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United States Department of State



The Sandinista Constitution

August 1987

"... democracy as they call it, bourgeois democracy, has an element which we can manage and even derive advantage from for the construction of socialism in Nicaragua. What are those advantages, what was it we explained to the party leadership? The main thing about the elections, as far as we are concerned, is the drafting of the new constitution. That is the important thing. The new constitution will allow us to shape the juridical and political principles for the construction of socialism in Nicaragua. We are using an instrument claimed by the bourgeoisie, which disarms the international bourgeoisie, in order to move ahead in matters that for us are strategic."

"We have a discussion pending with your political committee to work on three issues that will come up. . . . One, the idea of putting an end to all this artifice of pluralism—Socialist, Communist, Social Christian, Social Democratic parties, etc.—which has been useful thus far. That is over."

—Sandinista *Comandante* Bayardo Arce in a then-secret speech before the Socialist Party of Nicaragua, in Managua, May 1984. Printed in its entirety in the newspaper *La Vanguardia* (Barcelona, Spain), July 31, 1984.

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Bureau of Inter-American Affairs
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Introduction

The drafting of a new Nicaraguan Constitution in 1986 raised hopes for stable democracy in a nation long accustomed to political strife. Four decades of right-wing dictatorship have been followed by 7 years of left-wing dictatorship of the ruling Sandinista National Liberation Front (FSLN).

According to the Sandinistas, the constitution was to be the result of broad national consultations involving Nicaragua's political parties and civic organizations. Dozens of town meetings were held to record citizens' opinions. The final result was to be a democratic charter, the culmination of a

democratic process that began with the 1979 overthrow of the Somoza regime.

The Sandinistas claim that they lived up to their promise. Their opposition disagrees and continues to press for democracy through means ranging from passive resistance to civic protest to armed insurrection.

This study examines two key issues: the constitution's content and the political atmosphere in which it was written. These questions are central to any judgment of the constitution's value as a political charter.

I. THE POLITICAL CONTEXT

Town Meetings: A Controlled Forum

On February 21, 1986, the FSLN introduced the first draft of the proposed constitution in the National Assembly. An assembly committee prepared a special text for use at "open town" meetings (*cabildos abiertos*) that began on May 18.

The FSLN has portrayed the town meetings as a form of "direct democracy" where the people participate in the national decision-making process. National Assembly President and *comandante* Carlos Nunez has compared the town meetings to the "Face the People" program where ordinary citizens ostensibly are given the opportunity to question government officials. In reality, a local FSLN organization, usually the Sandinista Defense Committee (CDS), selects those who attend the town meetings and then joins them in drafting questions. Access to the microphone is controlled by the Sandinista party.

In practice, the town meetings have failed to grapple with fundamental constitutional issues. With a carefully selected audience, they have been little more than support sessions for Sandinista ideology and policies. With the FSLN choosing speakers in advance, the participants deliver revolutionary speeches using language that often follows the FSLN party line.

The town meetings have been criticized by all of the opposition political parties and civic organizations as propaganda sessions where the ground rules were drafted by the FSLN and kept secret prior to the encounters. Even the extreme-left Popular Action Movement-Marxist/Leninist party characterized them as "special, broadened versions of the television programs 'Face the People'; the masses attend without any capacity to decide or control the results of the same."

Tolerance for Opposition?

Because of the FSLN's control of the security and police forces, its media monopoly, and the continuing imposition (since March 1982) of state of emergency restrictions to limit normal political discussion, the Sandinista-controlled town meetings became the only public forum for discussion of the constitution. Efforts of opposition

groups and parties (including those participating in the National Assembly) to organize and carry out their own forums were thwarted by the Sandinista government. For example, the Democratic Conservative Party (PCD), the party with the second-highest representation in the National Assembly, attempted to conduct an open meeting on the draft text on January 26, 1986, in the town of Catarina. According to the Sandinista television network, the meeting was "suspended by the Sandinista police for lack of permission." PCD leader and National Assembly delegate Clemente Guido complained: "How are we to explain the changes to be made to the constitution and how are we going to explain the details of the new constitution or what the PCD wants to insert into it if we are not allowed to get in touch with our masses?"

After the Catarina incident, the Ministry of Interior issued a communique permitting opposition parties to meet indoors to discuss the constitution. However, the existing requirement that opposition parties obtain prior approval from the Sandinista authorities for outdoor rallies remained in effect. No such requirement applied to the Sandinista party. The February 5 communique was portrayed as a concession to the opposition, but the opposition parties did not see it as such. Rather, they saw the freedom of assembly as a fundamental right not subject to arbitrary restriction by the party in power.

But the Sandinista action preventing the PCD from conducting its town meeting had already achieved its goal of chilling enthusiasm among the opposition parties, discouraging them and other groups from attempting to hold such sessions.

To lend credibility to their claims of "direct democracy," the FSLN orchestrated 75 town meetings in May and June of 1986. According to Nunez, a total of 75,000 people had participated. He praised the sessions as "a great referendum that had raised the political and economic literacy of the people." Nunez claimed that, as a result of the recommendations received at the town meetings, the draft document would have to undergo substantial revisions. The proposed constitution was re-submitted to the National Assembly for further debate and subsequent approval.

During this 2-month period of extensive town meetings, the Sandinistas' treatment of the political opposition was marked by a series of harsh and intimidating measures:

—Thirty-five Independent Liberal Party (PLI), delegates were arrested in nighttime raids by State Security agents just 2 weeks before the PLI's own National Assembly meetings. PLI membership rolls were confiscated.

—Thousands of independent labor unionists were left stranded and denied transportation to non-Sandinista May Day demonstrations after Sandinista officials commandeered their chartered buses.

—Two independent radio stations were told not to mention the ninth anniversary of the independent Permanent Commission on Human Rights, an organization originally formed to monitor abuses by the Somoza regime but now documents Sandinista abuses.

—Roman Catholic Cardinal Obando y Bravo was denied permission to celebrate open-air mass.

—*La Prensa* was barred (June 5) from printing excerpts of the Social Christian Party's alternative draft constitution.

—Conservative Party delegate to the National Assembly Felix Pedro Espinosa was charged with arson against his own home. Forced from his seat in the assembly, he sought refuge at the Venezuelan Embassy; after weeks of negotiations he left the country under Venezuelan protection and received political asylum.

—*La Prensa* was closed indefinitely (June 26).

—Monsignor Bismarck Carballo, director of the already-closed *Radio Catolica*, was denied reentry to Nicaragua without due process or appeal and despite the fact that forced exile of Nicaraguan citizens is not provided for anywhere in the Penal Code.

The Assembly Debates: The Sandinistas Flex Their Muscle

The Sandinistas control 61 of the 96 seats in the National Assembly, Nicaragua's national legislature. With this majority, the FSLN has the power to pass any law it deems necessary. Assembly President Nunez, in his report on the assembly's work in 1986, described the body as a "revolutionary organ" whose efforts had contributed to the advancement of the revolution.

With the gavel in the hands of a Sandinista *comandante* and the assembly dominated by an FSLN majority, the Sandinistas could control the pace and content of the final National Assembly debates on the new constitution.

But the opposition political parties in the National Assembly decided that the time had come for taking a stand against what they called artificial democracy. In September 1986, before formal debate on the constitutional draft began, five parties—the Democratic Conservative Party (PCD), the Independent Liberal Party (PLI), the Popular Social Christian Party (PPSC), the Socialist Party of Nicaragua (PSN), and the Communist Party of Nicaragua (PCdeN)—overcame their traditional differences and issued a joint statement calling for a 2-month postponement until a dialogue with the FSLN could be held to "generate accords of national consensus" and guarantee "minimum conditions for the debate."

The opposition's goal, according to party leaders, was to protect the participation of all parties, including those not in the National Assembly. The delay also was to allow time for the preparation of a new draft constitution. The five parties with representation threatened to withdraw from the debates if the Sandinistas did not meet these minimum demands.

The Sandinista response was to try to cripple opposition unity. First, the FSLN started separate bilateral talks with each of the parties to create suspicion and distrust among them. This was heightened by the presence of the Moscow-line PCdeN and PSN parties, which shared the FSLN's ideological philosophy.

Second, the Sandinistas harassed opposition leaders. Bayardo Guzman, national vice president of the PLI, was arrested along with a number of party organizers who were active outside of Managua. Guzman was held incommunicado for 14 days but never charged with an offense. The Sandinistas released him amid international protests. The arrests of the PLI's local community organizers were intended to break the back of the party: by intimidating the lesser-known but important mid-level activists, the party leadership would be cut off from its rank and file.

At the same time, both the PLI and the PPSC developed serious rifts within their parties and assembly delegations. At one point, PPSC party leader and assembly delegate Mauricio Diaz led a party walkout from the assembly, leaving a lone dissident member behind. The PLI, which had refused to participate in the constitutional debates, had to return to the assembly in order to avoid an irrevocable split caused by Sandinista enticements aimed at some party members.

"The Fundamental Law that, in this manner has been approved by said majority, is not a product of consensus, reflects basically the interests of one single party, and will be born interdicted by the state of emergency. Its contribution to the search for peace will be irrelevant."

Through pressure, intimidation, and cosmetic concessions, the Sandinistas were able to coerce the return of the opposition parties. They released members of several parties who had been held as political prisoners and promised not to interfere in the parties' internal affairs. Allegations of Sandinista bribery, blackmail, and gift-giving (e.g., cars) were widely discussed in opposition circles. Most importantly, the Sandinistas accepted some changes suggested by the parties (such as the PPSC-sponsored provisions on environmental protection) while not yielding on fundamental political issues.

While FSLN pressure got many opposition members to sign the constitution, some groups remained firm in their condemnation. The PLI

announced at the conclusion of the debates, that its representatives would not sign the document because:

"During the legislative debates, the official party [FSLN], taking advantage of the automatic majority that it enjoys in that forum, systematically refused to listen to the demands of the PLI and of the opposition in general, preventing in that way the opening of spaces to promote an understanding among the political forces of the nation;

"The Fundamental Law that, in this manner has been approved by said majority, is not a product of consensus, reflects basically the interests of one single party, and will be born interdicted by the state of emergency. Its contribution to the search for peace will be irrelevant."

Despite such protests, and with the opposition parties divided and intimidated, the Sandinistas concluded the debate in November 1986 and announced that the new constitution would be signed into law on January 9, 1987.

Democratic Opposition Rejects the Sandinista Constitution

As the Sandinista government prepared a ceremony to promulgate its constitution, a wide range of civic and political opposition groups—representing independent labor unions, political parties not represented in the National Assembly, independent business organizations, workers at the closed independent daily *La Prensa*, and many ordinary citizens—made clear their opposition to the constitution.

On January 3, 1987, the opposition PLI party, which had publicly indicated its intention not to sign the constitution, announced that the party's executive committee had temporarily suspended five members who, under Sandinista pressure, had signed the document.

Much of the democratic opposition publicly repudiated the constitution, in violation of emergency restrictions. On January 7, 1987, the Democratic Coordinator (*Coordinadora*), an umbrella organization of opposition unions, parties, and professional groups, staged a noisy parade through the streets of Masaya's historic Monimbo

barrio, the site of a bloody 1978 anti-Somoza uprising. Some 500 demonstrators, many of them residents of the largely Indian neighborhood, carried banners and placards calling for the Sandinistas to "Let *La Prensa* Out" and urging "Down with the Sandinista Dictatorship." The protest began with a mass at the Magdalena Church and culminated at a memorial for slain *La Prensa* editor Pedro Joaquin Chamorro.

On January 9, 1987, in spite of a prohibition by Sandinista police, 1,800 Nicaraguans, mainly *campesinos*, responded to a call by the Democratic Coordinator and went into the streets of Managua following a mass at the Las Palmas Church. According to foreign press accounts, Sandinista State Security officials confiscated thousands of placards prior to the march and arrested the owner of a print shop. Despite warnings by the security police, the march grew into a spirited demonstration.

People chanted "democracy yes, communism no" and "we do not want weapons, we want food." Signs and placards proclaimed "A constitution without liberty is not a constitution," "What do the people ask for—Liberty and Justice," "A constitution for the People—not for a Party," and "Without Censorship the Dictatorship is Finished." The demonstration came to an end at the tomb of an assassinated independent labor union official.

On January 10, two demonstrations were held to commemorate the anniversary of the killing of Pedro Joaquin Chamorro. Though not specifically aimed at the new constitution, the opposition leaders who organized the marches said that they were the beginning of "people's protests against the Sandinista regime and for public rights." Press reports indicated that 1,500 persons participated in one demonstration and over 5,000 in the other.

Sandinista concern over the growing protests became evident when, on January 14, State Security officials detained and interrogated six youth leaders of the Social Christian Party (PSC). The youths were interrogated about the identity of the march organizers, march instructions given by the party leaders, and the source of the paint and loudspeakers used during the demonstrations.

On January 22, Sandinista police forcibly blocked an attempted march by some 300 PSC members, later arresting and interrogating six party officials, including PSC President Erick Ramirez. In the course of their detention, three of the PSC officials were beaten, and a female PSC leader was strip-searched. The arrest and beating of Ramirez took place only hours after he had met with a U.S. Congressional Delegation.

II. THE FINISHED PRODUCT: FREEDOMS GRANTED, FREEDOMS DENIED

Three Hours of Freedom on Constitution Day: The State of Emergency

On paper, the Sandinista Constitution includes most of the civil liberties found in democratic constitutions. The list of rights and duties is almost 70 articles long, including the right to life (Article 23), the right to personal freedom (Article 25), and the right to free expression (Article 30). But the length of the list bears no relation to the rights actually enjoyed by the Nicaraguan people. While writing a constitution that is democratic in appearance, the Sandinistas carefully reserved the powers they need to stop Nicaraguan democrats from threatening their monopoly on power.

Within hours of the new constitution's signing, Sandinista *comandante* and President Daniel Ortega, invoking the powers granted him under the new charter, decreed a new state of emergency, once again suspending the civil rights and liberties of the Nicaraguan people. A number of constitutional guarantees were denied, chief among them:

- Right to assemble
- Right to strike
- Right to travel and residency
- Right to habeas corpus
- Right to a speedy trial by a competent court
- Freedom of expression
- Right to privacy and the inviolability of home, correspondence, and communication
- Right of the accused to be informed of the charges levelled against them
- Protections against secret arrest and arrest without warrant
- Protections against arrest without charges, trial, or sentencing

In his speech at the signing ceremony, Comandante Ortega sought to justify the state of emergency by claiming that it had been "obligated by the external enemy," meaning U.S. support for the Nicaraguan armed resistance. Opposition

leaders, noting repeated Sandinista claims that the resistance had been "strategically defeated," instead linked the suspension of rights to Sandinista fears of growing discontent.

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In January 1987, four opposition parties—including two that share the Sandinistas' Marxist-Leninist philosophy—challenged President Ortega's authority to invoke the state of emergency. But with Sandinista control of the judiciary under the new constitution, there was little chance that such a challenge could succeed.

One measure of the effect of the state of emergency is that between 8,000 and 10,000 political prisoners—out of a population of about 3 million—are now in Sandinista jails, according to Nicaragua's Permanent Commission on Human Rights.

Individual Rights and Civil Liberties

Even in the absence of a state of emergency, the individual rights and civil liberties provided for in the Sandinista Constitution are so narrowly defined and limited as to often make them inapplicable in practice. For example:

- Article 24 provides that the "rights of each person are limited by the rights of others, the collective security and the just requirements of the common good" [emphasis added]. This provision permits

the Sandinistas to define as they please the limits of freedom. For example, the closure of *La Prensa* is routinely justified on national security grounds, even though it had printed nothing that had not been read and approved in advance by Sandinista censors.

- Article 44 provides: "Nicaraguans have the right to **personal property and necessary goods that are essential for the integral development of each person**" [emphasis added]. Under Sandinista interpretation, this represents a severe limitation on the acquisition and use of private property. (The other four forms of property "protected" by the constitution represent various forms of collective ownership).
- Article 49 grants all Nicaraguans the right to form organizations to realize their aspirations as they "participate in the **construction of a new society**" [emphasis added]. This clause, coupled with the Assembly's power to grant and cancel the legal status of civil or religious organizations (Article 138), allows the Sandinista regime to continue its practice of denying or revoking legal recognition to any political, labor, social, or religious group that it has determined is not contributing to the "construction of a new society," as they choose to define it. The Sandinistas' propensity to do this is demonstrated by the April 10, 1986, declaration by the Ministry of Justice that COPROSA, the Catholic Church's Archdiocese Commission for Social Promotion, is an illegal entity and all its activities (charity and development efforts) are illicit. It is still closed.
- While Article 52 grants Nicaraguans the right to petition the government, that right is limited to "constructive criticisms." It is unlikely that criticisms that challenge Sandinista hegemony will be characterized as "constructive."
- Article 66 provides that "Nicaraguans have the right to **accurate information**" [emphasis added]. With the FSLN determining what "accurate information" is, this provision deals a critical blow to freedom of the press in Nicaragua. In practice, the FSLN's Department of Agitation and Propaganda, operating in conjunction with

the Ministry of Interior's Censorship Department, regulates communications media through direct editorial control or prior censorship of non-state media.

- Article 67 provides that the "right to provide information is a **social responsibility and shall be exercised with strict respect** for the principles established in the constitution" [emphasis added]. Read in tandem with the above, this provision strengthens Sandinista powers to silence opponents by declaring that a non-FSLN newspaper or radio station has not acted in a "socially responsible" manner in "strict respect" for constitutional principles. The publicly stated rationale for the closure of *Radio Catolica*, the suppression of independent labor union newsletters, and the closure of *La Prensa* provide a clear guide to how the Sandinistas might apply this article in the future.
- Article 80 declares that "work is a right and a **social responsibility**" and that the "**labor of Nicaraguans is the fundamental means to satisfy the needs of society and of the individual. . .**" [emphasis added]. In classic Marxist-Leninist language, this provision subordinates the labor of the individual to the needs of the state. It leaves the Sandinista government free to decide what "work" is permissible and, even more important, grants the FSLN the power to declare any "labor" or economic activity unlawful.

In other instances, the plain language of the constitution invites abuse of power. For example, Article 26 provides for the search of a private home in order to "prevent a crime from being committed." Such a provision is subject to abuse as it authorizes search and seizure **in anticipation** of the commission of any criminal offense.

The constitution, in other instances protects rights that the government openly violates. Article 31 grants Nicaraguans the right to travel and to "freely enter and exit the country," but Sandinista policy requiring an exit visa to leave the country restricts this right and can be used for political purposes. Opposition political and labor leaders, for example, have been denied visas, preventing them from attending international conferences where they would have had a free, uncensored platform.

The exile of Monsignor Carballo and Bishop Pablo Antonio Vega without due process, without legal charges, and without the opportunity to defense contravene both the letter and spirit of the law.

Although respect for prisoners' human dignity and the prohibition of torture cannot be suspended under a state of emergency, the Sandinista government routinely violates these provisions, particularly in the case of the thousands of political prisoners in State Security prisons and jails.

Article 36 ensures to all persons "the right to respect for their physical, psychological, and moral integrity" and prohibits torture. Although violation of this article is considered to be a crime, the use of torture by the Sandinista regime has been documented.

Party, State, and Ideology

A hallmark of totalitarian government is the merging of the ruling party with the state. After the 1979 triumph over the Somoza dictatorship, Nicaraguan democrats began to fear the imposition of a new dictatorship when the Sandinista party took control over more and more institutions.

Nicaraguans today are seeing their sons drafted into the Sandinista Popular Army. They are pressured to join the Sandinista labor federation and other mass organizations. The newspapers they read are directed by the Sandinista party's Department of Agitation and Propaganda. Their television network carries the party's name. Sandinista Police patrol their neighborhoods, and party block committees—Sandinista Defense Committees—watch citizens' movements and dispense government favors. To Nicaraguan democrats, the separation of the ruling party from the state is essential for a truly democratic opening.

The constitution does nothing to separate the Sandinista party from the state. The party exercises unchecked authority to set policy in economic, social, and educational matters. Its control of the military and security forces is absolute. Its domination of all branches of the government further allows it to enact laws that serve to consolidate its own power or drastically restrict the liberties of those who challenge Sandinista authority.

Sandinista party control of the state and the concealment of this domination in the early stages of rule have strong parallels in the political development of the Soviet Union and Cuba.

The Communist Party of the Soviet Union was not explicitly recognized as a "monopoly" political party in the Soviet Constitution until 1936, two decades after the 1917 Bolshevik Revolution. The current Soviet Constitution clearly details the vanguard role of the Communist Party:

"The leading and guiding force of Soviet society and the nucleus of its political system, of all state organizations and public organizations, is the Communist Party of the Soviet Union. The CPSU exists for the people and serves the people.

"The Communist Party, armed with Marxism-Leninism, determines the general perspectives of the development of society and the course of the home and foreign policy of the USSR, directs the great constructive work of the Soviet people, and imparts a planned, systematic and theoretically substantiated character to their struggle for the victory of communism.

"All party organizations shall function within the framework of the Constitution of the USSR." [Article 6, Constitution of the USSR, 1977]

In the case of Cuba, it was 17 years after the 1959 revolution before the dominant role of Castro's reconstituted Communist Party was made explicit:

"The Communist Party of Cuba, the organized Marxist-Leninist vanguard of the working class, is the highest leading force of the society and of the state, which organizes and guides the common effort toward the goals of the construction of socialism and the progress toward a communist society." [Article 5, Constitution of the Republic of Cuba, 1976]

In both of these cases, the predominant influence exerted by these vanguard parties was evident long before the legal recognition of the fact. What had been required first was their complete consolidation of power following extended periods of "transition to socialism."

Because the Sandinistas are still in the midst of their "revolutionary transformation of society" in pursuit of a "New Nicaragua," they view the constitution as a document of transition. It is recognized by the Sandinistas as an instrument to be employed to further the consolidation of their control to the exclusion of all other influences. While the present Soviet and Cuban charters openly codify party control over the government, the Sandinista Constitution—reflecting a less mature stage of political development—is less direct. Its preamble venerates the memory of Carlos Fonseca, "founder of the Sandinista National Liberation Front and Leader of the Revolution" (the only party so honored), while the text itself ensures that no legal

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mechanisms impede the continued FSLN usurpation of governmental authority. As the Cuban and Soviet cases demonstrate, uncontested domination of the state and civil society by the vanguard party—through "legal" means—will be present first; explicit constitutional enshrinement of the vanguard will follow.

At the first national Sandinista party meeting following the revolutionary victory (the report of which is known as the "72-Hour Document"), the leadership defined the basis of Sandinista foreign policy as "the full exercise of national sovereignty and independence and the principle of **revolutionary internationalism**" [emphasis added]. "The objective of the FSLN's foreign policy is to achieve the consolidation of the Nicaraguan revolution as this will help to strengthen the Central American, Latin American, and world revolution," it said. Following this, the Sandinista Constitution defines Nicaraguan foreign policy in the same terms. Article 3 of the Sandinista Constitution places Nicaragua "in solidarity with all those who struggle against oppression and discrimination" and against "all forms of colonialist and imperialist domination and exploitation." (The Soviet and Cuban

Constitutions condemn "imperialism" and "colonialism" and similarly commit their governments to support those engaged in "wars of national liberation.") The Sandinista charter proclaims this "struggle" an "unrenounceable national commitment," while the Cuban and Soviet documents refer to the effort as an "internationalist right and duty" (Article 12, Constitution of the Republic of Cuba, 1976) and the "strengthening of broad international cooperation through comradely mutual assistance with other socialist countries on the basis of the principles of socialist internationalism" (Chapter 4, Articles 28–30, Constitution of the USSR, 1977). The terms "colonialism" and "imperialism" are often used by the Soviets as synonyms for the United States and its allies. "Those who struggle" and those in "wars of national liberation" are terms for the Soviet Union, Cuba, and their allies.

The Revolutionary Power Structure

The constitution establishes four branches of government: legislative, executive, judicial, and electoral. While these four branches are theoretically independent with distinct authority, the reality is different. The executive branch controls and dominates the other three. Ministries and state enterprises are directed by Sandinista *comandantes* and other high-ranking FSLN officials, many of whom also serve as Sandinista delegates in the National Assembly. Given the firm Sandinista grip over the executive branch and the failure of the constitution to provide adequate checks and balances among the branches of government, the constitution effectively confirms the power of the the FSLN's governing National Directorate.

This structure and the care taken by the Sandinistas to create the appearance of democracy demonstrate faithfulness to two principles of the "72-Hour Document," which called for "pragmatism" in political matters and the need to "lay the foundation of a system of power that will not endanger the stability of our revolution." Indeed, the real sources of authority in Nicaragua are not those branches set up by the constitution. It is the National Directorate and its three subordinate "commissions"—executive, military, and governmental—set up within the ruling circles of the FSLN that direct national policy. These commissions are part of the FSLN party and are not formally within the government structure, although most of the individuals involved also

occupy one or more governmental positions. While the decision-making process within these FSLN committees is rarely discussed in public, membership on the committees is known.

National Directorate:

Bayardo Arce Castano
Tomas Borge Martinez
Luis Carrion Cruz
Carlos Nunez Tellez
Daniel Ortega Saavedra
Humberto Ortega Saavedra
Henry Ruiz Hernandez
Victor Tirado Lopez
Jaime Wheelock Roman

Executive Commission:

Daniel Ortega Saavedra (Coordinator)
Bayardo Arce Castano (Vice Coordinator)
Tomas Borge Martinez
Humberto Ortega Saavedra
Jaime Wheelock Roman

Defense and Security Commission:

Tomas Borge Martinez
Omar Cabezas Lacayo
Luis Carrion Cruz
Lenin Cerna Juarez
Joaquin Cuadra Lacayo
Renan Montero
Humberto Ortega Saavedra
Julio Ramos Arguello
Hugo Torres Jimenez
Rene Vivas Lugo

National Planning Council:

Daniel Ortega Saavedra (Chairman)
Emilio Baltodano Cantarero
Joaquin Cuadra Chamorro
Sergio Ramirez Mercado
Henry Ruiz Hernandez
Jaime Wheelock Roman

The Revolutionary Government Structure

Executive: Article 150 gives the president broad and sweeping powers that, in practice, ensure Sandinista dominance of the government. The president's authority is virtually absolute in matters regarding the military, national security,

the economy, education, and domestic and foreign commerce. Among other powers, the president has authority to:

- Prepare the national budget for the National Assembly's review or approval (but apparently not for its amendment);
- Decree a national state of emergency suspending important civil liberties during which he can both prepare and approve the national budget;
- "Enact executive decrees with the force of law in fiscal and administrative matters" as well as "adopt regulations to give effect to the laws"; and,
- Assume legislative powers when the National Assembly is in recess.

