

EL SALVADOR¹

General Information

The Republic of El Salvador has a democratic and representative form of government² and is territorially divided into *departamentos* whose number and borders are established by law. Each *departamento* has a Governor and Deputy Governor who are appointed by the Executive Branch.³ These units are sub-divided into municipalities that are governed by Municipal Councils, which include the mayor, a municipal auditor and two or more councilors (*regidores*), depending on the size of the population.⁴ In 2003 El Salvador had approximately 6,533,000 inhabitants distributed over a total area of 21,040 sq. km., with an average population density of 310.5 inhabitants per sq. km. Population growth per 100,000 inhabitants in El Salvador was 2.1% for 1990-1995, decreasing to 2.0 for 1995-2000, and further decreasing to 1.8% for 2000-2005.⁵ In 1990 was 49.8% of the population lived in urban areas. This rate rose to 55.2% in 2000 and again to 57.8% in 2005.⁶

Population distribution at the beginning of the 1990s was as follows: 40.8% were 0-14 years old; 33.9% were between 15 and 34; 13.1% were in the 35 – 49 age group; 8% were in the 50-64 group; and 4.2% were 65 years of age or older.⁷ By 2000, this distribution had shifted as follows: 35.6% in the 0-14 age range; 37.3% were between 15 and 34 years; 13.9% were in the 35 - 49 age group; 8.2% in the 50-64 age group; and the remaining 5.0% in the 65 and older age group.⁸ Projections for 2010 estimate the following age group distribution: 31.9% in the 0 – 14 age group; 36.0% in the 15-34 age range; 17.3% between 35 and 49; 9.3% between 50 and 64 years old; and 5.6% in the 65-and-older category.⁹

Illiteracy in El Salvador in adults over the age of fifteen was 27.6 % in 1990, but had dropped to 21.3% by 2000, with projections for 2015 standing at 14.6%.¹⁰ In addition, life expectancy at birth was 67.1 years for the 1990–1995, rising to 69.4 years for the following five year period, and to 70.6 years for 2000-2005.¹¹ Poverty affected 54.2% of the population in 1995, and had dropped to 48.9% by 2001. However, the rate of extreme poverty rose from 21.7% to 22.1% during the same period.¹²

The annual average unemployment rate in El Salvador's cities decreased from 10% in 1990 to 6.5% in 2002 2002 2002 and 6.2% in 2003.¹³ Meanwhile, growth of GDP slowed from 2.2% in 2002 to 1.8% in 2003.¹⁴ Per capita income in El Salvador was US\$2,080 in 2002, and rose 5.76% in 2003 to US\$2,200, the latter with a purchasing power parity of US\$4,910.

Judicial System Highlights

- In 2004 the justice sector received 4.8% of the total fiscal budget.
- There were 642 judges in El Salvador in 2003, or 9.8 per 100,000 inhabitants. This figure is 2.72% higher than the number of judges in 2002.
- The Public Prosecutor's Office (*Fiscalía General de la República*) had 647 prosecutors and assistant prosecutors (*letrados adjuntos*) for 2002-2004, with no increase reported during that time. This is a rate of 9.9 specialists per 100,000 inhabitants.
- Between 2002 and 2004 the Public Prosecutor's Office budget increased by 1%.
- El Salvador has 277 public defenders, or approximately 4.2 per 100,000 inhabitants. The number of public defenders increased by 0.72% between 2002 and 2004.
- The budget allocated to the Public Defender's Office (*Procuraduría General de la República*) decreased by 0.12% in the 2002-2004 period.
- Between 2002 and 2003 the National Civil Police budget was reduced by 3% and staff dropped by 9%. In 2004 there were 16,665 police, or 255 per 100,000 inhabitants.
- In 2003 approximately 2,270 cases were filed before the courts per 100,000 inhabitants.

¹ This chapter is based mainly on the contributions of Mr. Agustín García Calderón, Chief Justice of El Salvador's Supreme Court; Mr. Róger Rufino Paz Rivas, responding for the *Procuraduría General de la República* and the *Fiscalía General de la República*; the Director of the *Dirección Nacional de Educación Superior*, Amaría Isaura Araúz; and Commissioner Pedro Baltazar González Rodríguez, Assistant Director General of the National Civil Police. Information was also collected from the institutional websites of the Public Prosecutor's Office and the Public Defender's Office. Statistical data was submitted from the IDB-funded JSCA project *Generating Indicators and Judicial Statistics*. The *Fundación de Estudios para el Derecho Aplicado y el Centro de Estudios Penales de El Salvador* (FESDAP- CEPES) also collaborated.

These figures reflect a rate of litigiousness in first instance jurisdictions of 2,117 cases per 100,000 inhabitants, 113 in second instance.

- In regard to crime rates, the number of murders rose by 10% between 2003 and 2004, while theft and robbery decreased by 2%.
- In 2003, 116,521 new students enrolled in university programs, 16.7% of whom attended law school, which was 2% less than the previous year.
- In 2004 there were approximately 8,000 attorneys practicing in El Salvador, or 125 per 100,000 inhabitants.

1. Institutions

El Salvador's justice system is composed of the Judicial Branch (*Órgano Judicial*), the Ministry of Government, the Public Prosecutor's Office and the Public Defender's Office, as well as the Ombudsman's Office and the National Civil Police.

The Judicial Branch is comprised of the Supreme Court, National Judicial Council, and the Judicial Academy (*Escuela de Capacitación Judicial*). The administrative area includes the Office of Judicial Security and Protection and the Office of Institutional Planning. Judicial Branch jurisdictional bodies are the Contentious-Administrative Chamber, the Criminal Chamber, the Civil Chamber and the Constitutional Chamber, the second instance courts, first instance courts and the peace courts. The Medical Examiner's Office, which is equipped with Pathology, Laboratory and Clinical departments, is also part of the Judicial Branch.

Judicial Branch

The Judicial Branch is exclusively responsible for passing and enforcing judgments on constitutional, civil, criminal, commercial, labor, agrarian and contentious-administrative matters, as well as any others stipulated by law.¹⁵

The highest body is the Supreme Court, which is composed of fifteen justices. The Chief Justice (*Presidente*) serves for a three year period as head of the Judicial Branch and Constitutional Chamber,¹⁶ and the remaining justices are selected by the Legislative Assembly for a period of nine years. One third of the Supreme Court bench is re-confirmed or replaced every three years.¹⁷

As mentioned above, the Judicial Branch is composed basically of the Supreme Court, second instance chambers, first instance courts and peace courts.¹⁸

The Supreme Court has four chambers. The Constitutional Chamber has five justices and hears and rules on the constitutionality of laws and lesser legal instruments and protection (*amparo*) and habeas corpus appeals. The Civil Chamber, composed of three justices, hears annulment appeals for civil, family, commercial, and labor matters and sentencing appeals. The Criminal Chamber also has three justices and rules on annulment appeals and appeals from the Criminal Appellate Court. Lastly, the Contentious-Administrative Chamber is composed of four justices who primarily hear disputes regarding the legality of the actions of the public administration.

