	0	0	0	0
	2016	2	0	1	1	0	0	0	0	0
	2017	6	0	2	4	0	0	0	0	0
Proper Bribery (Art. 330)	2014	57	5	36	16	22	6	4	1	5
	2015	48	1	29	16	17	1	2	7	1
	2016	65	2	37	23	23	3	3	6	2
	2017	67	4	22	35	19	3	3	10	4
Improper Bribery (Art. 331)	2014	29	0	13	16	4	0	1	1	0
	2015	15	0	8	7	11	0	0	1	1
	2016	22	4	9	7	5	1	0	1	1
	2017	22	0	4	16	7	2	0	4	1
Embezzlement (Art. 332)	2014	18	0	13	5	1	0	1	0	0
	2015	6	0	3	3	0	0	0	0	0
	2016	21	1	5	14	2	0	0	0	1
	2017	10	1	1	8	3	0	1	0	0
Illicit Enrichment (Art. 333)	2014	4	0	2	1	0	0	0	0	0
	2015	6	0	3	3	0	0	0	0	0
	2016	10	0	2	8	0	0	0	0	0
	2017	11	0	1	10	2	0	0	0	0
Unfaithfulness while Overseeing Public Registries and Documents (Art. 334)	2014	19	3	9	7	2	0	2	0	0
	2015	19	1	5	12	0	0	0	1	1
	2016	19	1	5	12	4	0	0	0	0
	2017	28	1	12	14	1	0	0	0	1
Active Bribery (Art. 335)	2014	22	1	15	5	11	1	0	0	0
	2015	16	2	9	4	12	1	1	3	1
	2016	19	0	9	8	8	1	3	2	1
	2017	27	1	12	13	9	1	2	2	2

Crime	Year	Cases Initiated	Provisional Closures	Definitive Closures	Under Investigation	Charges Filed	Provisional Dismissals	Definitive Dismissals	Convictions	Acquittals
Transnational Bribery (Art. 335A)	2014	0	0	0	0	0	0	0	0	0
	2015	0	0	0	0	0	0	0	0	0
	2016	0	0	0	0	0	0	0	0	0
	2017	0	0	0	0	0	0	0	0	0
Influence Peddling (Art. 336)	2014	7	0	3	2	2	0	1	0	0
	2015	5	1	3	1	4	0	0	0	0
	2016	9	0	4	4	0	0	0	1	0
	2017	14	0	5	9	3	0	0	0	1
Trafficking of Prohibited Objects in Prisons or Detention Facilities (Art. 338B)	2014	1072	27	1005	34	374	61	28	118	18
	2015	1075	28	989	35	407	37	32	142	24
	2016	719	12	648	43	250	41	32	125	25
	2017	592	18	462	85	244	42	36	74	25
TOTAL		5663	198	4120	1191	1668	215	197	535	137

Source: Criminal Code and official FGR statistics, 2018

ANNEX 5

REGISTER OF PUBLIC OFFICIALS AND EMPLOYEES DISCIPLINED BY THE GOVERNMENT ETHICS TRIBUNAL, BY INFRACTION AND PUBLIC ENTITY, 2014-2017^o

Infraction	Entity	Number of Officials Punished			
		2014	2015	2016	2017
Accept or maintain a job, contractual relations, or responsibilities in the private sector, that impede impartiality or create a conflict of interest that impedes the fulfillment of public duties	"Dr. Luis Edmundo Vásquez" National Hospital Chalatenango	1	0	0	0
	Salvadoran Comprehensive Rehabilitation Institute (<i>Instituto Salvadoreño de Rehabilitación Integral, ISRI</i>)	1	0	0	0
	Ministry of Agriculture and Cattle (<i>Ministerio de Agricultura y Ganadería, MAG</i>)	0	0	12	0
Offer, personally or through an intermediary, information, advice or representation to civilians or judicial officials in negotiations, proceedings, processes, or complaints that are subject to their specific knowledge base or in which they are involved directly or indirectly in their public role and it went against the legitimate interests of the employing institution	Consumer Protection Office (<i>Defensoría del Consumidor</i>)	1	0	0	0

