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LADB Staff

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Nicaragua No Match for Mas Canosa

by LADB Staff

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Cuban-American exile leader and international entrepreneur Ricardo Mas Canosa has been declared persona non grata in Nicaragua after he won a large lawsuit against the Nicaraguan telecommunications industry, involved himself in the country's electoral politics, and became a Daniel Ortega supporter. Then he sued again, claiming his human rights had been violated. Mas Canosa is best known in the US as a leader in the Miami anti-Castro movement. He is a brother of Jorge Mas Canosa, founder of the Cuban American National Foundation (CANF), who died in 1997.

Apart from politics, he is owner of Elite International Telecommunications. A controversial contract with ENITEL, the Nicaraguan telecom company, to provide long-distance service between the US and Nicaragua resulted in a lawsuit, the outcome of which netted Mas more than US\$5 million. He gets to keep the money only if he prevails on appeal. The suit also touched off charges and countercharges of ineptitude and malfeasance between the judicial system and the attorney general, which eventually rose to the Corte Suprema.

Other troubles for Mas Canosa arose in the Nicaraguan political arena. Despite the aversion to all things Castro that has become a large part of his public identity, the Cuban-American joined the celebration of the 24th anniversary of the Frente Sandinista de Liberacion Nacional (FSLN) revolution on July 19. He took advantage of the occasion to express his support for the presidential candidacy of FSLN leader and former president Daniel Ortega. He said publicly during the festivities that he was not in the least concerned with Ortega's often-stated friendship with Cuban President Fidel Castro, even after both Ortega and former commandante Tomas Borge denounced a possible US invasion of Cuba.

Fidel friendship not a problem

Mas explained that Ortega's friendship with Castro and his own support for the party are two entirely different things. "The FSLN is a party with a great deal of political openness; it has opened up very democratically," he said. "Fidel Castro is the last remaining dinosaur, and ought to make an opening too, as has the FSLN." Mas Canosa has a long-standing enmity with the FSLN's principal political enemy, the split-but-ruling Partido Liberal Constitucionalista (PLC).

His first experience of notoriety in the country was during the regime of former president Arnaldo Aleman (1996-2001), when he accused administration officials of soliciting bribes to facilitate his investments. He said that he supported Daniel's candidacy during the 2001 elections, and intends to repeat that support in the coming elections, Ortega's fourth attempt at re-election. "I supported with donations of baseball caps, and that sort of thing, not with money," said Mas Canosa. "I would support Ortega and the FSLN again. I believe the man has changed, this is a more pragmatic party, and has a great chance in the coming elections, mostly because the PLC is fragmented in a bad way

by all the acts of Aleman and the clique he had around him." He also said he intends to open a new airline in Nicaragua and invest further in the telephone business next year.

Ortega not everyone's choice

Ortega's candidacy is not universally accepted within the party. Some within the leadership think it is too early to designate anyone, and others have said that a fourth try would be ill advised. From the PLC point of view, an Ortega run would be just fine. "I hope he is the candidate," said PLC leader Maria Eugenia Sequeira, "because we know that will be an even better guarantee of the triumph of liberalism in future elections." Another prominent FSLN member, Victor Hugo Tinoco, also has reservations about Ortega at the top of the ticket. "Personally, I think the Frente is better off changing its candidate. I also think that a very wide sector of the party shares this opinion, I might even say the majority of Sandinistas." Tinoco said he thought a change was necessary to improve the party's position against a "campaign of fear" that many within the party believe led to their loss in the last election.

Other things to worry about But Mas has other campaigns of fear to worry about. Back home in Miami, resident Nicaraguans were indignant at his performance. Cristobal Mendoza, president of the Comité de Nicaraguenses Pobres en el Exilio (CONIPOE), accused the Cuban-American of being interested only in his business prospects and "forgetting the suffering of thousands of Nicaraguans who live in exile, of the abandoned children and women produced by the war of the 1980s." These Nicas are to Sandinismo what Mas' constituency is to Castro, and Mendoza rubbed the comparison in on behalf of his 250,000 countrymen and women living in the area, saying, "Why, instead of supporting Daniel Ortega doesn't he go support Fidel Castro?"

