

San Salvador, El Salvador, February 2, 2024

International Observers and
International Press
present in El Salvador for the
February 4, 2024 election

My name is Luis Parada, and I am the candidate for president of El Salvador from the Nuestro Tiempo party. I am writing to provide information about what has been happening in El Salvador in connection with this election before your arrival to the country, to give you the basic necessary context to observe this election and report about it in a complete and objective way.

The main problems with the February 4, 2024 presidential election are the direct result of the installation of a dictatorship in El Salvador since May 1, 2021, and the attempt of an unconstitutional reelection of the current president Nayib Bukele. These problems are described in detail below.

I. President Bukele's illegal pact with criminal gangs opened the door for El Salvador to become a dictatorship.

After invading the Legislative Assembly (Congress) with armed soldiers on February 9, 2020, President Bukele effectively acquired dictatorial powers on May 1, 2021, when his political party, Nuevas Ideas, gained a super-majority in the Legislative Assembly.

According to the information provided by the United States Department of Justice, President Bukele's government won this absolute majority for its party thanks to an illegal pact with criminal gangs, including MS-13. The existence of this illegal pact between Bukele and the gangs is being documented by the U.S. Department of Justice as part of two prosecutions against leaders of the MS-13 gang in federal court in the Eastern District of New York.¹

In particular, the indictment in the case *United States v. Arévalo-Chávez, et al.*, describes the content of the pact between president Bukele's government with the MS-13 gang, including the gang's influence in the 2021 legislative election results that led to the super-majority obtained by the Nuevas Ideas party starting on May 1, 2021.²

¹ *United States v. Henriquez, et al.*, CR 20-577, Indictment, (USDC EDNY, December 16, 2020), available at <https://www.justice.gov/usao-edny/pr/ms-13-s-highest-ranking-leaders-charged-terrorism-offenses-united-states>; y *United States v. Arévalo-Chávez, et al.*, CR 23-429, Indictment, (USDC EDNY, September 22, 2022), available at <https://www.justice.gov/usao-edny/pr/three-highest-ranking-ms-13-leaders-world-arrested-terrorism-and-racketeering-charges>

² *United States v. Arévalo-Chávez, et al.*, CR 23-429, Indictment, (USDC EDNY, September 22, 2022), paragraphs 36-38, available at <https://www.justice.gov/usao-edny/pr/three-highest-ranking-ms-13-leaders-world-arrested-terrorism-and-racketeering-charges>

On the first day of its super-majority in the Legislative Assembly, the Nuevas Ideas legislators unconstitutionally removed all five justices of Constitutional Chamber of the Supreme Court from office. The same day, the Assembly also unconstitutionally swore in a new group of justices who would be pliant to the wishes of President Bukele. With this new Constitutional Chamber to his liking, President Bukele intends to remain in power through an unconstitutional reelection.

On that same day, May 1, 2021, the Nuevas Ideas super-majority in the Legislative Assembly continued to do Bukele's bidding by removing from office—again unconstitutionally and without due process—the nation's Attorney General (*Fiscal General de la República*), who is supposed to be independent of the Executive, and swore in a new Attorney General handpicked by president Bukele.

The new attorney general immediately dismantled a special anti-mafia investigative unit in the attorney general's office that had been investigating the illegal pact between the government and gangs, as well as at least 12 serious cases of corruption by Bukele administration officials. President Bukele also dissolved the International Commission Against Impunity in El Salvador (CICIES, its acronym in Spanish), which had been created with the help of the Organization of American States (OAS) almost two years earlier and was also investigating corruption in president Bukele's government.

President Bukele tightened his grip on the judiciary further by instructing his bloc in the Legislative Assembly to approve a law that would force all judges over the age of 60 to retire. These judges, accounting for 35 percent of all judges in El Salvador, were forced out of office and replaced by judges loyal to the administration, many of them with little or no experience as lawyers. Other judges who have endeavored to maintain their independence and impartiality have been reassigned to remote areas or simply removed from office. All remaining judges have been put on notice that they serve at the pleasure of the executive. Thus, El Salvador's hard-won progress toward building an independent and impartial system of justice following the signing of the Peace Agreements that ended El Salvador's civil war in 1992, was destroyed.

Against this backdrop, President Bukele has coopted or dismantled all independent institutions that have upheld transparency and legality in El Salvador. These include the Office of Defense of Human Rights, the Ethics in Government Tribunal, the Institute for Access to Public Information, and the Supreme Electoral Tribunal.

Thus, beginning with the illegal pact with criminal gangs, president Bukele's government has used the results of a legislative election to eliminate the separation of powers and the rule of law. It has become a dictatorship that now seeks to consolidate and perpetuate itself in power.

II. The Bukele government has used a State of Exception declaration to generate fear and support for an unconstitutional reelection.

