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I. Summary

On January 1, 1990 at 6:30 pm a white Toyota pickup carrying three Catholic nuns and a bishop was ambushed at Ojo de Agua on the highway between Siuna and Rosita in central Nicaragua, killing two of the nuns and seriously injuring the other two passengers.

Americas Watch investigated the killings at the scene of the ambush and spoke to residents, local authorities, and witnesses to the crime, including two young men, Jaime Arauz Lopez, 20, and Ronal Dolores Mairena Sobalbarro, 16, residents of Ojo de Agua who saw the contras at the ambush site at the time of the ambush.

It is our conclusion, based on this investigation, that those responsible were a unit of the rebel Resistencia Nicaraguense, or contras,¹ firing indiscriminately at the vehicle without warning to stop but also without knowledge that the vehicle belonged to the church.

¹ Contra is short for contrarrevolucionarios, or counterrevolutionaries, so called because they oppose the Sandinista revolution.

II. Background

A. Our investigation

We interviewed the two direct witnesses for several hours, first when they knew we were preparing to visit the site of the ambush, and then upon returning from the site. We find them credible witnesses. Their story is internally consistent. They do not appear to be rehearsed or pressured.

Members of the community interviewed by Americas Watch all knew the young men and uniformly stated that they are hard-working, have not been in any trouble, are not involved with either side (the government or the contras), and have the reputation of being honest. Neither has more than a grade-school education but they were both logical and straight-forward in their answers to questions. The Mairena family has lived in Ojo de Agua for nine years and the Arauz family in Coperna Abajo for 10 years. Neither family has taken sides in the conflict, according to residents and officials, which was our impression as well.

We arrived in the Siuna-Ojo de Agua area on January 10 and stayed there until January 14. We interviewed people in Ojo de Agua on three separate days, some of them more than once, and others connected with the case, including military² and state security³ authorities. All the interviews were private.

B. Prior contra abuses, ambushes, kidnappings, and killings in the area

Over the years, Americas Watch has documented many cases of indiscriminate attacks by the contras on cooperatives as well as on vehicles traveling country roads. The ambush of military and government vehicles has been a frequent tactic of the contras, with civilian casualties occurring when, as has often happened, no care is taken to assure that the target is indeed military.

1. Ambushes on the highway, deaths

Ojo de Agua is about 31 kilometers east of Siuna and midway between Siuna and Rosita; it takes about an hour to reach Ojo de Agua from Siuna due to the condition of the bridges. This road is the only one east from Siuna to Rosita (two hours) and from there to Puerto Cabezas on the Atlantic Coast (another four hours).

The last contra ambush on the Siuna-Rosita highway prior to the attack on the nuns was an attack on a military vehicle on August 29, 1989. It occurred midway between Ojo de Agua and Siuna. The victims were an EPS First Lieutenant Rodolfo Vallecillo Martínez and a prosecutor from the office of the military prosecutor (Auditoría Militar), Héctor Chow Rodríguez,

² Ejército Popular Sandinista, EPS.

³ The Sandinista police and the state security police (Dirección General de Seguridad de Estado, DGSE) are under the jurisdiction of the Ministry of the Interior (Ministerio del Interior, MINT).

who at the time of the ambush was taking Lieutenant Vallecillo into Puerto Cabezas in connection with the investigation of a case of human rights abuse by the officer.⁴ (See below) Two others in the military vehicle were wounded and the car was burned.

The following accounts of other contra ambushes on the Siuna-Rosita two-hour stretch of road come from the military and have not all been independently verified by Americas Watch:

In April 1989, a civilian Robur microbus was shot up, and one wounded, near Lukú (between Ojo de Agua and Siuna);

On July 19, 1989, around El Empalme, between Ojo de Agua and Rosita, a contra ambush of a military vehicle killed four MINT agents and wounded six;

On May 1, 1987, a Ministry of Construction (MICON) truck was ambushed, killing one civilian and wounding another, five kilometers east of Baká, a hill near Ojo de Agua;

In 1986, in El Tesoro, east of Ojo de Agua, a MICON truck was ambushed, killing two civilian employees;

On May 7, 1985, in Lukú, an ambush of a military vehicle claimed the lives of 11 MINT and EPS soldiers, including Subcomandante Evaristo Vásquez, and wounded seven others;

In 1985, in San Antonio between Ojo de Agua and Rosita, three civilians were killed in an ambush;

In 1985, Juana Aguinada, riding in a military vehicle, was killed and two police wounded in an ambush at Baká occurring during the day. Several residents of Ojo de Agua interviewed by Americas Watch mentioned the ambush that killed Juana, a civilian hitching a ride, although they could not agree on the year;

In 1984, an ambush on a military vehicle at Baká wounded two soldiers.