Legislative: Under the new constitution, the legislature is subordinate to the executive. Article 138, which sets out the functions of the Assembly, clearly indicates its limitations and inability to act as a check on executive power. The scope of legislative authority pales in comparison to that of the executive. Among other powers, the assembly:

- "Approves" the national budget, but apparently is without authority to amend it and is limited to only "reviewing" it during a state of emergency;
- Shares its lawmaking authority with the executive, whose power to issue decrees apparently is as broad as the assembly's to enact legislation and whose decrees carry equal legal authority;
- Delegates legislative faculties to the President of the Republic when the National Assembly is in recess, except for matters relating to the Codes of the Republic;
- Is empowered to "consider the nation's economic and social development plan and policies" as set by the president, but nowhere is the assembly granted the power to amend or change the policies established by the President; and,
- Grants and cancels the legal status of civic or religious entities.

Judicial: The contribution made by a truly independent judiciary to the effective mediation of the exercise of power is important in any society. The shortcomings of the Sandinista Constitution in this regard are so significant that they merit quoting at length from a general discussion on the fundamentals of constitutions:

"A written constitution is genuine only if it can be enforced. . . . If the only persons empowered to enforce the constitution are the state and its officers then the constitution provides no genuine limitation of their actions. It may describe their **procedure**, but it cannot prescribe for it. In which case it would seem wrong to say that there is a genuine constitution. Such reflections naturally prompt the thought that, without judicial independence, a constitution, even if written, remains a kind of fiction. Thus the USSR constitution, which is a document specifying many of the rights of citizens, can be upheld in a court of law. But if the state has an interest in the outcome, then, it seems, the judge acts under instructions from the state, and there is no genuine adjudication. In which case the constitution can provide no guarantee of the ordinary citizen's rights, even if it purports to prescribe them." [Robert Scruton, *A Dictionary of Political Thought* (New York: Hill and Wang, 1982), p. 93]

Although the Sandinistas did not fully define what type of court system they eventually intend to establish, there are signs that they envision a revolutionary system patterned on the abusive "popular tribunal" structure of the Anti-Somocista People's Tribunals (TPAs). It is to these political courts—controlled by the FSLN—that "public order" and "counterrevolutionary" offenses (political prisoner cases) are referred. Also, the Common Courts may one day be dissolved altogether. Article 199 asserts that they will continue to function "until a system with popular representation is established."

The opening clause of the first section on the judiciary (Article 158) declares that "**justice emanates from the people** and shall be carried out in their name as their proxy by the Judicial Branch. . . ." Article 166 provides that the "administration of justice shall be organized and shall function with **popular participation** as determined by the law" and authorizes the

appointment of non-lawyer judges who shall "have equal authority in the exercise of their legal functions" [emphasis added]. While these provisions are not objectionable on their face, they are potential tools for political abuse.

The Sandinista party, as the vanguard party, has arrogated power to determine the "popular participation" of the people and to express the will of the people. The right to trial by jury is not guaranteed. Therefore, a court system based on the popular tribunal model would mean a thoroughly politicized judicial branch accountable only to the

. . . the Sandinistas can sidestep the Supreme Court by bringing cases to the tribunals. Falling completely outside of the governmental system, their verdicts may not be appealed to the Supreme Court.

FSLN. Under the existing structure, all members of the tribunals are loyal Sandinista followers or actual party members. They are selected strictly on the basis of ideological faithfulness. Tribunal proceedings are secret. The trial-level tribunals have a conviction rate of over 90 percent, and the appellate tribunals have been known to increase the sentence of those defendants who exercise their right of appeal.

The constitution does establish a seven-judge Supreme Court whose members must be elected by the National Assembly from slates of three candidates proposed by the president. Given Sandinista control of the presidency and the National Assembly, the opportunity for abuse in the judicial selection process is manifest. The Supreme Court judges appoint the lower court judges (Articles 164 and 166). The Supreme Court judges, however, do not serve for life and may be dismissed before the end of their 6-year terms for "reasons determined by law" (Article 162), leaving them vulnerable to political pressure from the Sandinista party.

Although the Supreme Court is given responsibilities to "review and decide" appeals and to "review and rule on remedies regarding violations of rights or the unconstitutionality of the law, . . . the Sandinistas can sidestep the Supreme Court by

bringing cases to the tribunals. Falling completely outside of the governmental system, their verdicts may not be appealed to the Supreme Court. This situation is further confused by the fact that the constitution vests the National Assembly—not the courts—with authority to “officially interpret the law” [Article 138]. The net result of this judicial arrangement is clear: the ability of State Security to convict opponents of the regime without respect for the due process rights provided elsewhere in the constitution (even in the absence of a state of emergency) continues unimpeded under the new legal order.

Electoral: The constitution creates a fourth branch of government to organize, manage, and oversee elections (Article 168). This branch is represented by the Supreme Electoral Council, which is composed of five judges elected by the National Assembly from slates of three candidates proposed by the president (Articles 169 and 170). Its functions are to organize and conduct all elections, plebiscites, and referendums; to appoint members of other electoral bodies; to establish the calendar for elections; to arbitrate disputes presented by the political parties; to oversee ballot security; to verify the authenticity of ballots; and to present the final declaration of results (Article 173).

Such a fourth branch of government is not an uncommon feature of Latin American constitutions, where it is intended to guard against the stacking of the electoral deck in favor of any one party or interest. But as with judicial selection under the Sandinista Constitution, electoral commissioners are nominated by the president and elected by the National Assembly. While the actual procedures for the electoral branch are not on their face anti-democratic, sufficient checks and balances do not exist to prevent Sandinista party electoral abuse.

Given this institutional control, the right of citizens “to elect and be elected in periodic elections, and to vie for public office” (Article 51) will have no effect beyond what the Sandinistas determine. On the one hand, the Sandinistas have enacted a constitution promising that national power can change hands through the ballot box; on the other hand, they have created an electoral institution that provides no restraint on the accumulation of power by the party which has asserted “(W)e are an organization whose greatest aspiration is to maintain revolutionary power.”

National Defense and Defense of the Revolution

Control of the military and security forces is the key to Sandinista control of Nicaragua. Opposition organizations of every political and civic ideology have sought to lessen the grip of the FSLN over the armed services of the country, but to no avail. The reason for Sandinista intransigence on this issue is clear: Control of the thoroughly politicized armed forces allows the FSLN to militarize Nicaraguan society in order to defend the ideological advancement of “Sandinismo” without fear of an internal political/military threat. As the Sandinistas declared in the “72-Hour Document”:

“The triumph of our revolution makes it possible for the Sandinista Popular Army to be recognized as the Constitutional Army of the Republic. For the same reason, it is the mission of the FSLN to assure the loyalty of its members to the revolution and the leadership of the historic vanguard: the FSLN.”

The Sandinistas boasted of “a partisan army without precedent.” In September 1979, the Sandinistas dedicated themselves to “a permanent effort of political education within the armed forces” while noting that it is “the FSLN’s vanguard structure which would guarantee the transmission and application of our organization’s policies and would assure the political activity of our militants in the army.” More specifically, “the FSLN exerts its influence and its political leadership through the directive committees and internal groups of [party] militants within the armed forces.” To carry out this effort, the Sandinista leaders mandated that the National Directorate of the FSLN, “through the military committee, assures the political education policy through the military chain of command and will be the organization in charge of the FSLN party structure within the Sandinista Popular Army.”

Once in the military, Nicaraguans are subject to intensive politicization. Under the current structure, high-ranking officers are assigned throughout the various branches and units as political commissars to provide necessary indoctrination to the troops.

To swell the ranks of those in the Sandinista Popular Army, the current conscription program—“the Patriotic Military Service”—is given constitutional sanction in Article 96. There are reports of

widespread opposition and resentment to the draft, which is often viewed as forced recruitment into a political party. Article 69, which relates to the freedom of religion, stipulates that "no one may disobey the law" on religious grounds and forecloses any claim of conscientious objection to the draft. Furthermore, this clause makes clear the Sandinistas' prohibition of religious/ethical-based civil disobedience by prohibiting persons from trying to "prevent" others—draftees, in effect—from "exercising their rights and fulfilling their duties by invoking religious beliefs or inclination." This provision appears to be aimed specifically at the Catholic Church. The Sandinistas said they expelled Bishop Vega for having "preached" against the draft (as had the entire Episcopal Conference of Nicaraguan Bishops).

It is clear that the National Assembly debate over whether the army should continue to be called the "Sandinista Popular Army" (Article 95)—even as the FSLN exerts copyright control over the word "Sandinista" (Decree 67, issued September 20, 1979)—missed the larger point: the Sandinistas seem intent upon the militarization of society as a primary tool for their own consolidation of power. Neither changing the name of the army nor stipulating that the army "has a national character" (Article 95) will change that reality.

The first Article of the constitution asserts an **obligation** (not right) to bear arms. This militarization is further codified in Article 94: "The defense of the Homeland and the Revolution rests on **the mobilization and organized participation of all the people** in the struggle against their aggressors. The state shall promote **mass incorporation of the people** into the various structures and tasks of the country's defense" (emphasis added). A direct consequence of such a strategy is the blurring by the Sandinistas of the normal distinction between civilians and military personnel. This is an especially important distinction to maintain in the midst of a guerrilla-based civil war, but it is exceedingly difficult to do so when society has been so militarized that even farm collectives are armed and serve as military resupply depots.

Article 97 says that "(T)he struggle against externally promoted actions to undermine the revolutionary order established by the Nicaraguan people **and the confrontation with criminal and anti-social actions are integral to the defense of**

the revolution. The State creates the internal security forces, whose functions are determined by law" [emphasis added]. The lack of any definition of subversion or anti-social actions leaves the state with virtually unchecked security powers. This vagueness, similar to "anti-hooliganism" language in the Soviet system, allows political dissent to be treated as a threat to internal security. This article could be used to justify actions against neighboring countries that are critical of the regime or that support, in any form, Sandinista opponents, or against any person or group that opposes the state. In addition, this article's inclusion of the partisan fight against "internal enemies" as a mandatory part of a military draftee's obligation is a clear violation of the spirit, if not the letter, of the American Convention of Human Rights, the Universal Declaration of Human Rights, and the American Declaration of the Rights and Duties of Man, human rights treatises the Sandinistas have vowed publicly and constitutionally to uphold.

Education

The Sandinista desire to shape generations of "New Nicaraguans" could not be clearer. After noting that "education is fundamental to the transformation and development of the individual and society" (Article 116) and that it is to "cultivate the values of the New Nicaragua" (Article 117), education is defined in the constitution as "an irrenounceable responsibility of the state, including planning, direction and organization. The national educational system functions in an integrated fashion and in accordance with national plans" (Article 119). While private education centers may continue to exist, severe restrictions are placed on their operations. Although "academic freedom is recognized" (Article 125), in practice lesson plans taught even in private schools are dictated by the state. In addition, the requirement that basic education be free (Article 121) could be used to undermine religious schools, which charge tuition, effectively barring them from existence.

National Economy and Agrarian Reform

The Sandinista Constitution tracks closely with the dictates of the "72-Hour Document" in the economic and agricultural spheres. The 1979 guidelines called for designating the "State Sector the focus of the national economy," "comprehensive national planning" of the economy, the nationalization of

banks, centralization and control of imports and exports, the creation of the Ministry of Foreign Commerce to control trade matters, agrarian reform, and expropriation of "Somocista" property.

In Article 98, the constitution defines the principal function of the state in the economy, including the power to "create a more just distribution of wealth." Article 99 provides that "the state directs and plans the national economy to guarantee the protection of the interests of the majority and the promotion of socio-economic progress." The state's "irrevocable responsibilities"—or monopoly—in the fields of banking, finance, insurance, and foreign trade are codified in this article.

Article 103, while guaranteeing the coexistence of public, private, cooperative, associative, and communal forms of property, reaffirms the limited definition of private property found in Article 44 by providing that "all these form parts of the mixed economy, are subject to the overriding interests of the nation, and fulfill a social function." These vague principles, left to the interpretation and implementation of the government, could provide a sufficient basis for the continued confiscation of private property, as well as the continued repression of those still allowed to maintain ownership of their property.

Article 105 gives the state the authority to regulate the supply and distribution of basic consumer goods. It effectively codifies the party-

controlled ration card system for obtaining basic goods and foodstuffs. Administered by the Sandinista Defense Committees, the rationing program has been used as a political weapon against opposition political, religious, labor, social, and civic groups.

A special target of Sandinista economic centralization has been agriculture. By the early fall of 1979, the Sandinistas spoke of having already expropriated over tens of thousands of acres of "the finest farmland of the country," turning the lands over to the Agrarian Reform Institute. Since then, agrarian reform laws have been used to harass and punish Sandinista opponent, and to increase the state agricultural sector. The constitution identifies agrarian reform not only as "the fundamental instrument for achieving a just distribution of the land," but also as "an effective means for the revolutionary transformation" of Nicaragua (Article 106). Land ownership is guaranteed for those who "productively and efficiently" work the land (Article 108). Undoubtedly, productivity determinations are to be made by the Agrarian Reform Institute. Furthermore, under Articles 109 and 110, the state is tasked to promote the association of peasants in agricultural cooperatives and the incorporation of small and medium agricultural producers into the development plans of the country—in essence forced collectivization. Thus, while private property continues to exist as a concept, in effect it has been severely limited. The state sets wages, salaries, prices; determines markets, terms of sale, and distribution; and strictly controls ownership and foreign trade.

APPENDIX A

(Copy of the Sandinista Constitution Provided
by the Embassy of Nicaragua)

NATIONAL ASSEMBLY OF THE REPUBLIC OF NICARAGUA

POLITICAL CONSTITUTION

MANAGUA, NICARAGUA

JANUARY 9, 1987

THE PRESIDENT OF THE REPUBLIC

hereby makes known to the people of Nicaragua that the Constituent National Assembly after consulting with the people, has discussed and approved the following Political Constitution:

PREAMBLE

WE,

The Representatives of the People of Nicaragua, united in the Constituent National Assembly,

INVOKE

The struggles of our indian ancestors;

The spirit of Central American unity and the heroic tradition of our people who, inspired by the exemplary actions of General JOSE DOLORES ESTRADA, ANDRES CASTRO and ENMANUEL MONGALO, destroyed the dominion of the filibusters and the United States intervention in the National War;

BENJAMIN ZELEDON'S anti-interventionist deeds;

AUGUSTO C. SANDINO, General of Free People and Father of the Popular and Anti-imperialist Revolution;

The heroic action of RIGOBERTO LOPEZ PEREZ, who initiated the beginning of the end of the dictatorship;

The example of CARLOS FONSECA, the greatest perpetuator of Sandino's legacy, founder of the Sandinista National Liberation Front and Leader of the Revolution;

The generations of Heroes and Martyrs who forged and carried forward the liberation struggle for national independence.

IN THE NAME OF

The Nicaraguan people; the democratic, patriotic and revolutionary political parties and organizations of Nicaragua; the men and women; the workers and peasants; the glorious youth; the heroic mothers; those Christians who moved by their faith in GOD committed and dedicated themselves to the struggle for the liberation of the oppressed; the patriotic intellectuals; and all others who through their productive labor contribute to the defense of the Nation;

Those who guarantee the happiness of future generations by offering their lives in the struggle against imperialist aggression.

FOR

The establishment of the legal framework to protect and preserve the achievements of the Revolution and the building of a new society dedicated to the elimination of all forms of exploitation and to the achievement of economic, political and social equality for all Nicaraguans and absolute respect for human rights.

FOR THE HOMELAND, FOR THE REVOLUTION,
FOR THE UNITY OF THE NATION AND FOR PEACE.

WE HEREBY PROCLAIM THE FOLLOWING
POLITICAL CONSTITUTION OF THE REPUBLIC OF NICARAGUA

TITLE I
FUNDAMENTAL PRINCIPLES

CHAPTER I

Art.1 Independence, sovereignty and self-determination are inalienable rights of the Nicaraguan people and the foundation of the Nicaraguan nation. Any foreign interference in the internal affairs of Nicaragua or any attempt to undermine these rights is an attack upon the life of the people.

It is the right of the people and the duty of all citizens to preserve and defend, with arms if necessary, the independence of the Nation, its sovereignty and national self-determination.

Art.2 National sovereignty rests with the people, the source of all power and forgers of their own destiny. The people exercise democracy by freely deciding upon and participating in the construction of the economic, political and social system which best serves their interests. The people exercise power both directly and through their representatives elected by universal suffrage; equal, free, and direct elections and secret ballot.

Art.3 The struggle for peace and the establishment of a just world order are unrenounceable national commitments of the Nicaraguan nation. We therefore oppose all forms of colonialist and imperialist domination and exploitation. The Nicaraguan people are in solidarity with all those who struggle against oppression and discrimination.

Art.4 The Nicaraguan people have created a new state to promote their interests and guarantee their social and political achievements. The state is the principal instrument through

which the people eliminate all forms of exploitation and oppression, promote material and spiritual progress of the nation, and ensure that the interests and rights of the majority prevail.

Art.5 The state guarantees the existence of political pluralism, a mixed economy and non-alignment.

Political pluralism assures the existence and participation of all political organizations in the economic, political and social affairs of the nation, without ideological restrictions, except for those who seek a return to the past or advocate the establishment of a political system similar to it.

A mixed economy assures the existence of different forms of property: public, private, associative, cooperative and communal; these forms of property must serve the best interests of the nation and contribute to the creation of wealth to satisfy the needs of the country and its inhabitants.

Nicaragua's international relations are based on the principle of non-alignment, the search for peace, and respect for the sovereignty of all nations; therefore, Nicaragua opposes all forms of discrimination and is anti-colonialist, anti-imperialist, and anti-racist. Nicaragua rejects the subordination of any state by another.

TITLE II THE STATE

CHAPTER I

Art.6 Nicaragua is an independent, free, sovereign, unitary and indivisible state.

Art.7 Nicaragua is a participatory and representative democratic republic. It has four branches of government: Legislative, Executive, Judicial and Electoral.

Art.8 The people of Nicaragua are multi-ethnic and are an integral part of the Central American nation.

Art.9 Nicaragua is a firm defender of Central American unity. It supports and promotes all efforts to achieve political and economic integration and cooperation in Central America. It also supports the efforts to establish and preserve peace in the region.

Nicaragua, inspired by the ideals of Bolivar and Sandino, strives for the unity of the people of Latin America and the Caribbean.

Consequently, Nicaragua will participate with other Central and Latin American countries in the creation and election of the bodies necessary to achieve such goals. This principle shall be regulated by appropriate legislation and treaties.

Art.10 The national territory is located between the Atlantic and Pacific Oceans and the republics of Honduras and Costa Rica. It includes the adjacent islands and keys, soil and subsoil, territorial waters, continental platform, continental rise, airspace and stratosphere.

The precise boundaries of the national territory are defined by laws and treaties.

Art.11 Spanish is the official language of the state. The languages of the Communities of the Atlantic Coast shall also have official use in the cases established by law.

Art.12 The city of Managua is the Capital of the Republic and the seat of government. In exceptional circumstances these can be established elsewhere in the nation.

Art.13 The symbols of the nation are the National Anthem, the Flag and the Official Seal, as established by the law that defines their characteristics and use.

Art.14 The state has no official religion.

TITLE III NICARAGUAN NATIONALITY

CHAPTER I

Art.15 Nicaraguans are either nationals or nationalized.

Art.16 Nationals are:

1. Those born in Nicaraguan territory, excepting children of foreigners in diplomatic service, children of foreign officials serving international organizations or those sent by their government to work in Nicaragua, unless they choose to solicit Nicaraguan nationality.
2. Children of a Nicaraguan father or mother.
3. Children born abroad to fathers or mothers who originally were Nicaraguan, if and when they apply for citizenship after reaching legal age or independence.
4. Infants of unknown parents found in Nicaragua, subject to correction in accordance with the law should their filial identity become known.

5. Children born to foreign parents on board a Nicaraguan aircraft or vessel, if and when they solicit Nicaraguan nationality.

Art.17 Native born Central Americans who reside in Nicaragua have the right to apply for Nicaraguan nationality from the competent authorities without renouncing their previous nationality.

Art.18 The National Assembly may grant nationality to foreigners deserving this merit by virtue of extraordinary service rendered to Nicaragua.

Art.19 Foreigners who have renounced their nationality may be nationalized by applying to the competent authorities when they have fulfilled the requirements and conditions established by law.

Art.20 No national may be deprived of nationality except upon voluntary acquisition of another; nor shall a national be deprived of Nicaraguan nationality because of having acquired that of another Central American country or any country with which Nicaragua has an agreement of dual nationality.

Art.21 The granting, loss and recuperation of nationality shall be regulated by law.

Art.22 Cases of dual nationality shall be treated in conformity with treaties and the principle of reciprocity.

TITLE IV RIGHTS, DUTIES AND GUARANTEES OF THE NICARAGUAN PEOPLE

CHAPTER I INDIVIDUAL RIGHTS

Art.23 The right to life is inviolable and inherent to all persons. There is no death penalty in Nicaragua.

Art.24 All persons have duties to their families, the community, the Homeland and humanity. The rights of each person are limited by the rights of others, the collective security and the just requirements of the common good.

Art.25 All persons have the right to:

1. personal freedom;
2. security;
3. seek legal redress.

Art.26 All persons have the right to:

1. privacy and the privacy of their family;
2. the inviolability of their home, correspondence and communications;
3. respect for their honor and reputation.

A private home may be searched only with a warrant from a competent judge or expressly authorized official to prevent a crime from being committed or to avoid damage to persons or goods, in accordance with the procedures established by law.

The law shall determine the cases and the procedures for an examination of private documents, fiscal records and related documents, when such is indispensable for the investigation of matters before the Courts or for fiscal reasons.

Illegally seized letters, documents and other private papers shall be null and void in legal proceedings or elsewhere.

Art.27 All persons are equal before the law and have the right to equal protection under the law. There shall be no discrimination for reasons of birth, nationality, political belief, race, gender, language, religion, opinion, national origin, economic position or social condition.

Foreigners have the same rights and duties as Nicaraguans, with the exception of political rights and other rights established by law; foreigners may not intervene in the political affairs of the country.

The state respects and guarantees the rights recognized in this Constitution to all persons who are in Nicaraguan territory and subject to its jurisdiction.

Art.28 Nicaraguans who are temporarily out of the country have the right to enjoy amparo* and protection by the state through its diplomatic representatives.

Art.29 All persons have the right to freedom of conscience and thought and to profess or not to profess a religion. No one shall be the object of coercive measures which diminish these rights, or be obligated to declare his or her creed, ideology or beliefs.

* In Nicaragua, "amparo" is a legal procedure used to seek review of administrative acts, similar to the writs of prohibition, mandamus and habeas corpus in the United States judicial system. It is originally a Mexican constitutional concept.

Art.30 Nicaraguans have the right to freely express their beliefs in public or private, individually or collectively, in oral, written or any other form.

Art.31 Nicaraguans have the right to travel and to establish their residence in any part of the nation and to freely enter and exit the country.

Art.32 No one is obligated to do what is not required by law, or barred from doing what is not prohibited by law.

Art.33 No one may be arbitrarily detained or imprisoned, or be deprived of liberty except in cases established by law and in accordance with legal procedures. Therefore:

1. An individual may be detained only by a warrant issued from a competent Judge or an official expressly authorized by law, except when apprehended in the act of committing a crime.

2. All detained persons have the right to be:

- 2.1. Informed in detail without delay of the reasons for their detention and the charges against them, in a language they understand; to have their family informed; and to be treated with respect in accordance with the dignity inherent in human beings.

- 2.2. Brought before a competent legal authority within 72 hours.

3. No one shall be detained after a release order has been granted by the appropriate authority or once the sentence imposed has been completed.

4. The responsible authority shall be liable for any illegal detention.

5. The appropriate authorities shall attempt to maintain those awaiting trial apart from those who have been sentenced.

Art.34 All those awaiting trial have equal rights to the following minimum guarantees:

1. To be presumed innocent until proven guilty according to the law.

2. To be tried without undue delay by a competent court established by law.

3. Not to be removed from the jurisdiction of a competent judge except in cases provided for in this Constitution or by law.
4. To be guaranteed the right to a defense, to participate personally from the start of the proceedings and to adequate time and means to prepare their defense.
5. To be represented by a public defender when legal counsel has not been selected by the time of the first hearing, or in the event that no prior call was decreed.

The accused shall have the right to communicate freely and in private with his or her legal counsel.

6. To have the assistance of an interpreter free of charge if they do not understand or speak the language used by the court.
7. Not to be obligated to testify against themselves or against a spouse or a partner in a stable de facto union, or a family member within the fourth level of consanguinity or the second of marital relations, or to admit their own guilt.
8. To be found guilty or not guilty within the legal time period, by each of the relevant courts.
9. To have the right to appeal to a superior court upon conviction of any crime and not to be retried for any crime for which a final judgement of conviction or acquittal has been issued.
10. Not to be brought to trial or sentenced for acts or omissions which at the time committed had not been unequivocally established by Law as a punishable crime, and not to be given a sentence which has not been previously established by law.

Criminal proceedings are open to the public, but in some cases the press and the general public may be excluded for moral considerations or for matters of the public order or national security.

Art.35 Minors shall not be subjected to nor the object of judgment, nor shall they be submitted to any legal proceeding. Minors who violate the law cannot be taken to penal rehabilitation centers. They shall be attended in centers under the responsibility of a specialized institution, as provided by law.

- Art.36 All persons shall have the right to respect for their physical, psychological and moral integrity. No one shall be subjected to torture, nor inhumane, cruel or degrading treatment. Violation of this right constitutes a crime and shall be punishable by law.
- Art.37 The penalty shall not extend beyond the accused. No sentence may independently or consecutively total more than thirty years.
- Art.38 The law is not retroactive except in penal matters that favor the accused.
- Art.39 In Nicaragua the Penitentiary System is humane, its fundamental objective is to transform the detainee into a person capable of reintegration into the society. In the progressive stages, the Penitentiary System shall promote family unity, health care, educational and cultural advancement and productive occupation with financial compensation. Detention has a reeducational character.
- Women and men serving prison sentences shall be held in separate penal centers. Women shall be provided guards of the same sex.
- Art.40 No one shall be subjected to involuntary servitude. Slavery and slave trade in any form are prohibited.
- Art.41 No one shall be detained for indebtedness. This principle does not limit the powers of competent legal authorities to issue warrants for the non-fulfillment of support or alimony orders. All national and foreign citizens have the duty to pay their debts.
- Art.42 Nicaragua guarantees asylum to those persecuted for their struggle for democracy, peace, justice and human rights.
- The granting of political asylum shall be determined by law in accordance with international agreements ratified by Nicaragua. If a political refugee or exile is expelled from Nicaragua, that person may not be sent back to the country in which he or she was persecuted.
- Art.43 Extradition from Nicaragua will not be permitted for political crimes or common crimes committed in conjunction with them, at Nicaragua's own discretion. Extradition for other common crimes is regulated by law and International Treaties.
- Nicaraguans shall not be extradited from Nicaragua.
- Art.44 Nicaraguans have the right to the personal property and necessary goods that are essential for the integral development of each person.

Art.45 Persons whose constitutional rights have been violated or are in danger of violation have the right to present writs of habeas corpus or amparo**, according to the circumstances and the Law of Amparo.

