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## **Costa Rica: Judicial System Strengthened After Former President Is Sentenced To Jail**

by *George Rodriguez*

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For the first time in Costa Rica, a former president was convicted early this month on corruption charges and sentenced to five years in prison, in a ruling that came two days prior to the formal start of the election process leading to next year's vote.

The outcome of the trial, which lasted almost a year, was that similar sentences were handed down for another six of the eight defendants in the case, while one was exonerated.

A court of three judges, all women, unanimously found former President Rafael Angel Calderon (1990-1994) guilty of embezzlement in the case related to the purchase of medical equipment from a Finnish company for the Caja Costarricense de Seguro Social (CCSS—the country's social-security system).

When the corruption scandal broke in 2004 (see NotiCen, 2004-10-07), Calderon was arrested and sent to jail while the investigation began, a measure later changed to house arrest, after which he regained his freedom in 2005.

Founder of the center-right Partido Unidad Social Cristiana (PUSC) and son of former Costa Rican President Rafael Angel Calderon Guardia (1940-1944), the convicted Calderon claims he is innocent. Minutes after the ruling, he told journalists he was "really bewildered" and would appeal the sentence.

Calderon said the appeal would be sought on Nov. 3, when the formal reading of the full sentence is scheduled to take place. The main part of the sentence was read on Oct. 5.

"We have lost one battle and will go on to the next...where we will have an immense amount of arguments," because, during the trial, "there has not been a single piece of evidenced against me."

### ***Conviction seen as encouraging sign for judiciary***

Reactions to the judges' decision have pointed in the direction of the Costa Rican judicial system's being strengthened and gaining credibility in the eyes of the public, which has been critical of what it sees as excessive indulgence by judges in dealing with corruption and crime.

Henry Mora, dean of the social sciences department at the state Universidad Nacional (UNA), said, "This speaks well of a judicial system that has been criticized for some of its actions...particularly against drug trafficking." He added, "I believe the ruling is not disappointing in what was expected from an independent judiciary."

Law professor Agustin Urena said the judiciary "has told us with its unanimous decision that there still is hope, that we can trust...our judges, that regardless of who is involved justice will be done...that our battles are fought with codes and before judges."

Attorney General Francisco Dall’Anese expressed "satisfaction...that justice rules regardless of economic or political level or status of those accused."

Manfredo Marriquin, regional coordinator in Central America for Transparency International (TI), coincides with these views, saying, "With this case, Costa Rica has set an example in Latin America and in the world." He added, "The country proved that democratic institutions can respond to corruption crimes," something uncommon in Latin America where "regretfully, many corruption cases remain in impunity."

In the view of *La Nacion*, one of Costa Rica’s leading newspapers, this country’s judicial and political systems gained credibility and legitimacy since Calderon and most of the other defendants are influential local figures, and the former president was aiming at the presidency again as the PUSC nominee.

### *PUSC forced to find new candidate*

Minutes after being sentenced, leaving the packed courtroom, Calderon told reporters surrounding him that he would no longer run as his party’s candidate in the Feb. 7 elections. "Of course, I’m not going to be the candidate now," he said. "I’ll help in any way I can, but logically when a court sentences you...you have no authority to seek votes, and that’s why I obviously can’t continue on the presidential ticket."

The PUSC General Assembly elected party chair Luis Fishman as Calderon’s replacement.

Earlier this year, the party had amended its statutes to allow Calderon, then still on trial, to run regardless of his legal situation. His wife, former first lady Gloria Bejarano, is a top candidate for Congress.

Costa Rican union leader Albino Vargas said that this was "a first trial against the corrupt bipartisan system enthroned in power in the past in this country, promoting networks that peddle influence."

Vargas referred to both traditional parties—the PUSC and the governing Partido Liberacion Nacional (PLN)—which have alternated in power through election processes for decades.

On the sentence’s "political implications," Mora pointed out that Calderon was supposed to "prevent the last devastating blow" to the party. Mora said Calderon’s nomination was "an attempt to recover [the party’s] image within an already reduced part of the population, which probably isn’t even 10% of the voters, but which still identify themselves as ‘calderonistas.’"

After two straight terms in power—with Miguel Angel Rodriguez (1998-2002) and Abel Pacheco (2002-2006)—the party suffered a devastating blow in 2004, when Rodriguez was also arrested in a separate corruption scandal, jailed, placed under house arrest, and then released.

While Rodriguez's trial has not begun, both cases contributed to the PUSC dropping from the top of the list of Costa Rican political parties to the fifth position after the elections held two years after its leaders’ fall from grace.

But the ruling PLN has not been exempt from scandal. Former President Jose Maria Figueres (1994-1998) managed to avoid going to trial in the same corruption scandal that ensnared Rodriguez, his successor. Having settled in Europe, Figueres—son of three-time Costa Rican President Jose Figueres (1948-1949, 1953-1958, 1970-1974) and PLN founder—ignored several calls by the Costa

Rican legislature's investigating committee and did not return to explain his alleged involvement in the case.

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