

11-10-2004

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## **Congress Removes Immunity from Local Legislator Accused of Corruption**

*by LADB Staff*

*Category/Department: Mexico*

*Published: 2004-11-10*

For only the second time in history, the Mexican Chamber of Deputies voted to strip immunity from a sitting legislator, effectively removing him from office. In this case the legislator was Rene Bejarano, the former floor leader of the center-left Partido de la Revolucion Democractica (PRD) in the Mexico City legislative assembly (Asamblea Legislativa del Distrito Federal, ALDF), who was charged with corruption. Bejarano was caught on videotape accepting bribes from businessman Carlos Ahumada (see SourceMex, 2004-03-10).

Even though Bejarano served as a legislator in the ALDF, the federal Congress has oversight powers on many government issues in the Mexican capital, including the power to remove a sitting legislator. The lower house could face a similar decision in 2005 on whether to remove immunity from Mexico City Mayor Andres Manuel Lopez Obrador, who is charged with violating the Mexican Constitution by ignoring several decisions by the Mexican courts (see SourceMex, 2004-05-26).

Bejarano, a close ally of Lopez Obrador, has remained free since the videotapes were made public. The possibility that authorities would pursue charges against Bejarano increased significantly in early November after the federal Congress voted 444-7, with 15 abstentions, to remove immunity from the ALDF legislator. Among those voting against Bejarano were 82 of the 97 federal legislators from the PRD. Rather than vote against the removal of immunity, six PRD legislators abstained.

Bejarano's wife, Deputy Dolores Padierna, asked to be excused for the vote, as did the three deputies who presented the original complaint against Bejarano: Federico Doring and Jorge Triana of the center-right Partido Accion Nacional (PAN) and Roberto Campa Ciprian of the former governing Partido Revolucionario Institucional (PRI).

Less than a week after Bejarano lost his immunity, a Mexico City judge granted a request from authorities to issue an arrest order for the ex-ALDF legislator on charges of money laundering and corruption. He was taken to a federal prison to await trial. The request for the vote to remove Bejarano's immunity came from the Mexico City attorney general's office (Procuraduria General de Justicia del Distrito Federal, PGJDF).

Some political observers said the decision by Congress to move against Bejarano could be interpreted as the natural progression of Mexico's move toward democracy. "This is a very positive sign showing a certain degree of maturity in our democracy, that the institutions can do their job," said political analyst Leo Zuckermann of the Mexico City-based Centro de Investigaciones y Docencia Economica (CIDE). "It sends the message to politicians involved in corruption that it is not just the news media that is watching."

Congress has not stripped immunity from an elected official since 1982, when the lower house voted to allow prosecution of PRI Sen. Jorge Diaz Serrano. At that time, Diaz Serrano was also the leader of the Sindicato de Trabajadores Petroleros de la Republica Mexicana (STPRM). He was charged with defrauding the state-run oil company PEMEX and ended up serving five years in prison.

### *PRD asks for fair treatment*

More recently, two other PRI legislators have been accused of using their positions in the STPRM to commit acts of corruption. Those two legislators, Deputy Carlos Romero Deschamps and Sen. Ricardo Aldana, were implicated in the "Pemexgate" scandal, in which the union was accused of diverting public funds for the campaign of PRI presidential candidate Francisco Labastida Ochoa in 2000 (see SourceMex, 2002-01-30 and 2002-09-18). An effort was made to remove immunity from the two legislators, but the Congress failed to take action in both cases, partly because of stall tactics by the PRI and partly because of a procedural breakdown (see SourceMex, 2003-10-15).

In the wake of the Bejarano vote, PRD leaders are pushing for Congress to expedite actions against Romero Deschamps and Aldana. "We want all these cases to be treated fairly," said PRD president Leonel Godoy Rangel. Godoy's position was backed by the daily newspaper La Jornada. In an editorial, the newspaper said the move to strip immunity from Bejarano was appropriate, but it questioned the timing of the action. "One has to question why the Chamber of Deputies decided to move against Bejarano before taking on similar cases like those of Romero Deschamps and Aldana, who are key figures in the diversion of PEMEX funds to the Labastida campaign," said the newspaper.

Bejarano has openly acknowledged that he was the one shown on the videotapes taking money from Ahumada. He initially said the money was intended as a campaign contribution for ALDF legislator Leticia Robles Colin, but he later retracted that story after she denied receiving the funds (see SourceMex, 2004-03-10). More recently, he described his decision to accept the money as an "error in judgment, but not a crime."

Ahumada fled to Havana shortly after the release of the videotapes but was returned to Mexico by the Cuban government in May (see SourceMex, 2004-05-12). He remains in a federal prison, awaiting trial on corruption charges.