There are a total of thirty-four second instance courts, divided into civil, criminal, traffic, labor, family, juvenile, and mixed jurisdictions distributed among nine cities.¹⁹ The country's 201 first instance courts cover trial, investigation, traffic, sentence enforcement and supervision, commercial, civil, labor, tenancy, finance, military, family, juvenile and juvenile enforcement issues as well as mixed courts.²⁰ Finally, there are 322 peace courts in fourteen cities around the country.²¹

Table 1
Number of Courts in El Salvador 2003²²

Jurisdiction	No. of First Instance Courts	No. of Second Instance Courts
Civil	26	5
Family	22	3
Criminal	67	5
Labor	9	2
Juvenile	20	3
Traffic	9	1
Mixed	23	7
Total	523	26

Human Resources

El Salvador had a total of 642 judges in 2003, or 9.8 per 100,000 inhabitants, which was 2.72%²³ more than in 2002. In addition, there were 3,420 judicial staff members, or 52.6 per 100,000 inhabitants and 5.3 per judge.

Budget

The country's Constitution stipulates that the Judicial Branch budget will not be less than 6%

of the total current fiscal budget.²⁴ However, the justice sector received US\$174,640,970,²⁵ or only 4.8% of the total budget of US\$3,570,107,545, in 2004.

Important Recent Legal and Institutional Changes

El Salvador's Supreme Court reports that no laws with particularly significant impact on justice system institutions have been passed in recent years, nor have new institutions been created. Nevertheless, it is important to note that a new oral criminal procedure system entered into force in April 1998.

Legislative Decrees 393, 394, 395, 396 dated July 28, 2004 (published in the *Diario Oficial* No. 143, Issue 364 on July 30, 2004) reformed El Salvador's Criminal Code, Criminal Procedure Code, Youth Offender Law (*Ley del Menor Infractor*) and the Sentence Enforcement Law for Youth Offenders.²⁶

- The Criminal Code Reforms are aimed at improving the definitions of certain crimes and establishing new crimes that are considered necessary to safeguard freedom of movement, public and private property and personal safety.
- The reforms to the Youth Offender Law came about as a result of regular, comprehensive, technical review of criminal norms to adapt them to current realities. Because of this, and in response to society's demand for greater security and control of antisocial behavior, reforms were needed to provide a more forceful response to anti-social behavior of juveniles and broaden victims' rights.

National Judicial Council²⁷

Although this institution is independent from other justice sector bodies, it is functionally tied to some, mainly the Supreme Court.

The National Judicial Council Plenary is this institution's highest governing and administrative body and includes seven council members, called *concejales propietarios*, who are chosen by the Legislative Assembly with the approval of two thirds of all elected members for a three year term without consecutive re-election.

The Council President is also chosen by the Legislature from shortlists proposed by the different sectors represented on the Council,

which are: universities, bar associations, Public Prosecutor's Office, judges and Supreme Court justices.

The Council carries out its work with the support of a Technical Selection Department, Technical Assessment Department and a Judicial Training School. It also has an Executive Office, General Manager and Administrative Units.

The main duties of the National Judicial Council are:

- To develop selection procedures for candidates wishing to become Chamber Justices or Judges
- To draw up a shortlist of potential Supreme Court justices for presentation to the Legislative Assembly
- To draw up and propose to the Supreme Court shortlists of candidates for judgeships in the first and second instance courts and peace courts
- To assess the work of justices and judges and report this information to the Supreme Court
- To draw up a duly classified list of attorneys outlining the requirements for applying to the judiciary in the courts of first and second instance and peace courts
- To cooperate with the Supreme Court as requested in all matters that fall within the Council's mandate and with all other justice administration institutions
- To provide training to court staff and other justice sector employees

Ministry of Government²⁸

The Ministry of Government is the Executive Branch's representative in the justice sector. Its highest authority is the Minister of Government, who is appointed by the President.

The Ministry has a number of subsidiary bodies, including the General Immigration Authority; the General Prison Authority; the General Authority for Public Performances, Radio and Television; the General Postal Service; the Fire Brigade and the National Emergency Committee.

Other institutions also come under the budgetary supervision of the Ministry, namely: the National Public Security Council; the Anti-Drug Commission; the National Civil Police; and the Public Safety Academy. Another branch of the Ministry is the Technical Executive Department of the Justice Sector, whose mission is to coordinate the concerted action of the justice

sector at the highest level; define the sector's strategies and development policies; identify, implement, supervise and follow up on everyday plans, programs, projects and actions of the sector; and to provide technical advice to justice sector institutions.

Among its other duties, the Ministry of Government oversees arbitration centers, which are granted operating permits after meeting certain requirements established in the Law on Mediation, Conciliation and Arbitration.

Salvadorans are currently awaiting the passage and implementation of the *Social Peace Program Support Project* (ES-0116). The total budget for the project is US\$35.4 million, US\$27.9 million of which is a contribution from the IDB, and US\$7.5 million of which comes from the local public implementing agency, the Ministry of Governance, through its Project Unit. Its main objective is to support social peace programs, improve public safety and reduce crime and violence rates through prevention focused on the juvenile population. It also seeks to strengthen the Ministry of Government. The project's three focus areas are: a) prevention of violence and juvenile delinquency; b) rehabilitation and reintegration of juvenile and youth into society and c) institutional strengthening.²⁹

Public Ministry³⁰

El Salvador's Constitution establishes the *Ministerio Público* and its three divisions—the Public Prosecutor's Office (*Fiscalía General de la República*), the Public Defender's Office (*Procuraduría General de la República*) and the Human Rights Ombudsman's Office (*Procuraduría para la Defensa de los Derechos Humanos*). Each of these institutions is independent and has its own director, budget and administration.

Public Prosecutor's Office³¹

This agency is financially and administratively autonomous, and is directed by the Prosecutor General, who is chosen by the Legislative Assembly with a two-thirds vote of all elected members for a three year, renewable term. He or she may only be removed for legal causes with the same proportional vote of the Assembly.

The duties of the Prosecutor General are to defend the interests of the State and society; promote the administration of justice in order to

uphold the law and the legal system, *ex officio* or at the request of a party; direct criminal investigations with the collaboration of the National Civil Police as stipulated by law; carry out criminal prosecution, *ex officio* or at the request of a party; defend and represent the government in all types of legal actions and contracts for the acquisition of property in general and those subject to procurement processes, and any other function as required by law; and promote the trial and punishment of those charged with crimes against the public authority.

Directly under the Prosecutor General are the Assistant Prosecutor, whose duties include standing in for the Prosecutor General as required; the Assistant Prosecutor for Human Rights; and a General Secretary. The prosecution service has a central office, three regional offices and fifteen sub-regional offices

For 2002-2004 the office reported a total of 647 prosecutors and assistants, or 9.9 per 100,000 inhabitants, with no increase reported over the period in question.