Residents of Ojo de Agua and Siuna told Americas Watch that in earlier years the highway from Siuna to Rosita was dangerous day and night because of contra ambushes. They could not recall each of the ambushes but they assured us that there were very many and that Baká was the site of several.

2. Executions

Three men associated with the Commission for Peace (created after the government-contra agreements at Sapoá in March 1988) were kidnapped on August 25, 1988, by the contras and disappeared, according to several reliable sources. Eduardo Hernández Ramos had been kidnapped before by the contras and escaped. After the escape, he publicly denounced the contras. His family was at home in Mongallo (west of Ojo de Agua) when contras, led by a man recognized as Jalisco, came to capture him the second time. Marcelino González and Faustino Reyes were captured by the same contra contingent on the road. All were accused of collaborating with the government. Unconfirmed reports

⁴ See Americas Watch, The Killings in Northern Nicaragua, November 1989 at 48.

are that Hernández and González were executed in the mountains.

3. Kidnappings

According to a partial list of kidnap victims assembled by independent observers in Siuna, there have been some 148 contra kidnappings in the area since 1982, some of which may have been voluntary. Of those, 21 have been kidnapped (involuntary) in the 1988-98 period, and another two were taken and are believed dead. (See above)

C. Prior Sandinista abuses

The worst Sandinista abuse in this area in the past two years, and the worst abuse we learned of during this investigation, and among the gravest that we have encountered during the entire conflict by either side, including the ambush of the vehicle carrying the nuns, was a killing of six captured correos (contra collaborators) in the area of Umbla, two days south of Siuna in the mountains, on August 20, 1988.⁵ Several were killed by machete blows and one was beheaded.

These six men and one who survived were captured by a patrol of eight "compas," as people call the military or MINT troops; it is believed that these were from the MINT. One of the eight soldiers, Merenciano López Hernández, a former contra who had turned himself in (a desalzado, literally one who has laid down his arms) was recognized by the survivor.

The survivor, Ascensión Díaz Méndez, brother of two of the slain men, made a statement to the MINT in December 1988, which we read. All the men after capture were accused of being armed correos; Mariano finally admitted that he was and said he would take the compas to recover the arms. José tried to run for it and was shot. Mariano then also tried to escape, but was grabbed and stuck many times with a machete. Santiago was then shot, and his head cut off with a machete. Justo, pleading for his life, on his knees, was killed with a machete, as was Elidoro, a brother of the survivor, Ascensión, who was given five blows to the back of the head and shoulders with a machete. The compas then shot the body of Mariano. Ascensión, who had not lost consciousness, saw them shoot his other brother Panfilo.

After the compas left, Ascensión, whose hands were still tied, managed to make his way part way home; his mother encountered him on the path.

We spoke to an independent source who interviewed Ascensión, saw his wounds, and talked to others in the community. They were too afraid, however, to retrieve and bury the bodies, having seen Ascensión's condition when he staggered in and heard his tale of horror.

Although the case was reported to the government, including the MINT, the Auditoría Militar and the government human rights

⁵ The men were Panfilo Díaz Méndez, Elidoro Díaz Méndez (brothers), Juan José Granados López, Mariano Granados López, Justo López Compos, and Santiago Granados Real.

commission,⁶ none of the attackers was ever located nor could the unit be identified and no one was tried or punished for this gross violation of human rights.

In 1989 there were two reported cases of human rights violations by the EPS in this area. One occurred in Kurrín, southwest of Siuna. We learned of the case shortly after it occurred in July 1989, before it had been established who was responsible. An elderly couple, Angel González and Elsa Polanca, were killed in their remote farmhouse, their bodies and house riddled with bullets.

The person under investigation for this crime was First Lieutenant Vallecillo, killed in a contra ambush on the Siuna-Rosita highway on August 29, 1989 (see above). Allegedly, while drunk, he had ordered a patrol headed by a former contra (desalzado) who was an enemy of this couple (or of their sons in the contras) to investigate the couple for possible collaboration.⁷ The man said to have been responsible for pulling the trigger in the case was said to have escaped from jail in Siuna after one month's incarceration. Others involved in the case are reportedly still in jail.

