

A Democratic Crisis Close to Home

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Panama is in the midst of one of its most serious political crises since the return of democracy in 1989. Clashes in recent days between police and the Ngäbe natives of the country's western region - which left at least two people dead - are part of broader political turmoil stemming from the growing authoritarianism of president Ricardo Martinelli.

Martinelli has been undermining Panama's democratic institutions since assuming power in 2009. Soon after beginning his term, Martinelli appointed two close associates to the Supreme Court, including the Chief Justice. He has positioned friends and former employees to head key institutions such as the offices of the Comptroller and the Attorney General. While Martinelli did not violate the law in carrying out these appointments, his actions certainly eroded the independence of these institutions.

Moreover, Martinelli has increased the size of his legislative caucus in the National Assembly from 13 to 36 congressmen (out of 71) through the use of earmarks and pork-barrel spending. There are widespread irregularities in the management of government funds. Public procurement bidding processes are commonly ignored, and state contracts has been assigned to relatives or political associates.

Martinelli has also threatened the media and other civil society groups. In the last two years, Panama fell 58 places in Reporters Without Borders' *Press Freedom Index*. The Inter American Press Association has warned about the regular threats the media receives not only from Martinelli, but also from Judicial Branch and the Prosecutors' Office. Foreign reporters have been either expelled or denied entrance to the country.

An August 2009 diplomatic wire from then-U.S. ambassador to Panama Barbara Stephenson, released by Wikileaks, warned of Martinelli's "autocratic tendencies." Stephenson described a meeting with the Panamanian president in which he asked the U.S. embassy for help in wiretapping political opponents - a request that was promptly rejected. Stephenson added that Martinelli had resorted to "bullying and blackmailing" of

businesses. The government has used tax audits to intimidate those in the private sector who express their opposition to Martinelli.

Political tension in Panama's escalated a few weeks ago from Martinelli's efforts to resurrect a defunct constitutional panel within the Supreme Court that would allow him to pack that body and possibly pave the way for his re-election. This tribunal, known as the Fifth Court, existed briefly in 1999 but was quickly abolished by Congress. However, the Panamanian Supreme Court ruled last year that the law that abolished it was illegal.

Martinelli seized on the controversial ruling and introduced a bill in Congress to reinstate the Fifth Court. If approved, Martinelli could appoint three justices to the newly created body, which could decide issues such as the constitutionality of presidential term limits. The Panamanian constitution currently bars a sitting president from running for consecutive terms. Many in Panama fear that Martinelli's ultimate goal is to get rid of term limits.

A similar ploy was recently used by Daniel Ortega in Nicaragua to run for re-election despite an explicit constitutional ban.. There, a friendly Supreme Court nullified presidential term limits and enabled Ortega to run again (and win).

The Panamanian minority opposition was able to successfully filibuster the bill reinstating the Fifth Court. However, thanks to the ruling by the Supreme Court last year, Martinelli is now threatening to appoint the three new justices even without a bill passed by Congress reinstating the Fifth Court. A constitutional crisis seems inevitable.

Panamanians are worried. A recent poll by the daily *La Prensa* showed that 70% of Panamanians regarded Martinelli as "authoritarian" and 73 percent were concerned about the future of democracy their country. The government's repressive handling of the protests by the indigenous Ngäbe people - who oppose mining projects in their lands - confirms these fears. The Minister of Security admitted that the government suspended all phone communications in the conflicted region, violating constitutional rights and resembling the actions of authoritarian regimes such as those in Egypt and Syria.

The media has also documented the use of firearms against protestors.

With the memories of Panama's recent past under Manuel Antonio Noriega still fresh, the repressive character with which the government responded to the protests have generated outrage among the majority of Panamanians.

Ricardo Martinelli is the most dangerous man for democracy and the rule of law in Central America after Nicaragua's Daniel Ortega.

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