Budget

Table 3
Budget of the Public Prosecutor's Office

Item	2004	2003	2002
Total Public Budget			
Allocation of the Public			
Prosecutor's Office	\$19,396,600	\$ 19,808,500	\$ 19,504,860
(in current dollars)			

As the above table indicates, the budget allocated to El Salvador's Public Prosecutor's Office decreased by 0.5% during the period shown.³²

Public Defender's Office³³

The Constitution holds that all of those arrested must be informed immediately and comprehensibly of their rights and the reason for their arrest, and may not be forced to give a statement. In addition, those under arrest have the right to a legal defense in all court proceedings, as provided by law. According to the Constitution, defendants have the right to an attorney from the time of arrest. If the defendant cannot afford a private attorney, the State must provide one. This Constitutional mandate establishes the rationale for the existence of the Public Defender's Office (*Unidad de Defensoría Pública*) within the *Procuraduría*, guaranteeing individuals the right to defend their personal freedom.

The Constitution also establishes the responsibilities of the Public Defender's Office:

- To ensure the defense of the family and of individuals, and safeguard the interests of juvenile and the disabled
- To provide legal aid to the poor and represent them in court to defend their individual freedom and labor rights
- To appoint, remove, accredit and accept the resignation of public defenders working in all courts, labor court defenders and all other staff and workers under its purview.

The Public Defender General (*Procurador General*) sits at the head of this body, and is elected by the Legislative Assembly by a two-thirds vote of all elected Deputies (at least fifty-six out of eight-four possible votes), for a three year period that can be renewed.³⁴

His or her work is supported by the staff of the following units: Institutional Quality Department; Technical Assistance Department, which is headed by an Assistant Defender appointed by the Defender General; the National Coordinator for Public Criminal Defense; Local Defender Office Coordinators; Public Defenders for Adults and Juvenile; and the Defender's Office Documents and Archive Office. There are seventeen branch offices throughout the country.

Table 4
Resources of the Public Defender's Office

ITEM	2004	2003	2002
Number of computers	111	111	111
Number of computers with Internet connectivity	2	1	0
Total number of public defenders	277	275	275
Number of female public defenders	133	142	142
Assistant Defenders (<i>Letrados Adjuntos</i>)	277	275	275
Female Assistant Defenders (<i>Letradas Adjuntas</i>)	133	142	142

El Salvador has a total of 277 public defenders, or 4.2 per 100,000 inhabitants. As the table above shows, the number of public defenders rose by just 0.72% during the period studied, and the number of computers also remained steady, though Internet connectivity rose from 0% to 1.8%.

Table 5
Budget of the Public Defender's Office

Item	2004	2003	2002
Total Public Budget			
Allocation of the Public Defender's Office (in current dollars)	\$ 4,904,480	\$ 4,970,170	\$ 5,612,880

The Office's budget for 2004 was significantly lower than in 2002,³⁵ with an effective decrease of 12.6% between 2002 and 2004.

*Ombudsman's Office*³⁶

Like the Public Defender's and Public Prosecutor's Offices, the Ombudsman's Office is part of the Public Ministry, though it is functionally autonomous and has its own capital. It is led by the Ombudsman, who is chosen by the Legislature with a two-thirds majority vote.

It also includes the Assistant Human Rights Ombudsman and Ombudsmen for Children's, Women's, the Elderly and Environmental Rights.

The main duties of this institution are:

- To ensure respect for and protection of human rights, and promote judicial or administrative appeals for their protection
- To investigate cases of human rights violations on its own initiative or at the request of a party and assist the victims of such violations
- To foster judicial and administrative appeals as required to protect human rights
- To oversee the conditions of those held in custody
- To supervise the actions of the public administration *vis a vis* individual citizens
- To promote reforms in State bodies that advance human rights
- To propose and promote measures it deems necessary to prevent human rights violations
- To draft and publish reports on the human rights situation in El Salvador
- To formulate conclusions and recommendations, publicly or privately
- To develop an ongoing program of activities to promote awareness and respect for human rights.

*Police*³⁷

As established in its Constitution and Criminal Procedure Code, El Salvador has a single police

Table 6
Resources of the National Civil Police

Item	2004	2003	2002	Variation 2002-2004 ³⁹
Number of police	16,665	17,711	18,302	-9%
Budget in U.S. dollars	134,580,000	134,600,000	138,647,640	-3%
Budget in Salvadoran <i>colones</i>	1,177,575,000	1,777,750,000	1,213,166,850	-3%

force with nationwide jurisdiction that is responsible for preventing, fighting and repressing crime. The National Civil Police (PNC) also supports criminal investigation under the operational supervision of the Public Prosecutor's Office.

The PNC comes under the purview of the Ministry of Government, and its director is appointed by the President but may be removed by a decision of the Legislative Assembly in the case of serious human rights abuse. The PNC's organization and structure is hierarchical, coming under the ultimate command of the President of the Republic through the Minister of Government, whose ministry is responsible for public safety.³⁸

The PNC is organized into operational areas, each having specific functions. Crimes are dealt with through an investigations sub-department that includes: the Criminal Investigation Unit, which investigates common crimes; the Elite Division, which fights organized crime; the Narcotics Division; and the Financial Crimes Division. There is also a Public Security Sub-department, which directs all officers who carry out the daily work of street patrols and keeping the peace. The Criminal Investigation Division has regional offices, each of which works with a group of territorial police units.

As the table above shows, the PNC budget allocation has decreased in recent years, with a 3% budget reduction overall between 2002 and 2004, while the level of human resources decreased even more, by 9% over the same period. As of 2004 there were a total of 16,665 police, a rate of 255 per 100,000 inhabitants.

2. Procedures

*Criminal Cases*⁴⁰

In 1998 a new oral, adversarial criminal procedure was put in place in El Salvador. Under the new system, the investigation of punishable crimes became the responsibility of the National Civil Police under the command of the Public

Prosecutor's Office (the *Fiscalía* of the *Ministerio Público*). Upon receiving a report, complaint or information from the police, the Prosecutor General presents a request for intervention to a peace court judge. A preliminary hearing is held during which said judge rules on whether the defendant will be taken into custody or not and whether the case merits continued investigation. If so, the case is passed to an investigating judge, who coordinates the investigation based on the initial request for intervention, known as the *requerimiento*, drafted by the prosecutor, in concert with all procedural actors.

The procedural process has three main stages: preliminary or investigative; intermediate or analytical; and the adversarial or trial stage.

Once the prosecutor presents the charges (or other requests provided for by law) to the investigating judge (*juez de instrucción*), the preliminary hearing is held for motions and discovery. The judge may authorize the use of alternatives to trial or allow or disallow evidence and order a trial. Once all parties have been notified, the court clerk submits all documents, places any seized objects at the disposition of the trial court and ensures the appearance of the accused.

