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Phone Calls Stir Costa Rica’s Political Waters
by George Rodriguez
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A former minister of the presidency and brother of a former Costa Rican president in whose Cabinet he served is at the center of a political storm that has been gathering momentum for the past several weeks in this Central American nation.

The immediate cause of former minister Rodrigo Arias’ woes is a phone call he made, after receiving a subpoena to be questioned as a suspect in an investigation of alleged embezzlement, and the events that followed, including the suspension of the questioning.

Rodrigo Arias, who is aiming at the presidential nomination of the ruling Partido Liberación Nacional (PLN) for the 2014 elections, was minister of the presidency in 2008 in the second administration in twenty years of his brother, former President Óscar Arias (1986-1990, 2006-2010).

That was the year when the Banco Centroamericano de Integración Económica (BCIE) donated US$2 million to Costa Rica. The money funded the secret hiring of presidential consultants.

When the influential local morning daily reported on this—as did other media later—criticism arose from different sectors, which pointed out that the BCIE funds had been wrongfully used, and Rodrigo Arias became the main target.

From the very beginning, Arias said that those were not public funds, thus the government headed by his brother, a 1987 Nobel Peace Prize laureate, used them correctly.

In June 2008, the Contraloría General de la República (CGR) opened an investigation on how the regional bank’s donation was used, focusing the probe on the secret handling of the money for hiring presidential consultants.

In September 2009, the CGR absolved Arias of any wrongdoing, as the Procuraduría General de la República (PGR) would do later on.

Ministerio Público subpoenas Rodrigo Arias
But the Ministerio Público (MP) began its own investigation, which led it to subpoena Arias in October of last year, for questioning as a suspect of embezzlement.

Again, blew the whistle, and according to reports it has been publishing since Jan. 21, Arias received the subpoena on Oct. 8 and was to be questioned six days later.

The newspaper said Arias immediately phoned Security Minister—and former chief prosecutor—José María Tijerino in an effort to reach Jorge Chavarría, then appointed to be the next chief prosecutor after having served for several months, under Tijerino, as security vice minister.

Arias has repeatedly said that he made the call the following day and that in so doing he was only trying to obtain information on the motive for the subpoena, since it was not clearly stated, and Tijerino has said he did not contact Chavarría but a prosecutor in the case.
also reported that, after a talk with Chavarría, interim Chief Prosecutor Lilliam Gómez ordered Arias’ questioning to be suspended.

The center-left Partido Acción Ciudadana (PAC) bloc in the unicameral Asamblea Legislativa (AL) demanded on Jan. 21 that the Corte Suprema de Justicia (CSJ) immediately request that Chavarría, who by then was in office, hand in his resignation.

Three days later, the 22 CSJ magistrates agreed to begin a disciplinary procedure against Chavarría aimed at determining whether influence peddling occurred.

The PAC’s eleven deputies also requested that the Asamblea create a special committee to look into the events, an initiative that was immediately backed by the other four opposition blocs, triggering a two-week confrontation with the three pro-government blocs opposing the working group's investigation of whether present and former government and judicial officials were guilty of influence peddling.

After threatening to block in Congress all projects of interest to the government, the opposition eventually won the legislative tug-of-war, and the committee was created, with its work starting Feb. 16 for a three-month period, which may be extended.

**Attorney general also in hot water**

The seven-member working group, made up of four opposition and three pro-government deputies, is certain to question former minister Arias, as well as Tijerino and Chavarría, among other players in this political drama whose plot thickened last week.

That happened when Procuradora General (attorney general) Ana Lorena Brenes told a congressional committee that she had held conversations with former minister Arias and former President Arias on two issues involving the PGR and herself.

One was the PGR's appeal on the ruling by the Tribunal Contencioso Administrativo (TCA) against a controversial gold-mining project in northern Costa Rica next to the border with Nicaragua. On Feb. 3, Brenes told the legislative environment committee (Comisión de Ambiente) that, before last month’s appeal by the PGR, Rodrigo and Oscar Arias were interested in knowing whether the PGR would challenge the ruling.

The Nov. 24 ruling included a suggestion to the Ministerio Público to investigate the former president and Roberto Dobles, his minister of environment, energy and telecommunications, both of whom signed, two years before, a decree declaring the open-pit gold-mining project an initiative of national convenience.

Dobles eventually resigned in an ethics scandal.

Brenes also told the committee that, prior to her legislative confirmation as head of the PGR, which she obtained on Oct. 19 for the 2010-2016 period, she spoke about it with former minister Arias.

In the first case, the attorney general repeatedly underlined that she did not feel pressure from either former government official and that she did not provide any hint as to what the PGR was planning, so there was nothing wrong in having held those conversations.

In the second case, she said she did not ask Rodrigo Arias for intervention to secure the votes needed for her legislative confirmation in the post after her first term (2004-2006).
Brenes’ statements caused surprise and triggered calls by local media and political sectors for her resignation, since, they said, the conversations she revealed to the committee were a sign of lack of independence.

When she returned to the committee seven days later, she again stressed there was no wrongdoing in her actions and announced she would not resign. "My decision as of today is not to resign," Brenes said on Feb. 10.

"With this type of question, we’re going through a difficult process at the PGR office," Brenes told committee members. "I also firmly believe that, in my work" in 2004-2006, "I managed to protect the office’s independence."

Later that day, Brenes told reporters she had taken responsibility for the talks with Rodrigo and Oscar Arias.

Opposition lawmakers are now looking into how to remove Brenes from the post, according to local media.

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