

# Squashing Democracy in Venezuela

## National Geographic Global Issues: Human Rights Edition

### Exercising Freedom of Speech

Have you ever heard someone claim, “I can say what I want it’s a free country”? In the United States, we take free speech for granted, but in many countries, speaking out can be dangerous. In Venezuela, Oswaldo Alvarez Paz recently learned that lesson.

Alvarez, a member of the political party that opposes Venezuelan president Hugo Chavez, is the former governor of the oil-rich state of Zulia. Many people thought that Alvarez might run for president in the 2012 election. In March 2010, he stated in a television interview that Chavez had allowed Venezuela to become a **haven**, or a safe place, for both drug dealers and terrorists. For example, the Venezuelan government accused of harboring the Revolutionary Armed Forces of Colombia (FARC), a group from neighboring Colombia that is known to raise money from kidnapping and selling illegal drugs. Although many observers outside Venezuela agreed with Alvarez’s accusations, the Venezuelan government responded by arresting Alvarez.

### Gagging Free Speech

The government charge Alvarez under a law that prohibits “any individual, by way of print, radio, television, electronic mail, or written leaflets, from using false information to create panic or a sustained anxiety in the general collective.” The law means that if a person warns the public that the government is doing something dangerous or illegal, the government can label the accusation “false” and imprison the speaker. Such a system limits free speech. Without free speech, citizens lose one of their strongest weapons against government abuse.

The government claimed Alvarez was urging people to break the law, but international human rights groups believed he was arrested for criticizing Chavez’s rule. Critics of Chavez think that

Alvarez’s real crime was that he spoke the truth. They view Chavez actions as a serious violation of human rights. According to the United Nations’ Universal Declaration of Human Rights, “Everyone has the right to freedom of opinion and expression.” Chavez has been accused of violating many of the human rights of Venezuelans. Venezuela’s experience demonstrates what happens when a country has one strong ruler.

### The Rise of Chavez

To understand why human rights is such a serious issue in Venezuela, it helps to examine the country’s recent past. Economic troubles often cause political turmoil. Venezuela’s economy depends on exporting oil, and during the 1980’s world oil prices plunged sharply, causing Venezuela’s income to drop. The country had more foreign debt than it could repay, so President Carlos Andres Perez passed money-raising moves such as increasing bus fares. Riots broke out across the country, and protests continued for two years.

In 1992, a group of army officers led by Chavez surrendered on the condition that he be allowed to address the nation. In a television speech, he asked the rebels to lay down their arms “for now.” The speech inspired many Venezuelans to view Chavez as a national leader.

He was imprisoned for two years, but then the government dropped all charges against him. In 1998, Venezuelan voters elected Chavez president. Since taking office, he has steered the country toward socialism, in which the government owns or controls factories and businesses.

### Eliminating Checks and Balances

Chavez has taken drastic measures to increase his power. He pushed through new constitution that required new elections of all officials. Chavez was reelected, and his party won a majority in the national Assembly. The legislators appointed pro-Chavez justices to the Supreme Court. Also, the constitution gave Chavez the power to make laws.

Because of these charges, Venezuelans have few ways to limit Chavez power. He does not need the legislator to make laws. The Supreme Court, which decides whether such laws are constitutional, is filled Chaves supporters. Chavez has limited then freedom of speech and the press. International observers have accused him of stealing elections, and in 2009 Chavez had the constitution amended so he can be reelected indefinitely.

## Other Violations of Rights

Even though Chavez himself pushed for the new constitution, his government does not always follow it. On paper, the constitution has strong protections for rights of the ingenious, or native, people, but they are not put into practice for example, indigenious people have protested coal mining on their lands, claiming that it harms the environment, and their lives. Mine operations have damaged water supplies so that they cannot grow their crops or raise livestock.

A report issued by the inter-American commission on human rights (IACHR) in December 2009 listed threats and human rights violations in Venezuela. These include threats to freedom of thought and expression, participation in politics, right to life, and liberty.

The IACHR report cited a lack of separation and independence among the branches or government as a serious problem. It also criticized Venezuela for depriving people accused of crimes of fair trials and for terrible prison conditions.

## Calls For Change

Human rights activists are concerned about the abuses committed by the Chavez government. They would like to see these changes:

- Return to the rule of law-the principal that even the highest government officials must obey the law
- Restoration of separate of powers, which means a strong legislature and court that can limit presidential power
- Protection of human rights, such as freedom of speech, freedom of press, and right to a fair trial.

People around the world are watching Venezuelans themselves must restore democracy to their country.

# Fighting for democracy in Myanmar

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### The symbol of a movement

In 1991, Aung San Suu Kyi (AWANG SAHN SOO CHEE) won the Nobel Peace Prize for her work in the struggle for democracy and human rights in Myanmar (Myanmar). Located in Southwest Asia, Myanmar was ruled by a military government from 1962 to 2011. The current civilian government consists mainly of former military officers. The government crushes attempts at opposition and prohibits open elections. To many people, Aung San Suu Kyi symbolizes Myanmar's struggle for human rights.

Born in 1945, Aung San Suu Kyi is the daughter of Aung San. He was a hero who helped Myanmar, which was called Burma at the time, gain independence from Britain. Aung San was the prime minister in 1947, when political opponents assassinated him. Suu Kyi was two years old.

Aung San Suu Kyi was able to pursue an international education, studying in India and later at the University of Oxford in England. When she returned to Burma in 1988, the country was under a harsh military dictatorship. That year, the government killed a group of unarmed protesters, an event that caused Suu Kyi to publicly demand democracy.