Within forty-eight hours of receiving the respective notifications, the President of the trial court will set the date and time for the oral, public trial hearing, which must take place between ten days and one month after this date, and requires the continued presence of the judges and parties. Once the arguments have come to a close, the judges deliberate in chamber assisted only by the court clerk. They may not defer or suspend this stage.

Some trials are conducted with a jury, which is formed of five jurors selected from the Electoral Registry. Jury selection takes place on the same day as the commencement of the public trial, which is presided over by a trial court judge under ordinary criminal procedure. Each juror must declare the defendant no guilty or guilty verbally in the deliberation chamber. If a verdict of not guilty is reached, the judge will immediately acquit the defendant; if the verdict is

guilty, the judge grants the parties the opportunity to present arguments on the sentence. Sentencing takes place no more than five days after the trial ends.

Parties may propose shortened proceedings at any time before the preliminary hearing. After all requirements are met, a hearing is held in which the judge finds the defendant either not guilty or guilty. In the latter case, the sentence may not exceed that requested by the prosecution in the *requerimiento*. However, if the judge does not allow shortened proceedings, he or she will order the continuation of ordinary criminal procedure, in which case any agreements made by the prosecutor or admission of guilt will not be binding on either party nor may be used during the trial stage.

Given the Constitutional mandate charging the State with the physical, mental and moral protection of minors and guaranteeing their right to education and assistance, a different procedure is used for criminal matters involving youth offenders. The Constitution also provides for special treatment of antisocial behavior constituting a crime or misdemeanor carried out by a minor; it is specified in the Youth Offender Law.

The procedure has three stages. In the first, having discovered the minor *en flagrante* and subsequently arresting him or her, or after the minor has surrendered after such an act, the report the detention to the Public Prosecutor's Office within six hours, notifying the latter of the

circumstances within the same time limit and providing a report with details of the crime and any other pertinent information.

The Public Prosecutor's Office must then initiate an investigation and decide immediately if the detainee should be released. If the criteria established for such cases indicate that the minor should be held in custody, a court order is obtained to confirm such detention in order to allow specialists to prepare a preliminary report of the case. This report is then submitted to the judge. The information in the report, which indicates the grounds for continuing with the investigation, serves as the basis of the discussion during the hearing regarding the application of pretrial custody.

In order to bring legal action, the prosecutor turns to the jurisdictional judge, who makes a preliminary analysis and sets an initial hearing for the application of any measures during the first twenty-four hours after receiving the investigative results from the Public Prosecutor's Office. The judge then has thirty days to determine whether there are sufficient grounds to continue the case. A preliminary hearing is held during which evidence is either accepted or rejected, and if there are grounds for doing so the case continues. The hearing features a review of the evidence and the minor's responsibility for the crime in question. If the defendant has made an admission of guilt, the defense continues while any measures applied to the minor are being executed.⁴¹

Table 7
Duration of Criminal Procedure by Stages⁴²

Duration	Crime-Trial		Request for Intervention-Trial		Indictment- Trial	
1 to 3 months	0	0%	0	0.00%	18	20.00%
3 to 6 months	9	10.00%	10	11.49%	22	24.44%
6 to 9 months	14	15.56%	22	25.29%	3	3.33%
9 to 12 months	19	21.11%	13	14.94%	27	30.00%
12 to 15 months	7	7.78%	11	12.64%	10	11.11%
15 to 18 months	22	24.44%	18	20.69%	2	2.22%
18 to 21 months	6	6.67%	5	5.75%	5	5.56%
21 to 24 months	7	7.78%	4	4.60%	2	2.22%
Over than 24 months	6	6.67%	4	4.60%	1	1.11%
TOTAL	90	100%	87	100%	90	100%
Average duration	433 days		381 days		257.5 days	

Table 8
Average Duration of Cases in El Salvador

From the Criminal Act to the Oral Trial	69% of cases last 6-18 months, among which 24% last 15-18 months
From the Request for Intervention to the Oral Trial	71% of cases last 6-18 months, among which 32% last 12-18 months
From Indictment to the Oral Trial	80% of cases last 3-24 months, among which 30% last between 9 and 12 months

JSCA's Second Comparative Report for the *Follow-up Study on Judicial Reform Processes in Latin America*⁴³ focused mainly on the judicial department of San Salvador, which has 2,076,461 inhabitants (2002 figures). A total of 92,888 cases entered the system in 2001 and 2002. Oral trial observations were conducted in six trial courts between August 13 and September 13, 2002. A total of sixty trials involving ninety defendants were observed. Convictions were obtained in 58% of the cases.

The observations confirmed that, despite administrative reforms applied after the criminal procedure reform, the courts had not shifted from the traditional administrative model, in which a significant portion of each case is taken up with administrative details. Members of the information technology department indicated that there is a lack of case management resources.

In procedural terms, the study concluded that orality had been adequately introduced into court proceedings at all stages in which it is provided for, thus affirming one of the central principles of the reformed model. For example, the adoption or review of precautionary measures is carried out in oral, adversarial hearings, usually in the initial hearing before the peace judge or in the investigative hearing before the investigating judge.

In regard to case selection, the new Criminal Procedure Code (CPC) empowered prosecutors with a series of mechanisms to enable them to clear up the backlog. Statistics from the Prosecutor General's Office indicate that of 94,193 reports received in 2000-2001, only 33% were brought to court and the rest were set aside or stayed. Of the cases sent to trial during the same period, approximately 4% were plea bargained; 19% were dismissed (in other words, in the initial report the prosecutor requests charges not be pursued because the actions in question do not constitute a crime, or because it is not viable to prosecute); and 3% were subject to shortened proceedings. Other alternative outcomes provided for in the Criminal Procedure Code, though not under the purview of prosecutor's office, include conciliation, which accounts for

17%; dismissal without prejudice, which accounts for less than 1% of all cases reaching court; and conversion, for which data is not available.

The study also found that 54% of defendants in criminal proceedings had private counsel, and almost 72% of defendants had more than one defense counsel. The criminal procedure reform established a series of legal rights for crime victims, primarily the right to be informed, though no provision was made to create a special victims' assistance office.

In the cases observed, 86% of defendants were placed in pretrial custody, and 78% of their cases lasted for longer than six months. These figures are especially significant when one considers that close to 42% of these trials ended in acquittal. It is worth noting that the use of pretrial custody has decreased in recent years, a fact that is attested to by the percentage of inmates awaiting sentencing, which dropped from 76% in 1998 to 49% in 2002.

Civil Suits⁴⁴

In general, civil disputes are governed by the Civil Code and Civil Procedure Code, both of which were drafted at the end of the nineteenth century. These bodies of law experienced significant modifications when the Law of the Family and Family Law Procedure Code were ratified and enacted on October 1, 1994. These modifications repealed provisions governing family matters in both texts, and the law was harmonized with the Constitution of the Republic as well as with the Convention on the Rights of the Child.

