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From: Boyle, David W
Sent: 11/6/2012 3:38:18 PM
To: svcSMARTHBTSP0P5
Subject: Salvadoran Attorney General Selection [redacted]

B1
1.4(D)

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RELEASED IN PART
1.4(B),B1,1.4(D),B6

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REVIEW AUTHORITY: Oscar Olson, Senior Reviewer

- A) 12 SAN SALVADOR 179
- B) 12 SAN SALVADOR 147
- C) 12 SAN SALVADOR 199
- D) 12 SAN SALVADOR 197
- E) 11 SAN SALVADOR 157
- F) 11 SAN SALVADOR 107
- G) 12 SAN SALVADOR 153
- H) 11 SAN SALVADOR 245
- I) 12 SAN SALVADOR 11

Subject: Salvadoran Attorney General Selection [redacted]

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1. (C) Summary: The process of selecting El Salvador's next attorney general, entering its ninth week with no end in sight, has produced allegations of unprecedented levels of corruption, with some deputies insisting they have been offered \$2 million for their vote. [redacted]

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ound to the Stalemate

2. (SBU) Attorney General Romeo Barahona's three-year appointment ended September 17, 2012. A legislative committee began debate over selecting his successor September 4 and quickly narrowed the initial list of 47 candidates to five. Barahona emerged as an early favorite for re-nomination, supported by the right-wing Nationalist Republican Alliance (ARENA), which holds 33 seats in the 84-person Legislative Assembly. Barahona's chief competitor is Astor Escalante, who served as deputy justice minister and interim attorney general during the presidency of Antonio "Tony" Saca (2004-2009). Escalante, in fact, was appointed attorney general by a lame duck assembly in April 2012, an action ruled unconstitutional by the Supreme Court and one of the reasons for the

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constitutional crisis that consumed El Salvador from June to August 2012 (refuels A and B). Escalante is supported by a coalition of five parties, the two largest the left-wing Farabundo Marti National Liberation Front (FMLN) and the center-right Grand Alliance for National Unity (GANA). Together, these parties hold 51 seats in the assembly; a simple majority of 56 votes is needed to appoint an attorney general.

- 3. (SBU) Despite the Legislative Assembly' quick start in the selection process, the parties remain frozen in their original choices. No compromise candidate has emerged to generate bipartisan support (refuel C). The legislative committee in charge of the process has not met for two weeks, and deputies are speculating publically that the assembly will be forced to restart the process and open the original list of 47 candidates.

or Sale

- 4. (C) Rumors surfaced at the end of September that the GANA block was trying to buy the votes of five ARENA deputies. On October 18, one of the five, David Reyes, went public with allegations that he had been offered \$2 million to vote for Escalante. When Reyes refused the bribe, he and his family received anonymous death threats.

[Redacted]

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- 5. (C) [Redacted]

[Redacted]

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- 6. (C) [Redacted] says one ARENA deputy, Sigifredo Ochoa Perez, has taken money and used it to remodel his home and buy a luxury car. [Redacted] Ochoa Perez was now acting as a middleman for GANA and trying to bring additional ARENA deputies into the GANA camp. [Redacted] ARENA was in the process of expelling Ochoa Perez and might pursue criminal charges against him. Ochoa Perez defended himself publically by claiming he had won the Salvadoran lottery.

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- 7. (SBU) On October 18, ARENA spokesman Ernesto Muysdhondt went public with the accusations of bribery, prompting Gallegos to threaten a lawsuit for slander. Gallegos has since dropped the threat. FMLN spokesman Roberto Lorenzana called both Velado and Muysdhondt "cowards" for not offering more details about the bribe attempts. Lorenzana also dismissed claims ARENA deputies that their families were receiving death threats and said "fearing for your life" is not a reason to remain silent, because in politics, "You have to risk everything."

tion Fraying Party Bonds

- 8. (C) [Redacted]

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9.

(C)

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Civil Society Reaction

10. (U) Civil society has been caustic in its reaction to the assembly's delay in selecting an attorney general. In a national column, political analyst Aldo Alvarez wrote the debate showed "political perversion without limits." Alvarez said the process had cost the legislature whatever credibility it had left, and Salvadoran politics had entered a new era of "intolerable levels of corruption." The auxiliary Catholic bishop of San Salvador, Gregorio Rosa Chavez, said the "perverse practices" of the assembly had created a political environment of "prostitution." Columnist Rafael Castellanos wrote that some Salvadoran parties had taken on the characteristics of criminal organizations, including "a complete lack of morality." Over the past two years, public opinion surveys consistently have shown the Legislative Assembly is the least trusted institution in the country, with approval ratings in the single digits. Deputies are seen as the least trustworthy of public officials.