After the protest in 1988, a new government came into power and changed the country's name to Myanmar. The new government was as repressive as the previous one, and in 1989 Suu Kyi was placed under **House Arrest**, or confined to her home. She was released in 1995.

### THE TOOLS OF DEMOCRACY

Aung Suu Kyi has become a voice of hope in the face of Political oppression. She has started a rival political party and is nonviolently fighting for democracy. In a democracy citizens participate in government by voting in elections. For democracy to work, people need to be able to find information about issues. They must be able to join groups that share their political goals. They also must be able to challenge officials who abuse power or commit crimes.

That's exactly the kinds of government that human rights activists want Myanmar to have. Suu Kyi and others like her are willing to risk arrest to bring about change.

### Crushing Democracy

When the new government came to power 1988, it passed laws and committed actions that prevented democracy from taking root. Amnesty International, an organization that defends human rights, pointed out the following problems in Myanmar:

- The government imprisons people with opposing political views and bans members of opposition groups from running for office.
- Laws prevent certain people from voting, such as "persons serving a prison term under a sentence passed by any court."
- Political Prisoners may not vote or belong to any political party.
- It is illegal to urge people to vote-or to urge them not to vote.

### IMPRISONED FOR POLITICS

Such laws and actions make it almost impossible for any political party that opposes the government to gain strength. When the people of Myanmar peacefully protest government restrictions on human rights, they are often met with excessive and sometimes deadly force. The system is designed to keep the military rulers in power and to prevent change, and it has done so effectively for many years.

Amnesty International estimates that in 2010 some 2,200 people were in prison in Myanmar for their political activities. For example, in 2008, three young political protesters were arrested and sentenced to long prison terms. Their crime consisted of organizing protesters "to release balloons, launch paper boats and paint walls with their peaceful political messages."

Aung San Suu Kyi received special treatment because the whole world was concerned for her safety. Protesters who are not as well-known run the risk of being treated much more harshly. The average political prisoners is kept in terrible conditions. Many are moved to jails far away from their families so that no one can visit them. Prisoners do not receive adequate food or health care. Some prisoners are tortured, and some die in captivity.

## TURNING UP THE PRESSURE

People around the world have tried to support those working for democracy in Myanmar. For example, in 1991, Aung San Suu Kyi received the Nobel Peace Prize for her pro-democracy efforts.

Since then, the international community has taken over other actions to urge Myanmar to change policies. The United States and the European Union both restricted trade and contact with Myanmar. The United Nations issued condemnations of human rights violations there.

## CRACKS IN THE WALL

Recently, Myanmar's government has made small but encouraging changes. In 2000, it began secret talks with Suu Kyi, which resulted in the release of some 200 political prisoners. In 2009, though, the government once again placed her under house arrest.

In 2008, Myanmar adopted a new constitution that fell short of instituting a fully democratic government. For example, the military would still play a strong role in government and would appoint one-fourth of the country's legislators. It also passed new laws that prevented Suu Kyi and other political activists from participating in an election that took place in 2010.

However, the military government took several unexpected actions. In 2010, it set Suu Kyi free from house arrest. In late 2011 it reduced  **censorship**  (the ban on printed material and speech) and made labor unions legal. In January 2012, Suu Kyi and others in her political party were able to run for and win seats in Myanmar's parliament. However, the parliament is still dominated by members of the ruling party.

Myanmar has a long way to go, but the work of Suu Kyi and the support of other countries can help it achieve full democracy.

# Argentina's Struggle for Human Rights

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### WHO AM I?

Francisco Madariaga (mah-dah-RYAH-gah) of Argentina was 32 years old before he met his father. As a child, he was raised by a man named Victor Gallo (GAH-yoh) and his wife. Gallo was an intelligent officer at a secret military prison between 1976 and 1983.

Gallo's job was to get information about enemies of the government. He would force political prisoners to talk about their opposition to the military government that ruled Argentina. When one of those prisoners gave birth to Francisco Madariaga, the authorities took the baby from his mother and gave the infant to the Gallos. They never told Madariaga about his origins. He was raised with the name Alejandro Ramiro Gallo.

As an adult, Madariaga asked the woman who raised him about his childhood. She admitted that he had been taken from his real mother while she was in prison. Then Madariaga went to a human rights group called Grandmothers of Plaza de Mayo. This organization works to find out what happened to people who disappeared under military dictatorship. With their help, Madariaga was able to find his real father, Abel. Describing that milestone, he said, "It was the best moment of my life. I couldn't believe how much I looked like him." According to estimates, Madariaga is far from alone. It is believed that hundreds of children were taken from prisoners and given to members of Argentina's security forces.

What happened to Madariaga and his parents was part of a period in Argentine history known as the Dirty War. During that period, which lasted from 1976 to 1983, the military government seized thousands of people it suspected of being political opponents. Many of those who were arrested were never heard from again. Decades later, Argentina is still coping with some of the results of the Dirty War. It was not until 2010, for example, that Francisco Madariaga met his real father.

In this case study, you will learn what circumstances helped the military government come to power. You will also learn how Argentina continues to recover from this difficult period in its past.

### POPULAR APPEAL, LIMITED FREEDOM

Economic troubles often cause countries to turn to **authoritarian**, or strong and controlling governments.

Argentina experienced this effect when a global economic crisis called the Great Depression severely damaged the country's economy. The Great Depression began in 1929. The following year, the military overthrew the elected government.

