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Nicaragua: Government May Reconsider Release Of Remaining Guardsmen Prisoners

by Deborah Tyroler
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Unidentified Nicaraguan officials cited by the New York Times (06/11/89) said the government is preparing to reconsider the cases of 39 former National Guardsmen who remain inmates at the maximum security prison in Tipitapa. On March 17, 1,894 counterparts were pardoned and released from prison, but the 39 remained incarcerated due to the particularly notorious and heinous nature of their alleged crimes. Reports of the government's apparent willingness to reconsider their cases have raised doubts about the charges against them, and led to debate on the appropriate fate of such prisoners following revolutions. Last year an independent secret study by the Inter-American Commission on Human Rights, a branch of the Organization of American States, is known to have recommended that all but a small number of Guardsmen in government prisons be released or retired due to insufficient evidence, or what were described as unfair convictions. The study was commissioned during peace talks between the Nicaraguan government and the contra leaders. In February at a regional summit meeting, Nicaraguan leaders reportedly agreed to adhere to the Commission's classifications in implementing a general pardon for the Guardsmen. In mid-April statement, the Commission said its recommendations on inmates to be released, and those to be kept in prison had not been strictly observed. According to the Times, unidentified Sandinista officials "now privately acknowledge" that at least 22 of the 39 men were not included on the Commission's list (of persons to remain in prison), making them potential candidates for a pardon or retrial. An unidentified "Sandinista intellectual" cited by the Times said, "It is the same dilemma that was confronted after the French Revolution. If we try them again, they might be found innocent but if men like these are innocent, what was our revolution for? We know that 50,000 people died, and they didn't kill themselves." The idea of a new release prompted Bayardo Arce, a member of the Sandinista National Liberation Front (FSLN) directorate, to say: "To pardon these men would be like pardoning the Somoza era. They are a symbol, just as others who remain in high-security prisons in Europe were symbols of the Nazis. They must remain to insure that this type of phenomenon never repeats itself in our history." Danilo Aguirre Solis, a newspaper editor and FSLN member of the National Assembly, said, "If you tried some of these men 20 times, they would be convicted 20 times. But there are others, like Eric Aguilar Downs, who might well be acquitted." Aguilar is known to the Nicaraguan public as a CIA agent who allegedly tossed suspected Sandinista guerrillas to their deaths from his helicopter during interrogation. According to the Times, Sandinista officials now acknowledge that the helicopter episode does not appear on Aguilar's criminal record.

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