Art.46 All persons in Nicaragua shall enjoy protection and recognition by the state of the rights inherent to human beings, as well as unrestricted respect, promotion and protection of human rights, and the full benefit of the rights set forth in the Universal Declaration of Human Rights; the American Declaration of the Rights and Duties of Man; the International Pact of Economic, Social and Cultural Rights and the International Pact of Civil and Political Rights of the United Nations; and the American Convention of Human Rights of the Organization of American States.

CHAPTER II POLITICAL RIGHTS

Art.47 All Nicaraguans who have reached 16 years of age are full citizens.

All citizens enjoy the political rights set forth in the Constitution and in other laws, without limitations other than those established for reasons of age.

A citizen's rights may be suspended when serious corporal or specific related punishments are applied and when a final judgment of civil injunction is decreed.

Art.48 Unconditional equality among Nicaraguans in the enjoyment of political rights is established. In the exercise of these rights and in the fulfillment of these responsibilities and obligations, there exists absolute equality between men and women. It is the obligation of the state to remove obstacles that impede effective participation of Nicaraguans in the political, economic and social life of the country.

Art.49 In Nicaragua workers in the cities and countryside, women, youth, agricultural producers, artisans, professionals, technicians, intellectuals, artists, religious persons, the Communities of the Atlantic Coast and the population in general have the right to form organizations in order to realize their aspirations according to their own interests, without discrimination, and to participate in the construction of a new society.

** See footnote to Article 28.

Such organizations may be formed by the voluntary participation and free will of their members. They shall have a social function and may have a partisan character, according to their nature and objectives.

Art.50 Citizens have the right to participate under equal condition in public affairs and in state management.

Effective participation by the people at local and national levels shall be guaranteed by law.

Art.51 Citizens have the right to elect and be elected in periodic elections, and to vie for public office.

Art.52 Citizens have the right, individually or collectively, to petition, to denounce irregularities and to make constructive criticisms to the branches of government or to any authority, and to obtain a quick resolution or response and to have the result made known within the time period established by law.

Art.53 The right to peaceful assembly is recognized; the exercise of this right does not require prior permission.

Art.54 The right to public assembly, demonstration and mobilization in conformity with the law is recognized.

Art.55 Nicaraguan citizens have the right to organize or affiliate with political parties with the objective of participating in, exercising or vying for power.

CHAPTER III SOCIAL RIGHTS

Art.56 The state shall grant special attention in all of its programs to those who defend the dignity, honor and sovereignty of the nation, and to their families, as well as to the families of those fallen in defense of the nation, in accordance with the laws.

Art.57 Nicaraguans have the right to work in keeping with human nature.

Art.58 Nicaraguans have the right to education and culture.

Art.59 Every Nicaraguan has an equal right to health care. The state shall establish the basic conditions for the promotion, protection, recuperation and rehabilitation of the health of the people.

The organization and direction of health care programs, services and activities is the responsibility of the state, which shall also promote popular participation in support of health care.

Citizens are obliged to respect stipulated sanitary measures.

- Art.60 Nicaraguans have the right to live in a healthy environment and it is the obligation of the state to preserve, conserve and reclaim the environment and the natural resources of the country.
- Art.61 The state guarantees Nicaraguans the right to social security for protection against the social contingencies of life and work, in the manner and conditions determined by law.
- Art.62 The state shall strive to establish programs for the physical, psycho-social and professional rehabilitation of disabled people, and for their job placement.
- Art.63 It is the right of all Nicaraguans to be protected against hunger. The state shall promote programs which assure adequate availability and equitable distribution of food.
- Art.64 Nicaraguans have the right to decent, comfortable and safe housing that guarantees familial privacy. The state shall promote the fulfillment of this right.
- Art.65 Nicaraguans have the right to sports, physical education, relaxation and recreation. As part of their integral development, the state shall promote sports and physical education, through the organized and mass participation of the people and specific programs and projects.
- Art.66 Nicaraguans have the right to accurate information. This right includes the freedom to seek, receive and disseminate information and ideas, be they spoken or written, in graphic or any other form.
- Art.67 The right to provide information is a social responsibility and shall be exercised with strict respect for the principles established in the Constitution. This right cannot be subject to censorship, but may be subject to retroactive liability established by law.
- Art.68 The mass media is at the service of national interests. The state shall promote the access of the public and its organizations to the means of communication, and shall prevent the media from responding to foreign interests or to any economic power monopoly.
- The existence and functioning of public, corporate or private means of communication shall not be the object of prior censorship. It shall be subject to the law.
- Art.69 All persons, either individually or collectively, have the right to practice their religion in public or private, through worship, practice and teaching.

No one may disobey the law or prevent others from exercising their rights and fulfilling their duties by invoking religious beliefs or inclination.

CHAPTER IV FAMILY RIGHTS

Art.70 The family is the fundamental nucleus of society and has the right to protection by society and the state.

Art. 71 It is the right of Nicaraguans to form a family. The law shall regulate and protect this right.

Art. 72 Marriage and stable de facto unions are protected by the state; they rest on the voluntary agreement between a man and a woman, and may be dissolved by mutual consent or by the will of one of the parties, as provided by law.

Art. 73 Family relations rest on respect, solidarity and absolute equality of rights and responsibilities between the man and woman.

Parents must work together to maintain the home and provide for the integral development of their children, with equal rights and responsibilities. Furthermore, children are obligated to respect and assist their parents. These duties and rights shall be fulfilled in accordance with the pertinent legislation.

Art. 74 The state grants special protection to the process of human reproduction.

Women shall have special protection during pregnancy and shall be granted maternity leave with pay and appropriate social security benefits.

No one may deny employment to women for reasons of pregnancy nor dismiss them during pregnancy or the post-natal period, in conformity with the law.

Art.75 All children have equal rights. There shall be no discrimination for reasons of filial relations. In ordinary legislation, dispositions or classifications that reduce or deny equality among children shall be null and void.

Art.76 The state shall promote programs and develop special centers for the care of minors; minors have the right to protection and education from their family, the society and the state, according to their needs.

Art.77 The elderly have the right to protective measures from their family, society and the state.

- Art.78 The state shall protect responsible paternity and maternity and establish the right to investigate paternity and maternity.
- Art.79 The right of adoption based on the best interests of the child is established, as regulated by law.

CHAPTER V LABOR RIGHTS

- Art.80 Work is a right and a social responsibility. The labor of Nicaraguans is the fundamental means to satisfy the needs of society and of the individual, and is the source of the wealth and prosperity of the nation. The state shall strive for full and productive employment under conditions that guarantee the fundamental rights of the individual.
- Art.81 Workers have the right to participate in the management of their enterprises, through their organizations and in conformity with the law.
- Art.82 Workers have the right to working conditions that guarantee:
1. Equal pay for equal work under identical conditions, suitable to their social responsibility, without discrimination for political, religious, social, gender or other reasons, which assures a standard of living compatible with human dignity.
 2. Payment of legal tender in their work place.
 3. Minimum wage and social security payment shall not be legally attached except for support of the family and only by the terms established by law.
 4. Work conditions that guarantee physical safety, health and hygiene and minimize work hazards to guarantee the worker's occupational health and safety.
 5. An eight-hour work day, weekly rest, vacations, remuneration for national holidays and a thirteenth month bonus, in conformity with the law.
 6. Work stability in conformity with the law and equal opportunity to be promoted, subject to length of service, capacity, efficiency and responsibility.
 7. Social security for protection and subsistence in case of disability, old age, occupational hazards, illness or maternity; and for family members in case of death, according to the conditions established by law.

- Art.83 The right to strike is recognized.
- Art.84 Child labor that can affect normal childhood development or interfere with the obligatory school year is prohibited. Children and adolescents shall be protected against any form of economic or social exploitation.
- Art.85 Workers have the right to cultural, scientific and technical development; the state shall facilitate this through special programs.
- Art.86 All Nicaraguans have the right to choose and exercise freely their profession or trade and to choose their place of work with no requirements other than requisite schooling and that the work serve a social purpose.
- Art.87 Full labor union freedom exists in Nicaragua. Workers may organize voluntarily in unions, which shall be constituted in conformity with the law.
- No workers are obligated to belong to a particular union, nor to resign from the one to which they belong. Full union autonomy is recognized and the legal rights of organized labor are respected.
- Art.88 In defense of their individual or organizational interests, workers are guaranteed the inalienable right to negotiate with their employers, in conformity with the law:
1. Individual contracts;
 2. Collective bargaining agreements.

CHAPTER VI RIGHTS OF THE COMMUNITIES OF THE ATLANTIC COAST

- Art.89 The Communities of the Atlantic Coast are indivisible parts of the Nicaraguan people, enjoy the same rights and have the same obligations as all Nicaraguans.

The Communities of the Atlantic Coast have the right to preserve and develop their cultural identities within the framework of national unity, to be granted their own forms of social organization, and to administer their local affairs according to their traditions.

The state recognizes the communal forms of land ownership of the Communities of the Atlantic Coast and their enjoyment, use and benefit of the waters and forests of these communal lands.

- Art.90 The Communities of the Atlantic Coast have the right to the free expression and preservation of their languages, art and culture. The development of their culture and values enriches the national culture. The state shall create special programs to enhance the exercise of these rights.
- Art.91 The state is obligated to enact laws promoting and assuring that no Nicaraguan shall be the object of discrimination for reasons of language, culture or origin.

TITLE V NATIONAL DEFENSE

CHAPTER I

- Art.92 It is the duty and right of Nicaraguans to struggle for the defense of life, Homeland, justice and peace for the full development of the nation.
- Art.93 The Nicaraguan people have the right to arm themselves in defense of their sovereignty, independence and revolutionary gains. It is the duty of the state to direct, organize and arm the people to guarantee this right.
- Art.94 The defense of the Homeland and the Revolution rests on the mobilization and organized participation of all the people in the struggle against their aggressors. The state shall promote mass incorporation of the people into the various structures and tasks of the country's defense.
- Art.95 The Sandinista Popular Army has a national character and must protect, respect and obey this Political Constitution.
- The Sandinista Popular Army is the military arm of the people and direct descendant of the Army in Defense of National Sovereignty. The state prepares, organizes and directs popular participation in the armed defense of the Homeland through the Sandinista Popular Army.
- No armed groups may exist in the national territory other than those established by the law, which shall regulate military organizational structure.
- Art.96 Nicaraguans have the duty to bear arms to defend the Homeland and the gains of the people against the threats and aggressions of a foreign country, or of forces directed or supported by any country. Patriotic Military Service is established in accordance with the terms of the law.

- Art.97 The struggle against externally promoted actions to undermine the revolutionary order established by the Nicaraguan people and the confrontation with criminal and anti-social actions are integral to the defense of the Revolution. The state creates the internal security forces, whose functions are determined by law.

TITLE VI
NATIONAL ECONOMY, AGRARIAN REFORM AND PUBLIC FINANCES

CHAPTER I
NATIONAL ECONOMY

- Art.98 The principal economic function of the state is to promote the country's material development, overcome the inherited backwardness and dependence of the economy, improve the country's standard of living and create a more just distribution of wealth.
- Art.99 The state directs and plans the national economy to guarantee the protection of the interests of the majority and the promotion of socio-economic progress.
- The Central Bank, the National Financial System, Insurance and Foreign Commerce, instruments of the economic system, are irrevocable responsibilities of the state.
- Art.100 The state shall promulgate a Foreign Investment Law that contributes to the socio-economic development of the country, without damaging national sovereignty.
- Art.101 Workers and other productive sectors have the right to participate in the creation, execution and control of economic plans.
- Art.102 Natural resources are national patrimony. Preservation of the environment, and conservation, development and rational exploitation of natural resources are responsibilities of the state; the state may formalize contracts for the rational exploitation of these resources when required by the national interest.
- Art.103 The state guarantees the democratic coexistence of public, private, cooperative, associative and communal property; all these form parts of the mixed economy, are subject to the overriding interests of the nation and fulfill a social function.

Art.104 Enterprises organized under any of the forms of ownership established in this Constitution enjoy equality before the law and the economic policies of the state. The economic plans of enterprises must be prepared with the participation of the workers. Free economic initiative exists.

Art.105 The state is obligated to fairly and rationally regulate the supply and distribution of basic consumer goods, both in the countryside and in the cities. Speculation and hoarding are incompatible with the socio-economic system and constitute serious crimes against the people.

CHAPTER II AGRARIAN REFORM

Art.106 Agrarian reform is the fundamental instrument for achieving a just distribution of land and an effective means for revolutionary transformation, national development and the social progress of Nicaragua. The state guarantees the development of the agrarian reform program, to fulfill the historic demands of the peasants.

Art.107 Agrarian reform shall abolish landed estates, rentism, inefficient production and the exploitation of peasants. It shall promote forms of ownership compatible with the economic and social objectives of the nation, as established in this Constitution.

Art.108 Land ownership is guaranteed to all those who productively and efficiently work their land. The law shall establish specific regulations and exceptions in conformity with the goals and objectives of agrarian reform.

Art.109 The state shall promote the voluntary association of peasants in agricultural cooperatives, without sexual discrimination. Subject to resources, it shall provide the material means necessary to raise their technical and productive capacity in order to improve the standard of living of the peasants.

Art.110 The state shall promote the voluntary incorporation of small and medium scale agricultural producers, both individually and in associations, into the economic and social development plans of the country.

Art.111 The peasants and other productive sectors have the right to participate, through their own organizations, in establishing the policies of agrarian transformation.

**CHAPTER III
PUBLIC FINANCES**

- Art.112 The annual General Budget of the Republic shall regulate public income and expenditure. The Budget must show the distinct sources and recipients of income and expenditure, which must balance, and shall determine the spending limits of the state institutions. Extraordinary spending may only be authorized by law and financed through the simultaneous creation and assignment of resources.
- Art.113 The Budget shall be prepared by the President of the Republic and approved by the National Assembly in the Annual Budget Law, in conformity with this Constitution and the law.
- Art.114 The taxation system must take into consideration the distribution of wealth and income, as well as the needs of the state.
- Art.115 Taxes must be created by laws that establishes their frequency and type and the rights of taxpayers. The state shall not require payment of taxes that have not been previously established by law.

**TITLE VII
EDUCATION AND CULTURE**

CHAPTER I

- Art.116 Education seeks the full and integral development of Nicaraguans; to stimulate them with a critical, scientific and humanist way of thinking; to develop their personality and sense of dignity and to prepare them to assume the tasks of common interest necessary for the progress of the nation. Therefore, education is fundamental to the transformation and development of the individual and society.
- Art.117 Education is a single, democratic, creative and participatory process, which promotes scientific research and links theory with practice and manual with intellectual labor. It is based on our national values; on the knowledge of our history and reality and of national and universal culture; and on scientific and technological advances; it cultivates the values of the new Nicaraguan in accord with the principles established in this Constitution, the study of which must be promoted.
- Art.118 The state promotes the participation of the family, community and individuals in education and guarantees the support of the public means of communication for this purpose.

Art.119 Education is an unrenounceable responsibility of the state, including planning, direction and organization. The national educational system functions in an integrated fashion and in accordance with national plans. Its organization and functioning are determined by law.

It is the duty of the state to develop and train the technical and professional personnel at all levels and disciplines necessary for the development and transformation of the country.

Art.120 The creative application of educational plans and policies is a fundamental role of the national teaching profession. Teachers have the right to living and working conditions in accord with their dignity and with the important social function that they perform; they shall be promoted and given incentives in accord with the law.

Art.121 All Nicaraguans have free and equal access to education. Basic education is free of charge and obligatory. The Communities of the Atlantic Coast have access in their region to education in their native language up to the levels set by national plans and programs.

Art.122 Adults shall be offered educational opportunities and training programs. The state shall continue its programs to eradicate illiteracy.

Art.123 Private education centers may function at all levels, subject to the terms established in this Constitution.

Art.124 Education in Nicaragua is secular. The state recognizes the right of private educational centers with a religious orientation to teach religion as an extracurricular subject.

Art.125 Higher education enjoys financial, organic and administrative autonomy in accordance with the law. Academic freedom is recognized. The state promotes free creation, research and dissemination of the sciences, arts and letters.

Art.126 It is the duty of the state to promote the recovery, development and strengthening of national culture, sustained by creative popular participation.

The state shall support national culture in all its diversity, whether collective or individual.

Art.127 Artistic and cultural creation is completely unrestricted. Cultural workers have full freedom to choose their forms and styles of expression. The state shall strive to provide them with the means necessary to create and present their works, and to protect their rights of authorship.

Art.128 The state protects the archeological, historical, linguistic, cultural and artistic patrimony of the nation.

TITLE VIII ORGANIZATION OF THE STATE

CHAPTER I GENERAL PRINCIPLES

Art.129 The Legislative, Executive, Judicial and Electoral branches of government are independent of one another and coordinate harmoniously, subject only to the overriding national interest and to the provisions established in this Constitution.

Art.130 No office holder may exercise functions other than those conferred upon the office by the Constitution and the laws.

All state officials must declare their financial status before assuming and upon leaving public office, as regulated by law.

Art.131 Elected and appointed officials of the four branches of government are publicly accountable for the proper fulfillment of their duties and must inform the public of their work and official activities. They must be receptive to problems presented by the people and strive to resolve them. Official duties must be exercised in the public interest. All officials must efficiently and honestly carry out their duties; they shall be responsible for their acts and omissions. Civil service shall be regulated by law.

CHAPTER II LEGISLATIVE BRANCH

Art.132 The National Assembly exercises legislative power through representative popular mandate. The National Assembly is composed of ninety Representatives with their respective Alternates, elected by universal suffrage; equal, free and direct elections, and secret ballot in regional districts by means of a proportional representation system, as regulated by the Electoral Law. The number of Representatives may be increased in accord with the general census of the population in conformity with the law.

Art.133 Unelected Presidential and Vice Presidential candidates who participated in the election also form part of the National Assembly as Representatives and Alternates respectively if they have received a number of votes equal or superior to the average number of votes necessary to win the election in each regional electoral district.

Art.134 A Representative in the National Assembly must be:

1. A Nicaraguan national;
2. In full enjoyment of political and civil rights;
3. Over twenty-one years of age.

Art.135 No Representative to the National Assembly may obtain any concessions from the state or be the proxy or agent of public, private or foreign enterprises which have contracts with the state. Violation of this provision annuls the concessions or advantages obtained and terminates the person's representative status.

Art.136 Representatives to the National Assembly shall be elected for a period of six years, starting from the date of inauguration, which shall be the ninth of January of the year following the election.

Art.137 Representatives and Alternates elected to the National Assembly shall be sworn in by the President of the Supreme Electoral Council.

The National Assembly shall be inaugurated by the Supreme Electoral Council.

Art.138 The functions of the National Assembly are to:

1. Draft and approve laws and decrees, as well as amend or repeal existing ones;
2. Officially interpret the law;
3. Decree amnesty and pardons, as well as commute or reduce sentences.
4. Solicit reports through the President of the Republic from the Ministers or Vice Ministers of the state, and Presidents or Directors of autonomous and governmental institutions.. Request by the same means their personal appearance and explanation or consultation.
5. Grant and cancel legal status to entities of a civil or religious nature.
6. Consider, discuss and approve the General Budget of the Republic in conformity with the procedures established in the Constitution and by law.

7. Elect Judges to the Supreme Court of Justice, and Members and their Alternates to the Supreme Electoral Council, from slates of three candidates proposed by the President of the Republic.
8. Elect the Controller General of the Republic from a slate of three candidates proposed by the President of the Republic.
9. Consider, acknowledge and decide on the resignations or permanent absences of Representatives to the National Assembly.
10. Consider and acknowledge the resignations or dismissals of Judges of the Supreme Court of Justice, of Members of the Supreme Electoral Council or the Controller General of the Republic.
11. Ratify or reject international treaties.
12. Regulate all matters related to symbols of the nation.
13. Create honorary orders and distinctions of national character.
14. Create and grant its own orders of national character.
15. Receive the President or the Vice President of the Republic in formal session to hear the annual report.
16. Delegate the legislative faculties to the President of the Republic when the National Assembly is in recess, in accord with the Annual Decree of Delegating Legislative Functions. Matters relating to the codes of the Republic are excepted.
17. Elect the National Assembly's Executive Board.
18. Create permanent, special and research committees.
19. Propose grace pensions and grant honors for distinguished service to the Homeland and to humanity.
20. Determine the political and administrative division of the country.
21. Consider the nation's economic and social development plans and policies.
22. Fill permanent vacancies of the Presidency or Vice Presidency of the Republic.

23. Authorize foreign visits of the President of the Republic which last longer than one month.
24. Review and resolve complaints presented against officials who enjoy immunity.
25. Decree the General Statute and Internal Rules of the National Assembly.
26. Fulfill other functions conferred by the Constitution and the laws.

Art.139 Representatives shall bear no legal responsibility for their opinions and votes cast in the National Assembly and enjoy immunity in conformity with the law.

Art.140 Representatives to the National Assembly and the President of the Republic may initiate bills, as may the Supreme Court of Justice and the Supreme Electoral Council in matters pertaining to their respective jurisdictions. This right of initiative shall be regulated by the General Statute and Internal Rules of the National Assembly.

Art.141 Quorum for sessions of the National Assembly is half the number of its members plus one. To be approved, bills shall require a favorable vote by a simple majority of the Representatives present.

Once a bill is approved, it shall be sent to the President of the Republic for authorization, promulgation and publication.

Art.142 The President of the Republic may partially or totally veto a bill within 15 days after receiving it. If the President does not veto the bill, and fails to authorize, promulgate and publish it, the President of the National Assembly shall order the law to be published.

Art.143 A bill partially or totally vetoed by the President of the Republic must be returned to the National Assembly with the reasons for the veto specified. The National Assembly can reject the veto with a vote of half its Representatives plus one, in which case the President of the National Assembly shall order the law to be published.

CHAPTER III EXECUTIVE BRANCH

Art.144 The President of the Republic, who is the Head of State, Head of Government and Commander in Chief of the Defense and Security Forces of the Nation, exercises executive power.

Art.145 The Vice President of the Republic carries out the functions delegated by the President and shall substitute in that position during the President's temporary or permanent absence.

Art.146 The election of the President and Vice President of the Republic is by equal, direct, free universal suffrage in secret ballot. The Candidates who receive the largest number of votes will be elected.

Art.147 The President and Vice President of the Republic must be:

1. Nicaraguan nationals;
2. In full enjoyment of civil and political rights.
3. Over twenty-five years of age.

Art.148 The President and Vice President shall exercise their functions for a period of six years, starting from their inauguration on January 10 of the year following the election; they shall enjoy immunity during their term of office.

Art.149 In case of the temporary absence of the President of the Republic, the Vice President shall assume the Presidential functions. When the absence is permanent, the Vice President shall assume the position of the President of the Republic for the remainder of the term and the National Assembly must elect a new Vice President.

In case of the temporary and simultaneous absence of the President and Vice President, the President of the National Assembly, or whoever is serving in that position in accord with the law, shall assume the functions of the President. In case of the permanent absence of the Vice President of the Republic, the National Assembly shall appoint a substitute.

If the President and Vice President of the Republic are permanently absent, the President of the National Assembly or whoever is next in order of succession under law shall assume the functions of the President. The National Assembly must appoint substitutes for the President and Vice President within seventy-two hours after their positions have become vacant. Those appointed shall exercise their functions for the remainder of the term.

Art.150 The functions of the President of the Republic are to:

1. Comply with and enforce the Political Constitution and the laws.
2. Represent the nation.

3. Initiate legislation and exercise the right to veto, in accordance with this Constitution.
4. Enact executive decrees with the force of law in fiscal and administrative matters.
5. Prepare the General Budget of the Republic and promulgate it upon approval or review by the National Assembly, depending on the case.
6. Appoint and remove Ministers and Vice Ministers of State, Delegate Ministers of the Presidency, Presidents or Directors of autonomous and governmental institutions and other officials whose appointment or removal is not otherwise determined in the Constitution and the laws.
7. Assume the legislative faculties delegated by the National Assembly during its recess period.
8. Conduct the international relations of the Republic, formalize international treaties, agreements or accords and appoint the heads of diplomatic missions.
9. Decree and put into effect the State of Emergency in circumstances defined by this Political Constitution and forward the decree to the National Assembly for ratification within a period of no more than forty-five days.
10. Adopt regulations to give effect to the laws.
11. Grant honorary orders and decorations of a national character.
12. Organize and conduct the government and preside over Cabinet meetings.
13. Administer the economy of the country and determine socio-economic policies and programs.
14. Propose slates of three candidates to the National Assembly for the election of Judges to the Supreme Court of Justice, Members to the Supreme Electoral Council and the Controller General of the Republic.
15. Present the annual report and other reports and special messages to the National Assembly personally or via the Vice President.
16. Fulfill the other functions conferred by this Constitution and the laws.

Art.151 The President of the Republic determines the number, organization and jurisdiction of the government ministries and autonomous and state institutions. The ministers, vice ministers and presidents or directors of autonomous and governmental institutions enjoy immunity.

Art.152 Ministers, vice ministers or presidents of autonomous or governmental institutions must be:

1. A Nicaraguan national;
2. In full enjoyment of political and civil rights;
3. Over twenty-five years of age.

Art.153 Ministers, vice ministers and presidents or directors of autonomous and governmental institutions are responsible for their acts in conformity with this Constitution and the laws.

CHAPTER IV OFFICE OF THE CONTROLLER GENERAL OF THE REPUBLIC

Art.154 The Office of the Controller General of the Republic is the governing body which controls public administration and the "Area of People's Property"(public property).

Art.155 The Controller General of the Republic has the following responsibilities:

1. The establishment of a system which controls the proper use and prevents abuses of funds.
2. Ongoing supervision of the management of the General Budget of the Republic.
3. Control, examination and evaluation of the administrative and financial management of public institutions, those subsidized by the state and the public or private enterprises which receive investments of public capital.

Art.156 The Office of the Controller General of the Republic shall enjoy functional and administrative autonomy and shall be directed by the Controller General of the Republic, who shall give annual reports to the National Assembly and enjoy immunity.

Art.157 The law shall determine the organization and functioning of the Office of the Controller General of the Republic.

CHAPTER V
JUDICIAL BRANCH

Art.158 Justice emanates from the people and shall be carried out in their name as their proxy by the Judicial Branch, composed of the Courts of Justice established by law.

Art.159 The Courts of Justice form a single system, headed by the Supreme Court of Justice.

The exercise of judicial powers falls under the authority of the Judicial Branch. Military jurisdiction is established, and its exercise is regulated by law.

Art.160 The administration of justice guarantees the principle of legality and protects and promotes human rights through the application of law in the matters within its jurisdiction.

Art.161 A Judge of the Supreme Court of Justice must be:

1. A Nicaraguan national;
2. A lawyer;
3. In full enjoyment of political and civil rights;
4. Over twenty-five years of age.

Art.162 Judges shall serve for a term of six years and may be dismissed from their position only for reasons determined by law.

