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Electoral Council Invalidates Alvarado

by LADB Staff

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The Consejo Supremo Electoral (CSE) declared Jose Antonio Alvarado ineligible to run for the vice presidency in the November elections. The ruling ended a long-running legal battle over the issue of Alvarado's nationality but brought new criticism of the CSE. The minority Partido Conservador (PC) had selected Alvarado as presidential candidate Noel Vidaurre's running mate. The Alvarado case followed a torturous legal path.

In May 2000, the Interior Ministry canceled his Nicaraguan citizenship, arguing that he had not renounced the US citizenship he acquired during his exile in the 1980s. The cancellation was supported by specious reasoning and, according to human rights prosecutor Benjamin Perez Fonseca, was unconstitutional. The Appeals Court overturned the ministry's order. The Corte Suprema de Justicia (CSJ) overruled the Appeals Court. Finally, the Appeals Court overruled the CSJ and restored Alvarado's Nicaraguan citizenship (see NotiCen, 2001-03-01).

However, it was left to the CSE to determine whether Alvarado had met all the requirements for candidates under the electoral laws. Putting the citizenship issue aside, the CSE magistrates focused on a series of technical points involving dates and seals on official documents having to do with Alvarado's renunciation of US citizenship. It declared on June 18 that Alvarado had, willfully or not, committed various errors in following the paperwork process.

CSE president Roberto Rivas said the final disqualifying element was that Alvarado had not given the CSE, in the time allotted, a copy of the government's official publication (*La Gaceta*) containing notice of his renunciation of US citizenship. Alvarado's Nicaraguan citizenship was never in question, Rivas said. Referring to the Constitution, he said no citizen could be deprived of Nicaraguan nationality because of having acquired a second nationality.

On hearing the ruling, Vidaurre said that the CSE "had assassinated democracy in Nicaragua," and that the magistrates had bowed to pressure from President Arnoldo Aleman and the governing Partido Liberal Constitucionalista (PLC). Vidaurre has appointed Alvarado as his campaign manager and, if he becomes president, he will appoint Alvarado as minister of the presidency. Gen. Joaquin Cuadra, whose Movimiento de Unidad Nacional (MUN) was also disqualified from participating in the November elections, called the CSE ruling "a juridical barbarity." "This electoral process has already left behind a lot of dead and wounded," Cuadra said.

The ruling added more fuel to the arguments about the judicial system's handling of pre-electoral issues. Last year the CSE disqualified PC president Pedro Solorzano from running in the Managua mayoral race on a technical point involving his residency. That ruling caused a storm of protest from Aleman's opponents, who charged him with manipulating the CSE to influence the outcome of the election (see NotiCen, 2000-10-19).

The governing party's presidential candidate, Enrique Bolanos, said he regretted the ruling against Alvarado. He said that he and PLC vice-presidential candidate Jose Rizo Castellon had looked forward to running against Vidaurre and Alvarado. Bolanos announced that once elected president he would immediately propose legislation to rid the electoral law of the limitations on political rights that invalidated Alvarado's candidacy.

A week after the CSE ruling, the PC announced that Carlos Tunnermann would replace Alvarado as its vice presidential candidate. Tunnermann served as Nicaraguan ambassador to the US and minister of education during the administration of Sandinista President Daniel Ortega (1979-1990), and he is currently president of the nongovernmental organization Etica y Transparencia.

A recent preference poll showed Vidaurre trailing the two other candidates. Ortega of the Frente Sandinista de Liberacion Nacional (FSLN) received 34%, Bolanos 28.8%, and Vidaurre 13.6%.

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