Continuing economic problems and the tensions of World War 2 prevented Argentina from developing an effective government. In 1943, the military overthrew the government. Three years later, Colonel Juan Peron became president. Aided by his popular wife Evita, Peron made changes that helped working people. At the same time, however, he restricted freedoms. After Evita's death in 1952, Peron's popularity faded. Economic growth slowed again. In 1955, the military **exiled** Peron, or sent him out of the country.

### THE DIRTY WAR

For nearly 20 years, Argentina wavered between military and civilian rule, though neither solved the country's economic problems. Both revolutionary groups and Peron supporters committed acts of terrorism against the government.

In 1973, Juan Peron became president again with his third wife Isabel, serving as vice president. When Peron died in 1974, his widow became the world's first women president of a country. Economic problems continued as prices rose, and unrest spread.

In 1976, the military overthrew Isabel Peron, and the period known as the Dirty War began. A harsh conservative government imposed  **censorship**, a ban on publications and broadcasts that criticized the country's leadership. The government also tried to wipe out its opponents. Many of those opponents were activists who believed in social change and more evenly distributing power among all the people of Argentina.

Other opponents supported labor. The military and secret police thousands of people who protested the government's actions. Many of those people disappeared forever.

## RETURN TO DEMOCRACY

Relatives of the disappeared demanded to what had happened to their loved ones. Their effort brought worldwide attention to human rights abuses in Argentina. By the 1980's the Argentine people were calling an end to military rule. Then in 1982, the Argentine military invaded but failed to hold some nearby islands ruled by the United Kingdom. This failure increased anger against the military. The next year, Argentina held democratic elections and returned to civilian rule. The new government restored basic political liberties. Political parties could operate freely in Argentina again.

## JUSTICE FOR THE DISAPPEARED

The 1980's brought some setbacks for justice in Argentina. Some laws were passed to protect military officers from punishment for past crimes.

Human rights activists continued to demand justice, however. Finally, in 2003, Argentina's Congress overturned the laws that granted amnesty, or pardon, to accused officers. Two years later, the country's Supreme Court ruled that those laws were unconstitutional. Since then, more than 50 officials have been convicted of crimes during the Dirty War. Investigations into hundreds of other cases.

Since the end of military rule, Argentina's economy has struggled at times. Its democracy, however, has remained stable, with elections described as "generally free and fair" by organizations that monitored them. In this environment, citizens may pursue justice as the country seeks to put the Dirty War behind it for good.

# Chile's human Rights Crisis

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### A Disturbing Warning

In December 1999, Chilean activist Viviana Diaz Caro was opening mail in her office when she received freighting message. A holiday card addressed to her contained a death threat.

Why would someone threaten Diaz Caro's life? To answer that question, it helps to know that something about Chilean history. From 1973 to 1990, Chile was governed by a military dictatorship led be General Augusto Pinochet. During this period, many countries including the United States, sharply criticized Chile for violating the human rights of its citizens.

### Fighting To Uncover the Truth

Even though Pinochet's military dictatorships had ended ten years earlier, the country was still struggling to recover from its effects. Diaz Caro received the death threat because of the years she spent working for people's rights in Chile. She and her associate Mireya Garcia are leaders of an organization called the Association of Relatives of the Detained/Disappeared. The group tries to find out what happened to more 1000 people who disappeared after being arrested by Pinochet's government. Diaz Caro's father was among the missing. Chile now has a democratically elected government that is working to correct the wrongs committed by the Pinochet government. Because of that, some of Pinochet's associates fear being sent prison. They are willing to use threats to try to halt the effort to bring past crimes to light. The card sent to Diaz Caro was signed by a group that helped to silence Pinochet's opponent. In spite of such threats, many Chilean activists continue to seek justice.

### TURMOIL AND DICTATORSHIP

Chile's history helps explain why the country has struggled with human rights. Economic troubles and political conflict created turmoil, and Chile turned to a strong military ruler to restore order.

During the 1940's and 1950's, Chile's economy grew considerably, but the lower classes made a few gains, so discontent spread throughout the country. Socialist and communist parties—which preached that properly should be shared by all—gained power. To counteract their growth, political parties that have traditional attitudes about government also gained strength, so the country became politically split.

In 1970, Salvador Allende was elected president. Allende was a socialist—someone who advocates government ownership of goods. The government took over many banks, mines, and businesses. To make matters worse, agriculture reforms caused crop production to drop. People were faced with rising prices, along with shortages of food and other goods. Many of the country's leaders—including the military officers—felt that the country was near chaos. They also feared a communist revolution, like the one in Cuba in 1959.

### PINOCHET TAKES CONTROL

Some groups that disagreed with Allende's policies joined with members of the armed forces who opposed Allende. On September 11, 1973 the military overthrew the government was set up with general Pinochet as president.

Pinochet reversed Allende's economic policies. Companies no longer feared that they would be taken over by the government. Many people who supported the takeover thought that military rule would be temporary, but that wasn't the case. Pinochet's Government tried to silence its opponents.

In its first three years, the government arrested 130,000 people. Many were tortured and some were never heard from again. In 1977, the government banned the political parties altogether.

## RETURN TO DEMOCRACY

Despite the economic policies of Pinochet's government, which encouraged free enterprise and new businesses, unemployment rose. The middle and lower classes saw their income drop. In the midst of this economic crisis, Chile voted in 1980 to adopt a new constitution that spelled out a process to restore civilian government.

Throughout the 1980's, demands for change increased, and in 1988, voters decided that Pinochet's rule must end. Political parties were reestablished in the country. Patricio Aylwin Azocar (ah-SOH-kar) led the coalition, or political alliance, that opposed Pinochet. Azocar had been a leader in the prodemocracy movement for many years. He worked for constitutional reforms that allowed a nonviolent change of power from Pinochet's military dictatorship to democracy. When Chile held a presidential election in 1989, Azocar won. Since that time, Chile has had several free elections and democracy continues to grow stronger. In 2006, Chileans elected their first woman president, Michelle Bachelet.

