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## **Signs of Solidarity Against FRG And Rios**

*by LADB Staff*

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Efrain Rios Montt appeared at the headquarters of the Tribunal Supremo Electoral (TSE) the morning of July 31 to exercise the right given him by the Corte de Constitucionalidad (CC) to stand as a candidate for the presidency of Guatemala. He was duly registered on the official roles, and subsequent legal maneuvers to reverse the TSE action were turned back. But a new organization formed in opposition to his candidacy may signal that Guatemala's breaking point on judicial outrages has been reached.

A recap of events leading up to Rios' new lease on political life is as follows:

May 24 The Frente Republicano Guatemalteco (FRG), the ruling party of which Rios is chief, chose the ex-general as its presidential candidate in general assembly.

May 27 Spokesman for the US State Department Richard Boucher said in Washington, "Being realistic, in light of Rios Montt's past, it would be difficult to have the kind of relationship we would prefer, normal and friendly, with Guatemala.

May 29 The FRG sought to register its candidate with the Registro de Ciudadanos (RC) of the TSE, a legal requirement.

June 6 The RC declined to register the general on the grounds that Article 186 of the Constitution prohibits it because Rios presided over a de facto government between 1982 and 1983. That same day, Rios filed an appeal against the TSE and began his campaign in the town of Totonicapan, 200 km west of the capital.

June 12 The TSE denied the appeal on the same grounds, Article 186. Rios filed another appeal with the TSE.

June 14 Rios Montt took his campaign to the municipality of Rabinal, 180 km north of the capital. The municipality was the scene of an army massacre during his reign, and residents stoned him (see NotiCen, 2003-06-26).

June 16 The TSE rejected the second appeal. The FRG presented a request for injunction against the TSE in a lower court. The court bumped the request up to the Corte Suprema de Justicia (CSJ) the next day.

June 21 The CSJ denied the injunction, provisionally.

July 5 The CSJ denied the injunction permanently and affirmed all previous decisions. The FRG appealed to the CC.

July 7 President of the CC Guillermo Ruiz designated substitute judges Francisco Palomo and Manuel Flores to join the panel that was to hear the case. This action was met with public scorn because Ruiz and the two substitute judges were all linked to the FRG.

July 14 The CC granted the injunction on a 4-3 vote and authorized the registration of the general (see NotiCen, 2003-07-17).

July 20 The CSJ provisionally suspended the registration, granting two injunctions filed by opposition parties.

July 22 The FRG presented the first of a series of briefs to the CC for enforcement of the July 14 decision.

July 24 Thousands of supporters of the former dictator, led by hooded groups, staged violent protests in the capital demanding that their champion be registered. One reporter died of a heart attack while being chased by the gangs (see NotiCen, 2003-07-24).

July 25 The US closed its embassy in Guatemala. Rios Montt ordered the gangs to return to their communities, from where they had been brought to the city. Officially, the FRG denied having organized the protests.

July 30 The CC ordered the TSE to register Rios within 12 hours.

July 31 Rios Montt signed the book of candidates and received his credentials from the TSE.

Aug. 4 The TSE denied two injunctions filed by the same opposition parties that had successfully petitioned previously.

Those were the Partido Patriotico (PP) and the Unidad Nacional de la Esperanza (UNE). PP Deputy Anabella de Leon refused to concede, however, saying, "I will be presenting a petition for review, also with the TSE, in which I will solicit, in the name of the Partido Patriotico, that the brief denied today be declared valid. If that is declared invalid, we will present a request for injunction with the CSJ against the resolution of the TSE, to cancel the registration of Rios Montt." De Leon explained that she based the strategy on Article 156 of the Constitution, which bars public officials from complying with illegal orders. The CC decision was, she contended, an illegal order.

## *Massive disgust*

The foregoing chronology fails to deliver a sense of the universal disgust with the CC's behavior, believed by most legal scholars to be unconstitutional. But the public outcry that has accompanied

each of Rios Montt's steps toward legality has jelled into a movement and a new organization within civil society, the Frente Civico por la Democracia. The Frente Civico differs from many ad-hoc protest organizations that spring forth in Guatemala at the slightest provocation both in the numbers of people it has gathered since it began after the riots subsided on July 26, and also in the wide swath of the political spectrum from which these people come.

