

What's Ahead for Nicaragua after Ortega's Self-Amnesty

By Carlos F. Chamorro (Confidencial)
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Mothers of April at the recent May 30th remembrance of the massacre by Ortega's forces one year before. Photo: Carlos Herrera

The call for truth and justice and an International Commission against Impunity and Corruption is inseparable from the demand for free elections.

HAVANA TIMES – With only ten days remaining until the 90-day deadline to guarantee the definitive release of all political prisoners, as agreed upon by the government in negotiations with the Civic Alliance, the OAS and the Vatican, President Daniel Ortega has unilaterally dictated an Amnesty Law.

Ortega rejected all the judicial alternatives available to him to free the prisoners. These included the Supreme Court issuing a definitive dismissal of the political trials combined with sentences of acquittal for those who have already been convicted. Instead, he decided to sow a political trap: an amnesty that grants the benefit of a conditional release while maintaining the de facto state of siege without restoring civic liberties. It expressly establishes that the crimes committed by the police, paramilitaries, other supporters of the regime, and its intellectual authors will not be investigated.

With this self-amnesty, Ortega admits the dictatorship's responsibility for the massacre. In doing so, he can't erase his own responsibility as Supreme Police Chief, nor that of the perpetrators of these crimes against humanity, because according to international law justice for such crimes cannot be proscribed. It is, therefore, a strategy of temporary political protection for his supporters, while the regime, that is going through a terminal crisis, remains in power.

Paradoxically, this law designed to deny, hide, and cover up, is illuminating the route out of the tunnel of the dictatorship by placing the demand for truth and justice that the Mothers of April have raised in the forefront of the national agenda.

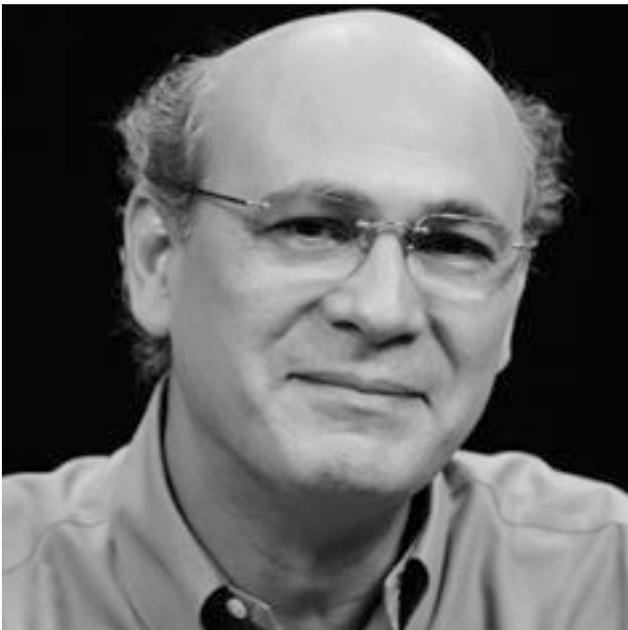
After this amnesty, the demand for justice without impunity is inseparable from the demand for free elections. Eradicating impunity for the crimes of repression and corruption is a sine-qua-non condition for the sustainability of democracy. Now, for the first time in our national history, the rejection of an amnesty can become part of a new national consensus.

The unconditional release of all political hostages and the restitution of democratic freedoms including freedom of the press, expression, assembly and university autonomy, are part of the same process. It begins with the release of the prisoners and the reactivation of the civic protest in order to negotiate an electoral reform – with or without Ortega and Murillo – that leads to early elections. Once this reform is guaranteed and that of the law of political parties, the formation of a National Democratic Coalition is imperative. Such a coalition should be made up of the Civic Alliance, the Blue and White National Unity movement, and all the national forces that are committed to a democratic agenda and justice without impunity.

To seal the political defeat of Ortega, an inclusive electoral political coalition must be forged, representing all the self-organized citizens without divisions or sectarianism: university students, peasants, workers, professionals and middle class sectors, women, victims of repression, the April 19 movements, democratic political parties and civil society organizations, together with producers and business people. This national coalition must reflect diversity and national unity, without the hegemony of the economic or political elites, and it must be led by democratically selected candidates chosen to achieve a decisive electoral victory in the Presidency, in the National Assembly, and in the city halls.

The viability of political change in post-Ortega Nicaragua will depend on the extent of the political majority that supports the new democratic government, and if this gives it a qualified majority in Parliament and an unequivocal mandate to make constitutional changes and dismantle the dictatorial structures put in place by Ortega. A national alliance is needed to promote a program of economic development and fight against poverty, based on the promotion of private and public investment, but without back room pacts or deals with big business, and with transparency, accountability and democratic institutions.

The minimum agenda of democratic governance in a post-Ortega Nicaragua will demand monumental tasks for the reconstruction of the Nicaraguan State: a new National Police, a new Ministry of Interior, a Special Prosecutor's Office, a new Comptroller's Office, a total reform of the justice system, and also of the Army. While the bases of this institutional restoration are being established, extraordinary assistance will be needed from the UN, the OAS and the European Union, to create an International Commission against Impunity and Corruption in Nicaragua.



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We Nicaraguans must learn from the experiences of over a decade in our region, including the lessons of the International Commission against Impunity in Guatemala, and the more recent Support Mission against Corruption and Impunity in Honduras, to design an international entity that helps nascent national institutions dismantle the structures of dictatorship and eradicate clandestine and illegal groups that are embedded in the state.

Without such exceptional international assistance, no democratic leader, even with the best intentions, can dismantle the paramilitary bands, fight impunity and corruption, and bring to justice the perpetrators of crimes against humanity, even after repealing the amnesty law.

The self-amnesty is only the first warning that Ortega is already preparing himself thoroughly to “govern from below”, after the foreseeable electoral defeat of his party. It is urgent, therefore, that we start now to lay the foundations of democratic governance in a post-Ortega Nicaragua, and to agree on a minimum agenda of democratization with justice, that includes the creation of the International Commission to eradicate impunity and corruption.