Judges enjoy immunity.

Art.163 The Supreme Court of Justice shall be composed of at least seven Judges, selected by the National Assembly, from slates of three candidates proposed by the President of the Republic.

The Judges shall take office after being sworn in before the National Assembly.

The President of the Supreme Court of Justice shall be appointed by the President of the Republic from among the Judges selected by the National Assembly.

Art.164 The functions of the Supreme Court of Justice are to:

1. Organize and direct the administration of justice;
2. Review and decide ordinary and extraordinary appeals presented against the judgments of the Courts of Justice of the Republic, in accord with the proceedings established by law;

3. Review and decide on writs of amparo*** claiming violations of rights established in the Constitution, according to the Law of Amparo.
4. Review and decide on writs challenging the constitutionality of a law, filed in conformity with the Constitution and the Law of Amparo.
5. Appoint the Judges of the Appeals Courts and the Courts of the Republic, in accord with the procedures established by law.
6. Draft its internal rules and appoint its personnel.
7. Fulfill other functions conferred on it by the Constitution and the laws.

Art.165 In their judicial activity Supreme Court Judges and other Judges are independent and are subject only to the Constitution and the law; they shall be governed by, among others, the principles of equality, public proceedings and the right to a defense. In Nicaragua justice is free of charge.

Art.166 The administration of justice shall be organized and shall function with popular participation as determined by the law. The members of the Courts of Justice, be they lawyers or not, have equal authority in the exercise of their legal functions.

Art.167 State authorities, organizations and legal institutions and individuals must comply with the verdicts and resolutions of the Courts and Judges.

CHAPTER VI ELECTORAL BRANCH

Art.168 The organization, management and oversight of elections, plebiscites and referendums are the exclusive responsibility of the Electoral Branch.

Art.169 The Electoral Branch is composed of the Supreme Electoral Council and other, subordinate electoral bodies.

Art.170 The Supreme Electoral Council is composed of five Members with their respective Alternates, elected by the National Assembly from slates of three candidates for each position proposed by the President of the Republic. The National Assembly shall select the President of the Supreme Electoral Council from the elected Members.

*** See footnote to Article 28.

Art.171 The Judges of the Supreme Electoral Council must be:

1. Nicaraguan nationals;
2. In full enjoyment of political and civil rights;
3. Over twenty-five years of age.

Art.172 The President and other Members of the Supreme Electoral Council shall exercise their functions for a term of six years starting from the date on which they take office; during this period they enjoy immunity.

Art.173 The functions of the Supreme Electoral Council are to:

1. Organize and conduct the elections, plebiscites or referendums convoked in accordance with the Constitution and the law.
2. Appoint the members of the other electoral bodies, in accordance with the Electoral Law.
3. Establish the calendar for elections.
4. Apply the constitutional and legal provisions that refer to the electoral process.
5. Serve as the final arbiter of resolutions enacted by subordinate electoral bodies and of the claims and disputes presented by political parties.
6. Issue relevant measures in accordance with the law to ensure that the electoral process develops under conditions of full legal guarantees.
7. Ensure that the appropriate bodies provide security for the political parties participating in the elections.
8. Make the final check of the votes cast in the elections, plebiscites and referendums, and present the final declaration of the results.
9. Draft its own regulations.
10. Fulfill other functions conferred on it by the Constitution and the laws.

Art.174 The Members and alternates of the Supreme Electoral Council shall take office after being sworn in by the President of the National Assembly.

TITLE IX
POLITICAL ADMINISTRATIVE DIVISION

CHAPTER I
MUNICIPALITIES

- Art.175 The national territory shall be divided for administrative purposes into Regions, Departments and Municipalities. The laws regarding this matter shall determine the size, number, organization, structure and operation of the various districts.
- Art.176 The Municipality is the basic unit of political administration in the country. The law shall determine their number and size.
- Art.177 The government and administration of municipalities is the responsibility of the municipal authorities, who enjoy autonomy without abrogating the authority of the central government.
- Municipal governments shall be elected by the people, through equal, direct, free and universal suffrage in secret ballot, in conformity with the law.
- Art.178 Municipal authorities shall serve six-year terms, beginning from the day they are sworn in before the Supreme Electoral Council.
- Art.179 The state shall promote the integral and harmonious development of the diverse parts of the nation.

CHAPTER II
COMMUNITIES OF THE ATLANTIC COAST

- Art.180 The Communities of the Atlantic Coast have the right to live and develop under the forms of social organization that correspond to their historic and cultural traditions. The state guarantees these communities the benefits of their natural resources, the legitimacy of their forms of communal property and the free election of their authorities and representatives.
- Furthermore, it guarantees the preservation of their cultures and languages, religion and customs.
- Art.181 The state shall implement a law which establishes autonomous governments in the regions inhabited by the Communities of the Atlantic Coast to guarantee the exercise of their rights.

TITLE X
SUPREMACY OF THE CONSTITUTION, ITS REFORM, AND CONSTITUTIONAL LAWS

CHAPTER I
POLITICAL CONSTITUTION

Art.182 The Political Constitution is the fundamental charter of the Republic; all other laws are subordinate to it. Any laws, treaties, orders or provisions that oppose it or alter its provisions shall be null and void.

Art.183 No branch of government, governmental body or official shall have any authority, faculty or jurisdiction other than those conferred by the Political Constitution and the laws of the Republic.

Art.184 Once written, the Electoral Law, Emergency Law and Law of Amparo will have constitutional status under the Political Constitution of Nicaragua.

Art.185 The President of the Republic may suspend the rights and guarantees consecrated in this Constitution within part or all of the nation in case of war or when demanded by national security, economic conditions or a national catastrophe.

The President's decree shall put the State of Emergency into effect for a specified renewable time period. The Law of Emergency shall regulate its forms. During a State of Emergency, the President of the Republic is authorized to approve the General Budget of the Republic and forward it to the National Assembly for its review.

Art.186 The President of the Republic can not suspend the rights and guarantees established in articles 23; 24; 25, no.3; 26, no.3; 27; 29; 33, nos. 2.1 (final part), 3 and 5; 34, except nos. 2 and 8; 35; 36; 37; 38; 39; 40; 41; 42; 43; 44; 46; 47; 48; 50; 51; 56; 57; 58; 59; 60; 61; 62; 63; 64; 65; 67, first paragraph; 68, first paragraph; 69; 70; 71; 72; 73; 74; 75; 76; 77; 78; 79; 80; 81; 82; 84; 85; 87; 89; 90 and 91.

CHAPTER II
CONSTITUTIONAL CONTROL

Art.187 Any citizen has the right to seek judicial review of the constitutionality of any law, decree or regulation that is inconsistent with the Political Constitution.

Art.188 The Writ of Amparo may be used to challenge any provision, act or resolution and any action or omission of any official or authority or his or her agent violating or attempting to violate the rights and guarantees affirmed in the Political Constitution.

- Art.189 The Writ of Habeas Corpus may be used by anyone whose freedom, physical integrity or security is violated or is in danger of being violated.
- Art.190 The Law of Amparo shall regulate the remedies established in this chapter.

CHAPTER II CONSTITUTIONAL AMENDMENT

- Art.191 The National Assembly is empowered to partially amend this Political Constitution and to review and approve its total revision.

The President of the Republic or one-third of the Representatives to the National Assembly can initiate a partial reform.

Half of the total number of Representatives to the National Assembly plus one are necessary to initiate a total reform.

- Art.192 A proposal for partial reform must specify the article or articles to be reformed with a statement of the reasons for the modification. The proposal must be sent to a special commission which shall render an opinion within no more than 60 days; the initiative shall then follow the same process as for the creation of a law.

A proposal for partial reform must be discussed in two sessions of the National Assembly.

- Art.193 A proposal for total reform shall follow the same process as in the previous article, except that upon its approval, the National Assembly shall establish a time period for holding elections for a Constituent National Assembly. The National Assembly shall retain jurisdiction until the installation of the new Constituent National Assembly.

Until a new Constitution has been approved by the Constituent National Assembly, this Constitution shall remain in effect.

- Art.194 Approval of a partial reform shall require a favorable vote by sixty percent of the Representatives. Two-thirds of the total number of Representatives are required to approve a total revision. The President of the Republic must promulgate the partial amendment, which is not subject to veto.

- Art.195 The reform of constitutional laws shall follow the procedure established for partial reform of the Constitution, with the exception of the requirement of discussion in two legislative sessions.

TITLE XI
FINAL AND TRANSITIONAL PROVISIONS

- Art.196 This Constitution shall govern from the time of its publication in La Gaceta, the official daily legal publication, and shall annul the Fundamental Statute of the Republic, the Statute of Rights and Guarantees of Nicaraguans and all other legal provisions inconsistent with it.
- Art.197 This Constitution shall be widely disseminated in the official language of the country. It shall also be disseminated in the languages of the Communities of the Atlantic Coast.
- Art.198 All aspects of the existing legal order that do not contradict this Constitution shall remain in effect, until such time as they may be modified.
- Art.199 The Special Courts shall continue to function until such time as they come under the jurisdiction of the Judicial Branch. The appointment of their members and their procedures shall be determined by the laws that established them.
- Furthermore, the Common Courts shall continue to function in their present form, until a system with popular representation is established. This principle shall be implemented gradually in accord with the circumstances.
- Art.200 The current political administrative division shall be preserved until the law governing it is promulgated.
- Art.201 The President and Vice President of the Republic and the Representatives to the National Assembly, elected November 4, 1984, shall exercise their functions during the term that ends January 10 and 9, 1991, respectively.
- The members of the Supreme Court of Justice and the Supreme Electoral Council and other authorities and officials of the diverse branches of government shall continue to exercise their functions until such time as their successors take office in accordance with the Constitution.
- Art.202 Four official copies of this Constitution shall be signed by the President and Representatives to the National Assembly and by the President of the Republic. These copies shall be kept in the offices of the Presidency of the National Assembly, the Presidency of the Republic, the Presidency of the Supreme Court of Justice and the Presidency of the Supreme Electoral Council. Each one shall have the force of the authentic text of the Political Constitution of Nicaragua. The President of the Republic shall cause it to be published in La Gaceta, the official daily publication.

GIVEN IN THE MEETING HALL OF THE NATIONAL ASSEMBLY,
IN THE CITY OF MANAGUA, NOVEMBER 19, 1986.
"FOR 25 YEARS, ALL ARMS AGAINST THE AGGRESSION"

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ANTONIO JARQUIN RODRIGUEZ
LEONCIO RAYO GONZALEZ
ARIEL BRAVO LORIO

THEREFORE, LET IT BE PUBLISHED.
MANAGUA, JANUARY 9, 1987.

DANIEL ORTEGA SAAVEDRA
PRESIDENT OF THE REPUBLIC

APPENDIX B

RESOLUTION OF THE INDEPENDENT
NICARAGUA BAR ASSOCIATION

The Barra de Abogados de Nicaragua - [Bar Association of Nicaragua], meeting on the occasion of its "First National Juridical Forum" in the Ruben Dario Hall of the Intercontinental Hotel in Managua on August 22 and 23, 1986, has resolved as follows:

WHEREAS

I. On the subject of the constitution:

(1) There is no true separation among the branches of government.

(2) Inter-agency controls that would ensure a balance of power have been eliminated, with the result that power is concentrated in the presidency.

(3) The text [of the constitution] contains no categorical statement of either individual or social rights. There are fewer guarantees than in the previous constitution.

(4) The constitutional remedies are not well defined and not as fully guaranteed because they are not incorporated into the text of the constitution or in constitutional law.

(5) Free suffrage, besides being directly threatened by the normative content of the draft text, is not properly guaranteed by an electoral law of a constitutional nature.

(6) Neither the justification nor scope of the special powers for a state of emergency or martial law appears to be regulated in the text we analyzed, nor is there mention of an annexed constitutional law.

(7) The draft leaves all matters to whoever holds legislative authority. Instead of the constitution being the highest law upon which the secondary laws and rules depend, the constitution is virtually subject to these. The legislating authority is given a free hand to act as it sees fit.

(8) The principle of nationality is set forth only in order to be denied, in deference to the internationalist trend, disguised in part by the concepts of Central Americanism and Latin Americanism.

(9) References are to a mixed economy, yet private enterprise is virtually destroyed.

(10) Political pluralism is mentioned, while an armed party is constituted that stifles any possibility of independent party development.

(11) The principle of non-alignment is belied by actions in international politics.

(12) There is nothing to prevent a situation such as now prevails, where one person occupies positions in various agencies at once, or relatives occupy positions in the same government entities, thereby encouraging nepotism.

(13) Free of any control and actually exercising all the power of the state, the president becomes an absolute monarch and his will becomes law. This, together with the obvious State-Party-Army confusion that already exists in our country, leads one to believe that the draft constitution is nothing more than a strategic tool.

(14) If the political regime that is urging the adoption of the draft constitution becomes a legal reality, we would be returning to earlier periods of our history and the result would be an anti-constitution whose purpose would be diametrically opposed to legitimate constitutional objectives.

II. On criminal law:

(1) The draft of the Code of Criminal Procedure does not permit even a superficial analysis of its provisions because it is not consistent with the general principles that form the basis of criminal legislation worldwide; moreover, it runs contrary to human rights conventions ratified by Nicaragua, and to the statute of rights and guarantees of the Nicaraguan people. Also, the code of criminal procedure or of criminal prosecution merit such amendments as are necessary in order to update modern criminal procedural law.

(2) Criminal procedures vary depending on the offense. This means exceptional procedures are created for individuals and for different types of crime, which violates universal principles of human rights.

(3) The State's monopolizing of criminal prosecution has become a political instrument that leads to injustices, and the citizen is frustrated in his rights when his ability to bring criminal suit is hampered; moreover, it has neither the

material nor human resources to enable it to challenge the legal time limits and introduce evidence either in favor of or against the accused.

(4) The courts of justice have used police investigations based on confessions as grounds for their decisions, thereby abusing the system of a calm and reasoned review, their extra-legal decisions justified [sic]: civilians are removed from the ordinary jurisdiction to the military jurisdiction, in violation of, universally accepted principles.

(5) Experience has shown that the inclusion of laymen in the administration of justice has been detrimental to law and justice in the nation, and that the objective is clearly to politicize criminal law.

(6) The bar association has denounced the abuse to which it has been subjected by both administrative and police authorities at the national level.

(7) During police procedures, the accused have complained of assaults on their physical, psychological, and moral integrity by agents of the executive branch, since current emergency legislation provides for neither a maximum nor a uniform term of detention and, in daily practice, any person in prison is prevented from obtaining the assistance of a defense lawyer.

III. At the Initiative of the Assembly:

(1) Freedom of expression is one of the universally recognized fundamental rights. Censorship and the closing of communication media threaten the right of the citizen to express himself and the right of the people to be informed without any restriction.

(2) The Christian people of Nicaragua have watched with profound sadness and indignation the unjustified expulsion of our spiritual leaders Msgr. Pablo Antonio Vega, Bishop of Juigalpa, and the exile of Msgr. Bismarck Carballo Madrigal, Vicar in charge of communications for the diocese of Managua.

(3) These events impair the elementary rights of freedom of conscience to which all Nicaraguans are entitled. They are sanctioned in international documents that have been signed and ratified, and in which the national honor is committed.

(4) The unexpected and unjust detention of Dr. Carlos Bayardo Romero, an attorney, alarms and surprises our professional community.

(5) We are fully aware of the Marxist political and ideological orientation that exists in the curricula at our universities, where an attempt is made to misrepresent and deprecate the legal profession.

NOW, THEREFORE, BE IT RESOLVED THAT:

(1) We call for the exercise of freedom of expression and demand the effective exercise of this right within the nation. In this regard we ask for the reopening of Radio Catolica, the newspaper La Prensa, and any other media that have been closed, as well as the suspension of any other form of censorship.

(2) We declare ourselves in favor of the rights of freedom of conscience and free movement within and outside the country, and we condemn any form of violation of these rights.

(3) We support the validity of the human rights recognized in the Universal Declaration of Human Rights and in other international and national legal instruments, and we condemn any restriction of these rights.

(4) We recognize the commentary on the draft constitution submitted at the first "National Legal Forum" as the basis for future analyses of this draft text.

(5) We call for the elimination of barriers to our free and honest exercise of the profession of lawyer in defense of the legitimate personal and collective interests of our national community.

(6) We reject the politicizing of the academic study plans used at our universities for a career in law.

(7) We demand the release of our colleague, Dr. Carlos Bayardo Romero, who has been unjustly detained.

(8) In conclusion:

- Justice for all under every circumstance does not exist in Nicaragua;

- We maintain our firm and civic-minded position to seek for Nicaragua the best socio-political solution that enables all to live under a true state of law.

Barra de Abogados de Nicaragua

ARA/LPD
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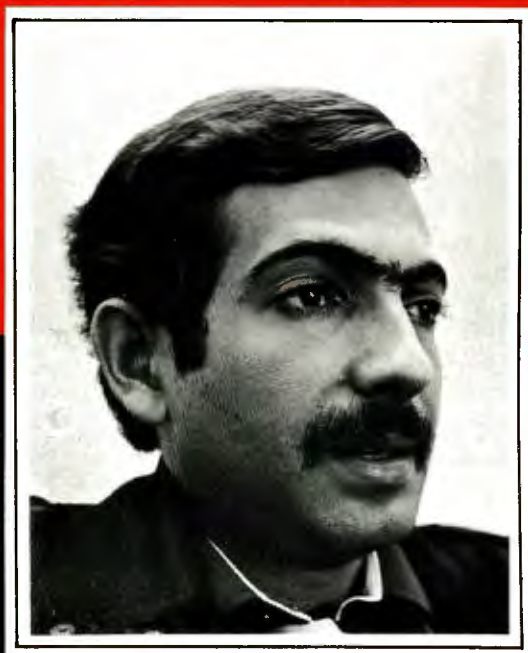
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Inside the Sandinista Regime: A Special Investigator's Perspective



February 1986

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Coordinator of Public Diplomacy for
Latin America and the Caribbean

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Summary

Alvaro Jose Baldizon Aviles, formerly Chief Investigator of the Special Investigations Commission of the Nicaraguan Ministry of the Interior, has provided a wealth of information about the Sandinistas' deliberate attempts to hide the truth about their human rights record. The Special Investigations Commission was created by the Nicaraguan Government in late 1982 to conduct internal investigations of reported governmental abuses about which the Inter-American Human Rights Commission and others had made inquiries. In his debriefings by U.S. Government officials, and during discussions with members of Congress and human rights groups, Mr. Baldizon described:

- The Nicaraguan Government's policy of human rights abuses and cover-ups, linking such figures as Interior Minister Tomas Borge and Vice Minister Luis Carrion with the executions of political opponents of the Sandinista regime; how the Nicaraguan Government regularly uses murder and torture to control the internal opposition and to confront the armed opposition.
- Methods used by the Nicaraguan Government to deceive visiting international delegations as to the real objectives of the Sandinista regime.
- The involvement of Interior Minister Tomas Borge and others with international drug trafficking.
- The Nicaraguan Government's employment of criminals in the police.
- The more than 200 Cuban advisers in the Interior Ministry involved in the day-to-day operation of the Ministry.
- The Nicaraguan Government's training of foreign guerrillas.
- The Government of Nicaragua's use of the *turbas divinas* as shock troops to neutralize opposition gatherings.
- Nicaraguan Government attempts to intimidate the Catholic Church and other religious groups.

Introduction

In the late 1970s, Marxist-Leninists took power in two Caribbean countries, Grenada and Nicaragua. The 17½ tons of documents found in the Grenadian Government archives after the landing of the joint East Caribbean-United States forces in October 1983 revealed the glaring difference between the moderate facade the Maurice Bishop government sought to present to the world and the grim reality of what the committed Marxist-Leninists in that government were actually saying and doing. In Nicaragua, the Sandinistas have been less discreet in public about their commitment to "revolutionary internationalism" and their strong ties to the Soviets and Cubans. But they have successfully hidden from the outside world many of the harsh realities of their internal repression. Nicaraguans who continue to live in Nicaragua cannot speak out while they travel abroad without risk of being jailed upon their return. A few former Sandinista officials whose consciences demanded they speak out have been forced to seek asylum outside Nicaragua. One of these Nicaraguans is Alvaro Jose Baldizon Aviles, a former special investigator in the Ministry of the Interior headed by Tomas Borge Martinez. This paper contains information that Baldizon provided during September and October 1985 in interviews with representatives of human rights groups, the press, members of Congress, and representatives of the U.S. Government.

The information Baldizon has provided confirms reports by other sources of widespread human rights abuses committed by the Sandinistas. Reports from other Nicaraguan defectors such as Mateo Guerrero, Executive Director of the Sandinista-sponsored National Commission for the Protection and Promotion of Human Rights (CNPPDH); and Bayardo Jesus Payan Hidalgo, ex-CNPPDH finance officer, have shown how the Sandinista government has attempted to hide its involvement in human rights abuses and to mislead international public opinion as to the true nature of life in post-revolutionary Nicaragua. Baldizon's story is unique in that he has inside information on many specific cases, thanks to his highly sensitive position in the Interior Ministry.

Baldizon's Personal History

On July 1, 1985, Lieutenant Alvaro Jose Baldizon Aviles of the Nicaraguan Interior Ministry crossed the Honduran border to escape from Nicaragua. Baldizon had been with the Interior Ministry for more than five years and a full member of the Sandinista Front for National Liberation (FSLN) for two years. Baldizon began working with the Sandinistas in early 1979, before the overthrow of Somoza, when he was 20 years old. At that time he was a truck driver and served as a clandestine courier for the Sandinistas. In 1983, he achieved the status of militant, or full member, in the FSLN. He joined the Sandinista Police in April 1980 and was later named Chief of Police at Station 15 in Ciudad Sandino, a suburb of Managua. Baldizon says that he first joined the Sandinista Police and the Interior Ministry because he had a "romantic belief" that the new Sandinista regime would be much better than the Somoza regime and that civil and human rights would be respected.

In September 1980 Baldizon was sent to Volgograd in the Soviet Union to attend a 10-month course in criminology. Upon his return to Nicaragua in July 1981, he began to work in the Interior Ministry's Department of Economic Investigation. He briefly worked for the Managua Reconstruction Board and in April 1982 he joined the Sandinista Police office for internal investigations.

In December 1982 Baldizon was named the chief investigator of the Interior Ministry's Special Investigations Commission. The commission was formed to investigate reports that the Government of Nicaragua (GON) had begun to receive from the Inter-American Commission on Human Rights (IACHR) regarding abuses reportedly committed by government officials. In 1982 the IACHR began sending lists of missing Nicaraguans, with information alleging what the GON had done to them, to the Multi-Lateral Affairs office of the Nicaraguan Foreign Ministry and requesting a reply to the charges. When replies were not received, the IACHR would send a second request noting that if no reply were received within a given time, the IACHR would assume that the charges against the GON were correct.

As the requests mounted, the Foreign Ministry decided to send them to the Ministry of the Interior (MINT) for reply, since MINT was the organization involved in the alleged actions. Baldizon has stated that Interior Minister Tomas Borge was worried that unless explanations and plausible cover stories were provided, the IACHR complaints would discredit the GON with the governments of countries that had supported it.

Borge therefore ordered the establishment of the Special Investigations Commission to look into the charges.

Baldizon says that the Special Investigations Commission soon concluded that 90 percent of the IACHR accusations were in fact correct. The Interior Ministry would use the reports from Baldizon's office to later concoct cover stories to explain away abuses committed by GON authorities. Baldizon personally investigated many of the cases and also reviewed the reports of other investigators. His work thus gave him unusual access to highly sensitive information regarding the GON's human rights abuses.

When Baldizon realized that his earlier romantic notions about the FSLN had been wrong, he decided that he had to leave the Interior Ministry. Baldizon believed that he had been used by the FSLN to cover up their misdeeds and that he had a moral obligation to expose them. He asked for release from his job in July 1984 but was told that since he possessed such sensitive information he would have to be sent to a military detention camp for at least a year before he could be released so that his information would lose much of its currency and sensitivity. Baldizon quickly withdrew his request, apparently convincing his superiors that he had only wanted to attend the university and that he was still committed to the Revolution. Nevertheless, believing that he was a marked man, and realizing that he might be murdered to ensure his silence, he made plans to flee the country. While in northern Nicaragua on an investigation, Baldizon waited until he was unobserved and then slipped across the border into Honduras. Baldizon had arranged for his brother to get his wife and son out of Nicaragua after his flight. His brother was unsuccessful. Baldizon's wife was arrested after it became known that he had fled. She was held for some weeks and then released and placed under house arrest. His brother was also arrested and is still being held for complicity in treason (charges deriving from Baldizon's defection).

The following examples Baldizon has provided show the nature and range of human rights abuses committed by the Sandinista government as well as its ties to international drug trafficking and the corruption within the GON.



Assassinations 1979-81

Some of the first cases Baldizon's office was called upon to investigate dealt with assassinations reported to have occurred soon after the Sandinistas took power in July 1979. For some time the Nicaraguan Government had received inquiries from various human rights organizations regarding these cases but had never given an official response explaining the events.

Silencing Opponents

Between July 1979 and March 1980, more than 80 opponents of the new Sandinista regime were captured and killed in the Granada area of Nicaragua under the personal authority of FSLN Comandante Reinerio Ordonez Padilla. When relatives of the missing persons complained to the military Judge Advocate's office in Managua, Ordonez was arrested and taken to Managua. He was never brought to trial, in spite of the extensive evidence against him, and was released 15 days later by order of Captain Montealegre. Montealegre, the Judge Advocate at the time, followed instructions from the National Directorate of the FSLN. The FSLN excused Ordonez's actions by saying that he was suffering from psychosis because of his outstanding military performance during the victories at Masaya and Jinotepe during the revolution. Inspectors in Baldizon's office reviewed the Judge Advocate's file on this case in 1983 and found that it contained more than 150 pages of solid evidence against Ordonez. Furthermore, Ordonez frequently talked about his actions in Granada and said that he had personally killed the people with his automatic rifle. The independent Permanent Commission for Human Rights also investigated this case and its report verifies much of what Baldizon has reported.

The Salazar Case

In 1980, officers of the General Directorate of State Security (DGSE) held a meeting to plan the murder of Jorge Salazar, a Nicaraguan businessman who was at that time the leader of the private sector group COSEP. Among those present were Comandante Guerrillero Juan Jose Ubeda; Captain Oscar Loza, Chief of Department F-1 (Operations) of the DGSE; Lieutenant Raul Castro Gonzales, chief of a section of Department F-1; and two members of the patrol and shock force of Department F-1. It was agreed that the DGSE personnel would ambush Salazar and then plant weapons in his vehicle to give the appearance that he had first fired on a DGSE patrol. The operation was carried out on November 17, 1980. The DGSE fired several shots to make it appear that there had been an exchange of fire, and then put several M-16s into Salazar's vehicle. The Sandinistas have publicly admitted killing Salazar, but claim that he had fired on security forces.

