Sandra Torres Cannot Run for Office, Says Guatemala's Electoral Authority

Louisa Reynolds

Follow this and additional works at: https://digitalrepository.unm.edu/noticen

Recommended Citation

https://digitalrepository.unm.edu/noticen/9895

This Article is brought to you for free and open access by the Latin America Digital Beat (LADB) at UNM Digital Repository. It has been accepted for inclusion in NotiCen by an authorized administrator of UNM Digital Repository. For more information, please contact amywinter@unm.edu.
Sandra Torres Cannot Run for Office, Says Guatemala's Electoral Authority

by Louisa Reynolds
Category/Department: Guatemala
Published: Thursday, July 14, 2011

Tension mounted at Guatemala's Tribunal Supremo Electoral (TSE) on June 29, as members of the UNE-GANA coalition turned up to find out why their candidate, Sandra Torres Casanova, had not been registered as a presidential candidate for September’s election.

While opposition leader Otto Pérez Molina of the right-wing Partido Patriota (PP) was allowed to choose his slot on the ballot paper in less than a fortnight, Torres’ file had been held up for more than a month, leading to intense speculation regarding whether she would be allowed to participate.

The former first lady filed for divorce in April this year to circumvent a legal impediment that prevents a president’s close relatives from running for office (NotiCen, April 7, 2011). Given the region’s history of authoritarian rule, this constitutional prohibition seeks to prevent a dynasty from perpetuating itself in power.

Following rumors that UNE-GANA supporters were planning to take the TSE headquarters by force in protest, the building was evacuated. "Never in the TSE’s history have we been under such pressure", said Francisco García Cuyún, director of the TSE’s Departamento de Organizaciones Políticas.

The following day, the UNE-GANA coalition announced that it had received an official letter from the TSE rejecting Torres’ request to run for office on the grounds that she had committed "electoral fraud" as she had divorced President Álvaro Colom as a legal ruse to run for office.

The drama reached new heights when one TSE office had to be evacuated because of a bomb threat, and Procurador de los Derechos Humanos Sergio Morales told the Organization of American States (OAS) that he feared September’s elections would take place in a climate of serious political unrest.

Since January this year, 30 people have been killed in politically motivated attacks, a number that includes local candidates from different parties, candidates’ family members, political supporters, and 10 innocent bystanders who were in the wrong place at the wrong time, an indicator of escalating violence as election day approaches.

Torres will appeal

While UNE-GANA claims that the TSE succumbed to pressure from the opposition, most constitutional experts have said that García Cuyún, who issued the resolution banning Torres’ participation, merely abided by the law.

"If the divorce would have taken place for nonpolitical motives, it would have been an entirely different story, but as the divorce occurred to circumvent a constitutional prohibition, the parties that sought to have her registered as a candidate committed electoral fraud," explains former TSE magistrate Félix Castillo Milla.
UNE-GANA argues that the TSE is responsible for registering or rejecting a candidate but cannot rule that electoral fraud has been committed because interpreting the Constitution is beyond its remit as this task belongs to the Corte Suprema de Justicia (CSJ) and the Corte de Constitucionalidad (CC). Its legal team has also used the constitutional right of any Guatemalan citizen to vote and stand for election to defend Torres’ right to participate.

The coalition’s battle has not yet been lost as there is a lengthy appeal process that it can resort to in an effort to have the TSE’s resolution overturned.

A similar case occurred when former dictator Efraín Ríos Montt (1982-1983) tried to run for office, which is also forbidden by the Constitution, as anyone who has staged a military coup is banned from participating in elections. In the 1990 and 1995 elections, the TSE ruled that Ríos Montt could not run for office. Undeterred, he tried to register again in 2003, his request was rejected yet again, an appeal lodged with the CSJ was unsuccessful, but the CC finally overturned the CSJ’s ruling and allowed him to run (NotiCen, July 17, 2003) and (July 24, 200).

This occurred amid violent protests staged by his Frente Republicano Guatemalteco (FRG) on a day that went down in Guatemalan history as (Black Thursday).

UNE-GANA has vowed to take Torres’ case all the way to the CC if necessary. So far, its appeals have been rejected, but, given the Ríos Montt precedent, the story might have an unexpected ending.

**Evangelical leader also banned from participation**

A week after Torres was told that she could not run for office, another potential candidate was struck from the process—evangelical leader Harold Caballeros of Visión con Valores (VIVA), in fifth place according to the latest polls with 3.6% of voter preference, after the PP (40.1%), UNE-GANA (15.2%), the right-wing populist Lider party (4.7%), and the new CREO party founded by academic Eduardo Suger (4.2%).

Caballeros is the founder of the El Shaddai Pentecostal Church. In 2007, he gave up religion for politics, named his wife, Cecilia de Caballeros, as his successor in El Shaddai, and went on to set up the VIVA party.

However, the Constitution forbids clergy from running for office. The reason behind this, explains constitutional expert Félix Molina Mencos, is to prevent religious leaders from mobilizing the members of their faith, which would give them an unfair advantage over other candidates.

Caballeros’ predicament, in a sense, is more serious than Torres’ because, while the former first lady can legally seek office in 2015, as the prohibition against the participation of a president’s relatives only applies for the consecutive administration, a cleric is banned from ever participating in an election.

Although Caballeros argues that he is no longer a church leader, Molina Mencos explains that, according to the Constitution, one can never cease to be a clergy person, as even Catholic priests who face excommunication from the Vatican are banned from giving sacraments but never cease to be priests because they have supposedly been ordained by God.
Caballeros has also embarked on a bitter legal dispute to fight for the right to seek office. Should Torres and Caballeros lose their appeals, their respective parties will still be able to participate at a local level, although their chances will be seriously hindered.

Given this scenario, Otto Pérez Molina, Manuel Baldizón, candidate of the Lider party, and Eduardo Suger are now poised to seize Torres’ and Caballeros’ share of the votes.

-- End --