## SEEKING JUSTICE

Even after leaving the presidency, Pinochet remained commander of the armed forces until 1998. He blocked attempts to prosecute officers charged with human rights abuses. Late in 1998, Pinochet was arrested in London and later returned to Chile, where charges were brought against him. However, he died in 2006 without being convicted.

Human rights activists in Chile continue to seek justice. In January 2001, Viviana Diaz Caro finally learned that her father was dead. Today, the people of Chile live in a democracy, and many of their rights, including the vote, have been restored. However, hundreds of Chileans still do not know what happened to their loved ones, and the searches continue.

# Poland's Nationalism Threatens Europe's Values, and Cohesion

By Steven Erlanger and Marc Santora

Feb. 20, 2018

SNIADOWO, Poland — The young mayor of this small town deep in eastern Poland is extremely proud of its new Italian fire engine, which sits, resplendent, next to a Soviet-era one. Nearby, the head of the elementary school shows off new classrooms and a new gymnasium, complete with an electronic scoreboard.

All of this — plus roads, solar panels, and improved water purification and sewer systems, as well as support to dairy farmers — has largely been paid for by the European Union, which finances nearly 60 percent of Poland's public investment.

With such largess, one would hardly think that Poland is in a kind of war with the European Union. In recent months, the nationalist government has bitten the hand that feeds it more than once.

The European Union has accused Poland of posing a grave risk to democratic values, accusing it of undermining the rule of law by packing the courts with loyalists. Western leaders have also criticized Poland's governing party for pushing virtually all critical voices off the state news media and for restricting free speech with its latest law criminalizing any suggestion that the Polish

nation bore any responsibility in the Holocaust.

The tug of war has intensified as Eastern Europe becomes the incubator for a new model of "illiberal democracy" for which Hungary has laid the groundwork. But it is Poland — so large, so rich, so militarily powerful and so important geographically — that will define whether the European Union's long effort to integrate the former Soviet bloc succeeds or fails.

The Polish government, which is dominated by Law and Justice, is more than happy to take European Union financing, but it worries that Poland's share could be cut in the future.

The stakes, many believe, far outweigh those of Britain's exit from the European Union, or Brexit, as the bloc faces a painful reckoning over whether, despite its efforts at discipline, it has enabled the anti-democratic drift, and what to do about it.

The growing conflict between the original Western member states of the bloc and the newer members in Central and Eastern Europe is the main threat to the cohesion and survival of the European Union. It is not a simple clash, but a multibannered one of

identity, history, values, religion and interpretations of democracy and “solidarity.”

“It’s yes to Europe, but what Europe?” said Michal Baranowski, the director of the Warsaw office of the German Marshall Fund, noting that Poland’s support for European Union membership runs as high as 80 percent but can be shallow.

The Polish government, which is dominated by the Law and Justice party, itself dominated from the back rooms by the party chief, Jaroslaw Kaczynski, seems to have its own answer to the question.

It is more than happy to take European Union economic support, but worries that Poland’s share could dwindle if the member nations use the budget to pressure Poland to fall in line. The country is to get nearly 9 percent of the European Union budget for 2014 to 2020, around 85 billion euros, or \$105 billion.

But the vague threats to apply the brakes to the gravy train are unlikely to push the Kaczynski government to change. It has responded to European criticism by accusing Brussels and Germany — until recently Poland’s greatest ally in Europe — of dictating terms to newer members and trying to impose an elitist, secular vision. It has also positioned itself at the forefront of central and eastern European nations opposing migration quotas, saying it is acting in defense of Christian values.

The governing party has campaigned on Polish national pride and “getting up off our

knees;” it has also portrayed predominantly Roman Catholic Poland, which traditionally sees itself as a victim of history, as the “Christ of nations.”

After being squeezed between empires and occupied in turns by fascism and communism, Poland is ready to take its place as an equal, Mr. Kaczynski asserts, no longer relegated to serfdom or secondary status.

“The history is part of our identity, which people in other parts of the world don’t understand,” said Slawomir Debski, the director of the Polish Institute of International Affairs. “What is it to be a Pole? We are the nation that survived World War II and were the victims of both totalitarian systems.”

This combination of Polish nationalism, religious conservatism, anti-elitism and attacks on those supposedly seeking to dictate to Poland about values and migrant quotas has made Law and Justice by far the largest party in a divided country with a disorganized political opposition.

The party has risen from almost 38 percent of the vote in the 2015 election to about 47 percent in recent opinion polls. Much of that success is attributed to its investment in the poorer countryside, and much of the money for that investment is attributed to European Union support and access to its markets and jobs.

But more than money, Law and Justice thrives on cultural and identity politics. It has contrasted a conservative, Catholic

Poland and its family values with a godless, freethinking, gender-bending Western Europe.

It accuses past governments, the opposition and the urban elites of hankering after European approval and acceptance to the detriment of Polish interests.

Sniadowo district, a collection of villages northeast of Warsaw with roughly 5,500 people, reflects that support. While the pre-World War II population was about 40 percent Jewish, today it is Kaczynski country.

The area is profoundly Roman Catholic and deeply affected by its proximity to Belarus and the memories of the Soviet occupation of World War II. In 2015, roughly 70 percent of voters in the region supported Law and Justice.

People go to church several times a week, priests tend to give passionate, political sermons, and state and church media give a partisan version of events.