An Infiltrator's Escape Plan

In 1981, the DGSE, under orders from Borge, prepared a plan to assassinate a group of Nicaraguans who had taken asylum in the Guatemalan Embassy. The asylees were former Nicaraguan National Guard and Government personnel who had lived in the embassy since the Sandinista takeover in July 1979, and to whom the Nicaraguan Government had refused to issue safe-conduct papers so that they could leave the country. The DGSE planted a false asylee in the Guatemalan Embassy who said that friends of his, who visited him at the embassy, were in reality counter-revolutionaries preparing an escape plan for him. The false asylee invited the other asylees to join him, and some accepted.

The DGSE plant and the asylees he had tricked left the embassy by climbing a wall. They proceeded to a ranch in the foothills of the mountains near Managua where they were then captured and assassinated by members of Department F-1 under the command of Lieutenant Raul Castro Gonzales, chief of the department. Castro had planned the operation in conjunction with officers of Department F-2 which monitors diplomatic establishments and personnel.

False Clemency

In mid-1981, eight prisoners in the Zona Franca Penitentiary disarmed three prison guards and sparked an uprising in one of the prison buildings. After gunfire was exchanged between the guards and the prisoners for several hours, Borge talked the prisoners into giving up their weapons and surrendering by promising them their lives would not be endangered. As soon as the prisoners

were back in their cells, Borge ordered the execution of the eight who started the riot. Lieutenant Raul Castro Gonzales of the DGSE took the eight men behind one of the prison blocks and machine gunned them while Borge and Humberto Ortega Saavedra, the Minister of Defense, looked on. Later, the Ministry of the Interior published an official communique in which it reported that the prisoners had been killed while fighting during the riot.

The incident described above illustrates a common practice of the Sandinistas in which they arrest a number of people, then, after interrogation, frequently involving torture, separate those among the detainees who have the most potential to be leaders and kill them. The remainder, knowing nothing of the fate of the murdered group, are sent to prison. If the Sandinistas later receive inquiries from the IACHR about the persons who have disappeared, the government locates those in prison to show that they are still alive. Government officials deny that those captured were killed, or they allege that they were either killed in combat or joined the contras.

Action against Miskitos

In December 1981 the Sandinista Popular Army (EPS) and DGSE forces in Leimus, northern Zelaya, launched an operation against the MISURA Indian organization. From a Sumo Indian prisoner they learned of plans to disarm government guards at the resin processing plant in La Tronquera and along the border. The Sumo also gave the names of 60 people involved in "counter-revolutionary" activities. The authorities stopped a launch on the Rio Coco which contained 25 people named by the Sumo and took them prisoner. Later, in an action in San Carlos, Rio Coco, two government officials were killed. When the Sandinista authorities in Leimus heard this, nine previously captured prisoners were taken out and killed. On December 23, 1981, two prisoners escaped and Gustavo Martinez, Commander of the frontier area, ordered the execution of seven more prisoners. Second Lieutenant Chester Enrique Dicario, the DGSE counter-intelligence chief in the area, participated in the assassination along with soldiers from EPS Battalion 90-15. The two escapees were caught and killed, and a day or two later six more prisoners were killed by a squad from the 90-15 Battalion, commanded by Second Lieutenant Juan Soza. Eventually the authorities assassinated a total of 30 prisoners.

Lieutenants Soza and Dicario and five soldiers were tried by military tribunals, found guilty of murder, and sentenced to 10 years' imprisonment. They were shortly freed, however, by order of Comandante Joaquin Cuadra Lacayo, Chief of Staff of the EPS.

Steadman Fagoth, the leader of MISURA at that time, denounced this incident to the Inter-American

Commission on Human Rights (IACHR), which in turn made inquiries of the Nicaraguan Government, and included a list of names of those who were killed. By error, the list included two Miskitos, Asel Mercado and Luis Fajardo, who were alive. The government presented Mercado to a delegation from the IACHR to support its argument that the MISURA complaint was unjustified and simply a propaganda maneuver to denigrate the Nicaraguan Government. Baldizon's office reviewed the case in 1984 and found that the MISURA complaint was correct, except for the two names incorrectly included, and obtained a statement from Dicario substantiating the charges.



Nicaraguan Indians at a Honduran refugee center.

“Special Measures”— Government Assassinations of FSLN Opponents

Immediately after the 1979 takeover and through late 1981, assassinations of political opponents of the Sandinista regime had been carried out in a mostly ad hoc manner as shown in the previous cases. In late 1981, Minister of the Interior Tomas Borge signed a secret order that standardized the application of “special measures,” i.e., the illegal execution of political enemies of the Sandinista regime and habitual criminals. There is only one copy of this document, which is classified as a “state secret” and is entitled “The Standardization of the Application of Special Measures against Elements of the Enemy Potential and Criminal Potential throughout the National Territory.” Baldizon reports that this order states that the application of “special measures” may be effected only with the approval of Borge and the First Vice Minister of the Interior, Luis Carrion. Baldizon says that the document ordered that the phrase “special measures” be used in all references to assassinations and that only a select group of long-time Sandinista militants would be involved in the executions. He says that only chiefs of general directorates and MINT regional delegates could request the application of special measures and that they be applied only to people whose detention was not public knowledge.

Following are examples of “special measures” carried out by Ministry of the Interior forces after the issuing of the order, as well as other reports Baldizon investigated of assassinations and other human rights abuses in the government’s frequent denial of due process of law.

- In early June 1982, the DGSE office at the Rosita Mine in northern Zelaya, under the command of Captain Evaristo Vasquez, received information on the possible appearance of “counter-revolutionary” groups in the Musawas-Espanolina-Salto Grande area. On July 19, 1982, a vehicle belonging to the Ministry of the Interior was ambushed by anti-Sandinista forces at the Salto Grande bridge. Two DGSE officials were killed and one was wounded. The Sandinista People’s Army (EPS) and the MINT launched combined operations in the area, which included repressive occupation of the towns; massive arrests of Miskitos, many of whom were taken to the DGSE operations prisons in Rosita and Puerto Cabezas; assassination of male prisoners; and the raping of women. On July 19, 1982, combined forces

under the command of MINT Captain Alvaro Herrera and EPS Lieutenant Erwing Caldera entered the town of Musawas. After taking the town they reportedly assassinated seven prisoners and raped five women.

The Nicaraguan Government repeatedly received queries and complaints about this affair since it had been given considerable publicity in Europe. In May 1984 Baldizon’s office was ordered to investigate. The investigator reviewed a copy of a report from Captain Herrera to Jose Gonzales, the MINT delegate in northern Zelaya, in which Herrera said he had ordered the execution of seven prisoners. The investigator also spoke to other personnel who had been at Musawas and who confirmed the report. Since many of the towns in the area were deserted because of government relocation policies for the Miskitos, the investigator could not find any former residents to talk to. Since those officers questioned would not admit to rape, the second complaint could not be proved.

No action was taken when the report was submitted. Furthermore, the complaints had named nine persons as having been killed. The government again found two of them, who had not been at Musawas, and produced their photographs to show that they were alive. The GON used this to cover the murders of the others by saying that they, too, must have left the area.

- In early July 1982, the MISURA Indian organization launched a military offensive throughout northern Zelaya, with its greatest activity centered in the area around Seven-Bank, where the EPS sustained 25 killed and many wounded. The EPS and the DGSE countered this with military and repressive civil actions in the Miskito Indian communities in the Seven-Bank and Puerto Cabezas areas. During the military actions, large numbers of Miskitos fled from their towns and many of them were captured and then killed by the army; others were interrogated first and then shot. In Kligna Landing,

The Ministers of Defense and of the Interior formed a special commission to determine the fate of Miskito prisoners. The Interior Ministry’s own investigators concluded the commission was responsible for imprisoning 400 Miskitos and executing 250 others.

for example, 12 Indians who had taken refuge in the mountains were captured by the army and turned over to the operations section of the DGSE in Puerto Cabezas where they were interrogated and tortured by Second Lieutenant Lobo, and later killed. Of those who stayed in their town, hundreds were taken prisoner.

In December 1982 various foreign governments and international organizations, including the Inter-American Human Rights Commission, repeatedly questioned the Nicaraguan Government about the fate of hundreds of missing Indians. The government was pressured to the point that Tomas Borge ordered Baldizon's office to investigate the situation.

The investigators found evidence that the EPS and the DGSE had killed many Indians after they were captured and had taken hundreds of other prisoners in the towns and removed them from their homes. The investigators also found that the Ministers of the Interior and Defense had established a special commission to determine the fate of the Miskito prisoners. The commission's work was coordinated by Comandante Julio Ramos, Chief of Intelligence of the EPS. The other members were EPS Comandante Omar Halleslevn; EPS Sub-Comandante Masis; Sub-Comandante Jose Gonzales, the senior MINT representative in Puerto Cabezas; and MINT Captain Alvaro Herrera. The investigation revealed that the commission ordered the release of 70 prisoners, the transfer of 200 to the penal system for imprisonment, and the execution of more than 100. The investigators also found a copy of an October 1982 report from Sub-Comandante Gonzales to Vice Minister Luis Carrion in which Gonzales reported that 40 Miskitos had been killed in combat, 200 imprisoned, and 150 executed by the EPS and DGSE as a result of the commission's decisions. The Miskitos were executed near the Wawa River by troops led by EPS Captain Santana. Lieutenant Jose Dolores Reyes, Second Lieutenant Lobo, and MINT officers Chester Enrique Dicario and Jimmy Wopel also participated. The investigation report was submitted to Interior Minister Borge June 27, 1983, but he took no further action.

- In September 1982 the Sandinista Army (EPS) engaged in military operations in the Prinzapolka, Northern Zelaya area to counter an uprising of the Misura Indian organization. The EPS captured Jonathon Cristobal Willies and three other Miskito Indians who were members of MISURA as they were traveling on the Prinzapolka River in a canoe. The EPS confiscated four Chinese AK-47 rifles and took the four prisoners to Sub-Comandante Santana, EPS Chief of Operations in the area, who then ordered their execution.

As a result of repeated demands for information on the whereabouts of Willies from the Inter-American Commission on Human Rights and the non-governmental Nicaraguan Permanent Commission on Human Rights, Baldizon's office assigned Raul Castro Gonzales to investigate the case. Castro found a report from Santana to Captain Alvaro Herrera, the chief of the Puerto Cabezas office of the DGSE, in which Santana referred to the execution of Willies and three other unnamed Miski-

tos. Castro also took a declaration confirming this from William Gonzales, the DGSE counter-intelligence officer for the Prinzapolka area who was with Santana at the time, and found a file in the headquarters of Special Region I that listed Willies as having been killed by the EPS on September 11, 1982. Despite the report the ministry took no action against Santana.

- In early December 1982, officers of the Directorate General of State Security (DGSE) arrested Ramon Heberto Torrentes Molina, a 20-year-old youth, in Chinandega and imprisoned him there in police cells under the jurisdiction of First Lieutenant Donald Escampini. He was arrested because of allegations that he was involved with recruiting for the armed opposition; had served as a courier; and was an active opponent of the regime. Later, Comandante Guerrillero David Blanco Nunez, the MINT Delegate for Region II, asked Vice Minister Luis Carrion for permission to apply "special measures" (i.e., execution) to Torrentes. Carrion approved the request and Lieutenants Banegas, DGSE operations chief in Region II, and Jose Maria Benavides, DGSE counter-intelligence chief in Chinandega, carried out the sentence in a dry stream bed off the highway between Chinandega and Leon.

On January 2, 1983, after receiving a complaint from the IACHR, Tomas Borge ordered Baldizon's office to investigate Torrentes' death. When Baldizon submitted his report, Borge said that he had ordered the investigation because he forgot that Carrion had approved the use of special measures. The Ministry's official explanation was that Torrentes had been killed "while attempting to escape."

- In late 1983, a "counter-revolutionary" guerrilla force ambushed a MINT special forces patrol in Jalapa in the northern department of Nueva Segovia, killing four of its members. Borge ordered the MINT's special forces to take strong reprisal measures against the peasants in the area. Twelve people were killed as a result of those actions, including an evangelical minister named Alvarenga, in Las Uvas, Jalapa. The MINT forces arrested approximately 50 peasants and took them to the headquarters of the General Directorate of State Security (DGSE) in Esteli. Ten of the prisoners were separated from the others and later taken to the special forces base on the Chiltepe peninsula near Managua where they were executed by order of Borge and secretly buried. The rest of the prisoners were later released in Esteli and Jalapa where Borge told the public that the missing 10 (who had been executed) had been killed in combat. Substantiating evidence was obtained from Sub-Comandante Mayorga, MINT chief of staff in Region I; Comandante Cristian Pichardo, MINT delegate for Region I; and from DGSE Lieutenant Herrera, chief of the DGSE operations department in the region.

- In February 1983 Paster Cruz Herrera, a Nicaraguan farmer, was arrested by DGSE forces near the town of the Pantasma, Jinotega. He was held for three days in Jinotega by order of First Lieutenant Mario Noguera, the DGSE counterintelligence commander there, then transferred to the DGSE Operations Department prison for Region IV in Las Tejas, Matagalpa, and put at the disposal of First Lieutenant Vallecillo, the commander of the prison. After being interrogated and tortured, Cruz was returned to a cell occupied by

“Special measures” were sometimes applied when evidence was circumstantial or insufficient to make a case against a person.

two other farmers from the Pantasma region who knew him. Those two were later released, but Cruz was executed along with three other prisoners in April 1983. The execution was ordered by Sub-Comandante Javier Lopez Lowerli, the MINT Delegate in Region VI, and had the approval of Vice Minister Luis Carrion. Lopez sought approval because he did not have a legal case against Cruz and wanted to apply “special measures.” In November 1983 Baldizon investigated this case because of requests for information from various human rights groups. The results of his investigation were submitted to the Minister of the Interior in December 1983, but no further action was taken.

- During 1983 the EPS and DGSE forces carried out a campaign to counter the effects of anti-government guerrilla activities in the departments of Jinotega and Matagalpa. More than 300 farmers suspected of having collaborated with the counter-revolutionaries were executed by DGSE personnel in the Cua, Pantasma, Waslala, and Rio Blanco areas. Many family members of the farmers who had been killed reported their family members as having “disappeared” to the non-governmental Permanent Commission on Human Rights (CPDH) and to the Inter-American Commission on Human Rights (IACHR) of the Organization of American States which published lists of the names of the people who were missing from the region.

Residents of the two departments continued to complain and manifest their discontent to the government. This, combined with pressure from the CPDH and the IACHR, caused Borge to order an investigation by Baldizon’s office. The investigators reported in June 1984 that more than 300 farmers had been executed and that in 80 percent of the cases the execution was proposed by Sub-Comandante Javier Lopez Lowerli, the MINT Delegate in Region VI, who asked for and received permission to apply “special measures” from Vice Minister Luis Carrion. The investigators also found that Coman-

dante Guerrillero Alonzo Porras, the Political Chief of the FSLN in the Region; Javier Carrion, the EPS Commander in Matagalpa; and Wilfredo Barreto, the government delegate in Region VI, were also involved in the executions.

Borge ordered the creation of a special prosecutor’s office for Region VI to take legal action to satisfy the complaints. The office, however, only brought charges against EPS Second Lieutenant Rodriguez and three DGSE officers. The three regional chiefs principally responsible for the executions—Lopez, Porras, and Barreto—were merely transferred to other regions. The four charged officers were freed shortly thereafter, and Rodriguez, even though he had received a prison sentence, was sent to study in Bulgaria. The Nicaraguan Government continued to take action to maintain control over the region and forced hundreds of rural families to abandon their homes, cattle, and cultivated lands in the mountains of Jinotega and move to designated resettlement areas. Although the people in the affected area knew about the assassinations, the killings did not become public knowledge in the rest of Nicaragua because the government censored any publications that might have reported on the slaughter.

- On July 19, 1983, DGSE officers Guillermo Lugo Marengo and Moises Rivera and First Lieutenant Victor Romero, Chief of the Regional Special Troops in the area, met in a bar on the outskirts of San Miguelito, Rio San Juan, and planned the capture of Guillermo Lorio and his wife, Jamilett Sequeira. The three officers had received information that Lorio and Sequeira were the principal authors of “counter-revolutionary” campaigns in San Miguelito because they were the coordinators of a religious movement called “Delegates of the Word.”

Baldizon received orders on July 25 to investigate the deaths of Lorio, Sequeira, and Juan Luz. Their hastily buried bodies had been found by *campesinos* who reported this to the authorities in San Miguelito. The investigation had been requested by Sub-Comandante Saul Alvarez, the MINT representative in the region. Baldizon learned that the three MINT officers and a soldier from Lieutenant Romero’s command went to the Lorio house at 3 a.m. on July 20, 1983, took the couple prisoner, and began to ransack the house. In the process they disturbed the Lorios’ three children who screamed so loudly they woke up the next-door neighbor, Luz, who left his house to see what was wrong. The MINT officers picked up Luz, since they did not want a witness, threw him and the Lorios into the back of a Construction Ministry truck they had requisitioned, and took them to an area called Los Pantanos, about 5 kilometers from San Miguelito. The three officers each tortured and interrogated one prisoner in different parts of the Los

Pantanos area. Romero, after torturing Lorio, cut his throat with a bayonet. Rivera did the same to Luz, and Lugo cut Sequeira's throat.

The three officers then left but returned at 7 a.m. to bury the three bodies with tools they obtained from a construction company. When they found Sequeira still alive, on her knees with a crucifix in her hand, trying to pray, Lugo killed her with three shots. They buried the three bodies. During his investigation Baldizon personally dug up the remains of the three. This case has also

The hastily buried bodies of Guillermo Lorio, Jamilett Sequeira, and Juan Luz were found by campesinos near San Miguelito. Because of their activity in a religious movement, Lorio and Sequeira were considered counter-revolutionaries. Luz was an unfortunate witness to their apprehension.

been described by Humberto Belli, former editorial page writer of *La Prensa*, the remaining independent newspaper in Nicaragua, in testimony before the Congressional Task Force on Central America. During his testimony Belli presented a letter signed by the President of the Nicaraguan Council of Bishops, Bishop Pablo Antonio Vega, which listed the names of lay Christian leaders who had been killed by the Sandinistas. According to Bishop Vega's letter, the officers had tried to recruit Sequeira as an agent of state security. She refused and several days later, she, her husband, and another man (Luz) were found dead in the San Miguelito area.

- On March 6, 1984, a company of the Sandinista army, under the command of Second Lieutenant Rios Torres, occupied La Pan, a Miskito Indian community in Northern Zelaya. The troops locked all the men in the church while the women were left outside. The EPS remained in the town for about a month. During that time, the male citizens were kept locked up, some of the women were manhandled and raped, the houses were sacked, and most of the community's cattle were slaughtered.

Second Lieutenants Marvin Vallejo, of the Operations Department of the DGSE, and Manuel Salazar, a DGSE counter-intelligence officer, visited La Pan while the EPS was there and reported the circumstances. Second Lieutenant Carlos Espinosa of Baldizon's office was sent to investigate the situation. He found that although Rios Torres, who had personally participated in these acts, and other officers had been arrested as a result of the reports, they had been released by order of Coman-

dante Joaquin Cuadra Lacayo, the Chief of Staff of the EPS. They were never punished, and no further action was taken.

- At the end of 1984, residents of some of the mountain communities of Jinotega and Matagalpa departments reported the existence of clandestine cemeteries to the special prosecutor's office. Investigators sent to the area found these cemeteries in La Sompopera, municipality of El Cua; in the neighborhood of Pantasma; and at a place called Cascajera in the municipality of Rancho Grande. The investigators believed these cemeteries were used to bury some of the victims of "special measures."

- During testimony of October 9, 1985, to the House Subcommittee on Human Rights, Baldizon was asked about human rights abuses reportedly committed by the armed Nicaraguan opposition, or the "contras." He said that from what he had seen during his work the contras did not have a policy of committing abuses while the Sandinistas did. He said that when contra abuses occurred they appeared to be motivated by revenge. He said that in some instances civilians who were accompanying military convoys were caught in an ambush and reported as abuses. He estimated that for every contra abuse there were 10 committed by the government.

Deceiving Visiting International Delegations

As part of its international political strategy, the Sandinista government seeks to use foreign visitors and religious groups as instruments of support for its public posture that the FSLN and the Nicaraguan Government respect religion and human rights. Baldizon said that the GON carefully orchestrates such visits whenever possible in order to obtain the greatest propaganda value. Many of the visiting delegations are organized by Nicaraguan solidarity groups in the United States and Western Europe. These group tours of Nicaragua are often prepared in conjunction with Sandinista organizations to show only what the Sandinistas want to be seen. In many cases the members of such groups are told by the organizers that they have an obligation when they return to their countries to speak out on the "Nicaraguan reality" that they have experienced. In truth what they have experienced and seen is merely a carefully prepared facade which masks the real situation in Nicaragua.

Baldizon explained that when the Nicaraguan Government learns that a foreign delegation wants to visit certain areas in the country, MINT officials are sent out to prepare the way. People who appear on MINT's list of "potential enemies" receive visits by the officials and are told to stay away from the visiting delegation. Some "potential enemies" are locked up during the visit as a warning to others of what could happen to them if they do not cooperate.

Security agents pretending to be photographers, journalists, or relatives of people in the region to be visited frequently join the delegations to accompany them on their trips. In this way the MINT can monitor the attitudes of the groups' members, and subtly steer them to particular places or people. They report to the Ministry on the groups' travel itinerary. Using advance notice of the groups' travel plans, Borge sends teams of people to be on the routes used and in the localities to be visited. These are called "casual encounter" teams and when a delegation arrives at a location, MINT personnel, pretending to be local residents, "just happen" to be available to talk with the delegation's members. They describe alleged contra atrocities and the benefits of the Sandinista revolution for Nicaragua's peasants and workers.

During a meeting on October 3, 1985, with representatives of religious and human rights groups, Baldizon was asked for some examples of this type of

operation. He cited a trip in 1983 by members of the Inter-American Commission on Human Rights to Nicaragua's Atlantic coast to investigate reported human rights abuses of the Nicaraguan Indian population. Lieutenant Raul Castro from Baldizon's office accompanied the group posing as the nephew of Leonte Herdocia, the president of the FSLN-sponsored National Commission for the Protection and Promotion of Human Rights. In another incident, in October 1984, the Nicaraguan Indian leader Brooklyn Rivera returned to Nicaragua to discuss with the government the possibility of autonomy for the Atlantic coast region. Rivera's group included a representative of Senator Edward Kennedy's staff as well as several other U.S. citizens. A lieutenant from the Puerto Cabezas office of State Security accompanied Rivera's group, posing as a photographer from the FSLN official newspaper *Barricada*. During the same meeting Baldizon added that the MINT also maintains dossiers on journalists who cover Nicaragua. These files contain whatever biographic material is available on the reporters, copies of articles they have written about Nicaragua, and lists of personal habits and vices.

Useful Fools

Baldizon says that within the FSLN, Interior Minister Tomas Borge has taken on the responsibility for exploiting religion for propaganda purposes. Borge, a hard-line Marxist, has been studying the Bible because, as he explained to Baldizon and other party members, "There is no more effective way to combat the enemy than with his own weapons."

Baldizon reports that Borge prepares himself for visits from foreign Christian religious organizations or speeches to these groups by studying the Bible and extracting appropriate passages for use in his conversations or addresses. When the foreign visitors have departed he scoffs at them in front of his subordinates in the Interior Ministry, bragging about his ability to manipulate and exploit the "deluded" religious group. Baldizon says that Borge refers to the visiting religious and human rights groups as "temporary allies" and *tontos utiles* (useful fools).

In internal FSLN circles Borge insists he cannot confide in religious persons because they are misguided idealists who have a reactionary nature. Such persons can only be temporary tactical allies of the Revolution. For this reason, Borge said, one must exercise great care with FSLN members who show signs of this type of idealism because such persons are ideologically weak and might one day betray the Revolution.

To impress foreign religious groups that visit Nicaragua, Borge has decorated his Ministry of the Interior office with large pictures of poor children and

prominently displayed religious objects such as crucifixes, tapestries with religious motifs, a large wooden statue of Christ carved by local artisans, and a Bible. Borge has another office, his favorite, in the Reparto Bello Horizonte where he conducts most ministerial business and where he also lives. This office contains pictures of Marx, Engels, Lenin, Augusto Cesar Sandino, and Carlos Fonseca and there are no religious objects to be seen. Copies of the *Communist Manifesto*, *Das Kapital*, *The State and the Law*, and various volumes of Marxist/Leninist philosophy are in evidence. Borge uses this office to receive delegations from Socialist countries and for official ministerial functions.

In late May 1985, all personnel from the principal MINT offices were instructed to come to work in civilian clothes the following day and to assemble at the Silvio Mayorga Building (MINT headquarters). There they were told that they were to participate in the closing ceremony of an International Young Baptist Convention of the Baptist Church in Managua, pretending to be Nicaraguan Evangelicals. The ceremony was to be presided over by Borge. At about 6:30 p.m. the ceremony began and, as planned, some 70 percent of those present were military or Ministry of the Interior personnel dressed in civilian clothes. In addition to some 600 military/Interior Ministry personnel, there were delegations from the United States, Puerto Rico, and several Latin American countries. The affair was covered by Sandinista television for showing only outside Nicaragua since the local citizenry would have recognized the many MINT employees among the alleged Nicaraguan Baptists.

King for a Day

In January 1985, Tomas Borge ordered Baldizon's office to seek out and provide him with names of persons in dire economic straits or with serious health problems who would then be used in staged "shows" before visiting foreign political or religious groups. A quota of six such persons was to be furnished every 15 days.

Minister Borge arranged his reception of these unfortunate or needy persons to coincide with the arrival in his office of a foreign delegation or group and ensured that the ministry TV film crew was on hand to record the apparently spontaneous event. As the foreign delegation was ushered in, Borge would be seen engaged in earnest conversation with one of the needy or handicapped persons, promising help that Baldizon says was rarely delivered. Borge would apologize in sanctimonious fashion to the delegation for the delay in his meeting with them and would make much of the burdens placed on him as a result of his responsibilities and dedication to the downtrodden.

In May 1985, such a show was staged for the benefit of a visiting delegation of the West German

Christian Democratic Union/Christian Social Union (CDU/CSU). In this show, a blind man who had earlier requested an accordion so he could entertain to earn his living was presented with an instrument. He thereupon entertained the German guests with several numbers. During the planning of this show by the Ministry, it was learned that a new accordion could cost over 100,000 cordobas. The MINT decided to buy a slightly used instrument for 75,000 cordobas and the seller was given a 15,000 cordoba downpayment. The instrument was repossessed from the blind man after his show appearance and returned to the seller.

