

THE LEGAL SYSTEM OF THE REPUBLIC OF EL SALVADOR

The political and legal system of the Republic of El Salvador is based on the Constitution of 1983, which establishes that El Salvador is a sovereign State, and that sovereignty resides in the people, who exercise it according to statutes and within the limits set by the Constitution.

The Government of El Salvador is republican, democratic, and representative. The political system is pluralistic, as expressed through the political parties, which are the only instruments whereby the people can be represented within the Government. The existence of a single official party is incompatible with the democratic system and the form of government established in the Constitution.

Government power emanates from the people and the agencies of government shall exercise it independently within their respective areas of authority and competencies established in Title VI of the Constitution and the other laws of the Republic. In this regard, the basic branches of government are the Legislative Branch, the Executive Branch, and the Judicial Branch.

The Legislative Branch

The Legislative Branch is comprised of the Legislative Assembly, which is a collegial body currently consisting of 84 deputies elected through universal suffrage for three-year terms, with the option of re-election. The legal basis for this body is found in Title VI, Section One, Chapter I of the Constitution; specifically Articles 121 to 149. Its powers and responsibilities are further clarified in the Rules of Procedure of the Legislative Assembly.

The Legislative Assembly is essentially responsible for legislating and must decree, give genuine interpretations, amend, and repeal secondary laws. It must also ratify treaties or agreements signed by the Executive Branch with other States or international organizations, or deny their ratification.

The Legislative Assembly is also responsible, among other things, for approving the Budget of Revenue and Outlays of the National Government and any amendments thereto. It must receive Constitutional protests and swear in the citizens that are to serve as President and

Vice President of the Republic. It also must elect, by public role-call vote, the following officers: the President and Justices on the Supreme Court of Justice, the President and Justices on the Supreme Electoral Tribunal, and the President and Justices of the Audit Court of the Republic, the Attorney General of the Republic, the Prosecutor for the Defense of Human Rights, and the Members of the National Judiciary Council. It declares war and ratifies peace based on reports provided to it by the Executive Branch. It grants amnesty for political crimes or related common crimes, or for common crimes, and grants pardons after receiving reports from the Supreme Court. It is empowered to suspend and reinstate Constitutional rights, it summons Ministers or acting Ministers; and can recommend to the President of the Republic the removal of a Cabinet Minister.

The Executive Branch

This Branch is comprised of the President, Vice President, Cabinet Ministers, and Deputy Ministers and their subordinates. It is regulated by Title VI, Section One, Chapter II of the Constitution, specifically Articles 150 to 171, while its powers and responsibilities are further explained in the Rules of Procedure of the Executive Branch.

Presidential terms are five years long, without possibility of re-election. The President of the Republic is the General Commander of the Armed Forces, as is established in Article 157 of the Constitution.

Government affairs are managed in the Salvadoran State by the various State Secretariats, covering the various branches of management. Each State Secretariat is led by a Minister, who works in collaboration with one or more Deputy Ministers.

National Defense and Public Security fall under different Ministries. Public Security falls under the National Civilian Police Force, a professional body independent of the Armed Forces and removed from any partisan activity. The National Civilian Police Force serves as an urban and rural police force to keep law and order and ensure public safety and peace. It also cooperates in the investigation of crimes, all with strict adherence to the law and complete respect for human rights.

There is a Council of Ministers comprised of the President and Vice President of the Republic and the Cabinet Ministers or their alternates. Its powers and responsibilities are set forth in the Rules of Procedure of the Executive Branch, Chapter IV, Articles 21 to 27.

The powers and responsibilities of the President of the Republic are, among others: to comply with and enforce the Constitution, treaties, laws, and other legal provisions; keep the sovereignty of the Republic and its territorial integrity intact; maintain social harmony and keep the peace and internal calm and ensure the safety of all human beings as members of society; sign treaties and international agreements, submit them to the Legislative Assembly for ratification and monitor compliance with them; conduct international relations; and approve, enact, publish, and enforce laws.

The Judicial Branch

This Branch is comprised of the Supreme Court of Justice, the Courts of Second Instance, and the remaining Courts that are established by secondary laws. The legal basis for this Branch is found in Title VI, Section One, Chapter III of the Constitution, specifically Articles 172 to 190. Its powers and responsibilities are further delineated in the Organic Law on the Judiciary.

The Judicial Branch has exclusive power to pass judgment and enforce its judgments on Constitutional, civil, criminal, commercial, labor, agrarian, or administrative litigation matters, as well as others determined by law. The administration of justice is free of charge.

The justices and judges are independent in the exercise of their jurisdictional functions, and are only subject to the Constitution and the laws.

The Supreme Court of Justice is comprised of 15 Justices, one of whom is its President, for the Constitutional Chamber and the Judicial Branch.

The Supreme Court shall have a Constitutional Chamber which shall hear and rule on cases based on the unconstitutionality of laws, decrees, regulations, *amparo* and *habeas corpus* proceedings, and any disputes between the Legislative Branch and the Executive Branch.

Included among the powers of the Supreme Court are the following: to hear *amparo* proceedings; to coordinate any pleadings or letters rogatory issued to conduct proceedings outside the country and to follow through on those originating in other countries, without prejudice to the provisions of treaties; grant extradition; grant permission to carry out decisions issued by foreign courts, according to the law; ensure the prompt and complete administration of justice; and appoint judges to the courts of appeal and the trial courts.

There is a National Judiciary Council which is an independent institution in charge of proposing candidates to serve as justices on the Supreme Court and judges for the courts of appeal and the trial courts. It is responsible for organizing and operating the Judicial Training School, whose purpose is to ensure the enhanced professional training of judges and other judicial officers.

Aside from the three branches of government there is a Public Ministry, which consists of the General Prosecutor of the Republic, the Attorney General, and the Prosecutor for the Defense of Human Rights, all of whom remain in their posts for three years and can be re-elected. This is regulated by Title VI, Section One, Chapter IV of the Constitution, specifically Articles 191-194.

For its political administration, the territory of El Salvador is divided into 14 Departments grouped into three geographical zones: the Western Zone, the Central Zone, and the Eastern Zone, which make up 39 districts and 262 municipalities. The 14 Departments are: Ahuachapán, Santa Ana, Sonsonate, Chalatenango, La Libertad, San Salvador (capital city), Cuscatlán, La Paz, Cabañas, San Vicente, Usulután, San Miguel, Morazán, and La Unión. Each Department has a Governor appointed by the Executive Branch. The local governments of the 262 municipalities are governed by Councils, consisting of a mayor, a trustee, and two or more municipal council members. They serve for a period of three years and can be re-elected.