Civil procedure is governed by the dispositive principle, wherein the onus is on the parties to file suit, argue the claim and present evidence. Procedures are formal and written, and all motions are verified in writing, without hearings.

Reform of the Civil Procedure Code to introduce oral proceedings is currently under debate, taking into account the principles of the model Civil Procedure Code for Latin America, which was approved in Río de Janeiro in 1988.

3. Case Volume and Movement

Table 9
Cases Filed in the Judicial Branch⁴⁵

First Instance Subject Matter	2003	% of First Instance Cases in 2003	Second Instance, Subject Matter	2003	% of Second Instance Cases in 2003
Civil, Commercial and Small Claims	24,632	18%	Civil, Commercial and Small Claims	818	11%
Family	20,906	15%	Family	438	6%
Criminal (Peace Courts)	79,037	57%	Criminal	5,091	69%
Labor-Social	6,866	5%	Labor-Social	702	10%
Juvenile	3,237	2%	Juvenile	115	2%
Traffic	3,610	3%	Traffic	223	3%
Total	138,288	100%	Total	7,387	100%

Table 10
Caseload⁴⁷

Subject Matter	Filed in 2003	Pending at start of 2003	No. Judges in 2003	Caseload per judge in 2003
Civil, 1st Instance	24,632	144,628	58	2,918
Civil, 2nd Instance	818	420	24	52
Civil, Superior Court	537	420	3	319
Criminal, 1st Instance (Peace Courts)	79,037 ⁴⁸	114,133 ⁴⁹	456	424
Criminal, 2nd Instance	5,091	2,140	24	301
Criminal, Superior Court	548	340	3	296
Family, 1st Instance	20,906	47,748	51	1,346
Family, 2nd Instance	438	233	20	34
Contentious- Administrative	266	734	4	250
Labor, 2nd Instance	702	84	18	44
Juvenile, 1st Instance	3,237	3,915	43	166
Juvenile, 2nd Instance	115	102	20	11
Traffic, 1st Instance	3,610	7,307	32	341
Traffic, 2nd Instance	223	84	16	19
Constitutional	1,261	929	5	438

In all, 148,287 cases were filed in 2003,⁴⁶ with criminal cases being the most numerous in first and second instance, representing 57% and 69% of all cases filed.

In superior instances 1,351 appeals were filed, distributed among the civil (537), criminal (548), and contentious-administrative (266) courts. Forty percent of cases entering the superior courts were criminal matters, while civil matters accounted for 39.7%, and contentious-administrative 19.6%. A total of 1,261 matters were filed before the Constitutional Court, equal to 0.85% of all cases filed.

These statistics reflect a rate of litigiousness in the first instance of 2,117 cases per 100,000 inhabitants, and 113 for second instance. A total of 2,279 matters entered the judicial system per 100,000 inhabitants.

The first instance courts are the busiest in the Judicial Branch: in 2003 alone each civil judge at this level had an average caseload of 2,918 matters, whereas family court judges had an average caseload of 1,346 cases. Although the total number of criminal cases filed and pending at the start of 2003 was 193,170, the caseload in this instance was lower than the civil ambit, due to the larger number of judges (456), showing that more resources are being challenged to the subject matter with the highest rate of litigiousness.

In all, the system disposed 167,649 cases, 97% of which were through a first instance ruling, and 1.2% by second instance ruling. In addition, 1,226⁵² cases were resolved before the Superior Courts and 1,168 before the Constitutional Court, together representing 1.4%.

Table 11
Cases Resolved through Rulings⁵⁰

Subject Matter, First Instance	2003	% of First Instance Cases in 2003	Subject Matter, Second Instance	2003	% of Second Instance Cases in 2003
Civil, Commercial and Small Claims	29,195	18%	Civil, Commercial and Small Claims	701	34%
Family	41,886	26%	Family	291	14%
Criminal (Peace Courts)	74,085	45%	Criminal ⁵¹		0%
Labor-Social	8,730	5%	Labor-Social	703	34%
Juvenile	5,584	3%	Juvenile	165	8%
Traffic	3,709	2%	Traffic	206	10%
Total	163,189	100%	Total	2,066	100%

Table 12
Case Clearance Rate⁵³

Subject Matter	Clearance Rate First Instance	Clearance Rate, Second Instance
Civil	119%	86%
Family	200%	66%
Criminal	94%	-
Labor- Social	127%	100%
Juvenile	173%	74%
Traffic	103%	92%
Contentious- Administrative	NA	47%
Constitutional	NA	93%

These figures show the high clearance rates of first instance courts, although 144,628 civil matters were pending disposal at the start of 2003 and 140,065 were left pending at the end of the same year, thus accounting for this ambit's higher caseload. For criminal justice the clearance rate in first instance was 94%, meaning that not all cases filed during that year were resolved, with 114,133 cases pending at the start of 2003, and

112,745 cases left pending at the end of the same year. The first instance family courts achieved a 200% clearance rate, reducing the number of cases pending from 47,748 to 26,768.

In the second instance, civil cases were cleared at a rate of 86%, with matters pending increasing from 420 to 537. The same situation is found in the family courts, where the clearance rate of 66% increased the rate of cases pending from 233 to 380. Lastly, the Contentious-Administrative Court had a 47% clearance rate, and the number of cases pending rose from 734 to 876 in 2003.

4. Crime Rates

The Public Prosecutor's Office reported a total of 94,212 criminal complaints filed in 2004, or 1,453 per 100,000 inhabitants.⁵⁴ Between January 1 and November 15, 2004, 100,458 cases were presented before the country's public prosecutor's offices,⁵⁵ for a rate of approximately 1,538 investigations initiated per 100,000 inhabitants.

Table 13
Crime Rates⁵⁶

Type of Crime	Quantity	Percentage of all reported
Crimes against property	35,319	30%
Crimes against persons	21,702	18%
Crimes against personal freedom	19,634	17%
Crimes against life	7,819	7%
Crimes against the constitutional system and the public order	6,931	6%
Crimes against the public administration	5,617	5%
Crimes against sexual freedom	4,107	3%
Crimes against the family	3,164	3%
Crimes against the public trust	2,086	2%
Crimes against the socio-economic order	692	1%
Crimes against humanity	487	0%
Crimes against territorial planning (zoning)	353	0%
Crimes against the administration of justice	316	0%
Public security crimes	161	0%
Public health crimes	61	0%
Crimes related to individual rights and guarantees	53	0%
Crimes against honor and privacy	36	0%
Crimes against personal security	5	0%
Unrecorded	474	0%
Crimes against Gang Laws (<i>Leyes Antimaras</i>)	3,282	3%
Offenses under the Organized Crime Law	1,912	2%
Offenses under the Drug Law (<i>Ley Reguladora de las Actividades Relativas a las Drogas</i>)	1,213	1%
Offenses under the Special Customs Law (<i>Ley Especial para sancionar Infracciones Aduaneras</i>)	324	0%
Money laundering crimes	18	0%
Misdemeanors involving life, bodily integrity and freedom	1,092	1%
Misdemeanors involving the public order and peace	963	1%
Misdemeanors involving property	71	0%
Misdemeanors involving matters of family, good customs and public decency	63	0%
Misdemeanors involving respect for the deceased	3	0%
Total	117,958	100%

From January 1 to November 15, 2004, 117,958 crimes were committed in El Salvador, representing an offense rate of 1,806 per 100,000 inhabitants.

