

SIF grantee FUNDE explains peril for El Salvador during judicial crisis

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Decree 743, which seeks to annul the work of the highest constitutional court on the basis of interests and in favor of maintaining the status quo of our backwards political system, can be classified as a technical coup d'état. As stated in our previous article, the coup occurs not only when the army "hits" and invalidates another state power, but when another state power strikes to override a different power.

Such a coup wishes to carry out the dismissal or removal of judges of the Constitutional Chamber to another chamber. Some informed sources realize the possibility in today's Assembly plenary session of the vote transferring at least two judges of the Constitutional Chamber to another chamber, and the arrival of other judges allied to the interests of some parties. This will attempt to evade the political costs that are causing Decree 743, and achieve the goal of annulling the correct tasks of constitutional justice. Apparently, the FMLN-GANA alliance, along with the PCN and PDC parties, has already conjured up an agreement to remove certain judges.

This removal would result in the commission of a latent technical coup d'état, and would bring, as is by Decree 743, serious political and economic consequences upon the country.

I am currently in Washington, D.C. attending a meeting organized by the State Department, USAID and the OAS, and participating in several meetings organized by U.S. think tanks and NGOs. In all these meetings, the image of El Salvador in political terms has been very positive because it is perceived as a country that is distinguished by its political stability compared to its Central American neighbors, with potential for regional political leadership and a set example for democratic transition, etc. However, the limited information that has been circulated on the institutional crisis brewing in the country has been sufficient to begin challenging that perception.

Even some U.S. civic organizations, that with excitement and enthusiasm have been supporting the Salvadoran democratic process, have begun to externalize their deep concern about the causes and consequences that can bring a power attack from the legislative and executive branches upon the constitutional judiciary. This concern will soon reach the ears of some congressman, as well as foreign investors and risk assessors. So, little by little, we run the danger of El Salvador losing one of the powerful factors of international attraction that it has enjoyed up until this moment. It's already enough that its economic and social factors are unattractive internationally. Hopefully the political parties and officials who conspire against the Constitutional Chamber will rethink the severity of their actions and the political and economic costs that will fall on their backs. History will be the judge.