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President Gutierrez Dissolves Supreme Court

by LADB Staff
Category/Department: Ecuador
Published: 2005-01-07

In mid-December, by a slim majority the Ecuadoran parliament, pushed forward by President Lucio Gutierrez, deposed the members of the Corte Suprema de Justicia (CSJ) in an effort to "depoliticize" the nation's top judicial body. Opponents of the president and the move described it as "dictatorial," while top editors and business leaders of the nation called for an end to "unconstitutional" actions by the government.

Removed justices refused to leave their offices until police used tear gas to drive them and protestors from the building. The crisis led international financial institutions to express concerns about political stability in Ecuador. The CSJ removal occurred weeks after Gutierrez managed to thwart a parliamentary effort to have him impeached (see NotiSur, 2004-11-19). The same slim majority that supported him during the impeachment effort also voted to remove the CSJ judges, who were generally associated with the Partido Social Cristiano (PSC).

President Gutierrez pushes forward "political reform"

Shortly before sacking the court, Gutierrez expressed his intention to "depoliticize" the country's institutions in an effort to minimize the influence that ex-President Leon Febres Cordero (1984-1988) is able to exercise on the government from his position as leader of the PSC. The government was also able to reorganize the Tribunal Constitucional (TC) and Tribunal Supremo Electoral (TSE), prompting the opposition to describe Gutierrez as a dictator who was concentrating his powers. Gutierrez, entering the second year of his four-year term, has sought other powers and reforms, like the ability to fire the vice president, Alfredo Palacios, who maintains frequent disputes with the unpopular president.

Gutierrez announced a package of political reforms he would be presenting for a popular vote in 2005, saying, "The political-reform proposal contains a point affirming that the vice president can be freely designated and removed" by the chief of state. Palacios, to whom the statement, "The country is going to the devil," has been attributed, responded that the lack of recognition for the rule of law "exposes the people to many levels of tyranny and an irredeemable servitude."

Other reforms that Gutierrez intends to introduce include moving forward sanitation laws and privatizing important sectors like petroleum, electricity, and telecommunications, moves that have been blocked in the past by parliamentary opposition. He is also planning a change in his Cabinet ministers and will seek to change the electoral system that divvies up seats in the Congress.

Slim legislative majority votes to replace court

By a vote of 52 of the 100 voting members, the unicameral national legislature removed the 31 judges of the CSJ from their lifetime seats on Dec. 9. The court had been considered an unassailable bastion
of PSC power. Gutierrez convoked an extraordinary session of Congress after assuring himself that various indigenous movements and leftist sectors would support him, when a mere four weeks earlier many had been ready to remove him for supposed misappropriation of funds.

In his statements after the vote, the president said the 31 temporary judges would include some allied with groups that support him as well as independent judges, which would bring "calm to the country and allow it to breathe peacefully." The judges now on the court will serve until a constitutional amendment is proposed later this year. But peace was far from the minds of the removed judges, who declared themselves a Supreme Court in exile.

 Removed CSJ president Hugo Quintana said, "The unconstitutional decision adopted in the Congress may breed chaos in Ecuador." Opposition leaders protested vociferously as well. In days subsequent to the removal of the justices, pro- and anti-Gutierrez protests took place in the capital, with a few thousand indigenous marchers showing up to support the move.

 Groups like Human Rights Watch (HRW), national business councils, and top national newspapers condemned the purge of the top court. A majority of Ecuadorans said they thought the new CSJ would be politicized, although a smaller majority also concurred with the judicial reorganization, according to a poll of urban Ecuadorans by polling firm Informe Confidencial.

 Of those questioned, 51.5% said they agreed with the move, though 68% said the new court, chosen by a pro-government majority, would also be politicized. Of those consulted in Quito and Guayaquil, 44.5% said they disagreed with the removal of magistrates. "Nor do they trust the new magistrates of the CSJ," said Informe Confidencial. "The court's problem, in terms of public opinion, is not in the judges, but rather in the bad image the institution has borne for some time. The people do not trust in justice in the country."

**Crisis worries IMF, continues through New Year**

An International Monetary Fund (IMF) mission finalizing an examination of the Ecuadoran economy expressed concern for the constant political instability that it said could negatively affect the country's finances. Banco Central director Mauricio Pareja revealed the concern on the part of IMF mission members after they concluded a mid-December fact-finding trip to write a report that would advise international financial institutions whether they should continue disbursing resources to the country through open lines of credit.

External debt is a major factor in the hamstrung Ecuadoran economy (see NotiSur, 2004-10-29). Yet the admonitions of the Washington-based lender did little to quiet political storms in Quito as the New Year passed. A new congressional head was chosen Jan. 5, scuttling any hope of a truce within the battle-riven Congress.

In a chaotic legislative session that the political opposition described as illegal, the former congressional head, Guillermo Landazuri of the Izquierda Democratica (ID), was replaced by Omar Quintana of the Partido Roldosista Ecuatoriano (PRE), which has 15 seats. President Gutierrez said
the Constitution establishes elections for the president of Congress on Jan. 5 and criticized the opposition's stance, led by the outgoing Landazuri, who said the vote session should be put off.

Opposition members said they would not recognize Quintana, approved by a vote of 52 Congress members.

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