“Promoting same-sex marriage will not go down well here,” said Marek Adam Komorowski, 58, a local councilman in nearby Lomza. “If you are in Europe, you can’t speak against it, but it is not a norm here. Here, family means something else.”

Rafal Pstragowski, the 37-year-old mayor of Sniadowo, an independent in his seventh year in office, echoed the sentiments.

“Poland is a traditional Christian country and Poland respects other religions,” he said, “but we want our culture to be respected, too.”

“There is a fear among people that Western secularism is a threat to our traditional culture,” he added. “If things in Europe keep going in the same direction, people think that the migration crisis and terrorist attacks could start here, too.”

Slawomir Zgrzywa, 55, a local historian, said that Poland’s long history of conflict with Russia had made it skeptical of “any sort of left-wing or liberal politics,” and had enhanced the standing of a deeply conservative and politicized Roman Catholic priesthood.

Union over the government’s control of the judiciary, that “seems abstract,” said Agnieszka Walczuk, 45, the director of the town’s elementary school. “The people here are poor, and they feel they have been helped by a government seen as protecting them,” she said.

The recent squabble over Poland’s new law about history and the Holocaust is another example of the government’s offending Western European sensibilities about free speech for domestic gain. It is seen at home as an effort to protect Poland against all those angry, upset foreigners — including Jews and Western Europeans. It was telling that the opposition abstained on the vote, rather than voting against.

While firmly in favor of membership, Law and Justice has a vision of the European Union similar to the British one — a union of nation states trading freely with one another but not interfering in domestic politics or national culture.

At the same time, Poland sees an emerging vision for Europe, under the proposals of France's president, Emmanuel Macron, as reviving French-German domination of the bloc, which would leave Poland more sidelined.

In Poland's view, talk of restricting the rights of foreign workers in France is protectionist and aimed at the new member states, but wrapped in pro-European language. Poland rejects a "multilevel" or "two-speed" Europe, with an inner core of eurozone states and an outer ring of lesser members. But it sees Brussels heading that way regardless.

In general, Mr. Kaczynski's priority is domestic, "and for control of the judiciary, he's ready to pay almost any price," said Piotr Buras, the head of the Warsaw office of the European Council on Foreign Relations. "He is slowly using mostly democratic means, amassing so much power that the party's position is unassailable."

The changes, the ruling party argues, are necessary to clear out an old Communist elite, but they are "rendering the independence of the judiciary completely moot," Frans Timmermans, the vice president of the European Commission, said in December.

"The constitutionality of legislation can no longer be guaranteed," he said, because "the country's judiciary is now under the political control of the ruling majority."

The European Union has warned Poland officially, charging that Warsaw risks "a serious breach" of its commitment to shared values of liberal democracy and the rule of law, principles that all member states have sworn to uphold.

Some think that Warsaw and Brussels will compromise somehow. But that is difficult to foresee. Mr. Buras sees in Mr. Kaczynski a pessimism about the European project.

"He thinks that this E.U. is doomed to fail, and so we need to save ourselves," Mr. Buras said. "He believes that it cannot survive."

That concerns Ms. Walczuk, the school director, who remembers the paucity of her choices under Communism and worries about the future of her daughter, 16, and son, 12.

"I fear this fight with Brussels might limit my children's right to work and travel in Europe," she said. "I know my kids have no sense of not having anything, no sense that they should say something to stand up for their rights."

# *Philippines' Top Judge Took On Duterte. Now, She's Out.*



*Supporters of Maria Lourdes Sereno, the ousted chief justice of the Philippines, rallying in front of the Supreme Court in Manila on Friday. Marquez/Associated Press*

**By Felipe Villamor**

MANILA — The Philippines' highest court on Friday forced out its chief justice, removing a fierce critic of President Rodrigo Duterte and his brutal war against drugs, which has left thousands dead.

Voting 8-6, the Supreme Court justices removed Chief Justice Maria Lourdes Sereno, approving a petition filed by the government's lawyer that questioned the validity of her appointment on the ground that she had failed to fully disclose her wealth.

Ms. Sereno has been a constant irritant to the increasingly autocratic rule of Mr. Duterte, questioning the validity of his list of public officials deemed to be drug suspects and opposing his declaration of martial law in the southern Philippines.

Senator Risa Hontiveros, a supporter of Ms. Sereno, said the court had surrendered its judicial independence and integrity by removing the chief justice.

“This is a black day for justice and the rule of law,” Ms. Hontiveros said, accusing the Mr. Duterte of “subverting” the Constitution. “The Supreme Court has fallen, and fallen hard, in the eyes of the public.”

Thousands gathered on the streets to protest what they called a “blatant ploy” by Mr. Duterte to wrest power from the judiciary and undermine the independence of the courts.

Ms. Sereno's removal is “a fascist raid of the judiciary, the last straw that would consolidate the Duterte regime's control over all the branches of government,” said Aaron Pedrosa, leader of the political coalition called Sanlakas.

He said Mr. Duterte “glaringly contrived” with his peers in Congress and the judiciary to remove a formidable critic who could keep the government in check.

Others warned of more dire consequences of the court's action.

“We are now a heartbeat away from the death of our democracy,” said Gio Tingson, a spokesman for the left-leaning group Akbayan, which also joined the protest.

He said the decision “destroyed the constitutional process of impeachment and system of checks and balances.”

The decision came ahead of a planned impeachment vote against Ms. Sereno by the Duterte-controlled 292-member House of Representatives, which was expected to remove her on corruption allegations that she has denied.

Ms. Sereno becomes the first chief justice to be removed through a vote of her peers. In 2012, the chief justice at the time, Renato Corona, was ousted by lawmakers on similar corruption charges.