Infraction	Entity	Number of Officials Punished			
		2014	2015	2016	2017
Responsibility to Fulfill Duties*	Ministry of Foreign Relations	1	0	0	0
	Public Defender's Office of the Republic (<i>Procuraduría General de la República</i> , PGR)	0	1	0	0
Responsibility to excuse yourself when participating in matters that constitute a conflict of interest*	Ministry of Education (<i>Ministerio de Educación</i> , Mined)	0	1	0	0
Deny the provision of a public service to someone with the right to such services due to their nationality, race, sex, religion, political opinion, social or economic condition, disability, or any other unjustified reason	Mayor's Office of Tacuba	0	0	0	1
Simultaneously hold two or more roles or jobs in the public sector that are incompatible with each other, resulting from an explicit violation in the applicable norms of work hours or because the dual role goes against institutional interests	Legislative Assembly	1	0	0	0
	National School of Agriculture	1	0	0	0
	"San Rafael" National Hospital	0	0	0	1
	Salvadoran Institute for Teachers' Welfare (<i>Instituto Salvadoreño de Bienestar Magisterial</i> , ISBM)	0	0	0	1
Excuse yourself from intervening or participating in matters in which you, a spouse, partner, relatives within four degrees of consanguinity or two degrees of affinity or social relationships may have a conflict of interest	Mayor's Office of Ilopango	0	0	2	0
	Mayor's Office of Santa Ana	0	1	0	0
	Mayor's Office of Santo Domingo de Guzmán	0	0	2	0
	Mayor's Office of Soyapango	0	0	1	0
	Mayor's Office of Turín	0	0	1	0
	Legislative Assembly	0	0	0	1
	National Center of Registries	0	0	1	0
	FOSOFAMILIA	0	0	1	0
	Electoral Review Board for the <i>Fraternidad Patriota Salvadoreña</i> Political Party	0	1	0	0
	Electoral Review Board for the Salvadoran Progressive Political Party	0	1	0	0
	Judiciary	0	1	0	1
	National Civilian Police	0	1	1	1
	General Superintendent of Electricity and Telecommunications	0	0	1	0

Infraction	Entity	Number of Officials Punished			
		2014	2015	2016	2017
Demand or solicit subordinates to use their working hours to do activities that are not included in their institutional duties	Mayor's Office of la Unión	0	1	0	0
	Mayor's Office of San Pedro Masahuat	0	1	0	0
	Ministry of Governance and Territorial Development	0	0	1	0
	Judiciary	0	1	0	0
To name, hire, or promote your spouse, partner, or relatives within four degrees of consanguinity or two degrees of affinity or social relationships within the public entity in which you preside or exercise authority, except those cases as permitted by law	Mayor's Office of Zacatecoluca	0	0	0	2
	Mayor's Office of Ilopango	0	0	0	1
	Mayor's Office of Juayúa	1	0	0	0
	Mayor's Office of Mejicanos	0	1	0	0
	Mayor's Office of Santa Isabel Ishuatán	0	0	0	1
	Legislative Assembly	0	0	0	1
Receive more than one remuneration from the government, when the responsibilities should be performed within the same working hours, except when explicitly permitted by judicial order	Rosales National Hospital and May First Maternal and Infant Hospital	0	0	1	0
	Salvadoran Institute of Social Security/ National Civilian Police	1	0	0	0
	Judiciary/University of El Salvador	0	1	0	0
Exploit a post to enact partisan policy	Mayor's Office of Jucuapa	0	1	0	0
	Mayor's Office of San Miguel	0	0	1	0
Prohibition of delaying, without legal motive, legal proceedings or the provision of public services*	Mayor's Office of La Libertad	10	0	0	0
Prohibition of unjustly using state goods or assets in any matter that yourself or any members of your family unit have a conflict of interest*	Mayor's Office of Santo Tomás	1	0	0	0
Prohibition of unjustly using state goods or assets*	Ministry of Economy	0	5	0	0
To perform private activities during a normal work day, except as permitted by law	Mayor's Office of Apopa y Quezaltepeque	1	0	0	0
	Mayor's Office of Jerusalén	1	0	0	0
	Mayor's Office of Mejicanos	0	0	1	0
	Mayor's Office of Panchimalco	0	0	1	0

