

@CHAPTER = NICARAGUA

Under the Reagan administration, U.S. policy toward Nicaragua's Sandinista government was marked by constant hostility. This hostility yielded, among other things, an inordinate amount of publicity about human rights issues. Almost invariably, U.S. pronouncements on human rights exaggerated and distorted the real human rights violations of the Sandinista regime, and exculpated those of the U.S.-supported insurgents, known as the *contras*. In 1989, under the Bush administration, U.S. policy toward Nicaragua has experienced one major change, in that it appears that the *contras* have ceased to be regarded as a viable military and political option. The White House has managed to keep the *contras* alive -- against the wishes of the Central American presidents as repeatedly expressed in the agreements that are part of the peace process -- but the *contras* have not been a significant fighting force, and they are unlikely to be turned into one after the Nicaraguan elections scheduled for February 1990.

This is an important change from a human rights perspective, because the *contras* were major and systematic violators of the most basic standards of the laws of armed conflict, including by launching indiscriminate attacks on civilians, selectively murdering non-combatants, and mistreating prisoners. In 1989 the number of *contra* abuses has been greatly reduced in comparison to the beginning of the peace process, largely because, at least through September, they were entering Nicaragua less frequently. To the extent that the *contras* have continued to operate, however, they have continued to commit these violations, and toward the end of 1989, abuses by the *contras* appeared to be on the increase. The Bush administration is responsible for these abuses, not only because the *contras* are, for all practical purposes, a U.S. force, but also because the Bush administration has continued to minimize and deny these violations, and has refused to investigate them seriously. As in the Reagan years, the Bush State Department has continued to make too much of monitoring mechanisms within the *contra* movement that have been wholly unsuccessful in prosecuting those responsible for abuses.

In all other respects, U.S. policy toward Nicaragua under the Bush administration is no different than it was throughout the Reagan years. The peace process in Central America has taken hold in Nicaragua, albeit with difficulties, but largely because the Central American presidents who devised it have been able to overcome U.S. objections. The process initiated in Esquipulas, Guatemala in August 1987 has resulted in 1989 in an electoral process in Nicaragua that is well under way. The Sandinista government has offered several concessions to the opposition, whose candidates are openly supported by the United States. There is extensive ongoing international observation of the election campaign by large, independent teams sent to live in the country on behalf of the United Nations and the Organization of American States. By all accounts, this international presence is helping to reduce frictions that might arise during a highly polarized and emotional campaign.

In contrast, the Bush administration has found only negative remarks to make about the electoral process. It has echoed *contra* complaints about the composition of the electoral tribunal, chaired by an independent person appointed by the government, and including two members of the Sandinista party and two members of different factions of the opposition in proportion to their results in the 1984 elections. By contrast, the Bush administration complimented the government of Paraguay for its 1989 elections, even though all members of the electoral council were appointed in accordance with their parties' showings in the elections held under the Stroessner dictatorship. The Sandinista government agreed to allow Nicaraguans living abroad to register,

but did not yield to the demand that they be allowed to vote in Miami and Honduras. The State Department considered that a blatant flaw in the elections, although most Latin American countries do not offer polling places abroad and, most notably, the Salvadoran elections, hailed by the State Department as models of fairness, were closed to Salvadorans residing abroad.

In November 1989, the State Department circulated a "Nicaraguan Human and Civil Rights Update," in which it quoted selectively from a report of the Inter-American Commission on Human Rights. It cited the Commission's comments on the need for full freedom of expressions, as well as mechanisms to guarantee it, and on the problems posed by the fact that the Ministry of Interior was responsible for enforcing the newly amended Media Law. The State Department omitted the Commission's acknowledgment that, under the August 1989 agreement between President Daniel Ortega and the opposition, jurisdiction to enforce the Media Law during the electoral campaign had been transferred to the Supreme Electoral Council.

This posturing by the Bush administration leaves the impression that it will find the elections to have been clean and fair only if the U.S.-supported opposition candidates win. If the Sandinistas prevail, the groundwork has been laid for the State Department to claim that the elections were illegitimate.

In a related matter, the Bush administration has continued to press its predecessors' long-standing but indefensible position that the number of prisoners held in Nicaragua for security-related offenses is much larger than it really is. The November "Update" mentions 6,000 such prisoners, when in fact there were no more than about 1,300. This insistence on unsupportable figures is bad enough as an exaggeration, since effective human rights advocacy depends on accuracy, but as the peace process slowly progresses, the U.S. figures may also become an obstacle to peace. The Sandinista government has agreed to release all political prisoners once the *contras* are completely demobilized. The State Department's figures thus may become a tool to impugn the completeness of an eventual prisoner release.

In 1989, for the first time in many years, the State Department spoke about Americas Watch with words of praise. Assistant Secretary of State for Inter-American Affairs Bernard Aronson, appearing on national television, called Americas Watch "an independent human rights organization." Even *contra* leader Adolfo Calero quoted approvingly from an Americas Watch report, released in April 1989, which he waved in front of the cameras. The reason for this praise was that Americas Watch had taken the lead in documenting and publicizing killings in remote, war-torn areas of Nicaragua, where Sandinista military and state-security agents had summarily executed peasants whom they considered *contra* supporters. In an October 1989 report, Americas Watch added to the murders documented in the April report and also analyzed the Nicaraguan government's actions in response to complaints by Americas Watch about the killings. Those actions included investigation, prosecutions and, in some cases, punishment of government agents for the abuses described. The State Department has not commented on the October report. The State Department's November "Update" mentioned references by the Inter-American Commission on Human Rights to the pattern of summary executions, but did not mention, as the Commission did, that the Nicaraguan government had investigated and prosecuted some of those responsible for these killings.

The *contras* have continued to operate in Nicaragua and have increased their operations there since September. Talks between the Nicaraguan government and the *contras* have not resumed since they broke down in June 1988, although in November 1989 talks were held in New York and Washington for the limited purpose of reaching a cease-fire agreement, after President Ortega abruptly

announced the end of the unilateral cease fire his government had established the year before. Ortega's decision had been prompted by two large *contra* attacks, one an ambush against demobilized militias who were traveling to register for the elections. In the succession of claims and counterclaims that followed Ortega's announcement, the State Department admitted that in October, *contra* contingents had crossed into Nicaragua from Honduras, offering the disingenuous explanation that the purpose of the infiltration was to encourage registration for the elections.

The policy of keeping the *contras* alive, through so-called "humanitarian" or non-lethal aid, sustains a force that has shown itself incapable of operating without consistently committing gross abuses in violation of the laws of war. The policy also has placed in jeopardy the holding of elections by encouraging *contra* attacks on the electoral process. Thus, while the Bush administration proclaims its support for human rights and free and fair elections in Nicaragua, it persists in sabotaging both.