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Recommended Citation
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Category/Department: Costa Rica  
Published: 2015-02-12

When Daniel Soley, second on board at the Ministerio de la Presidencia—headed by former Lutheran bishop Melvin Jiménez—early last month asked Ana Lorena Brenes, head of the Procuraduría General de la República (PGR), to go out for coffee and a chat, a political storm was about to hit this Central American nation. A week later, Costa Ricans woke up to an astonishing headline on front page of the Jan. 13 edition of the influential morning daily La Nación: "Presidency Offers Embassy Option to Troublesome Attorney."

"That option was part of a conversation last Tuesday afternoon at Brenes' office, during which she expressed to Vice Minister of the Presidency Daniel Soley her discomfort at a ‘distancing’ between both institutions, according to what the official [Soley] said yesterday," La Nación reported.

The paper mentioned, as "two examples of her work," the rulings against an equal number of presidential decisions. One was Costa Rican President Luis Guillermo Solís’ decision last year to lift the veto applied to a 2009 law granting artisans the right to use a one-block street in downtown San José, the nation’s capital, for their tourism-linked commercial activities.

The other was against Solís’ oft-stated decision to keep Jiménez as minister of the presidency. That objection was based on Jiménez’s position as a Lutheran bishop, a case in which the Corte Suprema de Justicia’s Sala Constitucional—also known as Sala IV—later ruled in favor of the government.

Jiménez was sworn in by Solís on May 8, 2014 (NotiCen, April 17, 2014), the starting date of the new administration—the first-ever headed by the center-left Partido Acción Ciudadana (PAC), a party founded in 2001 and which, in its fourth election, obtained an unprecedented 1.3 million votes, beating the traditional social democratic Partido Liberación Nacional (PLN).

The appointment was announced by Solís, still president-elect, in April, and an appeal was filed a few days later in Sala IV against the decision to name a Lutheran bishop to head the Ministerio de la Presidencia.

Constitutional questions about clergy in public office

The legal complaint was lodged by lawyer and Catholic activist Alvaro Orozco on the grounds that Costa Rica’s Constitution states, in Article 142, as the third of four requirements to become a government minister, "being of the secular state." Orozco said the requirement applies to active members of any religion and demanded Jiménez’s appointment be annulled. Previously, the Costa Rican Lutheran Church had issued a communiqué saying that Jiménez had resigned as a Lutheran bishop.

After accepting Orozco’s complaint, the Sala Constitutional requested the PGR to issue an opinion on the matter—as all PGR opinions, not binding on the CSJ’s chamber. In response to the request by Sala IV, Brenes said Jiménez’s appointment violated Article 142 as well as Article 75, which establishes that the Roman Catholic religion is that of the Costa Rican state.
But the seven-magistrate chamber did not go by the PGR’s line of reasoning and upheld the
president’s. In its ruling of Nov. 12, it stated that, on what it described as "historical constitutional"
grounds, the ban applies only to Catholic priests.

Nevertheless, hostility against Jiménez continues to run high in opposition quarters, particularly in
the PLN, some of whose deputies have explicitly asked Solís to have Jiménez—his former campaign
manager—resign. This position was considerably strengthened by the Brenes-Soley incident.

Several members of the PLN’s congressional bloc have repeatedly said that Jiménez, whose
responsibilities include being liaison between the executive and legislative branches, has lost his
credibility, thus lacking any space for doing his job.

The first of what was to quickly become a series of stories by La Nación—immediately followed by
most Costa Rican and international media—unleashed an intense political storm. When La Nación’s
first headline was printed, Solís was in the People’s Republic of China, presiding over the first
China-Comunidad de Estados Latinoamericanos y Caribeños (CELA) meeting. Costa Rica was
then occupying the yearly rotating CELAC presidency (NotiCen, Jan. 22, 2015).

President caught in middle

Upon his return, on Jan. 10, and after a meeting with the head of PGR two days later, Solís said
he would immediately investigate the matter. But on Jan. 17, a majority of deputies decided a
congressional investigation should be carried out, while Soley was submitting his resignation to the
president.

