



**LATIN AMERICAN AND CARIBBEAN NETWORK FOR
DEMOCRACY (LAC)**

Coordinating Board

www.democracialatinoamerica.org

April 26, 2010

Sir
José Miguel Insulza Salinas
General Secretary
Organization of American States (OAS)

Dear Secretary General

We have the honor to address Your Excellency to cordially greet time at the occasion to refer to the political and social crisis that Nicaragua is living with the attack on the rule of law and democratic principles by the government of President Daniel Ortega.

The Latin American and Caribbean Network for Democracy, formed by over 200 activists and civil and social organizations that promote full democracy throughout the hemisphere, we are extremely concerned about what is presented as a profound breakdown of constitutional order in Nicaragua, which government has re-injured the Democratic Charter and the rule of law. The abuse of the powers of the executive and the manipulation of institutions to unconstitutionally extend the period up to several officials of powers that should be independent is a clear attack on democracy and undermines the legitimacy of the regime. The continuity in the exercise of the functions, despite the expiration of their constitutional periods, given to the judges of the Supreme Court of Nicaragua through an executive decree unconstitutional, is an act strongly against the Democratic Charter and other principles on that the Organization of American States (OAS) was founded.

The creation of executive orders¹ that is contrary the Constitution of the country are clear signs of a reversal of democracy in Nicaragua. The blockade by the executive and legislative power is a clear violation of the principle of separation of powers, a pillar of true democracy. The mob supporters of President Daniel Ortega, disable the switch to the deputies who sit in this regard and should be obliged to meet in a hotel in the capital of Nicaragua, where they were victims of violent attacks from outside the hotel, although it had the quorum for meetings. This is a serious symptom of intolerance and abuse in the exercise of power by the government of President Daniel Ortega.

Members of the Latin American and Caribbean Network for Democracy, from various civil society organizations in Nicaragua have expressed concern about the possibility of dissolving the National Assembly is overwhelmingly appalled by the climate of violence, intolerance and the continuing violation the Inter-American Democratic Charter and the rule of law in the country. The use of the army as an instrument of political repression of the Executive and submission to the Frente Sandinista de Liberacion Nacional (FSLN) violate fundamental freedoms and political and social pluralism.

This contravenes the Inter-American Democratic Charter, Article 3 Pronounced:

"Essential elements of representative democracy, inter alia, respect for human rights and fundamental freedoms, access to power and its exercise with the rule of law, the holding of periodic, free, fair and based on universal and secret suffrage as an expression of popular sovereignty, the pluralistic system of political parties and organizations, and the separation and independence of public powers." (Inter-American Democratic Charter, 2001; Art. 3).

We believe that a State subject to the needs and desires of a ruling political party, including generating recurring violations to the Constitution, constitute serious misconduct to the fundamentals of the Organization of American States. Well it says in paragraph 2 of Article 4 of the treaty in question:

"... The constitutional subordination of all state

¹ Decree of January 9, 2010. In which Daniel Ortega allowed to remain in office for judges of the Supreme Court. Despite the expiration of the exercise of his functions under the Constitution.

institutions to the legally constituted civilian authority and respect for the rule of law in all institutions and sectors of society are equally essential to democracy." (Inter-American Democratic Charter, 2001; Art. 4).

Each and every one of the governmental powers, despite being the holders of political power by delegation of the nation vote as pronounced in the sovereign will have no greater authority than the Constitution. The supremacy of the Constitution is inviolable by any of the branches of government so desperately they are subject to their rules and regulations.

Also based on Article 20 of the Inter-American Democratic Charter, in whose lines reads:

"If a member state, an alteration of the constitutional regime that seriously impairs the democratic order, any member state or the Secretary General may request the immediate convocation of the Permanent Council to undertake a collective assessment of the situation and take decisions it deems appropriate "(Inter-American Democratic Charter, 2001; Art. 20).

The attacks against democracy in Nicaragua are still producing. We have already witnessed with sadness the impunity for electoral fraud committed by the government of Daniel Ortega in the 2008 elections, violence and ongoing persecution against civil society organizations and women's groups and the ongoing attacks against freedom of expression and the use of violent groups of government supporters or paid mobs to intimidate civil society and dissent.

And the Network and other organizations have previously been denouncing serious violations of human rights and democracy in Nicaragua and unfortunately still does not exist a clear rejection of such conduct anti-democratic government of President Daniel Ortega and the forecasts are not taken through appropriate mechanisms of the OAS. Again, the region is a clear case of a permanent violation the rule of law and democracy are not taking appropriate measures to avoid a social explosion or social or political violence.

Given the above, the LATIN AMERICAN AND CARIBBEAN NETWORK FOR DEMOCRACY requests you and the Organization of American States:

- The immediate intervention of the OAS in Nicaragua in order to avoid exacerbating the climate of repression, fear, violence and intolerance.

- Demand respect for the Constitution and the rule of law in Nicaragua, and the Inter-American Democratic Charter.
- The return of the principle of separation of powers so real, transparent and based on fundamental freedoms and human rights.
- The direct enforcement of the institutional crisis in Nicaragua and the political reality surrounding the division of powers and the multiparty political.
- The immediate demand the government of Daniel Ortega to stop its anti-democratic actions.
- The start of the mechanisms established under the Democratic Charter.

In the hope that this application for a real exercise of democracy, a consistent respect of the National and International Legal Order and in defense of the Nicaraguan Civil Society is hosted by Your Excellency, to whom we express the assurances of our highest consideration.

Sincerely,

Carlos Ponce
General Coordinator

Enrique Arturo de Obarrio
Co-Coordinator

Óscar Álvarez Araya
Executive Director and Co-Coordinator