

Joint Statement
September 9, 2021

El Salvador's Constitutional Court Paves Way for President Bukele to Seek Reelection Following Purge of Country's Judiciary

International Community Must Push Back Against Consecutive Attacks on El Salvador's Democracy

On Friday, September 3, El Salvador's Constitutional Court issued a ruling allowing presidents to run for consecutive reelection. The decision permits current Salvadoran President Nayib Bukele to seek reelection in 2024, defying the plain language of the constitution, which prohibits consecutive presidential reelection, and contradicting a [recent decision by the Inter-American Court of Human Rights](#). This development follows a series of blows to democracy and rule of law in El Salvador that have raised growing international concern about the country's rapid regression towards authoritarianism.

Since assuming the presidency and particularly over the last six months, Bukele and the National Assembly, dominated by Bukele allies, have moved quickly to weaken checks and balances, undermine the rule of law, and co-opt the country's judiciary, consolidating power in the executive. Friday's decision to allow consecutive presidential reelection is a clear result of what many refer to as the "technical coup" that occurred on May 1, when the National Assembly led by Bukele's Nuevas Ideas party [unlawfully replaced](#) all five magistrates of the Constitutional Court and the attorney general. In its ruling, this newly formed Constitutional Court [violates the constitution](#), which establishes that any individual having served for at least six months in the previous presidential term is prohibited from running for consecutive reelection and that the presidential period may not exceed five years. Since Bukele's allies won a legislative majority and took office on May 1, efforts to end judicial independence altogether have increased at lightning speed.

Last week, in an effort to significantly purge the country's judiciary, legislators from the same majority bloc approved reforms to the Judicial Career Law and the Organic Law of the Attorney General's Office, effectively dismissing [at least 156 prosecutors and judges](#) who are 60 years old or older or who have 30 or more years of service. This purge may ultimately result in the dismissal of numerous judges handling highly sensitive cases, including Judge Jorge Guzmán who has presided over the El Mozote massacre case for many years. Guzmán's leadership in the El Mozote case, and his continuing role in that case, is vital; his departure would be a severe blow for accountability in historic human rights cases. International pressure and push back from other Salvadoran judges has led the Supreme Court to make an exception in the removal of Judge Guzmán, which is positive. However, the attack on judicial independence overall is troubling, and in fact [Judge Guzmán has stated](#) that he will likely not continue in his position if all other judges are not allowed to as well.

In addition to undermining the separation of powers and judicial independence in El Salvador, these reforms [violate constitutional provisions](#) that state that the Supreme Court has exclusive control over any laws or reforms pertaining to the judiciary, and that guarantee the continuity of magistrates, judges, and prosecutors in their positions, preventing arbitrary or unilateral removal from controversial or sensitive cases. In a [joint statement](#), the Inter-American Commission on Human Rights and the UN Special Rapporteur on the independence of judges and lawyers

rejected the reforms and called on the Salvadoran government to respect judicial independence and the independence of the Attorney General's Office.

In order for El Salvador to recommit to judicial independence, democracy, and the protection of human rights, the U.S. government and the international community should work together to press the Bukele administration to reverse course. Bukele's [aggressive critique](#) of U.S. condemnations of his actions demonstrate the urgent need for multilateral action that goes beyond strong statements and public condemnation.

Given threats to democracy and rule of law in El Salvador, the U.S. government should take actions such as reviewing the terms of CAFTA-DR and El Salvador's participation in the agreement as well as work with other OAS member states to consider invoking article 20 of the Inter-American Democratic Charter—requesting the immediate convocation of the Permanent Council to collectively assess the situation in El Salvador. Additionally, the U.S. government and others in the international community should work with the International Monetary Fund, World Bank, and International Development Bank to limit loans based on their own principles on good governance, which include respect for constitutional norms. Only with such actions will the international community reaffirm the importance of democratic institutions in El Salvador, and condition any support on the strengthening of these.

SIGNATORIES:

Due Process of Law Foundation (DPLF)
Latin America Working Group (LAWG)
Seattle International Foundation (SIF)
Washington Office on Latin America (WOLA)
Cristosal Central America