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## Highlights Of Nicaraguan Compliance With Regional Peace Accords

by Deborah Tyroler

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Amnesty for contras In contrast to Guatemala and El Salvador, Nicaragua already had an amnesty law on the books for years prior to signing the accords. Changes in amnesty procedures were implemented, however, in the interest of making it more attractive for the contras. Whereas the original amnesty program was administered solely by the Ministry of the Interior (MINT), the new amnesty is offered through a national network of local civilian peace commissions designed to address specific details of the program in each community. Under the previous amnesty procedures, contras who disarmed went first to MINT, and were sometimes detained for questioning. At present, contras contact any member of a peace commission and are reintegrated into the community without interrogation or detention. In Region V (Boaco, Chontales, Nueva Guinea) alone, 55 commissions had been established by early October. The local commissions consist of community leaders often Catholic priests and Protestant ministers, members of the Red Cross, and local business leaders. Government representatives sit on some commissions, while in other cases, such as the Pantasma Valley commission, members derive from the political opposition. In general, the government invites individuals to be commission members, and each person chooses whether or not to participate. Contra troops, according to recent deserters, do not speak of the amnesty among themselves. Contras caught conspiring or attempting to escape to amnesty are executed by their group commanders. By mid-November, the precise number of contras who had accepted the amnesty was unclear. Foreign observers (such as Witness for Peace) reported that the number of contras deserting during Oct. 7-Nov. 7 unilateral cease-fire was disappointing. Based on government reports, it appears that about 800 had accepted amnesty since Aug. 7. The total includes 400 Miskito Indian rebels under commander Uriel Vanegas who agreed to end hostilities against the government on Oct. 3. Amnesty for "political prisoners" Until recently, the Nicaraguan government had attempted to adopt a policy of pardoning prisoners arrested for "lesser" national security offenses, evaluating each case separately. On the one hand, the government faces condemnation from party militants and a majority of the citizenry for even considering the release of National Guardsmen and former contras responsible for massacres and other atrocities against the civilian population. On the other, the Sandinistas have been subjected to a continual barrage of criticism (from the US and domestic conservative groups) for their "totalitarian" refusal to define the Somocistas and other murderers as "political prisoners." Cardinal Obando has stated on several occasions that he favors a "general amnesty." Nonetheless, in early September, the government announced it was reviewing lists of "thousands" of prisoners for eventual release. Although never mentioned in the US media, many of the peace commissions throughout the country have also been involved in soliciting pardons for individual prisoners from respective locales. While the number of prisoners released via their efforts is unknown, there have been reports of success. [Figures appearing in the US press on the number of political prisoners in Nicaragua are largely fabricated. According to a detailed review by Americas Watch published in February 1987, Nicaragua harbored a miniscule number of political prisoners in the sense used in the West. Reviewing the records of the Red Cross, Amnesty International, and its own investigations,