On April 4, 1989, Pedro Amador Rodríguez, 20, and his brother Justino, 18, were captured separately at their home in Caño Seco, some two hours south of the highway, by soldiers from the Yaoya outpost between Siuna and Ojo de Agua. The two were taken further into the mountains, to Bocana del Caño de Tres y Coperna, where they admitted that they had been collaborating with the contras. They were shot and buried there.

Lieutenant Lucas Suárez was arrested (apparently some of his men talked) and admitted killing these "enemies of the people." The bodies were located. Lieutenant Suárez was jailed in Siuna, but since he suffers from tuberculosis he may not be in confinement at this time.

These abuses are consistent with the pattern of summary executions by military and MINT officials of alleged contra collaborators in remote areas that occurred in 1988-89, as we described in our October 1989 report, The Killings in Northern Nicaragua. These very serious violations of human rights by government forces do not include ambushes of vehicles, however. Americas Watch has not encountered any case of such an ambush by government forces in Nicaragua during the eight years we have

⁶ Comisión Nacional por la Promoción y Protección de Derechos Humanos, CNPPDH. The commission office in Managua, however, told us that they had no record of the case but would look in to it.

⁷ When we asked the DGSE and army in Siuna about it, they said they were under the impression that Vallecillo was being investigated for reckless endangerment for shooting off his gun in a cooperative. They noted that he had family problems and had started drinking.

been investigating abuses of human rights.

D. The setting

The site of the ambush in Ojo de Agua is about 31.6 kilometers from Siuna, driving east toward Rosita on a winding dirt two lane road criss-crossed by several rivers with bridges in various states of disrepair. It is an area of low hills and modest to extremely poor farm houses scattered along the highway, with forest and heavy underbrush interspersed with cleared rolling pasture lands. Other farms are located in areas remote from the road and inaccessible by vehicle.

1. Coperna

The largest community prior to reaching Ojo de Agua is Coperna, which is a collection of wooden houses and buildings comprising a cooperative and a military outpost. The coop and military base have been there for about four years, and there was no major friction between Ojo de Agua and the Coperna complex, according to residents of Ojo de Agua.

Coperna has not been attacked by the contras. Military patrols operate from Coperna, which is about five kilometers to the west of the ambush site, or about 10 minutes by car and 30 minutes to one hour on foot. Residents of Ojo de Agua said that soldiers pass occasionally on patrol on the road. On January 1, 1990, no one noticed interviewed by Americas Watch any EPS patrols in the area of Ojo de Agua.

2. Military outpost at Cerro Baká, Ojo de Agua

On January 1, 1990, the military posts in and near Ojo de Agua, according to its residents, were the military base at Coperna and a small post of seven soldiers almost two kilometers east of the ambush site, which had been there since December 24, 1989. This position was on a small hill facing east toward Cerro Baká (Baká Hill) and its function was to guard that hill, a site of prior contra ambushes and activity. The Baká position did not face west toward the ambush site and the ambush site was not visible from the position, even when climbing to the top of the small hill, because the forest obscured the view.

The position was set up literally in the back yard of Alejandro Mairena Cruz, 45, the father of Ronal Mairena, one of the witnesses to the contra attack on January 1.

The plastic tents of the soldiers on the side of a small rise about 20 meters from an inhabited house were clearly visible from that house as well as from the road, since no foliage blocked the view.

Residents interviewed said that the soldiers, who were in plain view of the road, did not have radios, grenades, grenade or rocket launchers, and were armed only with AKAs, Soviet-style automatic rifles. Their job was to watch the mountain, and they did not move from the spot, except to bathe in the river, according to residents of the area. They were not seen patrolling.

Celebrations of the word (Catholic mass held without a priest) were held at the Mairena house and many families from the

community, attending the celebrations on Sunday December 24 and 31, saw the soldiers sitting at their post near the house.

3. Contra presence

Americas Watch was told by Captain Miguel Miranda, head of the EPS in Siuna, and Captain Otilio Duarte, head of state security in Siuna, and by the commander of the EPS base in Coperna, First Lieutenant Alfredo Zamora, that in late December they received information that the contras were moving toward the highway from a base to the south.