The first female head of the judiciary, Ms. Sereno, 57, had publicly questioned the legality of Mr. Duterte’s war on drugs, which rights groups say has killed thousands of people.

Ms. Sereno did not attend any of the House impeachment hearings against her, and with the court’s removal of her, that effort probably becomes moot. But she repeatedly questioned the basis for the impeachment complaint, saying that she had gone through the proper vetting process before assuming her post.

The impeachment complaint was filed by a lawyer with ties to politicians

linked to Mr. Duterte, who has personally accused her of corruption, maintaining a lavish lifestyle and not disclosing her true net worth.

Ms. Sereno could theoretically appeal her ouster to the Senate, but that would be unlikely to succeed.

Harry Roque, a spokesman for Mr. Duterte, said Friday’s ruling was final.

“The Supreme Court is the final arbiter of the law,” he said. “The high court has spoken.”

In March her fellow justices asked Ms. Sereno to go on leave while the impeachment complaint was dealt with, and she complied.

But she returned to the bench on Wednesday, surprising everyone, and announced that she would preside over Friday’s proceedings while abstaining from voting.

Ms. Sereno was appointed in 2012 by Benigno S. Aquino III, the predecessor of Mr. Duterte, who took office in 2016 on a promise to cut rampant crime by killing thousands of addicts.

As chief justice, she publicly clashed with Mr. Duterte, questioning his so-called watch list of drug suspects that contained the names of 150 local officials, police and military officers, as well as judges. At least three mayors Mr. Duterte put on the list were later fatally shot in law enforcement operations. The police have defended those actions as legitimate.

Ms. Sereno had cautioned the president about the list, and she expressed her concern in a letter, which the president took as a slight.

She had also advised judges who were on the list not to turn themselves in unless a warrant was properly issued. A judge whose name was included was later found out to have died long ago, raising questions about the accuracy of Mr. Duterte's list.

The rift between the chief justice and the president widened after Ms. Sereno voted against two of Mr. Duterte's signature initiatives — his declaration of military rule in the southern Philippines last year to defeat a group linked to the Islamic State, and a directive allowing a hero's burial for Ferdinand Marcos, the ousted dictator who died in exile in 1989.

Last month, Mr. Duterte called her an "enemy" and urged Congress to expedite her removal.

"I am putting you on notice that I am now your enemy, and you have to be out of the Supreme Court," Mr. Duterte said. "I will not hesitate to do what is in the best interest of my country. If it calls for your forced removal, I will do it."

## *In Just a Week, 'Nicaragua Changed' as Protesters Cracked a Leader's Grip*

By [Frances Robles](#)

April 26, 2018

MASAYA, Nicaragua — The revolutionary, many Nicaraguans say, is suddenly facing a revolution of his own.

The insurrection that led to the rise of President Daniel Ortega and his Cold War struggles with the United States began here in Masaya 40 years ago. Mr. Ortega's brother died fighting in this town, and an old national guard post still stands as a landmark to the uprising that brought their leftist guerrilla movement to power.

But in recent days, the guard post has been turned into a charred, vandalized mess. Protesters have even taken a famous war slogan and spray-painted it on the walls in a mocking warning to Mr. Ortega.

"Let your momma surrender," it says.

Nicaragua is undergoing its biggest uprising since the civil war ended in 1990.

Faced with a presidential couple that controls virtually every branch of government and the news media, young people across the nation are carrying out their own version of an Arab Spring. Armed with cellphones and social media skills, their challenge to the government has astonished residents who lived through Mr.

Ortega's revolution in the 1970s, the civil war in the '80s and the 30 years since then.

Demonstrators — many of them members of Mr. Ortega's own party — have burned vehicles and barricaded intersections. Thousands have swarmed streets around the country, condemning government censorship and the killing of protesters. After fighting two wars, winning multiple elections and exerting very tight control over the country for years, Mr. Ortega has lost his grip on the masses and suddenly seems on the ropes.

"I have only ever voted for Daniel Ortega," said Reynaldo Gaitán, 32, a baker who took to the streets in this town's historic Monimbó neighborhood to denounce his former hero. "Daniel is over. His term ends here."

In surprising fashion, Mr. Ortega — whose sway over judges and lawmakers has enabled him to stay in power by reinterpreting the Constitution and scrapping term limits — gave in to demand after demand from the protesters this week. Still, students who had taken over a local university were refusing to back down.

"Nicaragua changed," said José Adán Aguerri, president of Cosep, the country's influential business organization, which is pushing for dialogue with the government. "The

Nicaragua of a week ago no longer exists.”

The protests started with a relatively narrow issue — changes to the social security system — but they quickly rose to a national boil when students began to die. Human rights organizations say that dozens have been killed, including at the hands of the police. A journalist and two police officers are also among the dead.

The sweeping protests have started to have international ripples as well. Just weeks after Travel and Leisure magazine called Nicaragua’s Corn Island “an underrated Caribbean paradise,” the State Department pulled the families of its embassy personnel from the country, and cruise ships were changing course to avoid docking here.

“They’re destroying the image of Nicaragua, with all that it cost us to construct that image,” Mr. Ortega said in a televised speech. “The image of Nicaragua was an image of war. War. Death. How much tourism and investment and jobs will this cost us?”

The Roman Catholic Church has agreed to serve as a mediator and a witness to talks, but the students who took over the Polytechnic University in the capital, Managua, had said they would not negotiate while the president was still in office. They decided early Thursday to join the discussions, providing certain conditions were met.

