11-11-2005

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Ecuador: Former President Lucio Gutierrez Returns, Is Arrested For Corruption, Endangering National Security

by Patricia Hynds

Published: Friday, November 11, 2005

Former Ecuadorian President Lucio Gutierrez (2002-2005) renounced his asylum in Colombia and returned home to face charges that he endangered national security and participated in fiscal corruption. Gutierrez returned on Oct. 14 after a half-year exile, still asserting that he is the legally elected chief executive. Police arrested him, took him to the capital, Quito, and courts have since rejected his legal team's appeals that he be released from prison. Gutierrez seeks "to retake power"

Gutierrez finally made good on his months-old vow to return to Ecuador to contest the legitimacy of his April 20 ouster. Moments after Gutierrez's plane landed, about 15 heavily armed police boarded Gutierrez's chartered aircraft when it rolled to a stop in the Pacific coast city of Manta after flying in from the Colombian capital, Bogota. Gutierrez reportedly remained calm as he was taken off the aircraft and led to another plane where he was transferred to the Garcia Moreno maximum-security prison in downtown Quito. "I respect the police. This is yet another demonstration that they are violating my rights," Gutierrez told reporters before boarding the aircraft for Quito.

"Unfortunately, with this order, totally illegal, totally unconstitutional, the persecution of an innocent man is evident." Congress voted the 48-year-old politician out of office in April this year, five days after he disbanded the Corte Suprema de Justicia (CSJ) for the second time in months and declared a state of emergency, leading to massive street protests in the capital (see NotiSur, 2005-04-22). As Gutierrez was led into the prison in central Quito, he waved to about 200 supporters who shouted, "Gutierrez, presidente," while dozens of police stood guard. Local media reported Gutierrez was placed in a special, high-security wing, normally reserved for drug lords. "The only thing I demand is that there are all the guarantees for his personal safety," Gutierrez's wife, congressional Deputy Ximena Bohorquez, told Channel 4 television. "Legally, I will be vigilant so that due process is observed." Hours before Gutierrez's arrival, police used tear gas to disperse about 500 of his supporters who tried to force their way into the Manta airport, hurling rocks and shouting, "Gutierrez, friend, the people are with you!" Another 200 supporters in Quito marched peacefully to Ecuador's Corte Superior de Justicia de Quito (CSQ). Ecuadoran media reported that supporters were bused in from outlying towns for support rallies. Although Gutierrez argues that his ouster was illegal and that he is still the democratically elected president of Ecuador, neither the UN nor the Organization of American States (OAS) has recognized his claim. Before leaving Colombia on the chartered plane, Gutierrez said he would "use all legal and constitutional means to retake power." "The constitutional president, elected by three million Ecuadorans, is Lucio Gutierrez, whether he is in exile, in jail, or wherever he is found," he told journalists there. "I plan to show that there was a coup and that the president is usurping power." Popular opinion generally turned against Gutierrez once he dissolved the country's top court. No Supreme Court to hear case against Gutierrez One of the ironies of Gutierrez's return is that, as of now, if his case were to go to the CSJ, there would be no court to hear it. The ex-president dissolved the body in December 2004 (see NotiSur, 2005-01-07), and the government of President Alfredo Palacio is still in the midst of the arduous process of reconstituting it (see NotiSur, 2005-07-29). Estimates of when the court will be functional again have varied, with one of the latest saying that the body might be fully sta}
the end of November. Previous statements that the CSJ could be functional by the end of September
proved false. Currently, the CSQ is hearing Gutierrez's case. The court has rejected multiple appeals
from his legal team to grant him provisional liberty. After he announced his intention to return to
Ecuador in Bogota, Gutierrez received warnings from Ecuadoran officials that he would be arrested
on a warrant issued by a court in July. The arrest order said the ex-president constituted a threat
to national security after he accused his successor, President Palacio, of illegally assuming power.
Prosecutors are seeking a sentence of four to eight years for statements he made to news networks
CNN and BBC that they say jeopardized the Ecuadoran state. There are also charges against him