Infraction	Entity	Number of Officials Punished			
		2014	2015	2016	2017
To perform private activities during a normal work day, except as permitted by law	Mayor's Office of Tamanique	0	0	1	0
	Legislative Assembly	1	0	0	1
	Office of the Prosecutor General of the Republic	0	0	1	0
	Fund for the Protection of the Wounded and Disabled as a Result of the Armed Conflict	1	0	0	0
	Rosales National Hospital	1	0	0	0
	Salvadoran Comprehensive Rehabilitation Institute	0	1	0	0
	Ministry of Economy	0	0	1	0
	Ministry of Education	0	0	2	0
	Ministry of Governance	1	0	0	0
	Ministry of Public Works, Transport, Housing, and Urban Development	0	0	1	0
	Judiciary	2	2	1	1
	National Civilian Police	0	0	1	0
	Public Defender's Office of the Republic	1	1	0	0
	Human Rights Public Defender	1	0	0	0
University of El Salvador	0	0	2	0	
Delay without legal cause the provision of services, proceedings, or administrative processes that correspond with one's duties	Mayor's Office of San Salvador	0	0	1	0
	Mayor's Office of Zaragoza	0	1	0	0
Solicit or accept, directly or through an intermediary, any good or service of economic value or benefit additional to those which correspond to the duties of the position, to exercise influence over another person subject to this Law, with the objective of making, pressuring, delaying, or convincing them to stop performing their duties or proceedings required of their official post	Mayor's Office of San Martín	0	1	0	0
Solicit or accept, directly or through an intermediary, any good or service of economic value or benefit additional to those which correspond to the duties of the position to make, pressure, delay, or convince them to stop performing their duties or proceedings required of their official post	Office of the Prosecutor General of the Republic	0	0	1	0
	"Dr. Juan José Fernández" Zacamil National Hospital	1	0	0	0
	Ministry of Education	0	1	0	0
	Presidency of the Republic	0	1	0	0
	Public Defender's Office of the Republic	1	1	0	1

Infraction	Entity	Number of Officials Punished			
		2014	2015	2016	2017
Failure to use goods, funds, public resources, or public services that are contracted exclusively for specific institutional use	National Aqueduct and Sewer Administration	3	1	0	0
	Mayor's Office of Ciudad Delgado	0	0	1	0
	Mayor's Office of Ilopango	0	0	0	16
	Mayor's Office of la Unión	0	1	0	0
	Mayor's Office of San Pedro Masahuat	0	1	0	0
	Legislative Assembly	0	0	0	1
	Social Fund for Housing	0	1	0	0
	FOSOFAMILIA	0	1	0	0
	Salvadoran Institute for Teachers' Welfare (<i>Instituto Salvadoreño de Bienestar Magisterial, ISBM</i>)	0	0	1	0
	Ministry of Governance	1	0	1	0
	Judiciary	0	1	1	1
	National Civilian Police	1	0	1	1
	National Registry of Civilians	0	0	1	0
To use movable or immovable property of an institution for acts of political party campaigning	Mayor's Office of Colón	0	0	1	0
	Mayor's Office of Tacuba	0	0	0	1
TOTAL NUMBER OF EMPLOYEES AND OFFICIALS PUNISHED		36	33	46	34

*Punishments correspond to regulations in the Government Ethics materials that were repealed.

°There are six public servants currently involved in contentious administrative review processes, which demand that they be temporarily removed from this registry, divided between one server in 2015, two servers in 2016, and three servers in 2017

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NOTES

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- ²For more information, consult: <https://www.transparencya.org/cpi2018>.
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THE UNIVERSITY INSTITUTE FOR PUBLIC OPINION (*Instituto Universitario de Opinión Pública, Iudop*) is a research center based at the Universidad Centroamericana José Simeón Cañas (UCA) in El Salvador. In collaboration with other areas of the university, the Iudop seeks to systematically and scientifically monitor the social, political, economic, and cultural situation of the country.

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