Mendoza, further accusing Mas as one who supports candidates throughout Latin America regardless of their political stripe, as long as it suits his business interests, claimed that the majority of Nicaraguans "in exile" support the government of President Enrique Bolanos in his battle against corruption "because we know that, up to now, he is honorable." Mendoza's observation that Mas Canosa is politically fickle is not without basis. The CANF in early July found itself defending against a charge by former Mexican ambassador to Cuba Ricardo Pascoe that it had contributed to the presidential campaign of President Vicente Fox. The foundation's vigorous denials came after Pascoe said on Mexican television that, according to a lawsuit against it, the foundation diverted funds not only for the Fox campaign, but also to the campaigns of Jose Maria Aznar in Spain and Alejandro Toledo in Peru. Eventually, Mas Canosa and his political proclivities became too much for the Nicaraguan government.

At the end of July, Minister of Government Eduardo Urcuyo ordered the Direccion de Migracion y Extranjeria to refuse entry to the peripatetic impresario for interference in the country's internal political affairs. Director Rodolfo Toruno said, "We reserve the right to allow entry to whomever we want, just like any country." Mas Canosa reserved the right to fight back. Said his lawyer Jose Dolores Talavera, "I'm highly surprised by this attitude of Minister Urcuyo. Just because my client attended, as a guest, the Sandinista event, and made some statements to the newspapers, now they order him to be persecuted and refused entry to the country." Talavera thereupon filed a brief of Habeas Corpus with Sala Uno of the Tribunal de Apelaciones in defense of Mas' rights. The court,

in turn, ordered Toruno to report within 24 hours the reasons for the denial of entry. Mas Canosa retired to the Honduran side of the border at Las Manos to await his fate. An order for his arrest had been issued, were he to set foot in Nicaragua.

Talavera warmed to the challenge. "It seems that don Enrique Bolanos has departed from his discourse that we are in a 'new era' and that nobody is going to be above the law, because with this attitude he is just copying what the now imprisoned Arnaldo Aleman did when he went all out for persecution when he was criticized," he said. He added that Urcuyo was confused, "because he thinks he's living in the time of Somocismo." Urcuyo delivered the explanation ordered by the court, claiming, according to Toruno, that Mas Canosa had violated Articles 1, 27, and 47 of the Constitution, all of which, he said, have to do with foreign interference in internal politics.

Toruno told reporters that there need not be a court hearing in this case, "because Nicaragua is sovereign." Urcuyo's letter also said that Mas Canosa has done business in the country since 1997 and had participated in public bidding without a permit from Migracion, thereby flagrantly violating the law. Toruno explained that Mas had always entered on a tourist visa, which expressly forbids doing business. At this point the issue became a human rights case.

Assistant human rights prosecutor Julian Corrales said that his office was taking up the case on the grounds that Urcuyo had violated Mas' rights. "We will take this case officially and direct MINGOB to explain its reasons for of the case," said Corrales. "For me, it is a case of violation of human rights by the government against Mas Canosa since they simply applied the sanction without demonstrating his guilt." Corrales acknowledged the three constitutional articles, but said that they must be applied to all foreigners equally. "Foreigners have the same duties and rights with the exception that they can't participate in political actions, which must be proved before taking a decision against them." He said permission to enter the country and to be allowed to stay must be under equal conditions for all. Corrales said that the rule applied to the US ambassador during the last elections as well, but the government took no action against him.

On Aug. 4, the court signaled its agreement with Corrales, ordering a writ of Habeas Corpus in favor of Mas Canosa. The court ordered Urcuyo and Toruno to respect Mas' constitutional rights, as long as there is no legal charges against him that would limit those rights. Mas Canosa said he would be returning to Nicaragua this week.

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