Americas Watch estimated that apart from common criminals, the prisons contained about 2200 National Guardsmen and 1500 people charged with security-related crimes (i.e., former contras and contra collaborators). Next, Americas Watch also counted about 600 prisoners who were former members of the Sandinista security forces. Most were charged with abusing civilians. The Nicaraguan government's actions to punish "its own" on charges of abuse stand in marked contrast to the Honduran, Salvadoran and Guatemalan "democracies." An often-cited Nicaraguan source in the US media is the Permanent Commission on Human Rights (CPDH). The CPDH, linked to the Nicaraguan Democratic Coordinator (CDN-"Coordinadora"), claims there are more than 7,000 National Guardsmen and contras in Nicaraguan jails. (The Coordinadora was formed in 1980 by three conservative parties. The coalition also consists of two trade union federations and COSEP, the Superior Council of Private Enterprise. The CPDH receives US government funds from the National Endowment for Democracy, funneled via Prodemca.)] Chronology of major decisions on prisoner amnesty: Sept. 13: President Ortega announced decision to pardon 16 citizens of other Central American countries currently in prison on charges of collaborating with the contras. Nov. 22: The Nicaraguan government released 985 prisoners, including about 200 former Guardsmen. According to the BBC, most had been sentenced to 30-year terms. [Note: Capital punishment does not exist in Nicaragua, and the maximum prison sentence is 30 years. It is noteworthy that when the Sandinistas came to power and rounded up members of Somoza's National Guard, they were imprisoned rather than executed. In comparison to the behavior of many newly-installed revolutionary governments world-wide (Cuba, for instance), the Sandinistas' treatment of its arch-enemies was quite tolerant, "humanitarian." In addition, many military-dominated governments revolutionary or not use brutal force and execution in a routine manner against persons and groups defined as "subversives" (enemies of the state). Included here are El Salvador, Guatemala and Honduras. Once again, Nicaraguan actions against its domestic political opposition and contras taken alive on the battlefield are quite mild in comparison.] Jan. 16, 1988: President Ortega announced in San Jose that his government would grant amnesty to all political prisoners arrested after 1981 "immediately upon achievement of an effective cease-fire and the incorporation of armed groups into civilian life." This amnesty could affect an estimated over 1,000 people who were charged with security-related crimes. There are about 2,000 National Guardsmen remaining in prison. If no cease-fire is reached, said Ortega, Nicaragua would free the prisoners "if the United States or any other non-Central American country decides to accept them." Predictably, contras said they would meet with Ortega, but would not limit the talks to mechanics of a cease-fire. National Reconciliation Commission, formation & activities In contrast to El Salvador, Guatemala and Honduras, the commission in Nicaragua incorporated all political parties and factions existing at the time, and discussions focused on substantive (read controversial) issues. In mid-December, commission activities were brought to a standstill, result of the government's refusal to undertake extraordinary procedures to make a series of changes in the Constitution. Instead, the government turned the "constitutional reform" questions over to the National Assembly. The dissidents within the commission demanded instead that the government act on the same before year-end. Constitutional reforms as such are not required by the regional peace plan. Nicaragua established the commission on Aug. 25, and was the first of the five signatory nations to do so. Members are Vice President Sergio Ramirez Mercado (representing the government); Cardinal Miguel Obando y Bravo (Church); Mauricio Diaz, head of the Popular Social Christian Party (opposition parties), and Gustavo Parajon, head of a Nicaraguan relief agency ("neutral" respected citizen, with no previous affiliation to government party, or government employment). Later, Cardinal Obando, an outspoken critic of the Sandinistas, was appointed as head of the Commission. Partial chronology