In another case, Borge was given an old man who had been severely crippled some months earlier when struck by a hit-and-run driver who, as it later transpired, was a drunken Cuban adviser. The Sandinista Police covered up for the Cuban and placed the blame for the accident on the old man. The man had, up to this point, received no aid beyond medical attention from Nicaraguan or Cuban authorities and was reduced to begging in order to survive. He and his wife were given food by the nearby Catholic Church. In his staged interview with the invalid in the hearing of a visiting group, Borge emphasized that the man had not been aided by Cardinal Miguel Obando y Bravo but rather by himself, the Minister of the Interior. After the ceremony Borge criticized the office for having furnished a person with a background such as the old man's because the fact that a drunken Cuban adviser was responsible for the man's accident might have surfaced in the presence of a foreign delegation and could have caused an awkward situation for Borge and the Ministry.



Wide World Photos

Interior Minister Tomas Borge.

Ties to Drug Trafficking

Baldizon's office received a report in mid-1984 linking Interior Minister Borge with cocaine trafficking. During a party at his house, Jorge Avequeira, a Chilean living in Nicaragua, heard from David Miranda, another Chilean and a Second Lieutenant in the Nicaraguan police, that Tomas Borge was involved in smuggling cocaine from Colombia to the United States via Nicaragua. Borge's office instructed Baldizon to investigate this as a compromise of a state secret. Baldizon thought this was a mistake, since he could not believe that the government would be involved in narcotics trafficking, so he asked the chief of his office, Captain Charlotte Baltodano Egner, if it should not be investigated as a slander against the Minister. Baltodano was taken aback and said that the office should not have received the report since the fact that Borge had involved the government in narcotics trafficking was known in the Ministry only to Borge, his assistant, the chiefs of police and state security, and to herself. Outside the Ministry it was known only to members of the FSLN's National Directorate. Baltodano reported the exchange she had with Baldizon to Borge who then ordered that Baldizon be given an official explanation of why the Ministry was involved in trafficking.

Baltodano told Baldizon that Borge had made contact with the Colombian cocaine dealers through Captain Paul Atha, the director of "H and M Investments," a MINT dependency controlled by Borge, which handles business activities in Nicaragua and abroad in order to obtain U.S. dollars. Baltodano told him that the GON supplies the cocaine traffickers with Aero Commander and Navajo planes and access to the Montelimar Airport as a refueling stop between Colombia and the United States. She said that the Ministry had become involved in drug trafficking in order to obtain money for mounting clandestine operations by the Intelligence and State Security Department outside of Nicaragua.

The office later received an order from the office of the Minister countermanding the instruction to investigate the leak of information, and a few days later Captain Franco Montealegre, Borge's personal assistant, went to Baldizon and said that if he received any further information about cocaine trafficking in the future, it should be passed to the Minister without investigation.

Several months later Baldizon saw a small plane being fired at by the anti-aircraft emplacements around Diriamba, Carazo. Baldizon then went to Borge's office to wait to report the results of the case he had been in-

vestigating. Borge, who was in a meeting in his office with MINT Department Chiefs, left immediately for the airport. Baltodano, who accompanied Borge, later told Baldizon that Borge had ordered everyone away from the plane, which had landed at Los Brasiles Airport, and put it under custody until he arrived and personally removed several bags of cocaine.

Baldizon says that in 1982 a MINT directive was issued which stated that all cocaine, precious metals, and U.S. dollars recovered during MINT operations must be sent to Tomas Borge's office. The proceeds from the sale of these objects were to be used to help finance MINT's international activities. Baldizon says that as a result of this order, there are no longer any trials for possession of cocaine since there is no longer any evidence to present.

Use of Criminals

Baldizon reports that upon the victory of Sandinista forces in July 1979, the FSLN established the Sandinista Police and incorporated into its ranks numerous former criminals because they had fought with the Sandinistas against the government of Anastasio Somoza. Many were appointed to positions in the Department of Criminal Investigations (DIC) because it was assumed they knew the criminal field better than anyone else. As a result, key positions in the Department are currently occupied by persons who were formerly engaged in the very crimes they are now called on to investigate. Baldizon mentions as examples a former armed robber who works in the robbery section of the DIC and the many drug users and traffickers who are now DIC operations officers.

The presence of this criminal element in the police has had the following effects:

- Part of the marijuana and other drugs confiscated by these criminals is sold again to enrich them and part is consumed by them.
- Some of the drugs confiscated by the police are sent to the General Directorate of State Security (DGSE) where they are consumed by some of the chiefs or used in operational activities, including being planted on innocent persons whom the DGSE intends to compromise. Confiscated cocaine is sent directly to Borge's office which uses it for commercial purposes.
- The networks of secret police informants have a dual function: They inform the police about individuals who use or deal in drugs and they resell drugs confiscated by the police. Thus, they have a significant influence on the local drug market, in some cases controlling and managing it in an almost monopolistic fashion.
- Most of the chiefs of police units have their homes furnished with stolen objects, in contrast to the chiefs of other Ministry of the Interior offices, who furnish their homes with items confiscated by the Sandinista government.

Department F-6 (Specialized Techniques) of the Nicaraguan State Security (DGSE) has as its mission the furnishing of technical support for operational activity carried out by other departments of the directorate. Much of its activity consists of surveillance of movements and activities of persons suspected of opposition to the Sandinista regime. To carry out its mission,

Department F-6 makes extensive use of a group of common criminals recruited because of their special technical skills. These include armed robbery, burglary, safecracking, auto theft, and the neutralization of watchdogs. Many of the criminals were recruited while in prison.

The criminal group within Department F-6 is used mainly for:

- Stealing cars, especially taxis, to be used by the DGSE in operations such as the clandestine and forcible detention of suspects. After their operational use, these vehicles are usually painted a different color and are incorporated into the directorate's motor pool or are sometimes cannibalized for parts.
- Nocturnal clandestine incursions to homes of opponents of the Sandinista regime to plant "evidence" of anti-government activity such as arms, drugs, explosives, etc., or to obtain documents, valuables, etc.
- Clandestine entries into homes of opponents of the regime to install microphones and/or still or movie cameras.

These criminals are also permitted to operate on their own in their chosen trade with DGSE protection and, if arrested by the police, they are promptly released on the orders of DGSE Chief Lenin Cerna.

Since the second half of 1982, Captain Raul Cordon Morince, the head of the National Penitentiary System (SNP) of the Ministry of the Interior, has sponsored and presided over widespread corruption and human rights abuses at all levels of the SNP. Cordon has compromised and now dominates the senior officers of the SNP and has thus created a group of persons who fear to speak out or act against his corrupt practices in the SNP. He pursues and entraps those officials who at first are not willing to participate in his illegal or immoral activities. Investigations into this state of affairs were conducted by Baldizon's office. The following specifics concerning Cordon were developed as a result of those investigations:

- Cordon keeps for himself the considerable funds earned from the agricultural labor or handicraft production of prisoners.
- He has appropriated for himself and his cronies almost all donations from international institutions which he receives in the name of the SNP. Among such were gifts from OXFAM of Mexico which gave thousands of dollars on several occasions. He rents out large numbers of prisoners to private farmers or to the National Institute of Agrarian Reform to harvest coffee, cotton, and sugarcane and keeps for himself the bulk of the proceeds paid to him for the use of these prisoners. In 1983 or

1984, a foreign nun who works with the Nicaraguan National Commission for the Promotion and Protection of Human Rights (CNPPDH) gave Cordon a number of television sets and video cassette recorders which she had obtained in Europe for inmates of the SPN. The sets were turned over to Cordon during a special ceremony. When the nun departed, Cordon summoned his subordinates and distributed the items among them, keeping a TV and VCR for himself. Not one item reached the prisoners.

- He appropriates for his own use or resale the cigarettes and toothpaste contained in individual packages sent to prisoners by the Red Cross. He extracts sexual favors from wives of former National Guard personnel who are incarcerated in the SNP system by offering in exchange visits to the prisoners or their transfer to a less strict facility.

In addition to his own transgressions, Cordon overlooks, condones, and/or covers up misdeeds of his subordinates, thus binding them to him in an enforced loyalty. Some examples of these activities are as follows:

- He allows the chiefs of prisons to mistreat and torture prisoners. In the Zona Franca prison in Managua, recalcitrant prisoners are put into a small metal enclosure, formerly the enclosed body of a small, non-serviceable truck, which is then left exposed to the sun, resulting in severe dehydration of the occupants. The enclosure is referred to by the prisoners as "El Chupis" (the sucker), the brand name of a popular sherbet.

- He allows his subordinates to build houses using state materials and prison labor.

- He allows his subordinates to obtain sexual favors from wives of prisoners by using blackmail or extortion.

The final report on Cordon's activities was never forwarded to the Minister and remains filed at Baldizon's old office because it was quashed by senior ministry officials beholden to Cordon. These same officials had also stopped interim reports on Cordon's actions.

The Cuban Presence in the Interior Ministry

Through mid-1985 when Baldizon left Nicaragua, the presence of Cuban advisers and instructors at many levels within the Nicaraguan Ministry of the Interior was pervasive. Baldizon reports that there are Cuban advisers assigned to the Minister and to each of his three vice ministers, one assigned to the chief of the central general staff, one to each of the three chiefs of general directorates, one to each of the 13 chiefs of directorates, and 43 at the level of chiefs of department. When developments of interest to the Cubans occur at the section level, they may insert advisers there as well.

The mission of these Cuban advisers is to:

- Furnish substantive advice to the senior ministry personnel.
- Implement in Nicaragua the security system and methods employed in Cuba.
- Increase the effectiveness of ministerial forces by supporting the ministry's leadership in the planning and execution of combat actions.
- Oversee and encourage the ideological development of ministry members along Cuban lines.
- Ensure close coordination between the Nicaraguan and Cuban security services.
- Prepare war plans and, in the event of hostilities, participate in the Sandinista defense effort.

The Cuban influence on decisionmaking in the Ministry is extensive and Cuban advice and observations are treated as though they were orders. The Nicaraguans assume that the Cubans also act as collectors of information on Nicaraguan matters for the Cuban mission in Nicaragua. Cuban instructors are assigned to the schools of the ministry as follows:

	Cuban Instructors
Walter Mendoza Police School	10
German Pomares Infantry School	10
Directorate of Special Operations	10
Franklin Garcia Counter-Intel School	6
Francisco Moreno Cadre School	5
Enciphered Communications School	5
Personal Security School	5
Communications School	2

Cuban advisers are also to be found in the regional offices of the ministry including:

- 1 adviser for each of the ministerial delegates of the six regions and three special zones;
- 1 adviser for each chief of internal order of the six regions;
- 2 advisers for each of the six chiefs of State Security of the six regions and Special Zones I and II (one is a specialist in counter-intelligence, the other in operations); and
- 1 instructor attached to the special troops in each of the Regions II, VI, and Special Zone I.

The ministry also has Cuban technicians assigned to it as follows:

- 20 auto mechanics for LADA, ZIL, and UAZ vehicles at the central automotive repair shop;
- 5 armorers at the Department of Armament of the Directorate General of Financial Services;
- 2 technicians in bank security alarm systems; and
- 2 dentists, 1 dental technician, 3 doctors, and 2 psychologists assigned to the ministry's medical department.

Baldizon also reports that advisers and technicians from other Communist countries are also present in the ministry as follows:

- 1 East German adviser in the Political Directorate;
- 1 North Korean adviser in the Directorate of Personnel;
- 1 Bulgarian adviser in the data processing section of the Department of Information and Analysis;
- 5 East German auto mechanics from the IFA plant in the central automotive repair shop;
- 2 Bulgarian fork-lift mechanics from the Balkan car plant at the central automotive repair shop;
- 2 Soviet mechanics for LADA, ZIL, and URAL vehicles at the central automotive repair shop;
- 2 Bulgarian telephone technicians in communications; and
- 1 East German doctor and 1 East German orthodontist in the medical department.

The massive Cuban presence has caused some dissatisfaction among officials of the ministry. Some 25 percent of them complain vocally, in the presence of colleagues, in disparaging terms about what they refer to as the "Cubanization of the Ministry." They believe the Cubans are trying to impose on Nicaragua a system that is not applicable to the current Nicaraguan reality. The remaining 75 percent of the Nicaraguan officials vary from neutral to enthusiastic about the Cuban presence.

In September 1984, two push-pull airplanes and a rocket-armed helicopter raided a Nicaraguan army base at Santa Clara, Nueva Segovia Province, near the Hon-

duran border. Captain Alberto Valdez Argudin, the Cuban adviser to Baldizon's office, told office head Captain Charlotte Baltodano Egner and other office personnel that three Cubans who were operating an electronic intelligence collection facility there had been killed during the attack.

Sub-Comandante Mayorga, chief of the Directorate of State Security for the first region, later told Baldizon that three Cuban communications intelligence advisers and a Libyan army officer had been killed during the attack on the Santa Clara base.

In November 1984, the office was told that another Cuban electronic intelligence expert had been killed in the Costa Rican border area by Nicaraguan counter-revolutionary forces.

Training of Costa Rican Guerrilla Group

In March 1983, a group of approximately 45 members of the Costa Rican Popular Vanguard Party (PVP) were training for guerrilla warfare on the property of the African Oil Palm Cultivation Project near El Castillo in southern Nicaragua. Six of the Costa Ricans were lodged in the guest house of the project which they used as a headquarters for their operation. The chief of the Costa Ricans, "Ramiro," was always accompanied by a First Lieutenant of the Nicaraguan Army. A Costa Rican physician was also at the headquarters where she operated a small dispensary. The rest of the Costa Ricans were located about 12 kilometers away on a hill called El Bambu on the San Juan River, in the Costa Rican border area. Their activities were controlled from the headquarters by two-way radio communications.

The Costa Ricans, who explained their presence in El Castillo by claiming to be members of a military reserve battalion comprised of African Palm Project workers, were there for six months. They were then to return to Costa Rica and be replaced by another group for another six months. Some of the troops carried FAL rifles with telescopic sights and were being trained as snipers to kill the San Juan River boatmen who transport and supply the Nicaraguan anti-Sandinista insurgents. The Sandinistas were conducting this training because they reasoned that there are only a limited number of boatmen who know the river well and they would be hard for anti-Sandinistas to replace. (For more information about Sandinista training of foreign guerrillas, see State Department publication *Revolution Beyond Our Borders*, September 1985.)



FSLN Use of the *Turbas Divinas*, or "Divine Mobs"

In 1981, Department F-8 (Mass Organizations) of the Nicaraguan State Security (DGSE) began to organize, prepare, and use groups of collaborators to break up or neutralize anti-government demonstrations, including strikes, and to demonstrate in favor of the Sandinista government when appropriate. These groups consist in large measure of toughs and/or persons with criminal records because they are considered to be ideal material for use as civilian shock troops. The groups, referred to as "divine mobs" (*turbas divinas*), are organized in the districts of all major Nicaraguan cities and are trained and directed in mob tactics and political indoctrination by those DGSE officers who also run the local Sandinista Defense Committees (CDS). These mobs constitute a DGSE instrument for violating the rights of Nicaraguan citizens without the overt use of uniformed government security or military personnel, while giving the appearance of spontaneous actions by the masses. Their use is effective in that many opponents of the regime fear being lynched by the divine mobs. Any time the government believes a hostile demonstration is imminent, the DGSE alerts and prepares the mobs.

The first use of these mobs was in mid-1981 when they were employed to neutralize an anti-government demonstration organized by the opposition leader Alfonso Robelo in Nandaime. On that occasion divine mob action consisted of blocking access roads to the city; stoning vehicles carrying demonstrators; beating up demonstrators; painting slogans; and strewing sharpened, tire-puncturing metal devices on roadways to halt vehicular traffic.

In September 1984, shortly before national elections in Nicaragua, an anti-government demonstration was being planned at a political meeting in the offices of the Social Democratic Party in front of the Aguerri Theater. An officer of Department F-8 requested of Captain Charlotte Baltodano Egner, chief of Baldizon's office of investigation, the use of an office to be used as a command post for the divine mobs which, he said, were being activated to stop a mass demonstration of the Democratic Coordinating Board. Baltodano furnished a small office in the People's Office for Complaints of the Ministry of the Interior, only two blocks from the offices of the Social Democratic Party. The mobs were to be directed from this office. A small white bus was sent to the office and more than 100 small flags of the Vatican and the Social Democratic Party were unloaded.



A *turba* attacks a student in the streets of Managua. The tall youth at the far right is Cristobal Hernandez Castellon, chief of one of the mass organizations within Nicaraguan State Security. His militia boots give him away as someone associated with the government.

The staffs of these flags were about a yard long and consisted of half inch diameter steel reinforcing bars used in concrete construction. The bars were wrapped in paper to conceal their metallic nature. About 90 men dressed in civilian clothes were stationed in the office's parking lot awaiting instructions to go into action with the flags. Their plan was to infiltrate the Social Democrats' demonstration under cover of Vatican and Social Democratic Party flags and then physically assault the real demonstrators, thus disrupting the demonstration. On this occasion, however, the mobs were not used because the government was successful in pressuring the Social Democrats to abandon their plans for a demonstration.

During the first half of 1985, demonstrations against compulsory military service took place in numerous Nicaraguan cities including Concepcion in the Department of Masaya, San Rafael del Sur in Managua, and Nagarote in the Department of Leon. The aroused citizenry erected barricades in the streets and demonstrated against compulsory military service, but the divine mobs were set upon them and broke up the demonstrations by stoning and beating the demonstrators with clubs, threatening them with death, and vandalizing homes or burning vehicles of the participants.

Intimidation of the Church

Early in 1982, the sacristan of a small church in a rural area in central Nicaragua became a national figure when he recounted to the news media that the Virgin Mary had appeared to him and told him that peace and brotherhood were needed among Nicaraguans. People from all over the country began to visit the church. This annoyed the leaders of the FSLN, who considered the pilgrimages to be a counter-revolutionary movement prejudicial to the FSLN's Marxist policies. Further, they feared the incident would help unify the Church, which they were trying to split. They decided to take action to destroy the sacristan's popularity.

Toward the end of October 1982, Walter Ferretti Fonseca, chief of the General Directorate of the Sandinista Police (DGSP), told several of his officers, including Lieutenant Reinerio Ordóñez Padilla and Felix Rios, that they were to assist in an operation. The DGSP officers met with two officers of Department F-4 (Ideological Orientation) of State Security (DGSE) and were told that they were to act as though they were a regular police mobile patrol and go that night at 9 p.m. to a designated hotel suite in the hotel Las Mercedes where they would find the door ajar, a table with various bottles of liquor, some marijuana, and two men engaged in a homosexual act at the foot of a statue of the Virgin with several candles lit. The police officers followed their instructions and found the situation exactly as described. They arrested the two men, one of whom appeared to be in a semi-intoxicated state, and took them to a police station where they were met by the two DGSE officers. One of the officers told the police that the intoxicated person was the sacristan, whom they had first drugged and then taken to the hotel where he had been raped by the other man before the lenses of the DGSE's video cameras. The DGSE told the sacristan that they would disclose the affair and expose him to public ridicule if he did not stop making his anti-government public talks. The sacristan withdrew and the affair was never publicized. The faithful still stream to the area, however, and a new church is being built.

In the spring of 1982, Interior Minister Borge, Vice Minister Carrion, and DGSE Chief Lenin Cerna formulated a plan to discredit Father Bismarck Carballo, the spokesman for the *Curia* and the director of the Church station, *Radio Catolica*, by implicating the priest in a sex scandal. Various MINT sections, including F-1 (Operations) headed by Captain Oscar Loza; F-4 (Ideological Orientation) headed by Captain Sam Ki; and F-8 (Mass Organizations) headed by Lieutenant Aguilar; all became involved in the elaborate plot.

The plan was activated when Maritza Castillo Mendieta, an agent in F-4, contacted Carballo and requested spiritual guidance. She told Carballo that she was undergoing a severe emotional crisis because her husband had left her and her two children, and she claimed that she had attempted suicide. Later in August, after a series of spiritual visits by Carballo, she phoned him, saying that she was despondent and urging him to come to her home to provide counseling. (The home had been confiscated earlier by the government and given to Castillo.)

Shortly after Carballo arrived at Castillo's home, a DGSE agent burst in, striking Carballo on the head and forcing him at gunpoint to disrobe. The DGSE agent then fired shots, signaling other DGSE agents outside dressed as Sandinista Police that the trap had been sprung. (Lenin Cerna had insisted that only DGSE agents be involved in the actual arrest but that they should be disguised as regular policemen in order to conceal the DGSE's connection with the operation.) The "policemen" rushed into the house and took Carballo prisoner. Meanwhile, a "turba" (Sandinista mob) supplied by F-8, a Sandinista television crew, and reporters from the Sandinista press who were waiting nearby converged upon the house. The "policemen" then paraded the nude Carballo from the house through the jeering crowds and cameramen to their police car and took him to jail. The Sandinista television stations and newspapers subsequently brandished photographs of the naked priest, alleging that he was involved in an illicit sexual affair.

After the operation Castillo protested vigorously when the government wanted to take over her home for use as an official protocol house. Borge satisfied her by giving her a luxury apartment in Managua where she still resides.

COMMENT: Nicaraguan officials and knowledgeable Nicaraguans from all walks of life are aware of some incidents of repression and abuses committed by Sandinista authorities. Foreigners visiting Nicaragua for a few days, especially if they are part of the "organized tour" groups, are presented a totally false picture of the nature of the Sandinista regime. "Shows" are organized for their benefit, with State security agents posing as witnesses. Many visitors are deceived by the Sandinistas' charades.

U.S. Government files contain numerous reports of abuses and incidents such as those described by Alvaro Baldizon. But his position within the Interior Ministry gave him access to extremely sensitive information and details that most other accounts lack. This paper is not an attempt to present an exhaustive account of all of the information Alvaro Baldizon has provided. Mr. Baldizon has more details on the incidents he has described in this paper. This paper has been, rather, an attempt to show the scope and magnitude of the Sandinistas' violations of

human rights and their attempts to hide their involvement as reported by Mr. Baldizon. Baldizon believes these incidents had to become known so that the world would know the true nature of the Sandinista regime. When he fled Nicaragua he took with him his identification documents, which prove that he is who he says he is and had the job he described, and also a damaging, lengthy Interior Ministry investigation file which describes, in the words of Nicaraguan officials who participated, some of the human rights abuses he recounted. He has presented irrefutable proof of a systematic disregard for human rights on the part of the Sandinista regime.

Appendices

Following are some of the documents Mr. Baldizon brought out of Nicaragua. Appendix A consists of copies of his personal identification as an Interior Ministry officer and as a member of the FSLN. Appendix B is a copy (and a translation) of a letter signed by Interior Minister Tomas Borge, asking that all Nicaraguan civilian and military authorities cooperate fully with any request made by Mr. Baldizon.

Appendix C consists of copies (and translations) of a small portion of an internal report prepared by the Special Investigations Commission concerning reported human rights abuses that occurred on Nicaragua's Atlantic coast. The report was the only one Baldizon was able to take with him when he left the country. This report, while neither the final word nor the only evidence, helps substantiate claims that the Sandinista regime has been involved in a concerted campaign of human rights abuses. The investigation dealt with only a portion of the reported human rights cases in the area. The documents included in these appendices include a secret preliminary report on a series of assassinations which occurred in the Atlantic coast village of Leimus in 1981, a confession by a Nicaraguan Army Second Lieutenant in which he admitted that he participated in the executions in Leimus, a secret report from two investigators about the terrorizing of an Indian village in 1984 in which the women were raped while the men were held prisoner in the local church, and the secret final report by the investigator which admits to the application of "special measures" to (i.e. assassinations of) opponents of the Sandinista regime on the Atlantic coast with the knowledge of high ranking members of the Nicaraguan Government. Baldizon states that despite its shocking contents this "final report" was, in effect, an internal whitewash which toned down what actually happened and in some cases reported people as being released by GON authorities when in fact they were never seen or heard from again.

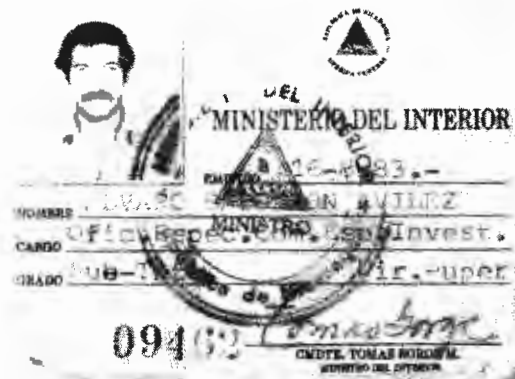
Appendix A Baldizon's Identification



FSLN Membership Booklet



Special Police Pass



Interior Ministry Identification



Interior Ministry License
To Bear Arms



State Security Permanent Pass

Appendix B
Letter From Tomas Borge

“Year of Unity Against Aggression”

TO WHOM IT MAY CONCERN

The carrier of this, comrade Second Lieutenant Alvaro Baldizon Aviles, is a member of the Special Investigations Commission of the Ministry of the Interior, directly subordinate to the undersigned, who orders that civilians and military authorities present all necessary collaboration that comrade Second Lieutenant Baldizon requests.

Given in the city of Managua on the twenty-eighth day of the month of December 1982.

A FREE FATHERLAND OR DEATH

Commander of the Revolution

(signed)
Tomas Borge
Minister of the Interior



MINISTERIO DEL INTERIOR

" AÑO DE LA UNIDAD FRENTE A LA AGRESIÓN "

A quien concierne,

El portador de la presente, compañero Sub-Tnte. ALVARO BALDIZON AVILES, es miembro de la Comisión de Investigaciones Especiales del Ministerio del Interior, subordinada directamente al suscrito, por lo que pedimos a las autoridades civiles y militares prestarle toda la colaboración necesaria que el compañero Sub-Tnte. Baldizón solicite.

Dado en la ciudad de Managua, a los veintiocho días del mes de diciembre de mil novecientos ochentidos.

PATRIA LIBRE O MORIR

Comandante de la Revolución

Tomas Borge
TOMAS BORGE
Ministro del Interior



Appendix C

Portions of Atlantic Coast Report

“SECRET”

“At 50 Years. . . Sandino Lives”

To: Second Lieutenant Alvaro Baldizon, Chief of Area I
From: Lieutenant Raul Castro Gonzalez, Special Office
Ref: First Special Work Report
Date: February 9, 1984

By this means I am informing you of the results of the investigation that is being carried out in the present case.

Interview with Second Lieutenant Chester Enrique Dicario

In reference to what occurred in Leimus in December 1981 (Red Christmas), he said the following:

1. That there were only EPS (Sandinista army) troops operating in that community. There was a reserve battalion and two MINT comrades at the border post. The MINT comrades were in charge of the immigration office.
2. In those days the situation was very critical. The counter-revolutionary activity had grown very strong and they had killed two comrades from the armed forces in an ambush.
3. Days earlier the EPS had detained a citizen of Sumo descent who during his interrogations revealed information, among which were the names of 60 people who were also involved in counter-revolutionary activities. Twenty-five of them were detained.
4. According to comrade Javier Duran, on December 20, 1981, nine of the detainees were tried. (Duran can be found in the Managua immigration office.)
5. During the night of December 23, moments after two of the detainees had escaped, the chief of the border post ordered the trial of seven other counter-revolutionaries in which the declarant directly participated. (Report of declarant attached.)
6. You should note that the comrades who participated in the operation were sentenced to prison but were released after six months by order of Comandante Joaquin Cuadra, according to the declarant.