### *Bejarano accuses other politicians of corruption*

In a press conference, Bejarano complained that his case was being judged in the media, but he also welcomed the removal of his immunity as an opportunity to demonstrate his innocence in court. Some observers said the trial could resolve some of the questions that remain unanswered since the videotapes surfaced in March. "It is important to clarify not only the destination of the money that Bejarano received...but also the origin of such money," the Mexico City daily newspaper El Universal said in an editorial.

Bejarano also accused Congress of using a double standard in singling him out and not prosecuting others who may have been connected to Ahumada, including influential PAN Sen. Diego Fernandez de Cevallos, ex-President Carlos Salinas de Gortari, and Mexico City's former PRD mayor and ex-

party leader Rosario Robles Berlanga. Bejarano said these politicians have hatched a plot to discredit Lopez Obrador to prevent him from a possible presidential run in 2006.

The Bejarano tape was the most damaging of several pieces of evidence that surfaced earlier this year linking associates of Lopez Obrador to corruption. Former Mexico City legislator Carlos Imaz was also caught on videotape receiving bribes from Ahumada, while other videotapes showed ex-Mexico City treasurer Gustavo Ponce spending lavishly at casinos in Las Vegas (see SourceMex, 2004-03-10 and 2004-04-21). "If they can create charges against me by using videotapes and newspaper clippings, they should also go after others like Diego Fernandez and recognize that he bears responsibility in this plot along with Carlos Ahumada, Rosario Robles, and Carlos Salinas," said Bejarano.

A handful of PRD legislators have filed a legal complaint against Robles, accusing her of using her influence as party leader to gain special favors for Ahumada, with whom she was close. "[Robles] is the person who is truly responsible for the corruption that occurred in the Ahumada case," said Deputy Padierna. Bejarano and Imaz implicated Robles in the Ahumada bribery scheme as far back as April (see SourceMex, 2004-04-21).

Some political observers acknowledge the possibility that rivals of Lopez Obrador may have manipulated these videotapes to put the Mexico City administration in the worst possible light. "But none of these videotapes would have existed if [Bejarano and Imaz] had not betrayed their socialist ideals and had kept a distance from corrupt businessmen like Carlos Ahumada," wrote political scientist Jeronimo Hernandez Vaca in the Mexico City daily political newspaper La Crisis.

### *Authorities arrest ex-Mexico City treasurer Gustavo Ponce*

Ponce, who had been a fugitive since the tapes of his gambling activities surfaced earlier this year, was taken into custody in early October. He was detained by members of the federal investigative agency (Agencia Federal de Investigacion, AFI) at the home of a relative in Morelos state. The Procuraduria General de la Republica (PGR) is investigating Ponce for possible involvement in money laundering, after he transferred 6 million pesos (US\$525,000) from Mexico to Las Vegas.

The PGJDF also requested an arrest warrant for Ponce to question the ex-treasurer about his dealings with Ahumada, whose companies received millions of pesos for public-works projects in Mexico City that were never completed. Ponce has accused Mexico City and federal authorities of falsifying charges against him in an unjust prosecution. "I have had nothing to do with fraud, nor am I guilty of any diversion or illegal use of funds," he said from La Palma prison. He called the charges against him, particularly the charges of fraud, a "conspiracy among persons and authorities of the Mexico City government" that amount to "conjecture without evidence that have resulted in accusations that are false and vengeful." [Note: Peso-dollar conversions in this article are based on the Interbank rate in effect on Nov. 10, reported at 11.41 pesos per US\$1.00] (Sources: El Sol de Mexico, 11/01/04; Associated Press, 10/15/04, 10/18/04, 10/22/04, 11/04/04; Spanish news service EFE, 10/16/04, 10/18/04, 10/19/04, 10/26/04, 11/01/04, 11/03/04, 11/04/04; The Herald-Mexico City, 10/11-13/04, 10/20/04, 10/21/04, 10/28/04, 11/01/04, 11/02/04, 11/05/04; Los Angeles Times, 11/05/04; Unomasuno, 10/11/04, 10/12/04, 10/18/04, 10/20-22/04, 10/26-29/04, 11/02-05/04; La Jornada, 10/11/04, 10/12/04, 10/14/04, 10/19-21/04, 10/23/04, 10/27-29/04, 11/01-05/04, 11/08/04; La Crisis, 11/05/04,

11/08/04; Notimex, 10/12/04, 10/13/04, 10/15/04, 10/18-22/04, 10/25/04, 10/26/04, 10/28/04, 11/02-04/04,  
11/09/04; Agencia de noticias Proceso, 10/11/04, 10/18/04, 10/20/04, 10/22/04, 11/04/04, 11/05/04,  
11/09/04; El Universal, 10/11-14/04, 10/19-21/04, 10/23/04, 10/26/04, 10/28/04, 10/29/04, 11/02/04,  
11/04/04, 11/05/04, 11/08-10/04; La Cronica de Hoy, 10/11-14/04, 10/18-22/04, 10/25-29/04, 11/02-05/04,  
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