Constitutional Crisis Not Over

11. (SBU) Behind the public spotlight, the FMLN/GANA alliance is maneuvering to try to restrict the authority of the Supreme Court, a continuation of a conflict dating to 2011 (refel E). Both the FMLN and GANA are working to amend the Constitutional Procedure Act to prohibit the Supreme Court from ruling on the constitutionality of legislative appointments. Article 1 of a draft bill would restrict the court to interpret only "provisions of a general nature." According to [redacted] [redacted] the proposed legislation shows the FMLN/GANA alliance "will persist in their attempts to dismantle the Supreme Court." [redacted] "the root questions of the constitutional crisis, judicial independence and the rule of law, remain unresolved."

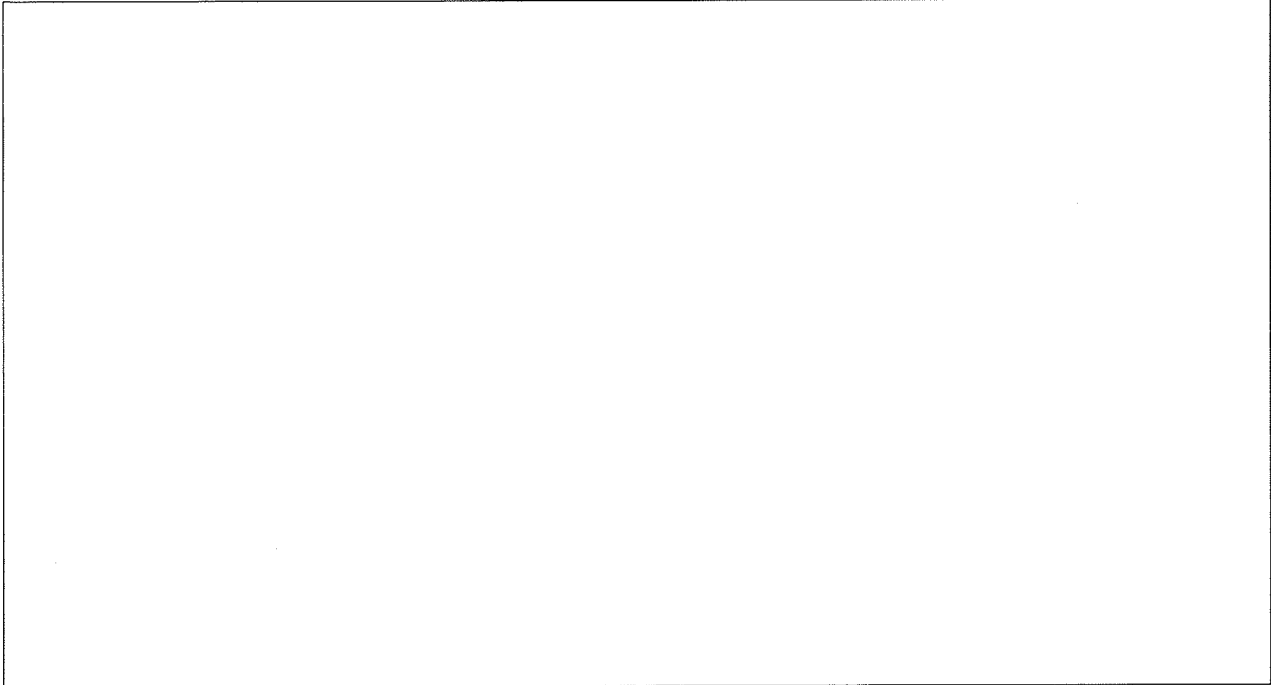
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12. (SBU) On another front, an ad-hoc committee investigating the nomination of Supreme Court judges made in 2009 has temporarily suspended meetings but has found "procedural irregularities" and recommended that at least two judges from 2009 be removed. The five judges nominated in

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2009 frequently rule against the Legislative Assembly. Both Guillermo Gallegos and Francisco Merino serve on the committee.



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risers Coming

- 15. (C) [redacted] the Constitutional Chamber was ready to issue a ruling on the legislative appointment of all three judges to the Court of Accounts. The Court of Account provides oversight of the federal budget and makes recommendations to the Attorney General for criminal prosecutions; federal officials, in fact, cannot be prosecuted for malfeasance without a ruling from the court. [redacted]

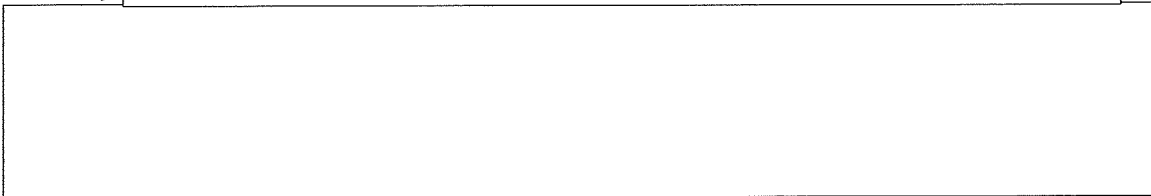
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- 16. (C) Long-term ideological enemies found common ground after the 1980-1992 Salvadoran civil war and worked together in a process that consolidated democracy and created 20 years of political stability. [redacted]

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