NOTE: It is necessary to continue the investigation with comrades Javier Duran, Gustavo Martinez, ex-border chief (in Leon), and to have interviews with the comrades of the 90-15 reserve battalion.

" A 50 AÑOS.... SANDINO VIVE"

A :CRO SUB-TNTE ALVARO BALDIZON
JEFE DEL AREA UNO.

DE :CRO TNTE RAUL CASTRO GONZALEZ
OFICIAL ESPECIALISTA.

REF :PRIMER INFORME ESPECIAL DE TRABAJO.

FECHA 9/2/84

Por medio de la presente te estoy informando los resultado de las investigaciones que se estan practicando en el presente caso.

ENTREVISTA CON EL CRO SUB-TNTE CMASTER ENRIQUE DICARIO

Con relación a los sucesos de Leymus para Diciembre de 1981 (navidad Roja) manifestó lo siguiente:

1. Que en dicha comunidad se encontraban operando solamente cros del EPS, en el puesto fronterizo, un batallón de reserva y dos cros del Ministerio del Interior los cuales se encargaban de la oficina de migración y extrangeria.
2. Que en esos días la situación se encontraba muy crítica, la actividad contrarrevolucionaria se había incrementado cada vez mas fuerte y habian matado a dos cros de las Fuerzas armadas en una emboscada.
3. En días anteriores se habia detenido por parte del EPS a un ciudadano de origen Sumo y en losinterrogatorios que se le practicaron manifestó una serie de informaciones y entre las cuales los nombres de 60 personas que tambien andaban en actividades contrarrevolucionarias, de los cuales detuvieron a 25 personas.
4. Para fecha del 20 de diciembre del 81 conoce por medio del cro JAVIER DURAN que han sido ajusticiado 9 de los detenidos. (Durán se encuentra en Migración Managua).
5. Para fecha tambien de diciembre exactamente el 23 por la noche, momentos después que se habian escarado dos de los detenidos, por orden del jefe fronterizo se ajustician a 7 CR mas en la que el declarante tiene participación directa. (Informe del declarante adjunto).
6. Es de hacer notar que los cros participantes en el Operativo fueron sancionados a prisión, pero a los seis meses fueron puestos en libertad por el cro Cmdte Joaquín Cuadras, versión del declarante.

NOTA: Es necesario continuar las investigaciones con los cros Javier Duran, Gustavo Martines ex-jefe fronterizo (en León), y hacer tambien entrevistas con los cros del batallón de reserva 90-15.

CONFECCIONADOS: UN EJEMP
EJEMPL R UNICO: EXP
EJEC Y MPA... :RCG
FEC 9/2/84.

"1984 . . . At 50 Years Sandino . . . Lives"

To: Capt. Alvaro Herrera
From: Second Lieutenant Chester Enrique Dicario
Ref: Report About What Happened in Leimus in 1981
Date: February 8, 1984

Before all else, receive our customary Sandinista salute, in the moment in which our Revolution is being attacked by counter-revolutionary bands and North American Imperialism.

Continuation of the Information

One month before people began to be detained, a Sumo who had worked on military construction in La Tronquera had been detained. He had a plan to disarm the sentries on guard in La Tronquera. Sixty people had already been detained for counter-revolutionary activities. Fifteen days before what happened in San Carlos, Rio Coco, 25 other people who had wanted to travel up the river had been detained. These people had been rounded up using the information from the Sumo. On December 20, a MINT Jeep arrived which brought comrade Rene Cordobas. They told him that by order of the chief of the frontier post, Comandante Manuel Calderon, he was to take Mercado, who was also a prisoner, with him in the Jeep. Two days after the occurrence in San Carlos, Rio Coco it was confirmed that the two had fought and fallen. When their deaths were confirmed, the first nine people were tried, even though I did not know anything of the case until a comrade told me at 8:00 p.m. On that same day, December 23 at 9 p.m. two prisoners escaped while a soldier named Napoleon was on duty. While the escape was going on, some bursts of fire were heard. When we arrived there they told us two prisoners had escaped and that therefore the chief had given the order to try the other prisoners. They first took out seven and I participated in that one by order of the chief, given that I was under his direction. They were taken to the *balsa* where we tried them. There were also seven participants who were under the command of a militia member named Mascotita and five members of the 90-15 Battalion. I cannot remember who they were as it was dark. Later they took out the last seven that were under the control of Second Lieutenant Juan Soza Elias and other troops. I do not know who they were and I was no longer taking part.

"1984 ...A CINCUENTA AÑO SANDINOVIVE"

A : CAPT. ALVARO HERRERA
DE : SUB-TNTE, ~~CHESTER~~ *Benrique* DICIARIO.
REF : INFORME SOBRE SUCESO EN LEIMUS DE 1981:
FECHA 8-2-84.

ANTES TODOS RECIBA NUESTRO ACOSTUMBRADO SALUDO SANDINISTA, EN EL MOMENTO EN QUE NUESTRA REVOLUCION ESTA SIENDO AGREDIDA POR BANDAS CONTRAREVOLUCIONARIAS Y EL IMPERIALISMO NORTEAMERICANO.

ACONTINUACION LA INFORMACION.

UN MES ANTES QUE SE COMENZO A DETENER A LAS PERSONAS QUE ESTUVO PRESO FUE SACADO INFORMACION DE UN SUMO QUE FUE DETENIDO, ~~DE~~ ESE MISMO, INDIVIDUO TENIA PLAN PARA DESARMAR A LOS SENTINELA QUE ESTABAN DE POSTA ~~ANI~~ EN LA TRONQUERA, YA QUE EL TRABAJABA EN LA CONSTRUCCION MILITAR EN LA TRONQUERA, YA DETENIDO EL SUMO MARROJO MAS O MENOS DE (60) PERSONAS, QUE ESTABAN INVUGRADO EN ACTIVIDAD CONTRAREVOLUCIONARIO, DESPUES (15) *dias* ANTES QUE SUCEDIA LO SUCESO EN SAN CARLOS RIO COCO, FUERON DETENIDO (25) PERSONAS QUE QUERIAN VIAJAR PARA RIO ARRIBA, QUE ESA PERSONAS ESTABAN CIRCULADO POR LA MISMA INFORMACION LE HABIA DADO EL SUMO. EL 20 DE DICIEMBRE LLEGA UN JEEP DEL MINT DONDE LLEGARON A TRAER AL CRO. RENE CORDOBAS Y A LA VEZ POR HORDEN DEL COMANDANTE MANUEL CALDERON, LE DIJERON AL J'DEL PUESTO FORTERIZO QUE TAMBIEN ENVIEN CON EL JEEP A MERCADO QUE EL TAMBIEN SE ENCONTRABA DETENIDO. CUANDO SUCEDE EL SUCESO EN SAN CARLOS RIO COCO, CUANDO LOS CROS, ROY Y LUCHO QUE SE DAN CUENTA QUE CAEN, DESPUES QUE PASA DOS DIAS SE CONFIRMA LA MUERTE DE ELLOS, SE DAN LOS PRIMEROS NUEVE PERSONAS A JUSTICIARLOS, YA QUE YO NO ME DI CUENTA SOBRE EL CASO ~~HASTA~~ QUE UN CRO, MID ME CUENTA EL CASO, YA COMO LAS OCHO DE LA NOCHE ME DI CUENTA, EN ESE MISMO DIA A LAS NUEVE DE LA NOCHE EL DIA 23 DE DICIEMBRE SE FUGA DOS REOS YA QUE EN ESE MOMENTO SE EN CONTRABA DE POSTA UN TAL NAPOLION DICHO APELLIDO NO LO SE, AL FUGASE LOS REOS EL POSTA DEJA IR ~~ARIAS~~ RAFAGAS, CUANDO NOSOTROS LLEGAMOS DONDE HABIA SUCEDIDO LA ACCION EL POSTA NOS DIJOS QUE SE HABIA FUGADOS DOS REOS EN LA CUAL EL J'DEL PUESTO DIO LA HORDEN QUE LOS JUSTICIARAN A LOS DETENIDOS QUE PRIMEROS SACARON A SIETES EN LA CUAL YO PARTICIPE EN ESE, POR HORDEN DEL J', YA QUE YO ESTABA A MANDO DEL EL, FUERON LLEVADO DONDE ESTABA LA Balsa AHI SE ~~JUSTICIO~~, LOS PARTICIPANTES TAMBIEN ERAN SIETES CRO QUE IVA A MANDO DEL TAL LLAMADO MILICIANO, MASCOTITA Y CINCO CRO DEL BATALLON 90-15, YA QUE NO LO PUDE RECONOCER PORQUE ERA BIEN OSCURO. DESPUES SACARON A LOS ULTIMOS SEIS QUE AL MANDO HIVA UN SUB-TNET, LLAMADO JUAN SOZA, ELIAZ Y OTROS CROS DE LA TROPAS YA QUE NO SE QUIENES ERAN LOS DEMAS YA QUE YO NO ME ENCONTRABA EN LO SUCESO.

FRATERNALMENTE.

...!TU EJEMPLO VIVE ENTRE NOSOTROS"

SOMOS INVENCIBLES PORQUE SOMOS SANDINISTAS".

COMANDANTE...CARLOS FONSECA AMADOR... ESTA PRESENTE EN LA DEFENZA Y LA PRODUCCION.....

To: Second Lieutenant Edgar Sanchez, Chief of Operations, Special Region 1
From: Second Lieutenant Marvin Vallejos and Second Lieutenant Manuel Salazar, O.F. C.I.
Ref: Special Report
Date: March 20, 1984

Comrade, receive a fraternal revolutionary salute and by this means I would like to inform you of all that took place during the operation in the community of Lapan and the surrounding areas.

On March 13 of the current year we, Manuel Salazar, O.F. de C.I., Marvin Vallejos, O.F. instructor, and Encarnacion Albares, interpreter, left in the direction of Lapan. While en route we were joined by 20 comrades of the Patriotic Military Service who were taking cold rations to the comrades who were in the place previously mentioned (Lapan). We left at about 2 p.m., beginning to walk toward the community of Sakatpin. We arrived at our objective at 7:30 p.m. Upon arriving in Lapan we found that Second Lieutenant Rios Torres of the Popular Sandinista Army (EPS) had concentrated all of the males of the community in the Catholic Church, while the women were alone in the houses. During the night some of the women were taken advantage of, for example, Mrs. Leonicia Garcia Rosales, wife of the campesino Juan Rosales. We can also mention that the cited comrade, Rios Torres, abused his power by killing a cow which was 5 months pregnant. The cow, which cost 5000 cordobas, was killed without the authorization of its owner, Mr. Agustin Garcia, brother of Anistiado who had been assassinated by counter-revolutionaries. They also killed a cow which belonged to the sister of the aforementioned which was worth 3000 cordobas, but they only paid her 1500 cordobas.

A witness told us that the troops placed the women who cooked for them in a house next to the kitchen and told them to take off their underclothes and then they proceeded to make love without their consent. We can also mention the abuse of the truck which belonged to Mr. Marvin Walter. They used the truck to partially destroy the front of the community commissary. We can also add the way in which (Rios Torres) consciously demeaned the second lieutenant who was in charge of the company of troops, sending him to do things which were outside his area of responsibility. Comrade Rios Torres showed various troops of the company how to make love to the campesino women using obscene phrases such as (obscenity deleted). The rest of the troops used phrases like this to keep the girls of the community constantly in fear.

. . . (passage deleted)

Observations: We suggest that a constructive criticism be given to the comrade, making him see the errors he committed so we will be able to continue raising the prestige of our armed forces as well as the Revolution. So that they know how to do their jobs without contradictions within these same comrades with which we all fight for the same cause.

SECRETO

A Sub Tnte Edagar Sanchez
J. de Opones Reg Esp 1

DE : Sub Tnte Marvin Vallejos L. y Sub Tnte Manuel Salazar O.F. C.I.
O.F. Instructor.

REF : Informe Especial

FECHA : 20-3-84.

Cro escriba un fraternal saludo revolucionario por este medio tengo a bien informarle todos los pormenores que se dieron durante el Operativo que se dio en la Comunidad de Lapan y zonas aledañas.

— El día Trece de marzo del corriente año salimos en direccion a Lapan los siguientes Gros Manuel Salazar O.F. de C.I. Marvin Vallejos O.F. instructor y Encarnacion Albarez interprete en el trayecto del camino se nos agregaron veinte Gros del S.M.P. los cuales llevan la mision de entregar raciones frias a los Compañeros que se encuentran ubicado en la comunidad antes mencionada. Salimos alrededor de las Dos de la tarde Empesando a caminar desde la Comunidad de Sakatpin, llegando hasta nuestro Objetivo a las Ciete y Media de la Noche, al llegar a la Comunidad de Lapan nos encontramos con la siguiente situacion que el Sub Tnte Rios Torres del E.P.S. tenia reconcentrado a todos los Varones de la Comunidad en la Iglesia Catolica mientras que en las casas, quedaban las Mujeres solas aprovechandose de esta circunstancia para en algunas ocasiones aprovecharse de ellas, en horas de la Noche—

— Caso Concreto podriamos mencionar el de la Señora Leoncia Garcia Rosales Esposa del campesino Juan Rosales, así tambien podriamos mencionar que el Citado Compañero Rios Torres abuso de su poder al matar una Vaca Cargada con Cinco meses, Costando la Vaca \$5000 Cordobas Sin Autorizacion del Dueño, el Señor Agustin Garcia hermano del Anistiado Asesinado por la C.I. — Nolasco Garcia, y una Vaca Propiedad de la Hermana del Mismo valorada en \$3000 Cordobas, Remunerando solamente \$1500 Cordobas, ademas un Colaborador nos manifesto que a las Campesinas que cocinaban a la Tropa les mataba una Vaca Contiguo a la Cocina y les decia que se bajaran el alson — y procedia hacer el Amor sin consentimiento. Tambien podemos mencionar los Abusos sobre el Camion del Señor Marvin Walter, con el Cual destrullo Parcialmente el frente del Comisariato de la Comunidad podemos agregar que de manera Conciente Substimo al Cro Sub Tnte J. de Compañia tomados sus atribuciones y haciendose cargo de la Tropa, mandando al Cro antes Señalado a Operativos que realmente estaban fuera de sus funciones el Cro Rios manifesto delante de varios Compañeros de la Tropa como hacia el Amor con las Campesinas utilizando frases obscenas como la "Leoncia — chupa bien el Pene" lo cual conlleva a que el resto de los Compañeros constantemente mantenian acosadas a las muchachas del pueblo.

Por otrolado acerca del Trabajo especifico de Operaciones al llegar el detenido Bernardo Askier lo tenian con demasiada confianza andando este escoltado por un Soldado escuchando las conversaciones y en algunos casos hasta mantenerlo cerca de la Radio de Comunicaciones al momento de llegar nos reunimos con el Cro Rios y los Mienbros de la Seguridad del Estado para pedir Referencia del Heo y Poder empesarlo a trabajar con su debida Instruccion como resultados del Interrogatorio se Obtubo que el 15-3-84 se recupero un Buson que tenia escondido el Heo antes mencionado como — Un R.P.G. 7 con 4 proyectiles con sus cargas Impulsoras y un A.K.A. chino con un Cargador y 7 cartuchos de municion Como resultado el Cro Rios decide poner en manos del E.P.S. custodia para el detenido y perjudico en la continuidad del trabajo de Instruccion, lo cual No se cumplio en su totalidad, Por otrolado segun manifestaciones del detenido al momento de su Captura fue golpeado por un Bato sin llegar al extremo lla al benirnos el detenido fue conducido por los Compañeros de Operaciones hasta la comunidad de Sakatpin, al momento de llegar a la comunidad fue que de manera amenazante, nos Arrebato a los compañeros de la Seguridad el Detenido.... delante de toda la Tropa y Civiles que Nos acompañaban haciendo alarde y abusos de Autoridad manifestando que el Abia Capturado al detenido y que el tenia que llevarlo hasta la Ciudad de Puerto Cabezas a sus mandos superiores, junto con las armas que se recuperaron ordeno a dos Soldados que se lo llevaran donde el (Rios) estuviera nos lo quito y se lo llebo Como resultados tubimos que proceder a no seguirle brindando informacion—

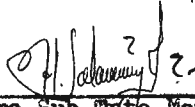
SECRETO

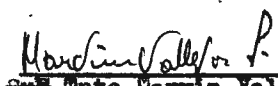
ya que cada vez que lo hacíamos en un momento algunos de los Comunitarios conocía de la Misma, caso concreto podemos señalar cuando estábamos pidiendo, Autorización al Mando de dejar 30 Compañeros Emboscados en los Alrededores de Tapan, antes de Recibir la Respuesta el campesino Julio Espinales lo sabía

Observaciones : Sujerimos que al Compañero se le aga una Critica Constructiva haciendole ver en las fallas que cometic para poder seguir elevando - Nuestro Prestigio que tienen Nuestras Fuerzas Armadas asi como los evolucionarios Consecuente lo habien desempeñar sin que ayga Contradicciones dentro de los Mismos Compañeros los cuales todos luchamos por la misma Causa.

Confecionados : 4
 Ejemplar 1 : Sub Tnte Edgar Sanchez
 Ejemplar 2 : Archivo.
 Ejemplar 3 : Tnte Rafael Soza.
 Ejemplar 4 : C.I.M.
 R.D. I. : 134-0
 R.S. : 161-0
 Ejec y Meca : M.V.L.

Fecha : 20-3-84 / Sin mas a que tener que hacer Referencia
 Nos despedimos siempre Fraterno


 Cro Sub Tnte Manuel Salazar
 O.F. C.I.


 Sub Tnte Marvin Vallejos
 O.F. Operaciones
 Reg Esp 1

“At 50 Years . . . Sandino Lives”

To: Capt. Charlotte Baltodano, Chief of Special Investigations
From: Lt. Raul Castro Gonzalez, Official Investigator
Ref: Final Report
Date: April 30, 1984

By this means I am informing you of the final results of the current case.

Motives for the Investigation

This investigation was made with the object of clarifying a series of cases which had been denounced since 1982 and to which there had not been an organized and registered response.

I say not organized or registered given that in some cases a general response had been given to this problem, but only as if these responses were for international organizations and not for internal use.

Make note that many of these cases were reviewed on various occasions by national and international organizations.

All of the cases came to our office of investigation by way of the legal adviser of the Interior Ministry, the National Commission for the Promotion and Protection of Human Rights, and a minimal part from the office of First Vice Minister of Interior Comandante Carrion.

Also make note that both the legal adviser as well as the CNPPDH sent us the package to investigate in such a way as to make it practically impossible to give a satisfactory response to them.

1. Lists of persons that were reported by the Permanent Commission for Human Rights (CPDH) as missing. These do not appear in the control books of prisoners detained in State Security operations in Puerto Cabezas. This list was given to the CPDH by the Moravian Church.

- Ignacio Martinez Teofilo
- Alvina Vargas
- Anibal Mac-lean
- Salitan Pasquier
- Harold Warman
- Paul Teylo Jr.
- Pinley Armstrong
- Plutarco Ronas
- Gabriel Anderson
- Gregorio Joel Alfius
- Jose Salvador
- Andres Soza
- Emiterio Dixon
- Harold Jerry
- Jose Michelle
- Electerio Picktan

2. List of persons who were reported missing by the CPDH. They do not appear in the prisoner control books of State Security or in any other registry.

- Harold Davis
- Ambrosio Thompson Bigman
- Unecio Usyan Amadias
- Mostemos Bentan Daysi

- Leytran Teofilo Humberto
- Ricardo Zamora Warman
- Alberto Zamora Warman
- Justiniano Natialian
- Carlos Amadias Williams
- Manuel Thompson Clark
- Alfonso Flores Frank

NOTE: I must note that there exists a list of counter-revolutionaries with whom special measures were taken with the knowledge of the superior officers. The list, which was prepared in Special Region 1, is in Comandante Luis Carrion's office.

3. Lists of persons who were detained in State Security's jails and who were freed. Of these, the CPDH and the Moravian Church have registered accusations and said that they were detained by State Security in different communities.

Name	Who Detained	Date Freed
Agustin Zamora Zamora Reyes Agustin	EPS 7-14-82	8-2-82
Nicolas Zamora Zamora Nicolas Nicolas	EPS 7-20-82	8-12-82
Rene Arthurs McDonald	SM*	
Candido Urbina Urbina German Candido	7-10-82	7-18-82
Alfonso Wilson Teofilo Wilson Barberino Teofilo	EPS 10-10-82	11-28-82
Vernon Webster Silvano Webster Sivano Bernat	EPS 7-9-82	7-20-82
Cipriano Omier Prado Omier Prado Cipriano	EPS 10-6-82	12-1-82
Carlos Hama Berry Carlos Chul Berry	DGSE 6-26-82	7-20-82
Jose Saiman Tacio Saimon Tacio Jose	EPS 7-11-82	7-20-82
Antonio Manzanares Lackwood Manzanares Lagos Antonio	EPS 7-6-82	7-20-82
Feliciano Arthur Lopez Artola Lopez Feliciano	EPS 8-12-82	NPS 11-20-82
Lorenzo Pasquier Pasquier Renaldo Juan L.	EPS 9-15-82	7-28-82
Merando Zeledon Lackwood Lackwood A. Zeledon	3-18-82	4-30-82
Napoleon Joel Joel Francis Napoleon	CI 6-22-82	12-1-82

*SM refers to "special measures."

Justo Herbacio Lampson	EPS 9-15-82	1-21-82
William Lopez		
Lopez Samuel William	2-1-83	3-5-83
Agapito Almanza		
Almanza Jose Agapito	EPS 7-21-82	7-31-82
Rosa McWilliam		
William Rosa Mac	EPS 7-12-82	NPS 9-25-82
Nicolas Hernandez		
Hernandez Salvador Nicolas	EPS 1-12-82	NPS 9-25-82
Guadalupe Romero		
Romero Lazman Gaudalupe	EPS 10-4-82	NPS 11-27-82
Daniel Lopez		
Daniel Lopez Colomba	EPS 7-21-82	NPS 9-25-82
Celsitino Armstrong		
Anstran Jacobi Celstino	EPS 7-21-82	NPS 9-25-82
Concepcion Rosales		
Rosales Plucha Concepcion	EPS 7-13-82	NPS 9-25-82
Bernardo Martinez David	SM-EPS (Masis)	
Alberto Flores Frank	SM-EPS (Masis)	
Delmira Blanco de Suares		
Delmira Blandon de Suares		
Wife of Benigno Suares (Ex-Mesta judge) who was killed in 1978 by the FSLN for being responsible for the deaths of many comrades. Currently Delmira is with her sons in the counter-revolution where she works in supply. She was seen on June 19 or 20 by an FSLN militant named Ambrocio Blandon.		
Janatan Cristobal Willies	SM-EPS 9-11-82 and three other counter-revolutionaries.	
Tomas Pinnfer Rechinal	SM Counter-revolutionary collaborator. This measure was taken after he misinformed the EPS.	
Bernard How Jacube	SM For the above reason.	
Julio William Godoy	SM (commission)	
Askin Reginal Francis	DGSE 7-3-82	8-6-82
	His family members, in a sworn statement in Jan. 1984, said they had been told that he had been freed, but they have never seen him.	

4. List of persons from Musawas who were supposedly shot behind the community's church. Also a list of women reportedly raped. These acts occurred July 29, 1982.

This denunciation was publicized in various European countries by the Council of Indian Elders of Nicaragua.

At 5:30 a.m., June 19, 1982, the chief of counter-intelligence of Bonanza received information that a counter-revolutionary group had kidnapped a citizen from Salto Grande (not far from Musawas). He therefore traveled with three other comrades to that community to verify the information.

They were ambushed at the Salto Grande bridge. Two of the counter-intelligence members were killed (Julio Down and Ilario Blandon) and one was wounded (Marvin Castro).

The next day a platoon of reservists went there but had no contact with the enemy.

Make note of an important fact, that on two occasions the community of Musawas had been evacuated by the counter-revolutionaries.

One month after the ambush there was a new attack on Salto Grande by the counter-revolutionaries, resulting in the deaths of seven militia members and the case of comrade Brenda.

On September 27, 1982, EPS troops created a sub-sector with its troops in Musaguas. It is known that on entering there the troops had several insignificant engagements in small combat.

State Security in Bonanza did not know that there were counter-revolutionaries there at that time, and also knows nothing of the shootings and rapings of the population.

LIST:

Jorge Anastasio	Reported	Shot
Laurencio Anastasio	"	"
Arturo Hernandez	"	"
Antonio Indalecio	"	"
Emilda Ricardo	"	"
Julio Huete	"	"
Mauro Simon	"	"
Anselmo Lopez		

With this case the following is known: that his true name is Anselmo Gilberto Lopez and he was kidnapped by a counter-revolutionary band together with his brother Mario Gilberto Lopez, his wife, and a daughter. They were taken to the Tapalwas camp in Honduras. Make note that this family escaped from the camp and turned itself in at the Espanolina Camp on October 14, 1983.

Names of women reported raped:

Aquelina Robin
Virginia Benjamin
Maria Hernandez
Casilda Lopez
Lodena Lopez

With this case there is the problem that we cannot develop the information given that there are no more civilian inhabitants of the village since they were totally evacuated. I also believe that we cannot confirm anything regarding the aforementioned incidents because the facts leave doubt as to the results of the investigation in this specific case. The only source we had were the comrades who said they did not know exact dates or said that they did not know anything or at least they claimed they did not.

On the other hand, I believe that it is convenient that you know while you read the following that this should not be interpreted as constantly committed errors or that it confirms the accusations which we have investigated, but rather that the possibility remains that in other cases, abuses have been committed. The concrete case is that of EPS Second Lieutenant Rios Torres who on March 13 sexually abused the women in the town of Lapan, besides committing other abuses of the belongings of the community.

(See the information in the secret document.)

NOTE: Rios Torres was demoted and sent to the military tribunal.

5. The Cases of Kligni Landing

There is the denouncement about Miskitos reportedly captured by the DGSE in this village. The chief of counter-intelligence, Cesar Pais, affirms that he assured people that those whom they were looking for were dead, without giving them any sort of explanation. He said this in the presence of Comandante William Ramirez.

In the interviews and investigations the Special Investigations Office did it was found that at 10 a.m. on December 29, 1983, Comandante Ramirez called Lieutenant Cesar Pais to the regional headquarters of the FSLN where FSLN zonal member Oscar Hodgson was.

When Pais arrived at the headquarters, the Comandante [said] that the women who were there were looking for family members who could not be found anywhere. He asked that, if Pais knew anything about them, he tell the family members the truth.

Comrade Pais said that the DGSE had not detained anyone in Kligni Landing and that the information he had had been given to him by Sub-Comandante Santana. He said that on that date, in that place, a group of counter-revolutionaries had been exterminated, those who had escaped from Seven Banks. He said that from them they had captured military supplies such as an RPG-7, home made

weapons, canteens, and bayonets. He said that some of the arms could not be recovered because they had been lost in the river when they had tried to escape.

