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Country Near Unity On Aleman Indictment

by LADB Staff

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Efforts to bring former President Arnaldo Aleman to justice have accelerated recently (see NotiCen 2002-04-04). Nicaraguan special prosecutor Ivan Lara announced his intention to prosecute Aleman for fraud against the state and to see that Aleman gets the maximum penalty of 30 years.

Speaking from Panama, where he arrived on Aug. 16 to gather evidence that the former chief executive of Central America's poorest country transferred millions of dollars of Nicaragua's money to accounts there, Lara told a press conference that, even with that sentence, the damage done to Nicaragua would not be repaid. He said he hoped to increase the punishment to 50 years with the addition of charges of money laundering, misappropriation of public funds, embezzlement, and conspiracy to commit crime. He told the press that he had turned up evidence and documents in the investigation and would present them to the judicial authorities for authentication and to be passed on to the Legislative Assembly and to Parlacen.

There, said Lara, "the deputies must take notice that this is not about a political trial, as some media favoring Aleman try to frame it, but a case of dollars and cents defrauded from the Nicaraguan state." In addition to bank accounts allegedly turned up in Panama, news reports from Guatemala say that accounts have turned up in that country, as well as in the Dominican Republic and Costa Rica. An indictment, however, will not prove to be only a question of evidence.

Aleman enjoys immunity from prosecution by virtue of his status as a member of the Legislative Assembly of Nicaragua. He is further immune because he is a deputy in Parlacen. He became entitled to both these seats *ex officio*, in a 1999 deal he made with Daniel Ortega. Ortega allegedly entered into the deal with Aleman in return for guarantees of freedom from prosecution in a scandal of his own involving charges of sexual abuse of his stepdaughter (see NotiCen, 2002-01-10).

Now safely out of that danger, Ortega said on Aug. 26 that he is leading his party, the Frente Sandinista de Liberacion Nacional (FSLN), in massive demonstrations calling for the ouster of the former president from the legislative bodies in the hope of stripping him of his protections. The demonstrations on the following day went off peacefully and touched off others, most notably a "carnival," complete with fireworks, by thousands of university students wearing costumes.

University professor of philosophy Alejandro Serrano noted on local television that the protests served to bring the FSLN solidly into the mainstream on the fight against corruption. "It's a double protest," said the professor, "against the leadership in the Assembly [which tabled a decision on a petition to boot Aleman until Sept. 12] and against the block of social and economic problems." The FMLN demonstrations do mark an apparent turning point in strategy.

Ortega had previously inveighed against President Enrique Bolanos for not being serious about the issue of corruption (see NotiCen, 2002-06-06), but rather using the allegations to strengthen his

control of the Liberal Party, where Aleman forces hold significant power. Still, Ortega continues to thread his way carefully through the political topography on which the struggle to topple Aleman is playing out.

Otto Reich, US undersecretary of state for Western Hemisphere affairs, arrived in Managua on the same day as the protests. Reich came in support of anti-corruption initiatives, promising "total support of President Bolanos and the fight against corruption." Ortega took advantage of an opportunity to distance himself from any perception that he may be making common cause with the former adversary by calling US leaders "enemies of humanity." Reich took the bait saying that if Ortega "wants to be part of the future and not of the past, he must reconsider his words."

By Aug. 28, evidence began to emerge that Ortega was playing the situation effectively.

Nicaraguan daily La Prensa reported that its most recent poll showed that the Sandinista leader's acceptance ratings had risen 9% among citizens. While the same poll showed Aleman's numbers falling precipitously, the accused former president was seeking to improve his fortunes elsewhere. He filed a document before the executive council of the National Assembly asserting that this body lacked the power to remove his Parlacen immunity. The document also represented a slight departure from his defensive posture in that it also included a denial of guilt.

Heretofore, Aleman's defense had emphasized his immunity rather than his culpability, and the lack of proof of his guilt rather than direct denial. But in this latest filing, he directly claimed never to have committed a crime or error while president, nor at any other time.

Absurdly effective

In the face of statements by prosecutors that they have incontrovertible evidence of his theft of millions from the impoverished nation's coffers, Aleman maintained in his filing, "In protecting myself with the prerogatives, privileges, and immunities as a deputy of the National Assembly and of Parlacen, I do not do it to evade justice or to avoid appearing before the courts, I do it to protect myself from the persecution unleashed against me and my family...." The statement goes on to assert that he has shown this to be true to the satisfaction of the Nicaraguan people. Citing the polls, the paper reporting the filing characterized it as "filled with absurdities."

Absurd though the statements may be, legally Aleman appears to be holding his own. He continues to lead his party (see NotiCen, 2002-07-25), continues to maintain power in the National Assembly, and, with the delay he has won in the Executive Council, has some prospects of maintaining that status, at least for the next couple of weeks. What does appear to be coming, however, is a new focus on governmental corruption bringing together a fed-up populace, the FMLN, the ruling Liberal Party, and the Catholic Church. The FSLN's perennial nemesis Cardinal Miguel Obando y Bravo has even stepped forward to praise Daniel Ortega for his leadership in the struggle against corruption.

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