Contra presence in this area has substantially decreased from a high level of activity in the mid-1980s, civilian and military alike agreed. First Lieutenant Zamora said that during 1989 the contras had not attacked one cooperative in this sector. According to him, they had kidnapped 17 peasants in June 1989 from nearby Oro Fino; of these, some eight, including women, stayed willingly with the contras.

The March 1988 Sapoá agreements and the cease-fire put in place at that time produced a sharp decrease in contra activity, although it had been declining since a high in 1985. In late 1989, however, the army began reporting that contras were infiltrating back into Nicaragua from their bases in Honduras. [CHECK contra admission on this point and how many were supposed to have come] Currently contra sources claim that there are over 5,000 [CHECK] contras inside Nicaragua, an increase over late 1988.

The army believes that the contras have a large social base in Mongallo, between Siuna and Ojo de Agua, so they have stationed soldiers there frequently. (The father of the contra accused of leading the ambush lives in Mongallo; he complained of the military surveillance of his farm. See below.) First Lieutenant Zamora said that the contras do not have much of a social base in Ojo de Agua.

The army believes that the contras tend to step up attacks during the Christmas period, so it takes precautions at this time. According to officers interviewed by Americas Watch, the military has not engaged in any operations against the contras since the 1988 Sapoá accords and cease-fire which was lifted on November , 1989 [CHECK DATE]; they took pains to say this was a unilateral cease-fire by the government, never respected by the contras. Even now, the military is under orders not to undertake operations, with the exception of the patrol they sent out to track down the contras who ambushed the nuns. They regard patrolling the road as maintaining vigilance, not a military operation.

The authorities received information that a contra by the name of Evaristo Aguinaga (nom de guerre Rubén) and his brother Juan had left their base near Susún, about two days south of Siuna in the mountains, with their group of contras on about December 25. According to the officials interviewed by Americas Watch, Rubén and Juan went to visit their father in Mongallo for Christmas.

The authorities are vitally interested in Rubén's whereabouts, in part because they have been trying to convince his family to persuade Rubén to lay down his arms.

Having received this information about contra movements, the army sent out extra units to be stationed at spots of known contra activity on the road. One was at the Cerro Baká. (See above)

When the Baká unit came to camp on Ronal's father's property, the commander, a soldier from Coperna known by the name of Denis, told Mr. Mairena that they were there to await contra activity.

The residents of Ojo de Agua did not notice any contra presence during this period.

The army later received information that the contras returned to their base area, arriving on January 5.

Americas Watch received hearsay information that various peasants who live in the mountains further south of Ojo de Agua said that the contras had passed through going north before the ambush and going south after the ambush. These peasants were not accessible to us and we were not able to verify this information. As always, such facts take time to establish in Nicaragua but we expect that within a month or so the information will be clear.

III. The Ambush

A. The kidnapping of two boys

1. Going fishing

The afternoon of January 1, Jaime Arauz and Ronal Mairena decided to go fishing at the Río Coperna. The fishing spot was located on the path from Ronal's house, on the highway at Ojo de Agua, to Jaime's farm; an hour and a half walk south, in Coperna Abajo.

The boys asked a friend to go with them. The friend told Americas Watch that he did not have a horse, and the two were going on one horse. Also, the friend had served two years in the army as a conscript, so he declined the invitation, having a presentment that the contras might be around; though no one had seen them, a military post was placed at the Mairena house to watch the Baká Hill for contras. The contras are harder on young men who have served in the EPS than on those who have not, and neither Jaime nor Ronal had served in the army. Jaime's family told Americas Watch that their son had a medical exemption for a nervous condition related to his slight stammer, and Ronal had just turned 16.

2. The contras eat a cow on the Arauz farm

That same morning, a group of contras passed through Jaime's family's farm and killed and ate a 200-pound cow, leaving behind several campfires and the skin and some bones of the cow. Jaime's brother Felipe Arauz found the remains a few days later, and a few days after that his father also saw the remains, which were about a 45 minute walk from the Arauz farmhouse. They both believed that it was the contras who ate the cow because of the boot prints left behind which Felipe, who had been drafted and served two years in the army (1985-87), recognized. Neither side had previously eaten one of the family's cows.

No one seems to have seen either the EPS or the contras pass through the farm that day, or at any time during this period. A worker on the farm saw them pass through eight months before, however, and in earlier years they had traversed the farm on a number of occasions. It was much rarer to see EPS patrols on the farm.

