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## Salvadoran Investigation of Judges and Prosecutors for False Credentials

by LADB Staff

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An investigation by El Salvadoran special prosecutor Roberto Vidales into law degrees granted by various universities has revealed that 169 lawyers, including judges and prosecutors, are probably practicing with false credentials. The attorney general is considering prosecuting some of them and the minister of education is recommending education reforms.

In recent years, there have been repeated calls to clean up the judicial system. Last year, a US State Department report cited serious weaknesses in the Salvadoran judiciary and the Policia Nacional Civil (PNC), including human rights violations. The report sparked a debate in which some opposition leaders demanded a purge of the courts and the police. Eduardo Tenorio, then president of the Corte Suprema de Justicia (CSJ), said the report was "false and discourteous." He threatened to protest to the US government that the report made groundless accusations and was an intervention in internal Salvadoran affairs.

Later in the year, however, the CSJ announced it was investigating 57 judges suspected of "academic fraud" after the Education Ministry refused to accept their law degrees. All 57 were graduates of universities that had later been closed by the government for noncompliance with higher-education law. Francisco Diaz, of the Consejo Nacional de la Judicatura (CNJ), remarked, "This is only part of the sickness in the judicial system." The system has also routinely been accused of corruption and cronyism in hiring and advancement.

In November 2000, the CSJ suspended five judges for obtaining false credentials, while the PNC went through a purge, ordered by President Francisco Flores, of corrupt and incompetent officers (see NotiCen, 2000-10-12). Thousands of cases are under review. In his report, issued in late August, Vidales said hundreds of judges, prosecutors, and other public employees might have obtained credentials from schools that sell degrees. Vidales is reviewing 2,849 cases of suspect credentials. Of the 10% he has examined so far, he has found 169 cases of false credentials and only 12 cases in which lawyers had legitimate law degrees. Law is the most popular university concentration, with 20,000 students enrolled in law programs in 23 universities in 1999. Vidales said that some law schools were "degree factories." He found that in three law schools Universidad de Las Americas de El Salvador (ULAES), Universidad Salvadorena (USAL), and Universidad Manuel Escamilla no law student had ever failed a course. He cited cases of students who paid up to US\$4,500 for a law degree.

Some received double credit for courses transferred from other schools, some had not attended any classes, and some had false signatures on their transcripts. Eleven of the 169 suspect lawyers were graduates of the Universidad Manuel Escamilla, some earning their law degrees in as little as one

week. Among the names on the list is that of Judge Nora Montoya. She was a transfer student at ULAES, where she was able to pass 11 courses in less than six months.

Last year, she received the highest evaluation from the CNJ for her work as a judge. Manuel Chacon Castillo, a well-known trial attorney, studied first at the Universidad Centroamericana (UCA) but flunked out after failing seven courses. He transferred to USAL in 1995, where he received a law degree within a few months. The Education Ministry declared his USAL transcript false and refused to register him. The CSJ then refused him permission to practice law in 1996 but revoked the order the next year. The Education Ministry has never registered him.

### *Lawyers spar with special prosecutor over report*

Vidales criticized the CSJ for not moving fast enough to sanction judges with false credentials and for refusing to admit knowledge of the problem. Garcia said he doubted there were any false credentials, but Vidales said on national television that the sale of degrees was common knowledge and that authorities had permitted it for years. The Chacon case and others seemed to support Vidales' contention.

On Aug. 28, Prensa Grafica published the Vidales report containing the list of 169 names. The debate suddenly shifted away from academic fraud to identifying and prosecuting the unknown person who leaked the document to the press. The attorney general demanded the resignation of whoever was responsible, and said it must have been a government employee trying to create a public scandal. The newspaper refused to divulge the source of the leak, citing confidentiality.

Judges and various private attorneys on the list began claiming that publishing their names deprived them of due process. But Vidales responded that, since no charges had yet been filed against anyone, the question of due process did not arise. He accused the judges and lawyers of erecting a smokescreen to divert attention from the central issue and scuttle the investigation. Several judges have tried to settle the matter politically by bringing in the legislature. A group of women judges (Asociacion de Mujeres Jueces) asked the Legislative Assembly to legalize the fraudulent credentials. Attorney General Belisario Artiga called the proposal "stupid." CSJ president Agustin Garcia said the fake credentials constituted fraud and he was against any attempt to validate them.

On Aug. 20, Garcia said the CSJ would dismiss any judge found guilty of having false credentials. He took partial credit for uncovering the fraud, saying that Vidales was assisted by CSJ reports to various government ministries. At the same time, the CSJ issued a statement refusing Vidales' suggestion that it suspend all the judges on the list. However, the court pledged to review the cases in question and to support reforms in the judiciary to give the court greater control over the certification of lawyers and the behavior of judges. Vidales has asked for a commission to continue reviewing the 2,849 cases and, in the meantime, many judges on the list may be prosecuted, others sent back to school. The Consejo de Education Superior is now considering recommendations for reforms in the law governing higher education. One change would require the universities not graduates to register degrees with the Education Ministry. This change would give the state greater ability to uncover falsified documents.

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