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Top Prosecutor Launches Corruption Crackdown in El Salvador

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Since taking over early last year as El Salvador’s attorney general, Douglas Meléndez has led an unprecedented anti-corruption crusade that not only landed his immediate predecessor in jail, but is also targeting two of the country’s past presidents: Elías Antonio Saca (2004-2009) and Mauricio Funes (2009-2014).

Funes, a former television journalist and political moderate, has taken up residence in Nicaragua to avoid civil proceedings regarding allegations of illicit enrichment. The case against him was launched last year after an audit by the Sección de Probidad, a special anti-graft unit with El Salvador’s Corte Suprema de Justicia (Supreme Court of Justice, CSJ), discovered more than US $700,000 in unaccounted-for payments, income, and assets (NotiCen, April 28, 2016).

The attorney general’s office (Fiscalía General de la República, FGR) began a criminal investigation as well, and in August ordered raids on a home Funes rents in San Salvador, the Salvadoran capital, and on various properties owned by a businessman and close confidant of the former president. Funes was in Nicaragua at the time, where he applied and was quickly granted political asylum, (NotiCen, Sept. 22, 2016). He denies the allegations against him and insists he is being persecuted for political reasons.

Funes’ conservative predecessor, Saca, faces an even more complicated legal scenario following his October arrest on charges of embezzlement, illicit association, and money laundering. The investigation into possible wrongdoing by the former president also began with an audit by the Sección de Probidad. And like Funes, Saca faces civil proceedings. But he’s also being pursued along criminal lines and is being held in a regular prison, albeit in a special section, north of San Salvador. Saca was transferred from a police detention facility to the Mariona prison in mid-January. The jail is vastly overcrowded, with approximately 5,000 inmates occupying a space designed for 1,200, according to reports from Agence France-Presse (AFP). Before his arrest, Saca, a former journalist and media entrepreneur who wasn’t yet 40 when elected president, enjoyed a lavish lifestyle.

As president, Saca represented the hard-right Alianza Republicana Nacionalista (ARENA). He was booted from the party in 2009 over allegations that he had organized the defection of more than a dozen lawmakers who went on to form the center-right Gran Alianza por la Unidad Nacional (GANA).

Sticky fingers

Police have also arrested a number of Saca’s political associates. They are accused of collaborating with the former president during his time in office in a deliberate and systematic embezzlement scheme that involved the removal of at least US$246 million from government coffers. Some of those former government officials are being held alongside Saca in the Mariona prison.

The FGR believes the money was deposited into private accounts set up by those associates and then redistributed to multiple recipients, including businesses owned by Saca. It also says that treasury money was used to cover hefty credit card bills racked up by the Saca’s wife, Ana Ligia Mixco Sol de Saca, and to pay for a US$2.1-million mansion the couple built outside of San Salvador.

“The extraction of [treasury] funds is totally proven. Former President Saca, together with a number of his secretaries, formed a network,” Meléndez said in an interview in November with the radio station YSKL. “As the public prosecutor’s office, all we ask is that justice be done, that the evidence be assessed. We can’t keep treating this kind of behavior—officials stealing the public’s money—as ‘normal.’”

There is also evidence that money went to Saca’s former party, ARENA. The conservative party, which governed El Salvador for two decades before losing to Funes and the FMLN in the 2009 election, was previously implicated in a corruption case brought against Saca’s predecessor, President Francisco Flores (1999-2004), who died in January 2016 while awaiting trial (NotiCen, Feb. 4, 2016).

Authorities accused Flores of misappropriating millions of dollars of earthquake relief money donated during his presidency by Taiwan (NotiCen, May 15, 2014). Much of that money is believed to have ended up in ARENA party coffers and used to cover campaign costs for the 2004 election, which Saca won easily, beating the FMLN’s Schafik Handal by more than 20 percentage points (NotiCen, March 25, 2004).

Pressure from Washington

Meléndez began his tenure as attorney general in January 2016, an especially complicated moment for El Salvador and the FGR in particular. The previous year saw homicide figures reach an all-time high, with more than 6,600 murders, a 70% increase compared to 2014. Complicating matters even more were allegations surfacing at the time against the previous FGR head, Luis Martínez, who is suspected, among other things, of manipulating court cases in favor of a high-profile businessman named Enrique Rais.

All of that contributed to pressure from outside, particularly from the US, that El Salvador take a tougher line on corruption and organized crime, perhaps by establishing a foreign-backed judicial instrument akin to the Comisión Internacional contra la Impunidad en Guatemala (International Commission against Impunity in Guatemala, CICIG). The UN-supported investigative body in Guatemala has earned a reputation in recent years for taking on complicated cases with high-profile protagonists. One of those cases led to the resignations in 2015 of Guatemala’s president and vice president (NotiCen, Sept. 3, 2015).

A top-level US diplomat, Thomas Shannon, made the suggestion directly during a visit to San Salvador in July 2015, calling on both El Salvador and Honduras to follow Guatemala’s example.
The three nations together form what analysts call the “Northern Triangle,” where persistent poverty and high levels of violence have produced a steady stream of US-bound migrants (NotiCen May 12, 2016, Aug. 4. 2016, Sept. 1, 2016).

Six months after Shannon’s visit—and just weeks before Meléndez began as attorney general—the administration of then-US President Barack Obama delivered on a promise to boost aid to the Northern Triangle, from US$294 million in 2015 to US$750 million for 2016. But the aid money also came with strings attached, one of them being that El Salvador and the other recipient countries make more of a concerted effort to tackle corruption.

‘A cry for help’

The Sánchez Cerén administration adamantly opposed the idea of allowing a CICIG-style institution in El Salvador. The country is perfectly capable, the leftist government insisted, of handling its own legal affairs. But it did eventually accept help from the US in setting up a special anti-corruption unit within the FGR. Meléndez unveiled the Grupo Especial Contra la Impunidad (Special Group Against Impunity, GECI) in September and quickly put it to work on the Saca case.

“In El Salvador, we have qualified justice,” Meléndez said at the time. “It’s like a snake that only bites those who have no shoes.”

The challenge that Meléndez set for himself, in other words, is to pursue criminals of all stripes, including those, like former presidents Funes and Saca, who are in positions of great power and influence. As part of that challenge, he also decided to go after his predecessor, Luis Martínez, who was arrested in August on charges of judicial corruption and obstruction of justice. The former top prosecutor was later released. But in January, authorities detained Martínez again, this time transferring him to the same jail where Saca and several of his alleged accomplices are being held.

The high-profile arrests of Martínez, Saca, and others certainly send a signal, one that hasn’t gone unnoticed in the US, where last month, lawmakers submitted a bipartisan resolution supporting efforts in El Salvador and elsewhere in Central America to tackle corruption. Where these cases go from here, however, remains very much to be seen. Filing charges is one thing. Securing convictions is quite another, particularly in a country with such a long and demonstrated tradition of impunity.

Meléndez admitted as much in a letter sent last March to lawmakers in the US. “I should mention another concern of mine, which is the intention of groups outside the institution to interfere in cases involving corruption and probity in ongoing investigations or future investigations,” the attorney general wrote. In an article published a month later, InSight Crime, a non-profit journalism and investigative organization, described the letter as “a cry for help.” InSight Crime also quoted a source close to Meléndez saying that there are “mafias embedded in the state apparatus that are doing everything they can to impede his efforts.”

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