Table 14
Crime Rate Evolution, by Type⁵⁷

Type of Crime	2004	2003	Evolution
Murder	6,291	5,695	10%
Theft and robbery	26,048	26,698	-2%
Injury, all types	20,124	20,548	-2%
Rape, all types	2,241	2,545	-12%

In general, the crimes most often committed in 2004 in El Salvador were crimes against property. Robbery and theft rates for 2004 were 2% lower than in 2003, while the murder rate increased by 10% for a rate of 96.3 per 100,000 inhabitants, while there were 399 robberies and thefts per 100,000 inhabitants.

According to studies conducted by CEPES, from 1999 to 2003 the number of crimes reported dropped by an average of 4.9% annually, while arrests increased by 31.45%.⁵⁸ The study also found a 4.3% reduction in the number of murders reported between 1999 and 2003, and a 5.2% decrease in the number of robberies committed.

5. Prison Population

Penitentiary activity in El Salvador is governed by Constitutional norms, the Penitentiary Law and its Rules and by judicial sentences. Article 27 of the Constitution charges the State with organizing penitentiary establishments to correct and educate criminals and inculcate a work ethic to achieve their social reintegration and prevent future crimes. The Ministry of Government's General Prison Directorate (*Dirección General de Centros Penales*) formulates prison policy in El Salvador.

The Directorate's central mission is to secure the social reintegration of those in custody and be responsible for their care while in custody. It does so in keeping with its security policy and prison classification policy and inmate classification and care policy. The Penitentiary Law governs sentence enforcement and security measures provided for in the Criminal Code, as well as other sentences contained in special laws. The bodies that enforce such sentences are the Directorate, the National Criminological Council, the Regional Criminological Councils, and the Penitentiary Academy.

Table 15
Prison Holding Capacity and Population⁵⁹

Year	2004
Total holding capacity	7,582
Total number of individuals in custody	12,221
Serving sentence	7,338
In pretrial custody	4,876
Absolute overcrowding	4,639
Rate per 100,000 inhabitants	187

At the end of 2003 there were 11,451 individuals in custody in El Salvador's prisons, and by November 15, 2004 there were 12,221, a 6.7% rise, with an imprisonment rate of 187 inmates per 100,000 inhabitants. 7,338 prisoners are serving a court sentence, while 4,876 (39%) are in pretrial custody. The prison overcrowding rate is 61%.

Data from the Salvadoran NGO CEPES confirms these figures, reporting that as of December 2004 the country's twenty-four penitentiary establishments had a combined holding capacity of 7,572 but housed 12,150 inmates, representing an excess population of 60.46%. Some establishments exceeded the average. For example, the Centro Penitenciario Mariona had an overcrowding rate of 247.13% while that of the Centro de San Miguel stood at 285.56%.⁶⁰ A 2004 study conducted by the same foundation reported that between December 1998 –when the criminal reforms came into force– and December 2001, the prison population grew by 38.89%. By December 31, 2003 the population had risen to 11,451 inmates, a 64% increase over the number of inmates in 1998.⁶¹

6. Related Areas

Alternative Dispute Resolution

Mediation is provided for in El Salvador's Constitution, which states that, “no individual who is free to administer his property shall be denied the right to resolve his civil or commercial disputes by transaction or arbitration. (...ninguna persona que tenga la libre administración de sus bienes puede ser privada del derecho de terminar sus asuntos civiles o comerciales por transacción o arbitramento.)” This provision was brought into force in July 2002 through Decree No. 914, the Law of Mediation, Conciliation and Arbitration.

The above legislation established the legal framework applicable to arbitration and

acknowledges the effectiveness of other alternative dispute resolution methods that private individuals and legal entities may legally employ to resolve civil or commercial disputes, in cases where parties are free to dispose of their property and where such property may be transacted or waived (*desistimiento*). The laws also establish the principles that govern this type of alternative outcome: freedom, flexibility, privacy, suitability, efficiency, equality, immediacy (presenting the case in a hearing) and contradiction.

It also regulates the form of arbitration: legal, equitable or technical. Legal arbitration is that in which the arbitrators ground their decision in statutory law currently in force. Equitable arbitration participants or *amigables componedores* are free to negotiate according to conscience, truth and good faith. Finally, technical arbitration occurs when the arbitrators rule in accordance with specific dictates of a certain art, science, or profession.

The Mediation Law establishes that Chambers of Commerce, Workers Associations and Universities may found and operate arbitration centers according to the terms of the legislation. The Ministry of Government is responsible for issuing operating permits to these centers after they have met certain requirements, and maintaining a public record.

JSCA's records indicate that the following ADR centers are currently in operation in El Salvador:

Table 16
Alternative Dispute Resolution Centers in El Salvador⁶²

Name	Cámara de Comercio e Industria de El Salvador (El Salvador Chamber of Commerce and Industry)
Contact	http://www.camarasal.com/ camara@camarasal.com
Name	Centro de Mediación de la Procuraduría General de la República (Public Defender's Office Mediation Center)
Contact	http://www.pgr.gob.sv/mediacion.htm

The Public Defender's Office Mediation Center has a corps of mediation professionals who assist individuals to identify the matters under dispute and seek to resolve them in a way that is mutually acceptable to all parties. The Center offers public, free of charge service in matters related to the family, individual rights, and labor matters, among others.

Between June 2002 and May 2003, there were 522 requests for mediation in San Salvador, 315

of which came from women, and 207 from men, with 60.3% of this total finally undergoing mediation. In the city of La Paz there were 336 matters presented for mediation, and seventy-nine in Sonsonete, in the areas of family, community, neighborhood and property mediation. Of all requests, 151 were mediated in La Paz and twenty in Sonsonete.⁶³

Legal Profession

As of 2004, there were approximately 8,000⁶⁴ attorneys practicing in El Salvador, or 125 per 100,000 inhabitants. Membership in a bar association is not mandatory for attorneys in El Salvador; however, attorneys have formed six such associations, all of which are also members of the *Federación de Asociaciones de Abogados de El Salvador* (Federation of Bar Associations of El Salvador). According to the Constitution, the Supreme Court shall "receive attorneys to the bar and authorize them to practice the profession; suspend them for failing to comply with their professional obligations; for serious negligence or ignorance, for professional misconduct, or for highly immoral private conduct: disbar them due to corruption, bribery, fraud, falsification or any other reason legally established, and reinstate them on legal grounds. Suspension or disbarment shall follow the legally prescribed form, and shall be resolved only with morally forceful evidence. (...*practicar recibimientos de abogados y autorizarlos para el ejercicio de su profesión; suspenderlos por incumplimiento de sus obligaciones profesionales; por negligencia o ignorancia graves, por mala conducta profesional, o por conducta privada notoriamente inmoral: inhabilitarlos por venalidad, cohecho, fraude, falsedad y otro motivo que establezca la ley y rehabilitarlos por causa legal. En los casos de suspensión e inhabilitación procederá en la forma que la ley establezca, y resolverá sólo con robustez moral de prueba.*)"⁶⁵

Table 17
Law School Students⁶⁶

Item	2003	2002	Evolution
First Year Law School			
Enrollment	19,575	20,068	-2%
Law School			
Graduating Class	2,319	1,454	59%
Total University			
Enrollment	116,521	113,633	3%

El Salvador has twenty-one institutes of higher education that offer law programs.⁶⁷ In 2003, 116,521 new students entered university in the country, 16.7% of them into law school, which was 2% less than in the previous year. For every 100,000 inhabitants, 1,784 students graduated from university in 2003, including 300 from law school.