3. The kidnapping

On the highway, the two boys left the horse they were riding in a pasture and proceeded on foot. They did not go to the farmhouse of Jaime's family but went directly to fish, intending to return that evening, they told Ronal's father and their friend.

The area, south of Ojo de Agua to the Arauz farm, is not populated, several farmers told Americas Watch. (Some of the land is not suitable for farming, one added.) Two farms there were abandoned several years ago. The Arauz farm is the first inhabited farm, walking an hour and a half south from Ojo de Agua.

The boys left Ojo de Agua about noon on January 1 and by 2 pm were at the fishing spot. They had barely started to fish,

beginning to pull very small fish out of the stream, when the contras appeared. Ronal, catching sight of them, removed his wristwatch and slipped it in his pocket for safekeeping.

Both had seen the contras before on various occasions, as is typical in the case of boys living in the countryside in Nicaragua. The contras previously had a strong presence in the area, passing through Ronal's farm in Ojo de Agua (near the Cerro Baká) and other places on the highway many times before 1985. Jaime's farm was in an area where the contras also passed frequently in prior years. More recently, Jaime's family had been required to evacuate the farm in December 1988 by the EPS for "reasons of security," presumably because the contras were in the area. The family was permitted to move their cattle to a relative's farm near Siuna, and finally allowed to move home in June 1989.

Jaime had been kidnapped on at least one prior occasion by the contras. In December 1987, the contras conducted a major offensive in the "Mines" area of Nicaragua, attacking the three gold mining towns of Siuna, Rosita, and Bonanza. They occupied Siuna for almost a day and took over a nearby military base. Jaime and a brother who were then at a family farm near the base were impressed into service by the contras to carry captured munitions. The brother was slightly injured and could not proceed but Jaime was kept by the contras until he got away late that evening.

Both boys were also familiar with the EPS and the uniforms its soldiers wear. They also knew by sight many of the soldiers at Coperna because Coperna is a local center of various activities, including baseball games, and they had played baseball on teams opposing the cooperative team which included soldiers. In addition, the soldiers patrolled the highway and stood guard at various posts, including the one recently set up at Ronal's house.

The boys' recognized that the armed men approaching them were contras, based on their uniforms; these are better quality uniforms than the EPS wear. Some had "jungle" boots, of rubber at the bottom and waterproof cloth on the top; others wore rubber boots. They wore camouflage uniforms and olive green uniforms similar to those they had seen the contras wear in the past and backpacks like those worn by the contras; they had large pockets on the side of their pants, which the EPS uniforms do not have. One had a patch on his uniform, which both boys noted, with a yellow eagle and black letters.

A few contras approached the boys. They asked if they were in the EPS or had done any military service, to which the boys replied in the negative. They did not ask for documents or search them. They told the boys they had to come with them, and did not give any explanations.

The boys estimated that there were about 60 to 70 contras in this group, though they did not see them all in one place. They saw no other civilians with them.

The boys saw that the contras were armed with AKAs, one RPG-7 (rocket-propelled grenade launcher), and one M-79 grenade launcher (popularly called a "mono" or monkey). One contra carried a FAL, a heavier and smaller automatic rifle. The boys said that they recognized the weapons because they had often seen EPS soldiers and contras with weapons; indeed, the countryside is heavily militarized. Jaime, on request, was able to draw convincing sketches of the various weapons.

Later in the day, at the time of the ambush, they overheard one contra ask another about the whereabouts of the mine, and saw the second contra, who said "here it is," come forward with a green metal box which they assumed was a mine, which they had not seen before.

4. Evaristo Aguinaga, or Rubén

The contra who carried a FAL was recognized by Jaime. He was Evaristo Aguinaga, age 35-40, whose nom de guerre is Rubén. Jaime (according to him and his family, interviewed separately by Americas Watch) had seen this man years earlier at community gatherings before he joined the contras in 1982. The Aguinaga family was from Esquipulas, Matagalpa, and moved 14 years ago to Mongallo, a community on the highway between Ojo de Agua and Siuna. At the time, Jaime, now 20, was much younger, so apparently Rubén did not recognize the boy.

Jaime described Rubén as being blond (a term used in Nicaragua to refer to blond to brown hair), with a blond beard and light eyes; others separately gave that description to us, one adding that Ruben's eyes are what is called "gato" (cat), or green.

