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Former President Noboa Asylumed in The Dominican Republic

by LADB Staff

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Former Ecuadoran President Gustavo Noboa (2000-2003) sought political asylum from the Dominican Republic on July 28 amid an investigation into his government's use of bonds from the foreign-debt renegotiation to aid weak banks. The request was granted July 30.

"Today I have made one of the bitterest decisions in my life and solicited political asylum to avoid persecution," Noboa said in a recorded audio message aired on local television stations. Noboa said he could not trust Ecuadoran investigators because they are under the thumb of his political enemies.

President Lucio Gutierrez denied that Noboa is being politically persecuted. His press secretary Marcelo Cevallos said that "there is no political persecution" against the former president and "no reason he should be granted asylum." But the administration made it clear it would respect the decision of any country to grant an asylum request.

Noboa became president in January 2000 after a coup led by indigenous groups and dissident military including Gutierrez ousted President Jamil Mahuad (1998-2000). Noboa had been Mahuad's vice president (see NotiSur, 2000-01-28).

Decision follows foiled plan to leave country

Immigration authorities had prevented Noboa from leaving the Quito airport on July 27. The authorities said Noboa did not have the proper documentation. Immigration spokesperson Manuel Sarmiento said two lawyers of the former president came to the airport to arrange for Noboa's departure for Miami. Noboa was not with them. Sarmiento said that Noboa needed authorization from Congress to leave the country, which he did not have. "The ex-president has the obligation to inform Congress ahead of time of his intention to leave the country, and that information did not exist, so that immigration did not process his departure request," said Sarmiento.

"This obliges me to request diplomatic, political asylum," Noboa said in a letter to the Dominican Republic's Ambassador in Quito Norman Ferreira Ascona, which was distributed to the media. The letter said Noboa was concerned about his personal liberty and physical integrity and said he was a victim of "unrelenting" political persecution from the Partido Social Cristiano (PSC) and its leader former President Leon Febres Cordero (1984-1988).

Febres Cordero initiates legal action against Noboa

In May, Febres Cordero, now a PSC legislator, asked the state prosecutor's office to investigate Noboa's handling of the debt negotiation. Febres Cordero, considered the nation's most powerful political leader, alleged that Noboa's mismanagement of the deal cost Ecuador US\$9 billion and said he would pursue Noboa "like a hungry dog." Noboa has said he did nothing wrong. Speaking from Ferreira Ascona's residence in Quito, Noboa said, "Febres Cordero is the most immoral man there is in Ecuador."

At the PSC's request, state prosecutor Mariana Yepez began a probe into a decision by Noboa's government to use US\$126 million in government bonds issued during a 2000 debt restructuring to strengthen two state-held banks. Noboa's government restructured Ecuador's debt in Brady and Eurobonds in 2000 to reduce this debt by 40.6% after his cash-strapped nation defaulted on its foreign debt during a severe economic crisis in 1999 (see NotiSur, 2000-08-18). Yepez says the bonds were issued exclusively for the restructuring and that using cash obtained from their sale to aid the banks may have been illegal. She sought an arrest warrant for Noboa, which was denied by the Corte Suprema de Justicia (CSJ).

Noboa's decision came after the CSJ agreed last week to hear an appeal from the prosecutor's office. He had repeatedly vowed to stay in Ecuador and face justice. Noboa said that both Yepez and the head of the CSJ, Judge Armando Bermeo Castillo, are under pressure from Febres Cordero. Febres Cordero criticized Noboa for requesting political asylum when there was no arrest warrant for him and for contradicting his earlier pledges to stay in the country to defend himself. But Noboa said that the "judicial system in Ecuador does not offer the minimum guarantees to ensure the application of the Constitution nor the effective recognition of constitutional rights." Noboa would not be the first Ecuadoran leader to seek refuge abroad.

Abdala Bucaram, who governed for six months from 1996 to 1997, lives in self-exile in Panama to avoid corruption charges in Ecuador. Bucaram said from Panama that Noboa is not a victim of political persecution but rather "a thief who is being pursued by another thief, because this is a problem of poor distribution among the mafias." He added, "The families of Noboa, Febres Cordero, and the PSC mafias have plundered the country, and now Febres Cordero is using the judicial mafia to put down a political rival."

Politics as usual in Ecuador

The case involving Noboa is only one of many involving charges of corruption and countercharges of political interference. On July 16, the CSJ justices ordered the detention of Judge Olmedo Bermeo Hidrobo, accused of illicit enrichment. CSJ president Bermeo Castillo issued the order in response to a request by prosecutor Alfredo Alvear who is investigating the judge's actions. In a meeting of all the CSJ judges, 20 of the 31 judges called for Bermeo Hidrobo to resign.

On July 17, legislators negotiated an agreement to stop the PSC from getting rid of Congress president Guillermo Landazuri of the Izquierda Democratica (ID). Parties involved in the negotiations included the ID, the Movimiento Pachakutik, el Movimiento Popular Democratico (MPD), the Partido Socialista (PS), and Democracia Popular (DP).

ID Deputy Carlos Gonzalez said that the Partido Renovador Institucional Accion Nacional (PRIAN), of former presidential candidate Alvaro Noboa, and the Partido Roldosista Ecuatoriano (PRE), of ex-President Bucaram, also participated. He said the purpose of agreement was to preserve the principle of judicial autonomy.

Local press reports contend that the PSC is trying to get rid of Landazuri because he is an obstacle to its efforts to restructure the CSJ and control the court. Landazuri has refused the PSC's request to call Bermeo Castillo to testify before Congress about his charges that the CSJ has been under political pressure from a prominent political figure. Bermeo Castillo did not identify the politician, but the press indicated it was Febres Cordero and the pressure was regarding the case of Noboa.

Former vice minister of interior and Pachakutik leader Virgilio Hernandez said if the PSC were able to gain control of the courts it would kill any hope for change in the country. The Berlin-based watchdog organization Transparency International (TI) has ranked Ecuador the second-most-corrupt country in Latin America, after Paraguay (see NotiSur, 2002- 09-06). And a government report from 2000 indicated that corruption costs the country more than US\$2 billion a year.

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