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Nicaragua High Court Absolves Arnaldo Aleman; Ex-president Is Free To Run Again

by LADB Staff

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After two months of deep-frozen deadlock, Nicaragua's legislature was returned to life in mid-January by the freeing of former President Arnaldo Aleman (1997-2001). The newly restored body sprang into action, electing a new executive committee, seemingly miraculously after leaders of the Partido Liberal Constitucionalista (PLC) and the ruling Frente Sandinista de Liberacion Nacional (FSLN) emerged from negotiations that took place behind locked doors. The pact is back, that infamous collusion between the Aleman faction of the PLC and the Sandinistas that ruled the country and foiled the greater part of the presidency of Enrique Bolanos (2002-2007). The Corte Suprema de Justicia (CSJ) revoked Aleman's 20-year sentence (see NotiCen, 2003-01-09) and acquitted him of all crimes of corruption against the government. In return, say news reports, the PLC will cede the Sandinistas control of the legislative directorate, enabling it to get the wheels grinding again and to embark upon a program of radical constitutional reforms. The wheels stopped turning as a result of widespread charges of fraud in the November 2008 local elections that the Sandinistas won handily (see NotiCen, 2008-11-13). The CSJ reversed the conviction "in respect to all the crimes he was sentenced for...money-laundering, embezzlement of public funds, fraud, criminal association, and electoral crime," said CSJ Magistrate Sergio Cuarezma. The order was signed by pro-Arnaldo magistrates, but, as an ethical matter, Damisis Sirias, as an alternate magistrate, stood in for Magistrate Antonio Aleman, because he is Arnaldo's brother. An alternate replaced Magistrate Juana Mendez as well, because it was she who found Aleman guilty in 2003 when she was a district judge of Managua. The four who signed the order were all PLC loyalists. Two Sandinistas, Rafael Solis and Armengol Cuadra, opposed the overturn. Solis wrote a dissent, which read in part, "Today is a sad day, because US\$45 million in government funds have been embezzled. I want a public record of my vote, because I have fought for justice." These party alliances are part of the process in Nicaragua, where the legislature elects the justices after the parties nominate them. Another peculiarity that bears explanation is that the money-laundering conviction was reversed because the law was changed last year to restrict the definition of that crime to drug offenses, which were not alleged in Aleman's case. In Nicaragua, a change in the law benefits the defendant retroactively. On the other charges, the judges ruled there was a lack of evidence. Aleman, El Gordo (the fat man), so named because he is obese and hugely wealthy, was quick to heave himself back in the political saddle. As a first order of business, he joined the court in his absolution, writing, "After seven years of delay, humiliation, human rights violations as a political hostage of the FSLN, justice has finally been done." That done, he demanded the return of money in accounts frozen in Panama since his arrest. It had been alleged that he had used some 60 bank accounts to launder about US\$50 million in government money, but he has only sought the return of US\$3 million so far, say reports. He does not claim this money for himself. "They have to return US\$3 million because it belongs to the Partido Liberal Constitucionalista," he told a TV audience. Panamanian authorities responded that the money belongs neither to the PLC nor to Aleman; it is the property of the Nicaraguan treasury. No longer a felon, Aleman nevertheless still belongs to the category, if it can be called that, of people who refer to themselves in the third person. Thus he said, "Arnaldo

Aleman never stole one cent, because money cannot be hidden." That was not to say, he went on, that no such crime occurred during his administration, "because there is no government that doesn't have corruption." The ex-president admitted that his party, which he now openly leads, supported the Sandinista power grab in the legislature but said that the party would still seek annulment of the allegedly manipulated November elections. More charges pending Farcical all this might be, but there is a thread of seriousness woven through the narrative. Aleman has returned to a position of power in Nicaragua nearly equivalent to that of President Daniel Ortega. He has said in all candor that he intends to run again for president in 2011, and there are voices within and outside Nicaragua expressing concern. The attorney general, Procurador General de Justicia de Nicaragua Hernan Estrada, cautioned that, regardless of the setting aside of his conviction, El Gordo still has charges pending stemming from his presidency. Four separate charges are in the courts at the moment. Estrada identified one as the "narcojet" case involving an aircraft linked to drugs trafficking that entered Nicaragua without paying taxes or fees and which Aleman used as his own (see NotiCen, 1998-07-30). The other cases are linked to privatizations of state properties wherein Aleman profited economically. Estrada said these issues are separate from, and not affected by, the CSJ's exoneration. He told the media, "Perhaps the records of the court are not as complete as the ones we have, but Aleman must answer for acts with which he is charged." The attorney general suggested that, perhaps in their haste, the judges overlooked these issues. His frustration evident, he said the Panamanian government had returned to the state of Nicaragua a condominium and US \$300,000 that the US had given to Managua. Estrada said, "I would like to ask the magistrates who signed this sentence if we have to return these goods to ex-President Aleman?" He said that the contention of lack of evidence in the case of which Aleman was absolved was refuted by "thousands of documents" around which could be built "a museum for the moral history of the Nicaraguan people." Condemning in gentle terms the CSJ decision from the moral point of view, Bernardo Hombach, bishop of the diocese of Granada, said, "The Catholic Church obviously is not the one that condemns anyone or has an interest in anyone being in jail, but perhaps what troubles us as a church is that at times it seems as if corruption triumphs over the state of law." Speaking on TV, he continued, "This is a little of what worries the church, not that someone is or is not in jail, but that a society functions only when the legal system is intact." He said he sensed a great deal of public rage over this decision, and a disposition toward taking violent action, with a lack of trust in institutions inducing people to take justice into their own hands. He said the door was wide open for occurrences of this kind. Internationally, the US made it known that, regardless of the proceedings, "The status of the visa of Aleman continues as before. It was revoked for public corruption," said US Ambassador Robert Callahan. With the congress under control and working again, Ortega is free to pursue his constitutional reforms. Topping the list, a change that would allow him to succeed himself, a probable result of which would be an Ortega-Aleman face-off in 2011.

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