LIST:

Larry Wellington August (Counter-revolutionary chief)
Ricardo Estriano Chico
Neman Wellington August
Emilio Wellington August
Alberto Wellington August
Martin Francis Wuerman
Milton Hodgson Wilson
Maikel Amadias William
Roberto Alfred Josepa
Ricardo Zamora Waman
Alberto Zamora Waman
Rodriguez Garth Wilfredo

There are two versions in this case:

- In the registry control of State Security prisoners they appear as being captured by the EPS on July 10, 1982 and freed by the operations chief of the DGSE on July 29, 1982.
- In the recent declaration given to the Permanent Commission for Human Rights, the family members said that they were notified by comrade Cesar Pais that their relatives were dead.

Note the contradiction between the registry books of prisoners and Pais' version.

6. What Happened in Leimus

An allegation was made by the Inter-American Commission for Human Rights about reported testimony gathered by this organization from the refugees Leonel Martinez and Luis Fajardo, in Mocoron, Honduras. The same was denounced by the counter-revolutionary Steadman Fagoth and MISURA. Note that with these three allegations there are certain coincidences in the names but there are differences in the abuses reportedly committed. In the denunciation, these acts can be reduced to reported captures, the version given by MISURA, shootings as reported by the IAHRC, and the buried alive version.

The following was discovered during the investigations of the Special Investigation Office:

1. What happened in Leimus during December 1981 took place during the counter-revolutionary offense known as "Red Christmas." In those days in that village, the military situation was very delicate given that counter-revolutionary activities had increased in the area and there had already been several EPS troops killed in ambushes.
2. At the end of November the EPS detained a Sumo counter-revolutionary who identified during his interrogation 60 people whom he said were also with the counter-revolution. Twenty-five of them were later arrested.
3. It was also discovered that the troops who were there were from the EPS and the 90-15 reserve battalion. Two comrades from the Interior Ministry, who were in charge of the border immigration post, were also there.
4. On December 20, Second Lieutenant Chester Henrique Decario found out from Javier Duran (both were in charge of immigration) that Duran had participated in the "trying" of nine prisoners.
5. In the early hours of the 23rd, after the reported escape of two prisoners, the border chief ordered the "trial" of seven other counter-revolutionaries who were prisoners. Later the same night, six other prisoners were "tried." (See the attached report.)
6. It must be pointed out that the comrades involved in these acts were judged by the military tribunal, the EPS as well as the MINT members, but six months after being arrested they were freed.

NOTE: This case has been seen at various times, including by international organizations. When a human rights commission from the OAS visited Special Region 1, it saw this case and seven people were presented who had been reported as killed.

LIST:

Names	Version	Accusers
Julio Henley	Buried alive	IACHR
Sergio Ingranm	"	"
Simonet Ingranm	"	"
Loren Ingranm	"	"
Luis Fajardo	This is one who reportedly gave the previous testimony, showing the intention of creating harm, when someone listed as "buried alive" is their own source.	IACHR
Asel Mercado	Captured	"
	Buried alive	Fagoth
	Shot	MISURA
	It was shown that this one currently works for CEPAD and is in Puerto Cabezas.	
Celso Flores	Captured	IACHR
	Shot	Fagoth
	Buried alive	MISURA
Justo Martinez	Buried alive	MISURA
Juan Poveda	"	"
Jose Lin Mercado	"	"
Carlos Perez	"	"
Victor Perez	"	"
Simon Castro	"	"
Rogelio Castro	"	"
Mayra Lacayo	Captured	MISURA
	Buried alive	Fagoth
Cristina Lacayo	"	"
Efrain Poveda	"	"
Gomez Rocio	"	"
Simpar Alargon	Shot	IACHR
Ponier Escobar	"	"
Natalio Jose	"	"
Napoleon Wilson	"	"
Gerado Collins	"	"
Atil Carlos	"	"
Leyman Frederick	"	"
Rogers Piters	"	"
Eugenio Morales	"	"
Esteban Antonio	"	"
Ricardo Mercado	"	"
Nando Mora	"	"
Ramiro Donacio	"	"
Norman Castro	Captured	MISURA
	Buried alive	Fagoth

CONCLUSIONS:

1. This situation has created a national and international political problem. Because of the war situation in which that region lives, some drastic but necessary measures have been taken. However, this problem has come about because of many abuses committed by EPS comrades with low political and ideological levels, as shown by the case of Lapan. It also shows that this erroneous behavior reflects the lack of attention by the middle level supervisors.
2. Generally, it is the members of the EPS who have caused discontent and problems with the civilian population due to their bad treatment and abuses.
3. A special political program, directed at the heads of EPS operations is needed, which will show how the problems they cause reflect on the Revolution.

RECOMMENDATIONS:

1. Since this theme has been the focus of counter-revolutionary attacks from the ideological point of view, using the Nicaraguan Council of Elders as the means of attack, it would be worthwhile to develop a parallel revolutionary organization which could also work on the national and international levels about the missing and kidnapped. This would also serve to pressure the Moravian Church to involve them directly with the problem.
2. A special political program, directed at the heads of EPS operations is recommended, which will show how the problems they cause reflect on the Revolution.
3. It is necessary to recommend that the military tribunal in Special Region 1 be more drastic with the military comrades who commit crimes, given that this is another arm which should be used to overcome the current problem.

LIST OF PERSONS INTERVIEWED:

1. Second Lieutenant Jose Gonzalez
2. Captain Evaristo Vasquez
3. Captain Alvaro Herrera
4. Lieutenant Otilio Duarte
5. Lieutenant Moises Herrera
6. Lieutenant Cesar Pais
7. Lieutenant Dimas Vargas
8. Lieutenant Hodgson
9. Second Lieutenant Octavio Rocha
10. Chester Enrique Dicario
11. Lieutenant Jose Dolores Reyes
12. Second Lieutenant Edgar Sanchez Aguilar

"A 50 AÑOS ... SANDINO VIVE"

A :CRA CAPT CHARLOTTE BALTODANO
JEFE DE LA SEI.
DE :CRO TNTE RAUL CASTRO GONZALEZ
OFICIAL INVEST.
REF :INFORME CONCLUSIVO.
FECHA :30/4/84

Cra por medio de la presente le estoy informando los resultados conclusivos en el presente caso.

MOTIVOS DE LA INVESTIGACION

La presente investigación se hace con el objetivo de aclarar una serie de casos que venían siendo denunciados desde el año 82 y a los cuales no se les había dado una respuesta ordenada y registrada.

Se dice no ordenada ni registrada dado que en alguna medida se le había dado respuesta de manera general a este problema, pero como se estas respuestas fueran solo para organismos internacionales y no a lo interno.

Notándose por lo tanto en esta situación que muchos de estos casos fueron revisados en varias oportunidades tanto por organismos nacionales como internacionales.

Todos estos casos llegan a nuestras oficinas de investigación por via de Asesoría legán del Ministerio de Interior, la Comisión Nacional de Promoción y Protección de los Derechos Humanos, y en una mínima parte de la oficina del Primer Vice-ministro del Interior CMDTE Carrión.

Es de hacer notar que tanto Asesoría Legal como la CNPPDH nos pasaron el paquete a investigar dado que por sus características de trabajo les fue practicamente imposible darles una respuesta satisfactoria a los mismos.

1. Listas de personas que fueron reportadas por la Comisión Permanente de los Derechos Humanos CPDH como no localizados y estas no aparecen en los libros de control de detenidos en operaciones de la Seguridad del Estado de Puerto Cabezas.

El presente listado fue suministrado a la CPDH por la Iglecía Morava.

- Ignacio Martínez Teófilo.
- Alvina Vargas.
- Anibal Mac-lean.
- Salitan Pasquier.
- Harold Warman.
- Paúl Teylo JR.

- Pinley Amstromg.
- Plutario Ronas.
- Gabiel Anderson.
- Gregorio Joel Alfius.
- José Salvador.
- ~~Andersen~~ Soza. *es Andres*
- Emitterio Dixon. *✓*
- Harold Jerry. *✓*
- Jose Michelle. *✓*
- Electerio Picktan. *✓*

2. Listado de personas que fueron recortados por la CPDH como no localizados, y los cuales no aparecen en los libros de control de detenidos de la Seguridad del estado y tampoco en ningún otro tipo de registro.

- + Harold Davis. *✓*
- + Ambrosio Thompson Bigman. *✓*
- + Unecio Usyan Amadias. *✓*
- + ~~Moisés~~ Bentan Daysi. *✓*
- + Leytran Teófilo Humberto. *✓*
- + Ricardo Zamora Warman. *✓*
- + Alberto Zamora Warman. *✓*
- Justiniano Natialian. *✓*
- + Carlos Amadias Wuilliams. *✓*
- Manuel Thompson Glak. *✓*
- Alfonso Flores Frank. *✓*

NOTA: Hay que señalar que existe un litado de contrarrevolucionarios con los cuales se tomó medida especial y es del conocimiento de los mandos superiores.
En oficina del Cmdte de la Revl Luis Carrión existe ese informe el cual fue elaborado por la Reg Especial Uno.

3. Listados de personas que estuvieron detenidas en las cárceles de Operaciones de la Seguridad del estado y fueron puestos en libertad.
De estos la CPDH y la Iglesia Morava pone denuncia y los califica como no localizados y que fueron detenidos por la SE en diferentes comunidades,

NOMBRE	ORGANO Q° DETUVO	FECHA LIBT.
1. Agustin Zamora Zamora Reyes Agustin <i>✓</i>	EPS 14/7/82	2/8/82
2. Nicolas Zamora Zamora Nicolas Nicolas <i>✓</i>	EPS 20/7/82	12/8/82
3. Rene Arthurs Mc-Donald <i>✓</i>	ME	
4. Candido Urbina. Urbina German Candido	10/7/82	18/7/82
5. Alfonso Wilson Teófilo. Wuilson Barberino Teófilo	EPS 10/10/82	SPN 28/11/82

- | | | |
|---|----------------|--------------|
| 6. Vernon Webster Silvano.
Wuester Silvano Bernat. | EPS 9/7/82 | 20/7/82 |
| 7. Cipriano Omier Prado
Omier Prado Cipriano | EPS 6/10/82 | 1/12/82 |
| 8. Carlos Hama Berry
Carlos Chul Berry | SE 26/6/82 | 20/7/82 |
| 9. Jose Saiman Tacio
Saimon Tacio Jose | EPS 11/7/82 | 20/7/82 |
| 10. Antonio Manzanares Lackwood
Manzanares Lagos Antonio | EPS 6/7/82 | 20/7/82 |
| 11. Feliciano Arthurs López
Artola López Feliciano | EPS 12/8/82 | SPN 20/11/82 |
| 12. Lorenzo Pasquier
Pasquier Renaldo Juan L | EPS 10/7/82 | 28/7/82 |
| 13. Merando Zeledón Lackwood
Lackwood A Zeledón | 18/3/83 | 30/4/82 |
| 14. Napoleón Joel
Joel Francis Napoleón | CI 22/6/82 | 1/12/82 |
| 15. Justo Herbacio Lampson
Justo Herbacio Lampson | EPS 15/9/82 | 1/12/82 |
| 16. William López
López Samuel Wuilliam | 1/2/83 | 5/3/83 |
| 17. Agapito Almanza
Almanza Jose Agapito | EPS 21/7/82 | 31/7/82 |
| 18. Rosa Mac-William
William Rosa Mac | EPS 12/7/82 | SPN 25/9/82 |
| 19. Nicolas Hernández
Hernández Salvador Nicolas | EPS 21/1/82 | SPN 25/9/82 |
| 20. Guadalupe Romero
Romero Lazman Guadalupe | EPS 4/10/82 | SPN 27/11/82 |
| 21. Daniel López
Daniel López Colomba | EPS 21/7/82 | SPN 25/9/82 |
| 22. Celistino Amstrongz.
Anstran Jacobi Celestino | EPS 21/7/82 | SPN 25/9/82 |
| 23. Concepción Rosales
Rosales Plucha Concepción | EPS 13/7/82 | SPN 25/9/82 |
| 24. Bernardo Martínez David | ME=EPS (Masis) | |
| 25. Alberto Flores Frank | "" "" | |
| 26. Delmira Blanco de Suares
Delmira Blandon de Suares.
Esposa de Benigno Suares (Ex-juez de Mesta) en 1978 es ajusticiado por el FSLN por ser responsable de la muerte de muchos cros. Actualmente Delmira se encuentra alzada con sus hijos, las tareas que tiene en el grupo es de abastecimiento.
Para el 19 o 20 de junio de 1983 fue vista cerca de la comunidad de Casquita por un cro militante del FSLN de nombre AMBROCIO BLANDON. | | |

27. Janatan Cristobal Willies ME (EPS) 11/9/82 y 3 CR mas.
28. Tomás Pinnfer Rechinal ME Colaborador CR se tomo esa medida al querer desinformar al EPS.
29. Bernard How Jacube ME motivos anteriores.
30. Julio William Godoy ME (comisión)
31. Askin Reginal Francis SE 3/7/82 6/8/82
Sus familiares en declaración jurada dada en enero del 84 aseguran que se les comunicó que había sido puesto en libertad, pero que jamás lo han visto.

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4. Lista de habitantes de la comunidad de Musawas quienes supuestamente fueron fusilados tras la Iolecia de ese mismo pueblo, tambien lista de mujeres supuestamente violadas, sucediendo estos hechos el 29 de julio de 1982.

Esta denuncia fue difundida en algunos paises de Europa por el denominado consejo de Ancianos de los Indios de Nicaragua.

Embarces anteriores y posteriores al 29 de junio de 1982 se dan los siguientes hechos:

El dia 19 de junio de 1982 a las 5.30 horas, el J'CI de Bonanza recibe una información de que una banda CR habia secuestrado a un ciudadano de salto Grande(a poca distancia de Musawuas), por lo que deside junto con tres cros mas viajar a dicha comunidad y comprobar la información.

A la altura del puente del Salto Grande caen en una emboscada, habiendo como resultado la muerte de 2 cros de la contra inteligencia (JULIO DAOWN e ILARIO BLANDON) y un cro mas herido (MARVIN CASTRO O).

Al dia siguiente entra a dicho lugar un pelotón de reervistas en persecución de la banda, sin lograr hacer contacto con ellos.

Hay que señalar un hecho bien importante, es que para esa fecha la comunidad de Musawas ha sido evacuada en dos oportunidades por la contrarrevolución.

Un mes después de la emboscada se da un nuevo ataque de los CR a Salto Grande habiendo como resultado 7 compañeros milicianos caídos y el caso de caso de la crq Brenda.

Para el 27 de septiembre del mismo año las tropas del EPS y la LCB crean un sub-sector con sus fuerzas en Musaguas, pero se conoció tambien que para entrar a dicho lugar los cros tuvieron combates de poca relevancia.

Para la Seguridad del Estado de Bonanza, se desconoce que hayan cido contra en ese lugar para esa fecha y tambien desconocen de violaciones o fusilamientos en contra de la población.

LISTA

	Supuestamene Fusilado
1. Jorge Anastacio	""
2. Laurencio Anastacio	""
3. Arturo Hernández.	""
4. Antonio Indalecio	""
5. Emilda Ricardo	""
6. Julio Huete	""
7. Mauro Simón	""

8. Anselmo López

Supuestamente Fijilado.
Con respecto a éste se conoció lo siguiente: Que su nombre verdadero es Anselmo Gilberto López y fue secuestrado por una banda CR junto con su hermano Mario Gilberto López, su esposa y una niña, siendo trasladados al campamento Tapalwas Honduras. Hay que hacer notar que esta familia se escapó del campamento y se entregó en el asentamiento de españolina en fecha 14/10/83 (Fotos Documentales).

Nombres de mujeres supuestamente violadas.

- | | |
|------------------------|---------|
| 1. Aquelina Robin | Violada |
| 2. Virginia Benajamin. | " " |
| 3. Maria Hernández. | " " |
| 4. Casilda López. | " " |
| 5. Lodena López. | " " |

En cuanto a este problema no se pudo profundizar dado que en dicha comunidad no hay habitantes civiles ya que fue evacuada totalmente

También creo que aunque no podemos afirmar nada en torno a los hechos señalados anteriormente dejó una duda en cuanto a la exactitud de los resultados de las investigaciones en este caso específico, pues como única fuente se tuvo a los que no logran precisar fechas exactas y desconocen o así lo declaran sobre los hechos investigados.

Por otro lado, creo que es conveniente que se conozca lo que a continuación se leerá, pero que esto no se interprete como errores que se cometen constantemente o que confirmen lo que se plantea en las denuncias que investigamos, sino que con ello queda abierta la posibilidad de que esto se haya cometido en otras oportunidades refiriéndonos al caso de las violaciones.

El caso concreto es del Cro Sub-tnte del EPS Ríos Torres quien en fecha del 13 de marzo del presente año abusó sexualmente de mujeres del poblado de LAPAN a parte de cometer otros abusos en bienes de la comunidad.

(ver información en documento secreto)

NOTA: El Sub-tnte Ríos Torres fue degradado en formación y pasado a auditoría Militar. - ya está libre

5. CASOS DE KLIGNI-LANDING

Se conoció denuncia sobre miskitos supuestamente capturados por la Seguridad del Estado en esta comunidad, donde también se afirma que Cesar País (J'CI PTO) aseguró que estas personas buscadas ya estaban muertas, sin darles ningún tipo de explicación, dándose esta noticia en presencia de madres de no localizados y del Cmdte William Ramírez. 2

En las entrevistas e investigaciones realizadas por la Sección Especial de Investigaciones se conoció que para fecha del 29/12/83 a eso de las 10 am el Cmdte Ramírez llamó al Cro Tnte Cesar País a casa del Comité Regional del FSLN, lugar donde se encontraba el Cro Osca Hodgson (Miembro del Zonal del FSLN).

Cuando País se hizo presente al Zonal, el Cmdte que las mujeres que se encontraban presentes buscaban a unos familiares y que no apare-

SIAN POR NINGUN

lian por ningun lado y que si sabía algo dijera la verdad delante de los familiares.

Constestándole el cro País que de la comunidad de Klingni-Landing la Seguridad del Estado no detuvo a nadie, y que la información que ellos tienen es dada por fuente del hoy Sub-cmdte Santana y es que para esa fecha en ese lugar se exterminó a un grupo CR los cuales habían escapado de Seben-Bens.

Que a éstos se les había capturado pertrechos militares mencionando un RPG-7, Armas de cacería, 2 fajones, 2 cantimploras y bayonetas, y que algunas armas no se pudieron recuperar yáque se fueron dentro de un río por donde pretendían escapar los CR.

LISTADO

1. Larry Wellinton August (Jefe CR)
2. Ricardo Estriano Chico.
3. Neman Wellinton August.
4. Emilio Wellinton August.
5. Alberto Wellinton August.
6. Martín Francis Wuerman.
7. Milton Hodgson Wilson.
8. Maikel Amadias Willian.
9. Roberto Alfred Josepa.
10. Ricardo Zamora Waman.
11. Alberto Zamora Wamam.
12. Rodríguez Garth Wilfredo.

En este caso existe una dualidad de versiones diendo las siguientes:
- En el control de registro de detenidos de la Seguridad del Estado aparece que fue capturado por el Ejército Popular Sandinista el día 10 de julio de 1982 y que fue puesto en libertad por el jefe de operaciones de la seguridad del estado en fecha 29 de julio de 1982.

- En la declaración reciente que dieran los familiares de Garth ante la Comisión permanente de los derechos humanos par el mes de enero de 1984, señalan que fueron notificados por el Cro César País que sus familiares estaban muertos.

Notándose una contradicción entre los libros de registro de detenidos y la versión del cro País.

13. Gervin Maikel Castillo.

Skirvin Maikel Castillo. aparece con la misma versión anterior.

6. SUCESOS DE LEYMUS.

Se conoció denuncia por parte de la comisión Interamericana de Derechos humanos sobre supuestos testimonios recogidos por este organismo de boca de los refugiados LEONEL MARTINEZ y L IS FAJARDO, en Mocerón Honduras.

Lo mismo que denuncias puesta por el CR Steadman Fagoth y los Misurasatas.

Notándose entre estos tres denunciantes cierta coincidencia en los nombre de afectados pero diferencias en los supuestos abusos cometidos.

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HOJA SIETE

En la denuncia estos hechos se reducen a supuestas capturas, versión dada por los Misuras, Fusilamientos versión dada por CIDH, enterrados vivos versión.

En las investigaciones realizadas por la Sección Especial De Investigaciones se conoció lo siguiente:

- 1.- Los hechos de Leymus para el mes de diciembre del 81 se enmarcan en la ofensiva contrarrevolucionaria conocida como Navidad Roja.
Para esos días en dicha comunidad la situación militar se encontraba bien delicada dado que la actividad contrarrevolucionaria se había incrementado en sus alrededores y a esas alturas ya habían varios cros del EPS caídos en emboscadas puestos por los CR.
- 2.- A finales de noviembre el EPS detuvo a un contrarrevolucionario de origen Sumo, quien en los interrogatorios señaló a 60 personas que también estaban ligadas a la actividad CR y de los cuales se detuvieron a 25.
- 3.- Se conoció también que las tropas que estuvieron fueron las del EPS y un batallón de reserva con el nro 90-15 y dos cros del Ministerio del Interior los cuales se encargaban del puesto de migración y extranjería.
- 4.- El 20 de diciembre del mismo año el Sub-tnte Chester Henrique Dicarrio, conoce a través del cro Javier Duran (Ambos encargado de Migración) que este último participó en el ajusticiamiento de nueve detenidos.
- 5.- El día 23 del mismo mes, en las tempranas horas de la noche y después de una supuesta fuga de dos detenidos, el cro jefe fronterizo ordena se ajusticien a 7 contrarrevolucionarios que estaban detenidos y posteriormente en la misma noche fueron ajusticiados los 6 reos restantes.
- 6.- Hay que señalar que los cros involucrados en estos hechos fueron juzgados por Auditoría Militar tanto los cros del EPS como los del MIIN, pero a los seis meses de estar detenidos fueron puestos en libertad.

NOTA: Este caso ^{ya} ha sido ^{de hecho} visto en varias oportunidades, inclusive por organismos internacionales.
Cuando una comisión de los Derechos Humanos de la OEA visitó la Región Especial Uno ~~se~~ miró este caso y les fueron presentados a 7 personas que los organismos denunciantes los daban como muertos.

LISTADOS:

NOMBRES	VERSION	DENUNCIANTES
1. Julio Henley	Enterrado vivo	CIDH- Luis Fajardo.
2. Sergio Ingramm	""	""
3. Simonet Ingramm	""	""
4. Loren Ingramm	""	""
5. Luis Fajardo ^{vivo}	""	CIDH
Este es quien supuestamente dio los testimonios señalados anteriormente, dejando ver la intencionalidad de hacer daño, cuando denuncian como "Enterrado vivo" a su misma fuente.		

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UNICO

HOJA OCHO

6. Asel Mercado	- Capturado.	CIDH
	- Enterrado vivo.	FAGOT
	- Fusilado.	MISURA.
De este se comprobó que actualmente trabaja para el CEPAD y se encuentra ubicado en Puerto Cabezas.		
7. Celso Flores	-Capturado	CIDH
	-Fusilado.	FAGOT
	-Enterrado vivo.	MISURA.
8. Justo Martínez	""	""
9. Juan Poveda	""	""
10. Jose Lin Mercado	""	""
11. Carlos Pérez	""	""
12. Victor Pérez	""	""
13. Simion Castro	"	""
14. Rogelio Castro	""	""
15. Mayra Lacayo	- Capturada	MISURA
	- Enterrada viva	FAGOT
16. Cristina Lacayo	""	""
17. Efrain Poveda	""	""
18. Gómez Rocio	""	""
19. Simpar Alargón	FUSILADO	CIDH- Leonel Martínez.
20. Ponier Escobar	""	""
21. Natalio Jose	""	""
22. Napoleón Wilson	""	""
23. Gerardo Collins	""	""
24. Atil Carlos	"	""
25. Leyman Frederick	""	""
26. Roger Pitors	""	""
27. Eugenio Morales	""	""
28. Esteban Antonio	""	""
29. Ricardo Mercado	""	""
30. Nando Mora	""	""
31. Ramiro Donacio	""	""
32. Norman Castro	Capturado	Misura
	Enterrado vivo	Fagot.

CONCLUSIONES

1.- Toda esta situación nos ha creado un problema político nacional e internacional, obedeciendo en gran medida a la situación de guerra que se vive en dicha región, y por ende se han tomado algunas medidas

drásticas pero necesarias.

Más sin embargo también este problema obedece a muchos abusos cometidos por cros del EPS de bajo nivel político e ideológico como el señalado en el caso de Lapán.

Es de señalar también que estos comportamientos erróneos es el reflejo de la falta de atención por parte de los jefes intermedios.

2.- Que generalmente son cros de las tropas del EPS los que ocasionan problemas y descontentos en la población civil originado esto por malos tratos y abusos.

3.- Es necesario un programa Especial de atención política dirigido a los cros Jefes operativos del EPS, donde se les refleje los problemas que se ocasionan ala Revolución con una conducta impropia.

4.

RECOMENDACIONES

1.- Dado que este tema ha sido el eje de ataque de la contrarrevolución desde el punto de vista ideológico, es conveniente que así como los CR tienen un Consejo de Ancianos de Indios de Nicaragua (CAIN) y lo utilizan en esta vía de ataque, se puede crear un organismo paralelo revolucionario y que también reclame a nivel internacional y nacional sobre los desaparecidos y secuestrados, lo mismo que serviría para presionar a la Iglesia Morava para involucrarlos directamente en el problema,

2.- Es recomendable un programa especial de atención política dirigido a los compañeros jefes operativos del EPS, donde se les refleje los problemas que se ocasionan a la revolución con una conducta impropia.

3. Es necesario que se recomiende a Auditoria Militar de la Región Especial Uno que sea mas drástica con los cros militares que cometen delitos, ya que esto debe de ser una arma más que se debe utilizar para superar la presente problemática.

LISTA DE PERSONAS ENTREVISTADAS

- 1.-Sub-Cmdte Jose González
- 2.- Capt Evaristo Vásquez.
- 3.- Capt Alvaro Herrera.
- 4.- Tnte Otilio Duarte.
- 5.- Tnte Moises Herrera.
- 6.- Tnte Cesar País.
- 7.- Tnte Dimas Vargas.
- 8.- Tnte Hodgson.
- 9.- Sub-tnte Octavio Rocha.
- 10.- Chester Enryque Dicario.
- 11.- Tnte Jose Dolores Reyes
- 12.- Sub-tnte: Edgar Sanchez Aguilera

EJEMPLARES: UNICO

EJEMPLAR 1: EXP

EJEC Y MECA: RCG

R . D . I . : 460-A

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