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First Costa Rican President Ever Convicted on Corruption Charges Gets Sentence Reduced and Threatens to Take Case to Human Rights Court

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The first Costa Rican president ever convicted on charges of corruption expected that his appeal of the original, five-year jail sentence would result in his acquittal. But on May 11, the expected outcome did not occur, although former President Rafael Ángel Calderón (1990-1994) was granted a two-year reduction and a five-year parole by the Sala III (appeals tribunal) of the Corte Suprema de Justicia (CSJ).

The former president reacted by telling a brief press conference at the entrance of his home on the outskirts of San José, Costa Rica’s capital, that he and his lawyers are now preparing a case to be brought to the San José-based Inter-American Court of Human Rights (IACHR), part of the Organization of American States (OAS).

The son of Costa Rican President Rafael Ángel Calderón Guardia (1940-1944), a physician known for having promoted strong social policies, "Junior" Calderón—as he is usually referred to in this Central American nation—was born in Nicaragua, where his father took refuge during the armed movement launched in 1948 against his second attempt to reach the presidency, when he was accused of committing election fraud.

Founder of the Partido Unidad Social Cristiana (PUSC), which has been this country’s ruling party on several occasions, and married to Gloria Bejarano—a Mexican-born Costa Rican who is now a PUSC congresswoman—Junior Calderón made three bids for the Costa Rican presidency, winning, at last, the 1990 election.

A decade after having stepped down, a major political scandal broke out in October 2004—one of two almost simultaneous such events—rocking this Central American nation and involving Calderón and six other Costa Rican politicians and businessmen.

Case involves medical equipment for social security system

The origin of the case dates back to December 2001, when the 57-member unicameral Asamblea Legislativa (AL) passed a US$32 million—later updated to US$39.5 million—purchase of medical equipment from the Finnish company Instrumentarium Medko Medical. The purchase was supposed to improve the equipment of the state social security system (Caja Costarricense de Seguro Social, CCSS).

In April 2001 investigative reporting by the influential local daily revealed Eliseo Vargas, then CCSS president and a PUSC deputy when the purchase was approved by the Asamblea, was living in a house owned by Olman Valverde, financial head of Corporación Fischel, a traditional Costa Rican pharmaceutical company.
The revelation turned out to be the tip of the iceberg of one of Costa Rica’s major corruption scandals.

’s reporting led to an investigation by the Ministerio Público (MP), which showed that, after the CCSS purchased the equipment, Calderón distributed some US$9 million in commissions from the Finnish company.

It also proved that company members as well as members of Fischel built a strategy to bribe Costa Rican public officials so the Europeans could win the contract to sell medical equipment to the CCSS. Further investigation proved the equipment was of low quality and turned out to be mostly unnecessary to CCSS.

Calderón—as well as the others involved—was arrested in October 2004 and ordered to serve six months in preventive detention in the Centro Penitenciario La Reforma, one of Costa Rica’s main penitentiaries, some 22 km northwest of San José.

The former president’s preventive detention was successively extended until 2005, when it was changed to house arrest, which was eventually lifted in October of that year when Calderón was ordered to remain in Costa Rican territory, refrain from contact with witnesses in the case, and have no access to evidence related to the case, among other measures.

On Oct. 24 2005, five days after he was released from house arrest, Calderón told Costa Rica’s Channel 6 that he had decided to take his case to the Inter-American Commission on Human Rights (IACHR) for it to take it, in turn, to the Inter-American Court of Human Rights (IACHR).

Claiming innocence, the former president said the decision was made "fundamentally because...I’ve been illegally detained, I was deprived of my freedom, against the law, during a year. And, as a Costa Rican, I can’t allow it, as a freedom-loving man, I can’t allow it—for myself and because I don’t want this to happen to future generations in my country."

Calderón stressed that "in the...70,000 pages" making up the prosecution’s case there is not "a single document, signed by me," showing evidence of participation in any wrongdoing. "That’s the main point" in going to the commission, the former president said. "I’m being politically persecuted."

On March 17, 2007, the MP charged Calderón and the six co-defendants with embezzlement and other corruption crimes, thus setting the stage for the lengthy and complex trial which started Nov. 3, 2008, and closed Oct. 5, 2009, when the three judges heading the legal proceedings found Calderón guilty and sentenced him to five years in prison, with lighter or harsher sentences for the others (NotiCen, Oct. 22, 2009).

The former president’s defense immediately appealed the ruling, which led to the appeals tribunal on May 11 reducing the sentence to three years and replacing prison with parole.

Reacting shortly after the appeal result was announced, Calderón told reporters outside his home, "I want to tell the Costa Rican people that I was expecting acquittal. Well, it didn’t happen...we’ve lost this phase, but a new one starts now."

"As you’ll understand, I’ll take this to the Inter-American Court of Human Rights," Calderón said, with Doña Gloria standing next to him and one of his daughters taking photographs as he announced he would pursue action in the international forum as he had previously said he would.
"At least ten fundamental aspects of the Inter-American Commission on Human Rights have been
violated in this process," he said, without pointing them out. "And now, well, I’ll have the peace
and quiet to prepare documents and to continue fighting...to show, at the end of this, what I’ve been
telling the Costa Rican people all along: I haven’t committed any crime."

"The money [involved in the case] has been declared to be professional fees, and taxes have been
paid," added Calderón as he reiterated his claim that his involvement in the purchase of the
equipment for the CCSS was solely professional, and years after he had left public office.

**Long list of former presidents charged with corruption**

But Calderón is not the only former Costa Rican president and PUSC leader involved in a major
corruption scandal. Former President Miguel Ángel Rodríguez (1998-2002) was at the center
of another major corruption case, which surfaced and developed almost simultaneously with
Calderón’s.

As if following the same script, Rodríguez was arrested in October 2004, sent to preventive detention
in the same prison as Calderón, in an adjoining cell, later placed under house arrest, and released
afterward to be tried. Rodríguez was involved in bribes, for some US$4 million, paid by a European
telephone company to win a contract in Costa Rica (*NotiCen*, Oct. 7, 200)

This former president—who for two weeks in 2004 was secretary-general of the OAS, a position he
had to give up because of the scandal—was also sentenced in May this year to five years in prison,
in this case, for instigating corruption. Like Calderón, he has alleged political persecution. Like
Calderón, he is appealing the sentence.

Yet another former Costa Rican president was involved in the telephone scandal. But unlike the
other two, ex-President José María Figueres (1994-1998) of the again governing Partido Liberación
Nacional (PLN)—the PUSC’s traditional rival—who after stepping down moved to Switzerland,
managed to avoid being indicted and brought home to face charges *(Nov. 12, 1998)*, *(June 8, 2000)*,
and *(Nov. 4, 2004)*.

Figueres was immediately succeeded by Junior Calderón as this country’s president, and his father,
three-time President José "Don Pepe" Figueres (1948-1949, 1953-1958, 1970-1974), was the leader of
the 1948 revolution, which prevented the first Calderón from being re-elected.

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