Americas Watch also interviewed Rubén's father, Secundino Aguinaga Blandón, over 66, in his farmhouse in Mongallo, visible from the road. This family of five brothers and five sisters was well known in the farming community, where some of them still live; Rubén and another brother, Juan, joined the contras in 1982 because the family was being persecuted by the Sandinistas and those who envied them, the father told us. It was widely known that these two men, and their brother in law Gregorio Trujillo, had joined the contras, and their family did not deny this. Trujillo's wife (or widow) was present during Americas Watch's interview with her father-in-law Mr. Aguinaga.

The father said that Rubén came to visit him in March 1989 and discussed the possibility of surrendering but concluded that his brother, still in Honduras, and his troops would suffer if he left the contras.

His son last visited him three months ago, he said.

Mr. Aguinaga complained that the MINT had taken him to Puerto Cabezas after the ambush on the church vehicle and asked him for a declaration. He was not physically abused but the ride on the rough road was hard on a man of his age. He complained of prior surveillance of his farm and roundly denounced the Sandinistas for a series of acts of persecution of his family, some dating back several years. He said that such persecution was

the reason hundreds and thousands of men had joined the contras.

5. Identification of contra troops

When we asked the boys who were kidnapped how they knew their abductors were contras and not compas, or EPS soldiers, the boys cited several factors, randomly, aside from the uniforms, backpacks and boots (see above). They said that the men did not talk much on the trail, and they asked different questions from the military (or DGSE) authorities who stop civilians; the government "investigates" or questions more. The boys said that the attitude of the contra troops was more "machista," or aggressive. The leader of the group was referred to as "comandante," and they knew that the only comandantes of the EPS were in Managua, not in the muddy paths of central Nicaragua. The armed men referred to each other as "comandos," a term used by the contras but not the army.

We wondered why the boys were taken by the contras. The boys said that they were not used as guides, but were taken along in the middle of the contra column that was moving toward the highway. They overheard some contras, who referred to each other as "comandos", say that they were going to conduct an ambush, although they did not hear who was to be ambushed.

After several interviews, the boys conceded that they were asked by the contras where they lived, and then were asked about the location of Sandinista troops in the area. They did not recall the answers they gave. We surmise that the boys were taken by the contra troops in part to provide information to the contras about the terrain and the current presence of Sandinista army units along the highway, though the boys did not tell us this.

It is reasonable to assume that the boys would have informed them of the soldiers near the Baká Hill, if only to steer them in another direction and avoid cross-fire casualties to Ronal's family if the contras were to stumble upon the seven-soldier post. This would also avoid subsequent reprisals if the contras discovered the boys were lying. (If the contras decided to attack the seven-man post, however, the family would be in danger as well.)

The contras moved slowly northward toward the highway, at first on the path and then, abandoning the path that leads to Ronal's house, through the forest and underbrush. The boys recognized the area because they had passed through and worked there. The contras stopped along the way to rest.

It was raining as they advanced toward the highway.

While the rest of the troops stayed back, the two boys were sent ahead to the highway with a contingent of about 10-15 contras, including one assigned to guard them. The boys and the guard stopped in thick underbrush which blocked their view of the highway, though they calculated that they were about 50 meters south of the highway, near a fence of three strands of barbed wire that separates the pasture of the Torres family from the underbrush. They knew exactly where they were. Having stood in

the same underbrush, we can affirm that the highway is not visible from that spot.

The boys say they do not know why they were taken to within 50 meters of the ambush with the ambush contingent while other contra troops remained behind. We surmise that the boys were taken almost to the site of the ambush to make sure that they were not directing the contras to a spot where the EPS was stationed. (The MINT said flatly that the boys were used as guides.)

When they arrived at the highway it was about 6 pm, and dark. The boys calculate that they were at the spot for about an hour, sitting and standing, before the sole vehicle passed by and was attacked.

By the time of the ambush it was night. When we were in that area several days in a row, we noted that the sun set rapidly starting at 5:30; by 6:00 it was dark, although patches of the sky were still a little light; and by 6:30, it was as dark as it was going to get for the rest of the night.

B. The church vehicle and the permission given

Two carloads of Catholic priests and nuns set out from Managua on the morning of January 1 by land to attend a meeting in Puerto Cabezas of those working with the church on the Atlantic Coast. In one vehicle was United States born Bishop Salvador Schlaefer, of the Capuchin order, the Catholic Bishop of the Atlantic Coast region, where he has served the Miskito community for many years, and others.