President Bukele made a secret and illegal pact with the criminal gangs for the 2021 legislative election, when the gangs were granted a series of benefits in exchange for casting their votes for Bukele and intimidating other parties' supporters to discourage them from voting. The benefits extended to the gangs under the deal included a commitment not to extradite their leaders to the United States, cash payments, special treatment for incarcerated gang members, and other benefits. The gangs pledged to throw their support and that of their families and associates to Bukele's party, Nuevas Ideas. The pact was the main reason why the Nuevas Ideas party won an absolute majority of seats in the Assembly in the 2021 legislative election.

Bukele's pact with the gangs experienced an apparent breakdown in March 2022, a rupture caused by the government itself. Apparently the Bukele government failed to follow through on some of the terms of the pact and arrested several gang leaders with whom officials had recently met to discuss some still unknown issues. The gangs responded to these arrests of their leaders by indiscriminately murdering 87 innocent Salvadorans over three days, on March 25-27, 2022. President Bukele responded by ordering the Legislative Assembly to declare a Exception Regime—the suspension of some constitutional guarantees for 30 days—a decree that has been extended 21 times, 30 days at a time and remains in effect to this day.

Since then, nearly two years ago, the police and armed forces of El Salvador have arrested more than 70,000 people for purported gang activity. Independent and respected organizations have established that at least 20,000 of these people were arrested and charged without any evidence of connection with the gangs. Thus, they are innocent. Nevertheless, the charges have not been withdrawn. At least 225 of the people arrested under the Exception Regime have died in Bukele's prisons, and it is estimated that over 90 percent of them were innocent. Many dead prisoners were tortured and murdered in prison, and they were denied visits by lawyers or family members and received no medical assistance.

The Exception Regime has since been abused, extending its scope to a broader suspension of civil guarantees in ways never contemplated in the Constitution, such as the elimination of the presumption of innocence and of due process. Release orders signed by judges are routinely ignored by the Bureau of Prisons, with no legal consequences for the prison authorities that ignore release orders issued by the judges.

With all these measures, the Bukele regime has returned El Salvador to the dark periods of its history, when governments ordered the jailing, disappearance, torture, and murder of innocent citizens and the persecution of journalists and political opponents.

There can be no freedom to engage in political campaigning as long as the Exception Regime remains in effect, with suspension of constitutional guarantees and abuse of Exception Regime provisions, which are used to threaten people with prison without any

valid reason, especially the poorest and most vulnerable.

In recent decades, dictators in many parts of the world have used elections to try to legitimize their power and win recognition by democratic countries. These false democrats maintain a machinery of fraud to create the perception that they hold power through the will of the people. Bukele is no exception. He has perfected the art of deceit by exploiting the lack of security that the Salvadoran people have suffered for several decades due to the violence of gangs that originated in the United States and were deported to El Salvador in the 1990s. Now the Bukele government seeks to use the false security it has obtained through a pact with gangs to win reelection unconstitutionally.

III. Bukele's reelection bid is a flagrant violation of El Salvador's Constitution.

El Salvador has a long, bad history of dictators trying to perpetuate themselves in power. This is why all of El Salvador's constitutions of the last 100 years, including the one currently in effect which dates from 1983, have expressly prohibited reelection.

Consecutive presidential reelection is prohibited in the following articles of El Salvador's Constitution: 75, 88, 131 (numeral 16), 152 (numeral 1), 154 and 248. For example, Article 75 holds that those who promote presidential reelection shall be penalized with the loss of their rights as citizens. Article 88 not only authorizes but requires Salvadorans to resort to insurrection in the case of violation of the principle of alternation in power in the office of the president. Article 152 (numeral 1) says anyone who has been president for more than six months during the previous presidential term is barred from being a candidate for president.³

The Constitutional Chamber of the Supreme Court, imposed by Bukele and loyal only to him, ignored these prohibitions on September 3, 2021, when it issued a ruling based on distorted and illegal arguments authorizing consecutive presidential reelection. The U.S. Embassy in San Salvador issued a statement two days later condemning this ruling, noting that it “undermines democracy” and that “the deterioration of democratic governance harms the relations that the United States seeks to maintain with the government of El Salvador and further erodes El Salvador's international image as a trustworthy and democratic partner in the region.” The statement called on President Bukele to “show a commitment to democratic governability by respecting separation of powers and the rule of law”⁴—a call that the president has ignored.

Nuestro Tiempo, the political party I am running in as presidential candidate, filed written objections both before and after the unconstitutional inscription of president Bukele as a presidential candidate.⁵ Despite my party's categorical arguments, the Supreme

⁴ <https://sv.usembassy.gov/es/fallo-de-la-sala-de-lo-constitucional-acerca-de-la-reeleccion-presidencial-salvadorena-socava-la-democracia/>

⁵ See document at https://luisparadasv.com/wp-content/uploads/2024/01/Escrito_de_Nulidad_7-11-2023.pdf .