7. Judicial Reform and International Cooperation Projects Underway

In 2004 the Judicial Branch Modernization Project was launched, to be implemented over a five-year period with funding from the Inter-American Bank for Reconstruction and Development. One of the aims of the project is to reform the legal framework governing the institutional structure and human resources of the Judicial Branch. Other aspects of the project include implementation of Integrated Judicial Centers and the reform of Constitutional Procedural Law and the civil, commercial and criminal procedure codes.

Funding for the project comes from the IBRD loan (80%) and the Judicial Branch of El Salvador (20%), with the Supreme Court as the implementing agency.⁶⁸

Approval and implementation of the “Project to Support the Social Peace Program (*Proyecto de Apoyo al Programa de Paz Social*, ES-0116)” was pending at the writing of this report. The project represents a US\$35.4 million investment, US\$27.9 million of which comes from the IDB and US\$7.5 million of which comes from the Ministry of Government. The purpose of the project is to reduce crime and violence and focus resources on programs and services for young people in El Salvador.

8. Websites

Supreme Court (*Corte Suprema de Justicia*)

www.csj.gob.sv

This official website provides general information regarding the history and organization of this agency, a list of courts and judges, and publications and a virtual library with searches by author and title. The public access section offers users opportunities to browse case law, journals, a phone directory and other information of interest. Also contains press releases and news items. Available in English and Spanish.

National Judicial Council (*Consejo Nacional de la Judicatura*)

www.cnj.gob.sv

This website provides a text of the Council’s mission, vision, institutional responsibilities and organization. It also has a section on the judicial training academy that provides information on its courses, instructors, and legal framework, as well as judicial selection and assessment information and a phone directory. Available in English and Spanish.

Public Defender’s Office (*Procuraduría General de la República*)

www.pgr.gob.sv

Site of El Salvador’s Public Defender’s Office, includes institutional structure, departments and their respective functions, with special focus on the public defender unit. Spanish only.

Public Prosecutor’s Office (*Fiscalía General de la República*)

www.fgr.gob.sv

The official website of the Public Prosecutor’s Office contains information on its structure and a portal with news about the institution. Also has updated statistics on criminality rates in the Republic, and a phone directory. Spanish-language only.

Executive-Technical Department of the Justice Sector (*Unidad Técnica Ejecutiva del Sector Justicia*)

<http://www.ute.gob.sv/>

The webpage of this high-level coordinating committee responsible for developing and managing plans, programs and specific projects related to the justice sector. It provides technical assistance to justice sector institutions and facilitates inter-institutional coordination. Spanish-language only.

Presidency of El Salvador (*Presidencia de El Salvador*)

www.casapres.gob.sv

Official site of the President’s Office with information on the President and First Lady. Includes speeches, press releases, history, photographs, and a directory of government websites. In Spanish only.

Fundación de Estudios para la Aplicación del Derecho – FESPAD
Centro de Estudios Penales de El Salvador—
CEPES

<http://fespada.org.sv>

FESPAD is a public, non-profit organization formed on November 30, 1988. In 1993 the Foundation created the criminal studies center—*Centro de Estudios Penales de El Salvador*, CEPES—, which focuses on the operation of the criminal and judicial systems in this country. The Center teaches and trains students, young professionals and judicial system staff, and develops public policy alternatives and legislative proposals that it seeks to incorporate into the country's political and social process. CEPES was created through an agreement between FESPAD and Argentina's Instituto de Estudios Comparados en Ciencias Penales y Sociales (Criminal and Social Sciences Comparative Studies Institute, INECIP). FESPAD-CEPES is a member of the Network of Civil Society Justice Organizations of the Americas (Red OSC). Website in Spanish only.

Worldwide Attorney Information Page

<http://www.advocatesinternational.org/>

This website contains general information on national population, the number of attorneys, per capita income and form of government for countries from around the world.

9. Basic Directory

Corte Suprema de Justicia

Address: Centro de Gobierno, San Salvador

Phone: (503) 271-8888

Website: <http://www.csj.gob.sv/>

Consejo Nacional de la Judicatura

Address: Final Calle Los Abetos N°. 8

Colonia San Francisco, San Salvador

Phone: (503) 298-4882 al 298-4884; 245-2449 y 245-2451

Fax: (503) 245-5261

Website: www.cnj.gob.sv

Ministerio Público

Procuraduría para la Defensa de los Derechos Humanos

Address: 5ª Calle Poniente, y 9ª Avenida Norte, N° 535, San Salvador

Fax: (503) 222-0655

E-mail: dipddh@pddh.gob.sv

Website: <http://www.pddh.gob.sv/>

Fundación de Estudios para la Aplicación del Derecho - FESPAD

Address: 25 Calle Poniente No 1332 Colonia Layco
 Apartado Postal 2806

San Salvador

Phone: (503) 225-2368

Fax: (503) 255-2504

E-mail: fespadinfo@vip.telesal.net

Website: <http://fespada.org.sv>

Notes

² *Ibid*, Article 85.

³ *Ibid*, Article 200.

⁴ *Ibid*, Article 202.

⁵ *Ibid*.

⁶ ECLAC, *Statistical Yearbook for Latin America and the Caribbean 2003*, "Part One: Socio-economic Development Indicators for Latin America and the Caribbean."

⁷ *Ibid*.

⁸ *Ibid*.

⁹ *Ibid*.

¹⁰ *Ibid*.

¹¹ *Ibid*.

¹² *Ibid*.

¹³ *Ibid*.

¹⁴ World Bank, *World Development Indicators*. See <http://devdata.worldbank.org/data-query/>.

¹⁵ *Constitución Política de la República de El Salvador* (hereafter, Constitution), Article 172.

¹⁶ *Ibid*, Article 173.

¹⁷ *Ibid*, Article 186.

¹⁸ *Ibid*, Article 175.