of major events: Oct. 5: At the first commission meeting for organizing dialogue with the domestic political opposition, the 11 registered political parties were invited to name delegates. In addition, the Coordinadora was invited. The Coordinadora presented a list of 14 delegations it insisted should also attend. The list included not only its three registered parties, but the two factions of the unregistered Conservative Party, a splinter group of the Social Christian Party (PSC), the union federations, and each of the business chambers represented in COSEP. When President Ortega rejected the Coordinadora's list the following week, all representatives of the coalition excepting the official PSC, led by Erick Ramirez walked out. For reasons of its own, the Trotskyist Revolutionary Workers Party also walked out. Oct. 15: The eight remaining parties attending a commission meeting debated the representation issue for over eight hours. In the end the parties agreed to permit representation of all dissident party factions a total of five and signed a letter to President Ortega to that effect. In a separate letter signed by all parties but the PSC, it was suggested that if dissident party faction representatives attended commission deliberations, the Coordinadora as such should not be permitted another representative of its own. Oct. 28: By this time, President Ortega had agreed to the seven parties' suggestion: if parties and party factions within the Coordinadora were represented in the commission, the umbrella group could not also have a delegate. Although the Coordinadora party representatives did not attend the Oct. 28 meeting, the other eight parties approved the 17 articles of the commission's by-laws. National Assembly president Carlos Nunez, who was to preside over the meetings, reminded the delegates that the government would be unable to effectively respond to issues if the opposition itself could not come to some agreement. Nov. 3: Debate was scheduled to begin on substantive agenda points. Nunez stated that any proposals that fall outside the scope of either Nicaragua's Constitution or the Central American peace accords will be ruled inadmissible. This warning appeared aimed at Coordinadora party representatives. Nunez also preempted the possibility of any new splinter group or newly created party demanding participation in the commission. Declaring that the roster was now closed, he said that anyone who returned to Nicaragua under the amnesty program in the future would have the right to join the dialogue through the parties or groups already participating. Dec. 15: Opposition political parties suspended commission debate indefinitely after rejecting as inadequate the government's response to their proposals for constitutional reform. On Nov. 24, 14 opposition parties and party factions delivered a list of 17 constitutional reforms that would "democratize" the constitution and comply with the peace agreement. Alongwith the Sandinista National Liberation Front, only the Marxist-Leninist Popular Action Movement chose not to support the proposed reforms. The "reforms" included a ban on presidential reelection, family succession to the presidency and voting by members of the military. Other measures would limit presidential power, establish politically nonpartisan armed forces, guarantee an independent judiciary and define the separation of the military, the government and political parties. Cease-fire The peace accords do not require any government in the region to enter into direct talks with insurgent groups. Next, discussions regarding domestic political issues ("democratization") are specifically relegated to domestic unarmed opposition groups, and insurgents who have accepted amnesty. As of Jan. 16, the Nicaraguan government had conceded to participation in direct talks with contra leaders to discuss cease-fire mechanisms. Chronology of major events: Sept. 30: President Ortega announced a month-long unilateral cease-fire in three departments to begin Oct. 7. Offensive operations were suspended in Jinotega, Nueva Segovia and Zelaya. It was hoped that the cease-fire would provide an opportunity for contras in those areas to accept amnesty. [During the Oct. 7-Nov. 7 period, contras in cease-fire areas used the opportunity to receive and store large quantities of supplies, and attack isolated targets outside the cease-fire zone. Results in terms of contra deserters were

disappointing.] Early October: A fourth cease-fire zone was designated in the eastern coastal region south of Puerto Cabezas. An agreement with local Indian leaders added a 400 sq.km. area along the Rio Prinzapolka to a pacified territory of nearly 14,000 sq.km. on the northern part of the coast. Nov. 6: The Nicaraguan government appointed Cardinal Obando to mediate in cease-fire talks with the contras. Contra leaders had indicated they would accept indirect talks toward a cease-fire if the mediator was to their liking. Calero said Obando was their first choice. Nov. 13: President Ortega presented an 11-point cease-fire proposal to the Cardinal, who had tentatively accepted the role of mediator. The proposal was reportedly developed with the assistance of House Speaker Jim Wright (D-Tex.), and delivered in Wright's presence at the residence of papal nuncio Pio Laghi in Washington. According to Ortega's proposal, the cease-fire would begin Dec. 5 and end on Jan. 5. Three cease-fire zones were to be established within Nicaragua, encompassing a total area of about 10,000 sq.km. Fifteen days before the cease-fire would go into effect, the Nicaraguan army would suspend operations to let contra forces move into the cease-fire zones. During the cease-fire period, armed groups or individuals outside the zones and anyone violating its terms could be fired on by the Sandinista army. Next, the contras would be prohibited from receiving any military aid during the one-month period; food and clothing would be obtained via a neutral agency. On Jan. 5, the contras would be expected to disarm in the presence of the peace accord's international verification commission before receiving amnesty. At this point, the contras would have the opportunity to participate in domestic politics, including the National Reconciliation Commission. Wright was accompanied by Paul C. Warnke, who was director of the Arms Control and Disarmament Control Agency in the Carter administration. The Speaker said Warnke had come to the talks after the Nicaraguan government asked him to suggest public figures who could assist in negotiations. Nov. 30: The contras announced selected aspects of their own cease-fire plan, delivered to the Cardinal in Managua last week. The plan called for a 41-day cease-fire beginning Dec. 8 and ending Jan. 17, and simultaneous talks on political issues. Both sides' cease-fire plans were to be discussed Dec. 3 in Santo Domingo, the capital of the Dominican Republic, at the first indirect cease-fire talks mediated by the Cardinal. The contra plan stated that "simultaneously with the initiation of the cease-fire, the Sandinista regime shall comply, in accordance with the conditions stipulated" in the regional peace plan. Among these "conditions" specified in the contra document were "general amnesty," lifting the state of emergency, and "democratization," which includes press freedom, ending subsidies to government news organizations, termination of the military draft, and the dissolution of Sandinista neighborhood vigilance committees. The document also stated that contra troops "will remain in control" of more than 30,000 square miles of Nicaragua's total 57,000 square miles. According to a map included in the proposal, the Nicaraguan government was portrayed as controlling a narrow strip of territory along the Pacific coast. The contra plan also proposed that both sides disband their armies to form a new, smaller national troop. Dec. 4: Indirect talks between the Nicaraguan government and the contras in Santo Domingo, Dominican Republic, reportedly reached a stalemate when Managua rejected a cease-fire proposal by mediator Cardinal Obando on the grounds that it was incomplete. The Cardinal proposed that a 36-hour cease-fire be observed on Dec. 7-8 when Nicaragua celebrates a major Catholic holiday, as well as a Christmas truce from Dec. 22 to Jan. 6. During the cease-fire, both parties would "jointly implement democratic measures." The Nicaraguan government would be expected to grant a "general amnesty," lift the state of emergency and permit "all ideological groups" to operate their own press outlets in Nicaragua. Deputy Foreign Minister Victor Hugo Tinoco said that in order for the proposal to be acceptable it would also have to include the termination of all outside support to the contras. Dec. 22: In Santo Domingo, after seven hours of debate on the meeting's agenda, the contra delegation