“We don’t want Daniel,” said Lester Hamilton, 35, who was struck by rubber bullets in protests last week and remained encamped at the university.

By “Daniel,” he was referring to Mr. Ortega, the former guerrilla fighter who was a main figure in the revolution against the right-wing dictatorship of Anastasio Somoza.

The Sandinista guerrillas declared victory in 1979. Mr. Ortega then ruled Nicaragua throughout the 1980s, but war continued to rage, as counterrevolutionary forces tried to topple him. His adversaries, known as the Contras, received secret, illicit financing by the Reagan administration, leading to one of the biggest American scandals of the era.

Mr. Ortega agreed to elections in 1990 and lost. But even after giving up the presidency, he never gave up power. The Sandinistas still controlled student groups and unions and exercised important influence over the police, army and judiciary.

If presidents enacted policies that Mr. Ortega disagreed with, he would unleash students or unions to protest.

“He always had veto power,” said Gonzalo Carrión, president of the Nicaraguan Center for Human Rights. “If he didn’t rule from above, he ruled from the bottom.”

A pact with an opposing party brought electoral law changes that allowed Mr.

Ortega to take office again in 2007, after three consecutive losses at the ballot box.

Once president for a second time, he made important alliances with his former enemies, letting big business flourish while he tightened his grip on power.

“Leadership is necessary, and Daniel’s leadership is necessary,” said Alejandro Martínez Cuenca, a Sandinista economist. “It would be an error to disregard his presence, when we know this is a country that can easily fall into anarchy.”

He credited Mr. Ortega with “building a new model” for Nicaragua that included economic growth and a reduction in poverty. Nicaragua is safer than most Central American countries, and its residents have not fled to the United States border seeking better lives like their neighbors in El Salvador, Guatemala and Honduras have.

But even Mr. Ortega’s remaining supporters acknowledge that he erred badly in giving so much power to his wife, Rosario Murillo, who is also his vice president. Few decisions seem to be made without her approval, making it clear that she is calling the shots.

The couple made institutional changes that allowed them to control the Supreme Court and the National Assembly and were accused of rampant electoral fraud that gave them power over the nation’s city halls, too.

“He made some very serious errors,” said Jaime Wheelock, one of the original nine Sandinista commanders. “One good thing about Daniel is that if he’s not right, he’ll back down.”

Mr. Wheelock cited Mr. Ortega’s willingness to dole out land titles and social welfare benefits. But critics say that while the president used money and oil from Venezuela to win over the poor, he also bought up television stations and took others off the air.

He gave plum jobs to union officials, effectively silencing voices of dissent. Middle-class groups and opposition parties often held protests, but they were beaten back by pro-government mobs and largely stifled.

So it was all the more remarkable last week when Mr. Ortega’s unpopular changes to social security became the detonator for such an enormous movement. Protests exploded.

Mr. Ortega’s changes to the broken social security system required workers to pay more and retirees to receive less. University students, who were already angry over a forest fire at a natural reserve that the government failed to extinguish, rallied against the changes. Then they were met by pro-government mobs that attacked them.

Students died at the hands of the police, human rights groups say, inciting even more protests. Then Mr. Ortega and Ms. Murillo dismissed the protesters as little groups of right-wing gangs.

“That just made us even more indignant,” said Enma Gutiérrez, a youth organizer.

More and more people joined the protests. And while the opposition movement is huge, it does not have any clear, national leaders, making it even more difficult for Mr. Ortega to tamp down.

On Sunday, when Mr. Ortega rescinded the social security measures, he failed to mention the students who died in the protests, focusing instead on how the demonstrations had been infiltrated by gangs that looted stores.

The speeches by Mr. Ortega and Ms. Murillo “are adding gasoline to the fire,” Mr. Carrión said. “If these people, this couple, were firefighters, they would be lighting the place on fire.”

Nicaraguans are furious that Mr. Ortega has not vowed to investigate the student deaths, although he released jailed students this week and put a cable news station back on the air. He was meeting some central demands, but the students insisted that it was not enough.

At the Polytechnic University in the capital, students had refused to leave and instead gathered in small groups over the weekend making homemade fire bombs. The residents of the Monimbó neighborhood of the city of Masaya also dug in their heels.

“They say this town was the cradle of Daniel Ortega and where he took his

first steps,” said Mayra Pabón, a longtime supporter of the president who protested in Monimbó. “Well, he died here too in the moment that he ordered the killings of so many young people with such bright futures ahead of them.”

“He cannot step foot in Masaya ever again.”

## On the Surface, Hungary Is a Democracy. But What Lies Underneath?

By Patrick Kingsley

Dec. 25, 2018

BUDAPEST — When the Hungarian government coerced the Central European University, a leading college in Budapest, into shutting some of its operations in December, it did not do so by threat of physical force. Viktor Orbán, the far-right prime minister of Hungary, never jailed a C.E.U. professor or ordered the university to close by government decree.

Instead, the Orbán government quietly changed the rules by which all foreign universities like C.E.U. can operate, allowing Mr. Orbán to frame its treatment as a merely technical decision, rather than an attack on academic freedom.

It is a recurrent paradox of Mr. Orbán's rule: Despite all the steps he has taken to erode the Hungarian democratic process, Mr. Orbán has rarely allowed his government to get its way by blatant force.

And it is this paradox that explains why analysts struggle to judge whether Hungary is still a democracy, and why Mr. Orbán's friends and foes alike ascribe increasing importance to the inner workings of this small and previously marginal country.

Hungary's path under Mr. Orbán has made him an icon to far-right figures such as Stephen K. Bannon, President

Trump's former adviser, and provided a blueprint for the erosion of democratic institutions in countries like Poland.

