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Court Absolves Rios Montt

by LADB Staff

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A Guatemalan court issued a controversial ruling exonerating the president and vice president of Congress from any wrongdoing in the legislative scandal known as Guategate. Some critics of the decision are saying it was politically motivated and they want the attorney general to appeal. The scandal, which broke last August, involves the illegal alteration of an alcoholic-beverage tax law (see NotiCen, 2000-09-14). After months of refusing to cooperate with judicial authorities, Congress president Efraín Ríos Montt announced April 21 that he was willing to testify in court on the tax law.

Following a brief hearing April 24 in which Ríos Montt answered 50 questions, Judge Sergio Castro threw out all charges against him. Acting on a petition from prosecutor Ramon de Jesus Saenz, Judge Castro ruled that the charges lacked supporting evidence. Castro said he based his ruling on the fact that Ríos Montt was not present during the congressional session when the alterations were made in the tax law.

Also cleared of charges in the case was Congress vice president Luis Rosales. Congressional officers Deputies Carlos Wholers and Zulema Paz and former deputy Carlos Soto, were freed on bond. All five are members of the governing Frente Republicano Guatemalteco (FRG). Though Ríos Montt and Rosales have been cleared in the case, Castro will proceed with hearings to determine whether the remaining 19 accused FRG deputies are guilty of tampering with the tax law.

In March, the Corte Suprema de Justicia (CSJ) stripped the 24 FRG legislators of their immunity (see NotiCen, 2001-04-19). Because of a ruling by the Corte de Constitucionalidad (CC), six of the 24 deputies, including Ríos Montt and Rosales, were at risk of losing their seats in Congress' executive body (Junta Directiva). That ruling is now moot for Ríos Montt and Rosales since Judge Castro's ruling restores their immunity and returns them to their congressional posts.

Opposition leaders and civil organizations condemned the ruling, with several commentators noting that Ríos Montt signed the final version of the tax bill. Nobel laureate Rigoberta Menchu said that, in addition to making the changes in the law, FRG leaders destroyed typed transcripts and audio recordings of the session in which the changes were made. The Grupo de Apoyo Mutuo (GAM) said the ruling was a "national shame."

Miguel Angel Sandoval, head of the Movimiento por la Justicia y la Democracia, said his organization would challenge the verdict and ask for an investigation of Judge Castro. He said one of the bases for an investigation was that Ríos Montt's lawyer, Francisco Palomo, is an alternate magistrate on the CSJ. Frank La Rue, head of the Centro de Accion Legal para los Derechos Humanos (CALDH), said the ruling resulted from complicity between the prosecution and Judge Castro. He said it was "strange" that the judge took just 15 minutes to review the case and pronounce Ríos Montt innocent, while the CSJ took several months to review the case.

Mario Flores of the organization Undidad Nacional de la Esperanza (UNE) said, "It's as if they gave the FRG a blank check to do whatever it wants without worrying about the law, because now it has the attorney general in its power." Verdict comes as Rios Montt sinks in the polls Defending Rios Montt and the other deputies forced the FRG into protracted legal and political battles, during which Rios Montt's popularity sank.

In a Vox Latina poll commissioned by the daily Prensa Libre and taken before the ruling, 85% of respondents said Rios Montt was a liar, 84% said he had committed abuses of power, and 82% said he was involved in corruption. The scandal has rubbed off on President Alfonso Portillo. Eighty-five percent of respondents said they would not vote for him again. Furthermore, the poll showed 67% thought the Portillo administration was the most corrupt in the past 16 years, a period covering four previous presidents.

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