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LADB Staff

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Maneuvers by Governing Party Stall

by LADB Staff

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The legislative scandal known as Guategate remains unresolved after six months as the governing Frente Republicano Guatemalteco (FRG) uses legal maneuvers to prevent 22 of its legislators from facing trial. In June 2000, the FRG-led Congress passed an alcoholic-beverage tax bill that was later surreptitiously revised to benefit the liquor industry. After some legal struggles between the FRG and the opposition Partido de Avanzada Nacional (PAN), the Corte Suprema de Justicia (CSJ) appointed Judge Augusto Lopez Rodriguez to carry out a preliminary investigation. The inquiry could lead to removal of congressional immunity from Congress President Efraim Rios Montt and 21 other FRG deputies who are thought to have altered the law after it was passed.

Once stripped of immunity, the 22 deputies could then face criminal charges and a trial (see NotiCen, 2000-09-14). Since the Guategate scandal first emerged last August, the FRG has tried to block court action with various appeals including charges by FRG Deputy Luis Rosales Marroquin that Judge Lopez Rodriguez was biased because of a supposed family relationship to a PAN antagonist, Deputy Leonel Lopez Rodas.

On Jan. 13, the CSJ took just one hour to rule against the Rosales petition. The court decided that Rosales had shown insufficient evidence of a family relationship between the two men. Four days later, Rosales' lawyer filed another request asking the Corte de Constitucionalidad (CC) to block the CSJ ruling. The request essentially reasserted that the two men were related but it did not provide any convincing new evidence. Nevertheless, the request threatened to tie the case up again.

On Jan. 18, the CC denied the request and allowed the CSJ's Jan. 13 ruling against Rosales to stand. The ruling was provisional, but once the CC issues a final ruling, Judge Lopez Rodriguez may proceed with the investigation. At that point, Rios Montt, though retaining his seat in Congress, would have to resign from the congressional executive body (Junta Directiva). While waiting for the CSJ to rule on yet another FRG motion asking the CSJ to hold up the proceedings, the Movimiento Ciudadano por la Justicia y Democracia announced it would stage protest demonstrations outside the Congress. The Movimiento comprises some 15 human rights organizations.

Ruth del Valle of the Alianza Contra la Impunidad (AI) said, "The eferregistas [FRG members] are continuing their desperate struggles to avoid being prosecuted for the crime they committed." Calling the FRG motions "frivolous," Frank La Rue of the Centro de Accion Legal de Derechos Humanos (CALDH) said the tactics "weakened the justice system." Though free to proceed with the case against the 22 deputies, the CSJ on Jan. 22 decided to halt any further action until the CC makes its Jan. 18 provisional ruling permanent. CSJ President Hugo Maul Figueroa said the decision did not favor the FRG and was taken in the interest of careful deliberation in so serious a case. The CC's final ruling could come in 30 days, although some observers say it could take up to three months or until new members of the court are appointed in April.

Constitutional court under fire

The FRG has mounted a series of attacks on CC magistrates, creating new possibilities for the party to delay a decision on immunity. Starting Feb. 5, FRG deputies questioned the salaries of the court's magistrates and suggested irregularities in their handling of the court's budget. The issue of probity has since been taken up by the media. Opposition deputies charge the FRG with trying to undermine the court's credibility in retaliation for its rejection of all FRG petitions in the Guategate case. The daily Prensa Libre reported that a dissident FRG deputy complained that the party was throwing ethics to the wind to strike at anyone who questions "our errors."

Meanwhile, Rios Montt's approval ratings have plummeted, and some analysts say he has lost his ascendancy over President Alfonso Portillo. In December, Rios Montt, 75, said at a news conference that he was considering resigning his congressional seat for reasons of health. But at the same time, the FRG proposed changes in the electoral laws that would allow Rios Montt to run for president. He has tried without success to register as a candidate in two previous presidential elections despite Article 186 of the Constitution, which prohibits the candidacy of anyone who came to power through a coup d'etat (see NotiSur, 1995-09-29). Rios Montt became de facto president in 1982 as the result of a military takeover.

Governing party takes case to the public

Since December, Rios Montt has shown no signs of retiring, and the FRG has begun a public-relations campaign to repair damage to its image. Local FRG leaders are supposed to go out every weekend among the rank and file to shore up support by calling attention to FRG legislative accomplishments, countering criticism of the party, and quashing rumors of a coup that surfaced recently. Ramiro de Leon Carpio, FRG deputy and former president (1993-1996), said, "We are telling the population to have patience, to allow us to govern, and that [public] works, economic improvements, and security are on the way."

Congress revises revised tax law

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As the legal battle raged over the Guategate scandal, the FRG congressional delegation with support from some opposition deputies revised the alcohol-tax law that has been in effect since last August. The original bill, as sent to the legislature by the president last year, set the tax at 10%. Congress increased the tax to 20% in the final version that passed in June 2000. That was later revised downward to 10.6% in the slight-of-hand that led to Guategate. The newly revised law raises the tax to 15%.

Explaining his support of the revision in November, Rios Montt said the old bill was no good, but he denied that it had been altered. "We are amending the schedule because we realized that, with the rates that Congress approved, the treasury is being deprived of an important amount of tax [revenues]," he said, adding that the revisions had nothing to do with the case before the courts.

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