They include opposition political leaders, human rights activists, unions, indigenous groups, academics, business people, and personnel from myriad nongovernmental organizations. There are artists, representatives of groups of Guatemalans living in the US, journalists, religious, university students, and lawyers. Thousands turned up to join the Frente Civico on August 5 and to sign a manifesto promising to scrutinize the Guatemalan electoral process.

Organizers said their first action would be to denounce the four CC magistrates responsible for the current situation before the Tribunal de Honor of the Colegio de Abogados. The rationale for this action is, said Grupo de Apoyo Mutuo (GAM) director Mario Polanco, that the four "violated the Constitution given that Rios Montt is barred from candidacy owing to his golpista past." Speaking out in all directions The manifesto reads, in part, "Our commitment is to reach a national consensus on the values of tolerance, democracy, peace, effective respect for human rights, and the state of law."

On the suit against the four judges, lawyer Marta Altolaguirre, a member of the Inter-American Commission on Human Rights (IACHR), said, "There are sufficient elements for the Colegio de Abogados to revoke their licenses to practice." Businessman and high-profile political activist Dionisio Gutierrez said, "Never before has Guatemalan democracy been in such danger as now. Within the Frente Civico we are going to activate a plan of reaction to say that we're fed up with the abuses of the government and of the official party."

On the state of democracy per se in the country, sociologist Marco Antonio Barahona said the Frente Civico would "also serve to strengthen the democratic system." Barahona, a member of the Asociacion de Investigaciones Economicas y Sociales (ASIES), added, "The FRG has shown itself to be against Guatemala and democracy. That's why good Guatemalans are uniting to defend, but also to strengthen, [the country]." Recipient of the 1992 Nobel Peace Prize Rigoberta Menchu said, "We will not allow the thieves and authors of genocide to come back and govern. It is neither stupidity nor fear of competition with Rios Montt, it is a question of principles and conviction that the judicial system be respected." Both the actions planned and the diverse makeup of the Frente Civico, which counts at least 50 signatory organizations, are unusual for Guatemala, politically, socially, or even culturally.

One of the few practices typical of popular movements that the Frente will embrace is a demonstration and march, this time "to defend democracy." The Frente Civico symbolized its uncharacteristic diversity by adopting a multicolored braid as its logo and "We are all Guatemala" as its motto. The FRG, while having been repeatedly criticized, has never faced opposition of this breadth or magnitude. Frente Civico membership is not limited to the capital, but has attracted adherents in Quiche, Esquintla, and Quetzaltenango. It has promised to be "eyes and ears" for everything that goes on between now and election day, Nov. 9.

Said Rigoberta Menchu, "We're not going to permit abuses, manipulations, threats, and blackmail. We're not going to let them buy people's votes. All that must be denounced." Frank La Rue of the Centro de Accion Legal en Derechos Humanos (CALDH), thumbnailed the strategy, saying, "We must turn indifference to indignation, and indignation to action. Silence is complicity. There will be no fraud in the vote count. The problem will be the intimidation of the FRG."

Said Roberto Castaneda of the Comité Coordinador de Asociaciones Agrícolas, Comerciales, Industriales y Financieras (Cacif), whose name and organization usually don't appear in the same sentence with those of Menchu and La Rue, said, "More than ever, we have to stand together to confront what's coming in the electoral process." Contributing their voices to the Frente Cívico were practically all political parties other than the FRG.

Eduardo Stein, running mate of the overwhelming favorite presidential candidate Oscar Berger of the Gana coalition, said, "It is fundamental that all sectors can share in defense of our institutionality and rejection of the abuse that has been done to the state of law."

There is a sense that, at the cost of the destruction of the judicial system and the evisceration of the Constitution, Guatemala may have reached an unexpected turning point. The Frente has no intention of languishing after the election. Said Dionesio Gutierrez, "The Frente Cívico is a long-term project. We're looking toward a unified vision for the country." And from Barahona, "The Frente Cívico is looking toward the future; it has a vision of reconciliation rather than confrontation." Ríos Montt can be beaten, not at his own game, but at one he's never played.

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