related to violent incidents perpetrated by his supporters when he visited the Ecuadoran border in
Peru (see NotiSur, 2005-08-05). He faces charges along with his brother Gilmar Gutierrez and allies
Fausto Cobo and Milton Ordonez. On Oct. 26, Deputy Julio Gonzalez of the Pachakutik indigenous
party presented prosecutors with an accusation of misappropriation of funds against Gutierrez
and his former finance minister Mauricio Pozo. The corruption charge alleges that Gutierrez and
Pozo were responsible for diverting funds from petroleum resources that were supposed to be
part of the state's budget. The documentation Gonzalez presented allegedly shows that Gutierrez
and Pozo sought to re-purchase Ecuador's external debt and thus benefit debt holders. The charge
by Gonzalez joined others that the prosecutor's office is investigating, although the results can't
be handed over to the legal judge in the case, since that would be the president of the CSJ. Half-
year of exile, four-nation tour ends behind bars Gutierrez hopped from country to country during
his exile. Originally, he escaped the crowds clamoring for his arrest with a flight to Brazil. Brazil's
government accepted his presence as long as he chose not to practice politics, terms Gutierrez
would not adhere to. He then traveled to the US and later to Peru, where he announced his intention
to cross the border into Ecuador. He then sought political asylum in Colombia, which he was
granted on Oct. 4. After Gutierrez was forced from office, lawmakers appointed Palacio, the elected
vice president, to finish his four-year term, which ends in January 2007. Gutierrez was elected
president in 2002 after campaigning as a populist, anti-corruption reformer. But he broke with
his leftist and indigenous constituency and implemented economic austerity measures to satisfy
lenders like the International Monetary Fund (IMF) and the World Bank. Many Ecuadorans came
to despise Gutierrez, especially the residents of Quito. But he and his Partido Sociedad Patriotica
(PSP) maintain a loyal following in many smaller towns. Gutierrez's administration was marred
by allegations of bribery and corruption (see NotiSur, 2003-12-05, 2005-04-01). Gutierrez's return
coincided with the publication of his new book, Faces of the Conspiracy: The Coup (Rostros de la
conspiracion: el golpe). In the book, he narrates his version of the events that led to his removal at
the hands of parliament. His decision to face certain arrest represents a gambit to retake power,
albeit a dubious one. Lacking a powerful party structure to back him, domestic popularity, or the
support of international organizations, Gutierrez's only significant strength is the amount of media
attention he is able to generate. The Palacio government is tenuous, with a high turnover in its top
ministries (see NotiSur, 2005-09-23), and Palacio has done little to strengthen his popularity with
Ecuadorans. But unless a serious, widespread movement against the Palacio presidency appears
between now and the October 2006 elections, Gutierrez is very unlikely to gain the upper hand
against his former vice president. Gutierrez, a former army colonel who participated in a coup
in 2000 against President Jamil Mahuad (1999-2000), claimed to have support from members of
the military in an interview with the Colombian newspaper El Tiempo. "I have received many
direct and indirect communications of support on the part of the armed forces and police. That
I can't deny," he said, alleging that there was frustration in the ranks because of commands in
April to withdraw support for him. Gutierrez has criticized Palacio's efforts to call for a Constituent
Assembly to rewrite the Constitution, though he supports such an assembly "when it is convoked by a legitimate president and with the strength that is only obtained at the ballot boxes." Palacio's call for a popular referendum to reform the national political system (see NotiSur, 2005-08-05) has met with strong congressional resistance and he has since resorted to calling for a Constituent Assembly, which Gutierrez claims was a measure to counteract the effect of his return to Quito, "because Palacio never spoke about undertaking a profound political reform" before coming to the presidency. [Sources: El Tiempo (Colombia), El Universal (Venezuela), www.BBCmundo.com, 10/13/05; The Miami Herald, 10/19/05; The Economist (London), 10/22/05; El Nuevo Herald (Miami), 10/17/05, 10/18/05, 10/21/05, 10/24/05; Associated Press, BBC News, 10/15/05, 11/02/05; El Comercio (Ecuador), 10/04/05, 10/06/05, 10/12/05, 10/17-21/05, 10/25-28/05, 10/31/05, 11/01-03/05, 11/07/05]

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