"The closed regimes of the past were behind barbed-wire fences and police watchtowers, and the repression was overt and clear and unmistakable," said Michael Ignatieff, president of the C.E.U. But in Mr. Orbán's Hungary, he said, "you can protest, you can leave, you can set up a business and you're a member of the European Union, which is supposedly a union of democracies."

Unlike in Communist-era Hungary, there is a Constitutional Court, along with dozens of other nominally independent state watchdogs. There is a plethora of private media outlets, whose journalists do not face physical danger for their reporting. And there are free elections in which anyone can run, but which Mr. Orbán has won handsomely since re-entering office in 2010.

Beneath this veneer lies a more complex reality.

Mr. Orbán's allies control the Constitutional Court, while loyalists control which prosecutions make it to court in the first place. They have rarely, if ever, pursued corruption allegations against Mr. Orbán and his ministers — and even if they did, few would hear about it.

By applying financial pressure on the owners of independent media outlets, Mr. Orbán has gradually persuaded them to sell to his friends, or toe a softer line.

State media, meanwhile, is entirely loyal to Mr. Orbán. After state television channels failed to broadcast more than a few fleeting clips of recent anti-Orbán demonstrations, a group of opposition lawmakers visited their headquarters last week to request some airtime. They were refused, and later ejected by force.

And though Mr. Orbán commands a formidable majority, it is partly the result of this echo chamber in the media, which has muted alternative voices, and the redrawing of electoral boundaries and the restructuring of the electoral system to favor his party.

Mr. Orbán and his allies proudly acknowledge that their system of government has diverged from a model of liberal democracy. But they insist that it is still democratic — as long as one widens one's definition of what democracy is. For Mr. Orbán, democracy depends primarily on the occurrence of elections, rather than on the separation of powers or the vibrancy of public discourse.

Opposition to Mr. Orbán's style of governance "assumes that there is only a simple model of democracy," said György Schopflin, a member of the European Parliament from Mr. Orbán's party. "The people who insist that the

only democracy is liberal democracy are endangering democracy."

But for some critics of Mr. Orbán, his regime can be understood not by redefining the meaning of democracy, but through updating our understanding of autocracy.

To Mr. Ignatieff, the Orbán regime is a "new thing under the sun" that cannot be defined by the templates of 20th-century authoritarianism. Hungary in 2018 has the trappings and institutions of a 21st-century European democracy, but uses them to exert the same kind of centralized control as the autocracies of the Cold War.

"It's a new form of single-party state, but it's clearly reproducing some of the features of the single-party states of the past," said Mr. Ignatieff. "Which is ironic, because the regime is violently anti-Communist in its rhetoric, but in its practice it reproduces features of the ancien régime."

For other critics of Mr. Orbán, there is no need to update one's definition of autocracy to understand the nature of his regime.

His strategies do in fact fit the patterns of the past, said Jason Stanley, a Yale professor and the author of "How Fascism Works," a book that explores how contemporary leaders, including Mr. Orbán, use fascist ideologies and tactics to expand their power and appeal.

Mr. Orban has repeatedly called for Hungary to regain the status it held before losing much of its land and population following the First World War, and often expressed a preference for a racially homogeneous society.

“We do not want our own color, traditions and national culture to be mixed with those of others,” he said in a speech in February.

For Mr. Stanley, both these habits are the hallmarks of a fascist. “When you govern from a position where loyalty to your ethnic group and a mythic past trumps truth and respect for people who don’t agree with you — then that is using fascist ideology and fascist political tactics to gain and retain power,” he said.

The control that Mr. Orban exerts over Hungarians’ access to information means that his government is no longer a democracy, regardless of how many votes he receives, Mr. Stanley added.

“Democracy is not just a voting system. It is a culture that respects truth,” he said. If a government prevents the public from accessing true information, he said, through “a propaganda system that lies to everyone in the country, then everyone will vote for the supreme leader every time. And that’s not democracy.”

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If Mr. Orban diverges from the fascist template, it is largely because “he does

not have a Gestapo,” Mr. Stanley said. “His control over the state is less about violence.”

That made the treatment of the four opposition lawmakers at the state media broadcaster so remarkable: It was, unusually for Mr. Orban’s Hungary, a naked show of force.

It follows a series of similarly blatant power-grabs that suggest that Mr. Orban no longer feels obliged to moderate his actions.

After European leaders repeatedly proved unwilling to punish Mr. Orban for past misdemeanors, “Orban sees a window of opportunity,” said Daniel Hegedus, an expert on Hungarian politics at the German Marshall Fund of the United States, a research group.

“Now he can do practically anything without risk of sanctions on the European stage,” Mr. Hegedus added.

For years, Mr. Orban was satisfied with infringing judicial independence through a series of incremental measures. But in early December, he set up a parallel court system in one fell swoop.

Until recently, he tried to leave private news media with at least a veneer of autonomy, preferring to let loyalist businessmen take over troublesome outlets instead of placing them under a more blatant and centralized system of government control.

But in December, he waived a competition law to allow loyalist owners to “donate” hundreds of Hungarian newspapers, radio stations and television channels to a single, central fund run by three of his closest allies.

And after an opposition lawmaker was dragged, pushed and carried from the Hungarian state broadcaster by four armed guards in December, Akos Hadhazy, the lawmaker, described his expulsion as a watershed moment.

Until his assault, Mr. Orban’s government had been “a dictatorship of disinformation,” Mr. Hadhazy said. “But now we have crossed the line of physical violence.”

Benjamin Novak contributed reporting.