¹⁹ There are 5 Civil and 5 Criminal Courts, 3 in San Salvador, 1 in Santa Ana and 1 in San Miguel; 9 Traffic Courts, all in San Salvador; 4 Labor Courts, 2 in San Salvador, 1 in Santa Ana and 1 in San Miguel; 3 Family Courts, 1 each in San Salvador, Santa Ana, and San Miguel; 1 Juvenile Court in San Miguel and 7 Mixed Courts in San Salvador, Santa Ana, Sonsonete, Cojutepeque, San Vicente, San Miguel and Usulután. Information obtained from the official web page of the Supreme Court.

²⁰ There are 21 trial courts, 46 investigative courts, 9 traffic courts, 10 penitentiary supervision and sentence enforcement courts, 5 commercial courts, 26 civil courts, 8 labor courts, 2 tenancy courts, 2 taxation courts, 1 Martial Court, 22 family courts, 20 juvenile courts, 5 child protection courts, and 24 mixed courts. Information obtained from the official web page of the Supreme Court.

²¹ These cities and departments are: San Salvador, La Libertad, Chalatenango, Santa Ana, Ahuachapán, Sonsonete, Cuscatlán, Cabañas, La Paz, San Vicente, San Miguel, Usulután, Morazán, La Unión. Information obtained from the official web page of the Supreme Court.

²² Information from the project *Generating Indicators and Judicial Statistics*, *Op. cit.*

²³ Calculated using data from the Supreme Court for the IDB-Court project and information from the *Report on Judicial Systems in the Americas 2002-2003*, provided by the Planning Office of the Supreme Court.

²⁴ Constitution. Art. 172.

²⁵ Institutional response from the Supreme Court. The Ministry of Finance web page was also used. See www.mh.gob.sv.

²⁶ *Ibid*.

²⁷ JSCA, *Report on Judicial Systems in the Americas 2002-2003*, available at www.cejamerica.org.

- ²⁸ *Ibid.*
- ²⁹ See <http://www.iadb.org/exr/doc98/apr/lcsalvq.htm>.
- ³⁰ JSCA, *Report on Judicial System in the Americas 2002-2003, Op.cit.*
- ³¹ Institutional response from the Public Ministry of El Salvador.
- ³² Calculated using the dollar amounts.
- ³³ Responses to the questionnaire submitted by Róger Paz Rivas of El Salvador's Public Ministry. The information was obtained from the web page of the Public Defender's Office. See www.pgr.gob.sv. Institutional Budget and Activity Report; the authors also consulted the Constitution of 1983, Criminal Procedure Code and Youth Offenders Law and their respective reforms.
- ³⁴ JSCA, *Report on Judicial Systems in the Americas 2002-2003, Op.cit.*
- ³⁵ Institutional response from the Public Ministry. The institution also reported that the director and technical staff were preparing a request to increase the budgetary allocations of various institutional departments in order to increase installed capacity and staffing levels, through a salary incentive.
- ³⁶ JSCA, *Report on Judicial Systems in the Americas 2002-2003, Op.cit.*
- ³⁷ Institutional response to the questionnaire. Submitted from the Office of the Assistant Director of the National Civil Police of El Salvador.
- ³⁸ Institutional response from the Supreme Court.
- ³⁹ Built using information provided.
- ⁴⁰ Response to the questionnaire submitted by Róger Paz Rivas, El Salvador Public Ministry.
- ⁴¹ *Ibid.*
- ⁴² JSCA, *Report on Judicial Systems in the Americas 2002-2003, Op.cit.*
- ⁴³ Cristián Riego, "Follow-Up Study on Judicial Reform Processes in Latin America. Second Comparative Report," revised version, July 2003, available in *Revista Sistemas Judiciales*, JSCA, No. 5. More details on the methodology and conclusions of the project can be obtained at: www.judicialsystems.org.
- ⁴⁴ *Ibid.*
- ⁴⁵ Based on data provided by Supreme Court officials for the project *Generating Indicators and Judicial Statistics, Op. cit.*
- ⁴⁶ Based on the number of cases filed in first and second instance courts, and civil, criminal and contentious-administrative Superior courts, added to cases filed in the Constitutional jurisdiction.
- ⁴⁷ Table based on data provided by Supreme Court officials for the project *Generating Indicators and Judicial Statistics, Op. cit.* The presence of mixed jurisdiction judges means that these data are approximate.
- ⁴⁸ Cases filed before the peace courts.
- ⁴⁹ In the peace courts, trial courts and investigative courts.
- ⁵⁰ Table based on data provided by Supreme Court officials for the project *Generating Indicators and Judicial Statistics, Op. cit.*
- ⁵¹ No data is available on second instance criminal cases disposed.
- ⁵² Distributed as follows: 607 civil matters, 495 criminal, and 124 contentious-administrative.
- ⁵³ Table prepared using data provided by Supreme Court officials for the project *Generating Indicators and Judicial Statistics, Op. cit.*
- ⁵⁴ Supreme Court, from the official web page of the Ministry of Government, November 15, 2004.
- ⁵⁵ Statistics Unit of the Public Prosecutor's Office. Preliminary Crime Report, January- November 15, 2004. See http://www.fgr.gob.sv/new/files/estadis2004/reporte_preliminarcrimen2004.pdf.
- ⁵⁶ *Ibid.*
- ⁵⁷ Table based on statistics taken from the official web site of the Public Prosecutor's Office.
- ⁵⁸ FESDAP - CEPES, *Estado de la seguridad pública y la justicia penal en El Salvador Julio 2002-Diciembre 2003*, published in February 2004. This document explains how the number of arrests surpasses the number of complaints recorded, which is a result of "police strategies to control members of youth gangs or residents of neighborhoods where these gangs are present implemented in an unclear manner in the first quarter of 2003 and the *Plan Mano Dura* and passing of the *Ley Antimaras* (Anti-gang Law) in October 2003."
- ⁵⁹ Institutional response from the Supreme Court, taken from the web page of the Ministry of Government, November 15, 2004. <http://www.gobernacion.gob.sv/eGobierno/Direcciones/CentrosPenales/Estadisticas/>.
- ⁶⁰ Statistics submitted by Edgardo Amaya, CEPES.
- ⁶¹ FESDAP - CEPES, *Estado de la seguridad pública y la justicia penal en El Salvador Julio 2002-Diciembre 2003*, published in February 2004.
- ⁶² Alternative Dispute Resolution Methods, JSCA webpage, at: www.cejamerica.org/marc.
- ⁶³ Official web page of the Public defender's Office (Procuraduría General de la República), at: http://www.pgr.gob.sv/pgr_cifras.htm.
- ⁶⁴ Source: <http://www.advocatesinternational.org/pages/global/latinAmerica/elSalvador.php>.
- ⁶⁵ Constitution, Article 182.
- ⁶⁶ Response submitted by María Isaura Araúz, National Director of Higher Education, Ministry of Education.
- ⁶⁷ *Ibid.*
- ⁶⁸ Response submitted by the Supreme Court.