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LADB Staff

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## **New Charges Could Land Nicaragua's Ex-Comptroller Jarquin Back in Jail**

*by LADB Staff*

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On March 27, the office of comptroller general (Contraloria General de la Republica, CGR) issued a preliminary report on its investigation of former Comptroller General Agustin Jarquin's management of the office between 1996 and 2000. The report outlines 11 findings that could send Jarquin back to jail, but Jarquin denounced the audit as an unconstitutional act with political motives.

Jarquin was imprisoned last November in the culmination of a longstanding feud with President Arnaldo Aleman regarding the president's refusal to issue a financial-disclosure statement. Aleman also challenged Jarquin's right to carry out independent audits of government departments (see NotiCen, 2000-01-13).

Before the CGR was restructured in January, replacing Jarquin with a board, Jarquin cited Aleman for failing to submit his disclosure and for various allegations of corruption, but the National Assembly took no action (see NotiCen, 2000-01-27). Instead, it ordered an audit of Jarquin's management records in anticipation of the takeover by the new CGR board (Consejo Superior de la Contraloria General de la Republica).

### ***Aleman discloses assets***

With Jarquin no longer in charge, Aleman gave the CGR a declaration of his assets, which he estimated at US\$1.2 million, an increase of US\$200,000 over his 1997 declaration. The property includes houses and haciendas in Nicaragua and apartments in Miami.

Jarquin dismissed the declaration as no more than a dressed-up version of his 1997 declaration and said the failure to issue a complete report, as required by the Ley de Integridad, was further cause to take legal action against the president. The declaration did not clarify the value of his and his relatives' interest in the firm Gestiones y Negocios Inmobiliarios S.A. (GENINSA).

The firm owns various properties in tourist-development zones, including an estate called La Chinampa, where state agencies made improvements at government expense (see NotiCen, 2000-01-27).

On March 25, the new CGR decided to close the case against Aleman without commenting on the completeness of the disclosure. Francisco Ramirez, the CGR's audit director, said the charges should never have been brought against Aleman because as a sitting president he has immunity from prosecution. In the preliminary report on Jarquin, auditors raised questions about his handling of the CGR payroll and suggested that some of the payroll funds were of questionable origin because they did not pass through Treasury accounts.

The report also found evidence of irregularities in contracting for services and in audits of foreign firms. Among the irregularities was a Mercedes-Benz automobile purchased without proper authority, said the report. The report also includes credit-card charges made by Jarquin, former assistant CGR chief Claudia Frixione, and other officials, the number and type of CGR employees, and the average cost for each CGR audit.

The Assembly sent the report back for revisions because parts of it were unintelligible, but it did not recommend any specific action against Jarquin. Jarquin complained that the Assembly failed to follow regulations governing the selection of auditors, which could affect the outcome of the audit. He also objected to a statement by Assembly First Secretary Pedro Joaquin Rios, made even before the audit was begun, which suggested irregularities in Jarquin's stewardship of the CGR.

One of Jarquin's specific complaints was at the heart of his efforts to maintain auditing authority independent of political considerations. He claimed that the Assembly had no authority to order an audit of the CGR because it was a constitutionally autonomous agency. He also disapproved of four of the five auditors chosen, one of whom had previously been admonished by Jarquin for ethical lapses. "They have shown prejudices, along with the first secretary of the Junta Directiva of the National Assembly," Jarquin said in a letter to Assembly president Ivan Escobar Fornos.

Subsequently, a move began in the Assembly to declare Jarquin "in rebellion" for questioning the Assembly's procedures. Jarquin and Vilma Nunez de Escorcia of the Centro Nicaraguense de Derechos Humanos (CENIDH) filed a petition with an appellate court against the Junta Directiva, arguing that it did not have authority to audit the CGR. The court turned down the petition on grounds that the audit affected the CGR but not Jarquin. Jarquin then went to the Corte Suprema de Justicia March 2 to appeal the ruling.

### *Jarquin says President Aleman behind audit*

Jarquin said the investigation and report were politically motivated and violated established procedures. The purpose of the investigation was "to send me back to jail in an act of political revenge and persecution," he said.

Jarquin said Assembly Secretary Rios was heard to say he should either leave the country or go to jail. Rios denied the allegation. Behind the latest accusations were Aleman and a close associate, Byron Jerez, director of the revenue agency Direccion General de Ingresos (DGI), said Jarquin.

The local press has been giving massive coverage to allegations against the DGI for misuse of government funds, and Aleman is under pressure to fire Jerez. Adding to the conviction among Jarquin supporters that the administration means to crush him was the CGR's firing of Rosario Montenegro Zeledon.

Montenegro was fired April 3 from her job as CGR public-relations director without explanation. Colleagues at the CGR said she was fired for being a "Jarquinista." Montenegro said that she was once fired from a government job by President Violeta de Chamorro (1990-1997) for being a

Sandinista and was now fired from the CGR by Jose Pasos, a Sandinista member of the CGR board. She has been replaced by a Sandinista.

The daily El Nuevo Diario commented that Montenegro had fallen into the "political vortex" now affecting the country, "which has forced us back to attitudes of the first days of the republic when everything was resolved through intrigues and deceptions. The only thing missing are the bullets." [Sources: Notimex, 03/06/00, 03/07/00; El Nuevo Herald, 03/26/00; La Prensa (Nicaragua), 03/28/00; El Nuevo Diario (Nicaragua), 01/30/00, 02/01/00, 02/22/00, 02/28/00, 03/03/00, 03/28/00, 04/02/00, 04/04/00]

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