Some opposition legislators were in favor of questioning Jiménez and Soley during a plenary
meeting, but the majority prevailed in having a congressional committee look into the case. The
work group so entrusted was the Comisión Permanente de Control de Ingreso y Gasto Público, since
several deputies said, based on local media reports, that the case involved embassies being offered,
which implied public funds.

The main characters in the story were called to testify, under oath, before the committee. The first
to appear was Brenes, who, for approximately three hours on Jan. 21, provided a detailed account of
the events she repeatedly told the deputies had surprised and even shocked her. The head of PGR
told the panel that on Jan. 6 Soley called her proposing a talk, over coffee, on some topics.

"I tell him that there’s communication with different ministers … I’ve met with them when it
has been necessary, we’ve talked over the phone when it has been necessary. In effect, I make
a comment that there could be a closer relation," said Brenes, adding that she made it clear that
"we’ve always maintained independence."

At Soley’s insistence, the conversation continued at a coffee shop in Los Yoses, an exclusive sector
in San José, where he brought up the topic of the appointment of a new PGR Ethics Attorney and
expressed an opinion against someone from within the PGR being appointed, she said.
In Brenes’ account, at a certain point, Soley asked her what her plans were as of next year, when her present term—the second in a row—as attorney general ends, and the vice minister proposed she could, before then, take a job heading one of several available Costa Rican embassies. The offer included missions in Europe, said Brenes, who added that her first reaction was to say that she does not speak English and to point out that Costa Rican diplomatic salaries are not high enough for European standards of living, which led Soley to propose the embassies in the Dominican Republic and Panama.

The head of the PGR told the committee that she was stunned by the offer and that, in the evening, reflecting on it at home, she realized she was being asked to leave the post and that, "my decision, once I process what happened, is—I’m not going to accept absolutely anything."

Brenes added she then decided to bring the issue to Solís’ attention, which she did during a meeting held at her request in Casa Presidencial two days after the president’s return. She said the president then told her, "I don’t know anything about this matter, I didn’t send anyone, I believe in the Procuraduría, I trust you. … I’m going to investigate, I’m going to see what happened."

**Jimenez and Soley testify**

The following day, Jiménez arrived at the committee, and, under intense questioning for about an hour, he basically said, "I wasn’t present at that conversation. I didn’t issue any guidelines to that effect." He also advised the committee members to "listen to don Daniel [Soley] and draw your conclusions and recommendations," and he repeated, "I didn’t guide the offer."

In his testimony later that afternoon, Soley strongly denied the veracity of what La Nación had published and what Brenes had told the work group. Regarding the newspaper’s headline of an interview with him, the former vice minister told the deputies, "That is a lie. That is a lie. I came here to tell the truth."

"I answered the questions [by La Nación] as I had to answer them: with transparency. My surprise is that the headline is "Government Offers Embassy Option to Troublesome Attorney," Soley added. Regarding Brenes’ and Soley’s contradicting versions, in response to a question by one of the committee members, the former government official said, "The attorney lied."

"That’s why I ask you to please send all of us who are appearing, making allegations [before the committee] to the Ministerio Público because there are contradicting versions. Let it be there, at the Ministerio Público, where all this is cleared up," Soley insisted. "What could one’s intention be to lie or benefit from an irregular offer or from having suggested 'you’re not going to be appointed any more?'" Soley asked.

He immediately pointed out that Brenes’ salary "is no small thing. It’s 7 million colones [some US $14,000], compared to the 2 million [some US$4,000] she would receive were she to return to her original job" as a lower-rank PGR attorney.

A majority report and a minority report were issued by the committee on Jan. 29. In the first case, four legislators recommended that Solís analyze the convenience of his position that Jiménez remain in his present post. The report was signed by Ottón Solís and Epsy Campbell, former PAC presidential candidates—Solís, one of its co-founders—and PLN deputies Antonio Alvarez and Maureen Clarke.
In the second case, Gerardo Vargas, head of the leftist Frente Amplio (FA) bloc, recommended the Ministerio Público and the PGR Ethics Attorney’s Office investigate the case. They should determine "whether one of the two lied because they gave testimony under oath at the committee. It’s not possible that two people speak so differently about a topic," Vargas told reporters.

-- End --