

4-19-2001

Governing Party, President of Congress Refuse yo Obey Court Order

LADB Staff

Follow this and additional works at: <https://digitalrepository.unm.edu/noticen>

Recommended Citation

LADB Staff. "Governing Party, President of Congress Refuse yo Obey Court Order." (2001). <https://digitalrepository.unm.edu/noticen/8830>

This Article is brought to you for free and open access by the Latin America Digital Beat (LADB) at UNM Digital Repository. It has been accepted for inclusion in NotiCen by an authorized administrator of UNM Digital Repository. For more information, please contact amywinter@unm.edu.

Governing Party, President of Congress Refuse to Obey Court Order

by LADB Staff

Category/Department: Guatemala

Published: 2001-04-19

The congressional crisis brought on by the Guategate scandal has worsened in the past few weeks as the governing Frente Republicano Guatemalteco (FRG) defied court orders and fought to keep control of Congress. The threat of defections from its ranks pushed the party into bolder tactics to hang onto its narrowed majority.

The scandal broke last August when reports surfaced that the FRG congressional majority had illegally altered an alcohol beverage tax law after it had been passed (see NotiCen, 2000-09-14). On March 3, the Corte Suprema de Justicia (CSJ) cleared the way for a investigation of Efraín Ríos Montt, president of Congress and the 23 other deputies involved in alternating the bill. The ruling automatically stripped the 24 deputies of their immunity and cleared the way for prosecution.

The Corte de Constitucionalidad (CC) delivered another blow to the FRG in a March 21 ruling that overturned a change FRG deputies had made in a congressional rule that requires congressional officers to resign once they have been placed under investigation for a crime. The change was made in late February in anticipation of the CC's March 3 ruling (see NotiCen, 2001-03-15).

The ruling would have forced Ríos Montt and five others to resign their posts on the congressional executive body (Junta Directiva). The March 21 ruling was provisional and has to be ratified by new judges who took office in mid-April. However, the FRG said that in any case, the ruling could not be applied retroactively, meaning Ríos Montt and the other deputies could serve out their terms on the Junta Directiva.

Immediately after the ruling, President Alfonso Portillo went to Congress to give Ríos Montt his support. "What we are witnessing is none other than the consolidation of the rule of law and of democracy," Portillo said. While seeming to support the primacy of the law, Portillo's visit prompted opponents to charge him with violating the Constitution, which prohibits the president from publicly favoring any particular party. Asked about the apparent violation, Portillo said it was up to the courts to decide such matters. He said that supporting someone does not mean he was acting politically.

Congress president says he will not resign post

Ríos Montt refused to step down. "I am the president of the Congress and I'm not going," he said. The FRG has reorganized congressional leadership to protect him and the other deputies from new legal assaults. By the end of March, Ríos Montt no longer presided over the sessions or signed documents. He said his daughter, second vice president of the Congress Zury Ríos Sosa, was presiding in his place because he had laryngitis.

Luis Rosales, first vice president of Congress, has taken over Rios Montt's responsibility for signing official documents. The party also replaced two of the accused Junta Directiva members with other deputies. The opposition maintains that an entirely new Junta Directiva must be elected, but FRG leaders say they are merely delegating authority. The strategy to protect the six accused officers could backfire, as the opposition threatens to ask the CC to throw out all congressional actions approved over Rosales' signature.

Leonel Lopez Rodas, secretary general of the Partido de Avanzada Nacional (PAN), filed a petition asking the CC to declare vacant the places on the Junta Directiva occupied by the six accused deputies. Meanwhile, some opposition deputies have joined civic organizations to protest the FRG's defiance of the courts. Eleven groups under the banner of the Movimiento Ciudadano por la Justicia y la Democracia hold demonstrations every week in front of the Congress and the CC buildings.

Two defect from governing party

With the original issue of punishment for altering the alcohol tax law still unresolved, the FRG's battle to keep its leaders in power took another turn when two FRG legislators resigned from the party. Deputies Juan Carlos Gutierrez and Hugo Samayoa bolted the FRG March 15 and joined the Unidad Nacional de la Esperanza (UNE), a party being developed by former presidential candidate Alvaro Colom. The two gave as reasons the FRG's nepotism, unkept promises, lack of transparency, and failure to promote a coherent legislative program.

Rios Montt said at least five others were expected to resign, which would destroy the FRG congressional majority. With the two defections, the party now has 61 of the 113 congressional seats. But the party moved quickly to block further defections by proposing a bill changing the electoral code.

The bill would redefine seats in Congress as belonging to the parties, not to the deputies. If adopted, the law would force out of Congress any deputies who resigned from their parties. The daily Siglo Veintiuno said in an editorial that the proposal showed the FRG's desperation to hold onto its congressional majority and its inability to negotiate with other parties. If the bill became law, said the editorial, legislators would no longer answer to the public.

Guategate accentuates FRG divisions

The FRG campaign to hang onto power has heightened divisions within the party and between the party and the executive branch. Last year, 20 FRG deputies objected to the high-handed policies of the Rios Montt faction, called the Hermandad. This faction is headed by Rios Sosa and includes Rios Montt, and other party founders who exercise party discipline over other FRG deputies. This year there is a similar division and several FRG deputies told the daily La Prensa Libre that the party was on the verge of a crisis. Furthermore, the newspaper said that longstanding tensions between Hermandad deputies and Portillo's cabinet have not been reduced. Although Portillo gave his support to Rios Montt, he has not done the six deputies any favors and has kept his distance from them.

In April, he refused to see two of them Leonel Soto and Juan Luis Gonzalez. Several Cabinet ministers have resisted pressure from some FRG deputies to place friends and relatives in their ministries. Sources say Portillo threatened to resign if the bickering did not stop. This may have provided the seeds for recent rumors of a coup against the president (see NotiCen, 2001-03-15). Against this background, the FRG troubles with the courts may have helped Portillo. An unidentified minister told Prensa Libre, "The 24 indicted deputies are so occupied with trying to find a way out of the crisis that they have forgotten about us."

-- End --