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## Summary Of Incidents Perpetrated By U.S. Troops Affecting Nicaraguan Diplomatic Personnel In Panama

by Deborah Tyroler

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Dec. 23: Nicaraguan soldiers surrounded the US Embassy again in an effort to force US soldiers to end their blockade of Nicaragua's Embassy in Panama. The embassy in Panama City was surrounded on Dec. 21, along with the embassies of Cuba and Libya. Dec. 27: US troops continue in position surrounding the Nicaraguan Embassy. In Managua, Nicaraguan soldiers continue their own operations around the US Embassy. Dec. 29: US troops surrounded the residence of Nicaragua's ambassador, Antenor Ferrey, and then ransacked the premises. The troops left the area of the residence shortly before 9:30 p.m. EST after four hours in the locale, according to AP. A *Voz de Nicaragua* report cited embassy employees as saying the troops "fired in the air and intimidated the people inside. They forced them to come out with their arms in the air." People living near the residence in northeastern Panama City said they heard gunfire and shouts ordering people to come out of the residence. Ambassador Ferrey said about 60 US troops ordered him, seven Nicaraguan staff members and two Panamanians to leave his residence while the soldiers searched the house for two hours. Late Friday, Nicaraguan President Daniel Ortega retaliated for the search of the ambassador's residence by ordering the expulsion of 20 US diplomats within 72 hours. He also ordered the US Embassy to reduce its support staff from 320 employees to 100. Dec. 30: Nicaraguan Ambassador Ferrey told a news conference that the search of his home "violates the principal foundations of the extraterritoriality of diplomatic missions." Ferrey said the troops seized five rifles that were for self-defense, then returned the arms with apologies. Ferrey stated that more than 50 US troops forced their way into his residence and searched it from top to bottom, despite his protests that the house was protected by diplomatic immunity. According to Nicaraguan media reports, the US troops physically harassed the ambassador and other staff members. The ambassador fell down stairs during a shoving match trying to prevent the soldiers from entering. The US forces ransacked the residence, stealing \$2000 in cash and taking other property. US forces made their presence known by shooting in the air, and making threats. The residence was entered after ambassador Ferrey attempted to speak with the US commanding officer present. The Nicaraguan Foreign Ministry also contacted the US embassy in Managua, the US State Department, the United Nations, the Organization of American States, and several heads of government. Southern Command spokesperson Ronald Sconyers said the search was made "with good cause." Reading a statement, he said the official Nicaraguan Embassy residence was listed as being an apartment in another part of the city, thus it was the position of the United States that the house searched did not have diplomatic immunity. Sconyers said the soldiers had found a large weapons cache inside the residence. AP cited a State Department official, who demanded anonymity, as saying that the weapons inside Ferrey's residence were "in excess of normal requirements for defending the residence." The official refused to define "normal requirements" for defending a diplomatic residence. The official also declined to say what types of weapons US envoys stationed abroad had in their homes, calling it a "security question." In a statement, the State Department called President Ortega's response to the search of Ferrey's residence an "irresponsible overreaction" designed to reduce the US presence before the Feb. 25

elections. However, State expressed regret over the incident, and said that US troops did not know the house was the ambassador's residence until after the search. President Bush told reporters that an apology had been made to Nicaragua. "It's a screw-up and they (US military officials in Panama) have expressed their regrets that it happened," Bush said. US troops continue to surround the Nicaraguan Embassy. Helicopters were seen hovering over the premises throughout the day. In Managua, the Nicaraguan government continues to respond in kind, with the exception of helicopter support. In a letter to the US embassy in Managua, the Nicaraguan government said US troops surrounded the ambassador's house and then began to shoot into the air to persuade persons inside to leave the premises. After identifying himself "in a sufficient manner with diplomatic credentials," Ambassador Ferrey tried to speak with the soldiers who surrounded the residence. The letter said the soldiers then began to move toward the house, intending to gain forcible entry. Ferrey, in an attempt to prevent the intrusion, engaged in a shoving match with the soldiers, and fell down a stairway. The soldiers then ransacked the house, said the letter, and carried off with them electrical appliances, clothing, and cash. Jan. 1: On Monday evening, 20 diplomats ordered expelled by President Ortega left Nicaragua. Jan. 2: At a press conference in Managua, President Ortega charged that US soldiers in Panama City searched the homes of three members of Nicaragua's diplomatic mission on Dec. 31 in what he described as "another outrage." The three were Omar Pineda, Maria Teresa Lopez, and Marbella Mayorga, the ambassador's secretary. Ortega insisted that President Bush adopt measures to avoid more violations of Nicaraguan diplomatic immunity in Panama. "It is not enough for President Bush to say that (Friday's incident) was a screw-up. That was not enough to avoid a recurrence of this kind of activity," said Ortega. US officials said the troops had found a "large arms cache," including rocket-propelled grenades and Soviet-made assault rifles in Ferrey's residence. Bush said US officials had apologized for the incident, but he questioned why Ferrey had been "up to his eyeballs" in weaponry. State Department spokesperson Richard Boucher said the US was considering actions in retaliation for the expulsion of 20 diplomats from Managua. In remarks to reporters in Managua, Ambassador Ferrey said that the US was seeking to justify its intrusion into his residence by claiming that US soldiers found weapons. Whether or not weapons were on the premises and the quantity of weapons on mission property, said the ambassador, are irrelevant, since international law and practice dictates that diplomatic missions are inviolable, and cannot be subjected to searches or invasions of any kind. Ferrey pointed out that armed Marines are omnipresent at the US Embassy in Managua, "and no one complains," or cares. "The Yankees wanted blood to flow in order to have a pretext to invade Nicaragua," he said. Ferrey arrived in Managua from Panama City on Dec. 31. He said he was waiting for the US Embassy in Managua to issue an entry visa so that he can travel to the United States to address the OAS and the UN. The Nicaraguan government filed a formal protest with the State Department regarding the Dec. 29 incident. The protest said the US troop actions to surround and then raid the ambassador's residence are violations of the Vienna Convention on diplomatic protocol and relations, in effect since April 24, 1964, and signed by members of the United Nations. The only precedents to the US troops' action in Panama City, said the protest, are the attack by Guatemalan troops on the Spanish Embassy in Guatemala City in January 1981, and the occupation of the US Embassy in Teheran in 1979. In the 1981 incident, 38 people died. The US officer in charge of the operation against the ambassador's residence claimed he was not aware that the house was the residence of Ambassador Antenor Ferrey. Article 20 of the Vienna Convention states that a country's diplomatic mission and respective ambassador will have the right to place its flag and emblem at the locales of the mission, including at the residence of the ambassador. The Nicaraguan protest pointed out that the Nicaraguan flag and emblem were attached to the ambassador's residence