Electoral Tribunal, by four votes in favor and one abstention, rejected our request to nullify Bukele's inscription, arguing simply that the tribunal was obliged to follow the resolution of the (illegitimate) Constitutional Chamber of the Supreme Court.⁶ This argument completely ignores Articles 208 and 235 of the Constitution, which establish that the Tribunal is the highest authority on election matters and that its magistrates, as public officials, are required to comply with the text of the Constitution without regard for any law, order, decree or judicial resolution against it.

By allowing the current president to violate the Constitution and inscribing him as a candidate for reelection, the Supreme Electoral Tribunal demonstrated that it, too, has submitted itself to president Bukele, and for that reason the Supreme Electoral Tribunal cannot be trusted to run elections as an independent and reliable judge.

It should be noted that even if most voters wanted to reelect the president, this is not possible under the Salvadoran Constitution, which the president himself swore to uphold when he took office in 2019. Article 83 of the Salvadoran Constitution establishes that although "sovereignty resides with the people," the people may exercise their rights only "in ways prescribed by and within the limits of the Constitution." A government led by an unconstitutionally elected president would be, therefore, a *de-facto*, unconstitutional, and illegal government.

Therefore, the fraud in the upcoming February 4 election was set in motion on May 1, 2021, when the Legislative Assembly controlled by president Bukele unconstitutionally removed the five members of the Constitutional Chamber of the Supreme Court, and unconstitutionally imposed new members of a new Constitutional Chamber that were under his orders and whose principal mission would be to allow the president's unconstitutional reelection.

IV. President Bukele has mounted a multi-million propaganda operation directed by Venezuelan advisers.

The machinery of propaganda created by president Bukele has saturated social media and news media. It has buried the truth and substituted it with endlessly repeated lies, with the aim of deceiving the Salvadoran people and creating a distorted image abroad.

The same propaganda apparatus is used to persecute, defame, and harass anyone who speaks out in opposition to the government and to threaten journalists and news organizations that publish news that displease the government.

The Bukele regime has been accused on repeated occasions of conducting espionage against journalists and independent news media, both Salvadoran and international. These actions are directed and coordinated by Venezuelan political operators hired by the Bukele regime.

⁶ See document at <https://luisparadasv.com/wp-content/uploads/2024/01/NIC-04-E2024.pdf> .

**V. Only president Bukele has resources to conduct a political campaign.
No one else.**

To silence all opposition, the government of El Salvador has made it impossible for opponents to raise significant campaign funds. The government has prevented political parties from receiving public funds to which they are entitled by law to carry out political campaigns. At the same time, it has created a climate of fear among those who, in past elections, have donated resources for opposition parties.

This situation has generated a huge and unfair disparity, in which opposition parties have no way of buying advertising or financing campaign events, while Bukele has at his service, with public funds, a multimillion-dollar campaign machinery, including lobbyists (declared and undeclared) whom he has hired in the United States.

VI. Bukele changed election laws in his favor, when he was not allowed to do so because it was too close to the election.

Another fraudulent action has consisted of the Legislative Assembly following Bukele's orders and changing election rules a few months before the election.

The first change was to eliminate a law that bars changes to election laws in the year before the date of an election. Months later, just before internal elections to choose party candidates for president, deputies, mayors, and town council members, the Legislative Assembly under Bukele's orders reduced the number of seats in the Assembly and radically changed the way they would be elected, eliminating spaces for the opposition's democratic participation.

The Legislative Assembly also significantly reduced the number of municipalities. Municipalities that favored the opposition were eliminated and fused into larger towns and cities in which the Bukele government had stronger support. All these steps were intended to benefit Nuevas Ideas and against opposition parties.

The Assembly reduced the number of members of Congress from 84 to 60 and radically changed the way in which they are elected, to eliminate political participation space for the democratic opposition parties, so that the president could continue controlling his super-majority in the Legislature to continue doing whatever he orders.

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Faced with this situation, you might ask why we are participating in these elections at all. The response is simple: we participate because we are patriots who, against the odds, are tackling what may be the last opportunity before the remaining space for democracy shuts down and El Salvador goes full-on authoritarian as other Latin American countries such as Nicaragua, Venezuela, and Cuba.

The international community should not ignore, and much less endorse, dictators anywhere in the world and especially not in Central America. Our countries have all too much experience with dictatorships and the ways in which they threaten security and well-being. Dictatorships have left a legacy of poverty and repression in our countries. They have led to irregular immigration by millions of our people, and they have given financial sustenance to the drug trade, money laundering, and other illicit activities that harm our countries.

For these reasons, we respectfully request that you include the information in this letter in your reports, and that you not allow yourselves to be used to endorse the big lie that president Bukele has placed internationally, that the upcoming election in El Salvador will be democratic, free, and fair. As we have explained above, they are everything but.

Sincerely,



Luis Parada
Candidate for President of the
Republic of El Salvador
Nuestro Tiempo Party