reportedly insisted on dealing directly with a Nicaraguan government official with decision-making power. Representing the Nicaraguan government were lower-level officials and several advisers and observers, including West German Social Democrat leader Hans Jurgen Wieschnewski, and US attorney Paul Reichler. Consequently, the talks were stalemated. Observers pointed out that prior to the meeting of the "technical teams," contra leaders had agreed to discuss cease-fire mechanisms with the Nicaraguan government's designated representatives. Jan. 16, 1988: President Ortega announced at a Central American summit in San Jose that his government would open direct cease-fire talks with the contras within the next few days. Predictably, contra leaders said they would meet with the president, but that they would not limit discussions to the cease-fire. On "democratization" provisions Until Jan. 16, the Nicaraguan government had argued that while it was willing to promote certain elements of the democratization called for in the accords, lifting the state of siege, and full press and political freedoms could not be implemented until the war with the contras was terminated. Partial chronology of events: Aug. 25: The government announced that religious exiled from the country in 1986 would be permitted to return. Sept. 2: Debate was initiated in the National Assembly on autonomy legislation for Atlantic coast indigenous populations. The bill was drafted on the basis of results from a multi-ethnic assembly held last April in Puerto Cabezas. This legislation is unprecedented world-wide. Sept. 6: At a public rally organized by the Coordinadora, and attended by more than 1,000 people in Chinandega, opposition supporters denounced the Sandinista government. The police stood by but did not interfere. Early September: President Ortega rescinded the law empowering the government to confiscate the property of any citizen who remained outside of Nicaragua for more than six months (excluding properties seized from associates of Somoza or expropriated under the agrarian reform). Sept. 20: The government announced that an order had been released late Sept. 19 for the immediate reopening of La Prensa. Nicaragua was not required to permit the reopening of the newspaper until Nov. 7. Sept. 22: President Ortega lifted a ban on Radio Catolica. The government also gave a political opposition group permission to publish a new weekly magazine, to be called Cronica. Sept. 27: Several thousand people march in Managua in a demonstration organized by the Social Christian Party. Security officers watched but did not interfere. Marchers chanted slogans demanding a "general amnesty" and an end to the draft. Oct. 4: The Coordinadora drew about 1,000 people to participate in a demonstration in the streets of Masaya to demand that the government fulfill the peace accords. There were no incidents. Jan. 16, 1988: Nicaragua's state of emergency was suspended, as per an announcement by President Ortega in San Jose.

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