in plain sight. Article 22 of the Convention specifies that the embassy and locales connected with the embassy, including the ambassador's residence, are inviolable. No one can force his/her way onto mission property without consent of the ambassador. The convention also states that the host government is obligated to adopt all adequate measures to protect diplomatic missions against intrusion, damage, disturbances of the peace and attacks against dignity. Next, the convention states that the real property of diplomatic missions, goods situated on mission property, and vehicles attached to a diplomatic mission cannot be subject to registration of any kind, embargoes or other measures to qualify their use specific to diplomatic personnel of a particular government. Articles 24 and 26 of the Convention state that a diplomatic mission's files and documents are inviolable. The convention further specifies that diplomatic personnel are guaranteed liberty of movement throughout the territory of the host government that is not under national security restrictions, and as long as that government's laws are not being violated. At a press conference in Managua, President Daniel Ortega denounced US troops in Panama for carrying out searches of the apartments of three Nicaraguan diplomats in the capital city. This action, he said, is a "new outrage" in violation of the Vienna Convention. Jan. 3: According to a communique by the Nicaraguan Foreign Ministry, Nicaragua's ambassador to Panama, Antenor Ferrey, will travel to the US today to denounce US actions against his residence and person before the OAS and UN. The US Embassy in Managua, issued an entry visa to the US for Ferrey late Jan. 2., said the communique. An unidentified member of the Nicaragua's diplomatic mission in Panama told Notimex that as long as the US troops remain in that country, Nicaraguan representatives' lives and safety are at risk. The diplomat described what he called the US military siege surrounding the embassies of Cuba, Nicaragua and the Vatican. Nicaragua's embassy, he said, is under surveillance 24 hours a day by 15 US soldiers, supported by armored vehicles, submachine guns, and light transport vehicles. From 6 p.m. until morning, US troops close the street in front of the embassy with barbed wire to prohibit vehicle traffic. On Dec. 29, he said, a helicopter hovered over the ambassador's residence, and radio communications with Managua were cut. The diplomat said, "No one of any nationality is safe. A Spanish journalist was assassinated. A woman was beaten in the ambassador's residence. In Colon, they killed a Nicaraguan businessperson. The Cuban ambassador was detained..." Jan. 4: The OAS postponed a special session of the permanent council requested by Nicaragua. Jan. 5: Nicaragua circulated a draft resolution at the OAS that would condemn the Dec. 29 action by US troops as a "flagrant violation" of the principle of diplomatic immunity. According to sources consulted by Notimex, some Latin American governments are opposed to the resolution because it contains not only a condemnation, but other matters as well which would require separate deliberation. Jan. 8: According to Notimex, the Rio Group nations (Argentina, Brazil, Colombia, Mexico, Peru, Uruguay and Venezuela) prevented Nicaragua's diplomatic defeat at the OAS by negotiating the exact number of votes to ensure censorship of US actions on Dec. 29. After a four-hour session, the permanent council approved a resolution describing the US troops' action as a "violation of the privileges and immunities granted under international law and codified in the Vienna Convention." The resolution was approved by 19 members, and zero against. The following seven abstained: US, Antigua and Barbuda, Grenada, Honduras, Jamaica, Panama and Santa Lucia. Haiti's vote in favor of the resolution was not officially registered. In statements to the council, Ambassador Ferrey said that at one point, the commanding officer attacked his person. "At this moment, all Nicaraguan personnel on hand entered the fight with the US troops. The Rio Group acted to see Nicaragua's original draft resolution substituted with more acceptable language. Nicaragua's original proposal would have obligated Washington to inform OAS members of corrective measures adopted to avoid the repetition of similar incidents. Some member-nations called such measures

"interventionist." [Basic data from AP, 12/23/89, 12/29/90, 12/30/89, 01/01/90; AFP, 12/29/89, 01/02/90; Notimex, 12/30/89, 01/03-05/90, 01/08/90, 01/09/90; Xinhua, 01/02/90; 12/30/89, 01/05/90 reports by Nicaragua Network (Washington, DC)]

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