In the second vehicle, later ambushed, were Bishop Paul Schmitz, also a Capuchin, a US citizen ?, and three nuns from the order of St. Ines. Two of the nuns, Teresa de Jesus Rosales Dickson, 24, who died in the ambush, and Franc(i)sca Colomer Kramer, 24, were Nicaraguan [Miskitos?]; and the third, Maureen Courtney, 45, who also died in the attack, was a US citizen who had served the Miskito community on the Atlantic Coast for many years.

Sister Maureen lived and worked in Waspan, on the Rio Coco, at least a four hour drive north from Puerto Cabezas; Bishop Schmidt lived in Bluefields, only accessible from Puerto Cabezas by plane or sea; Sister Teresa lived in ? and Sister Franc(i)sca lived in . [CHECK]

Sister Maureen was driving and Bishop Schmitz was in the front seat. Sister Franc(e)sca was in the back seat behind Sister Maureen and Sister Teresa sat behind Bishop Schmitz.

This car parted company with that of Bishop Schlaefer while fording the Wani or Prinzapolka river a short distance before entering Siuna. The Sisters had a residence in Rosita, two hours drive from Siuna, and hoped to spend the night there and continue on to Puerto Cabezas, at least another four hour drive, the next day. Bishop Schlaefer, interviewed by Americas Watch in Siuna, said that, perhaps because he was older, he was content to stay in Siuna and not chance the drive at night, but arrive a little later the next day in Puerto Cabezas. The drive from Managua,

where they had started that morning, to Siuna takes eight hours, under the best conditions and without stopping to eat.

Sister Maureen wanted to continue on to Rosita, however, that same night. The Washington Post reported an interview with Bishop Schmitz:

"We were supposed to stay overnight in Siuna, but Sister Maureen insisted in going to Rosita, where she had some sisters of the congregation with whom she wanted to share gifts and letters," Schmitz said. "It was imprudent of us to continue; it has generally been a dangerous area."

Schmitz said that although the area is known to be dangerous, "lately there has not been much combat."⁸

The survivors⁹ told others in their congregations that Sister Maureen pressed the authorities to give the car the necessary permission to leave Siuna. The army still maintains control of vehicles leaving Siuna, day and night. Whether traveling west to Matagalpa and Managua or east to Rosita and Puerto Cabezas, a vehicle must obtain written permission from the military, who note down the car registration and the driver's license. The process does not take long.

The procedure has been not to grant permits to leave before 8 am (in years of heavy contra activity, most ambushes on these roads took place in the early morning) nor after 5 pm. The time on the permission slip, according to Bishop Schlaefer, was 5:15 pm.

We asked the head of State Security in Siuna, Capt. Otilio Duarte, why the car had been permitted to leave Siuna after 5 pm, contrary to the rules and with knowledge that the contras were in the area. He said that the church and its workers enjoy a certain autonomy and that the police and army do not put the same restrictions on them as they do on other civilians because of the humanitarian nature of the church's work. Soldiers and the police are under orders to cooperate with the church and not place obstacles in its way.

Relations between the Miskitos and the Sandinista government, police and army have ranged from very bad to less bad since 1980. The nadir came in early 1982 when the Miskito communities on the Rio Coco, following insurgent Indian attacks

⁸ Ricardo Castillo, "Injured Bishop Fails to Identify Attackers," The Washington Post, January 4, 1990.

⁹ Americas Watch was not able to interview either of the survivors. Bishop Paul Schmitz and sister Franc(i)sca Colomer, who were hospitalized in Managua, were evacuated to the U.S. for medical treatment and did not wish to give further interviews for reasons of health and security.

on the Sandinistas, were forcibly evacuated by the Sandinista army and their communities and homes burned to the ground by the army to assure that the evacuees did not return. Sandinista soldiers committed a number of "disappearances" summary executions during this period (see previous Americas Watch reports on Nicaragua).

Thousands of Miskitos fled across the river to Honduras in 1982 while thousands more were relocated in inadequate centers long distances from their traditional lands. The religious orders that served the Miskito community identified with its suffering and their relations with the government worsened as well, although there were exceptions to this. Even now, although the Miskitos and the religious workers ministering to them were permitted to return to their places of origin on the Rio Coco beginning in 1985, relations with the Sandinistas range from guarded to suspicious to hostile.

Nevertheless, the churches are a force to be reckoned with in Nicaragua, and have successfully asserted their right to less government interference than other institutions.

The ambushed vehicle was not known in the area because it was newly purchased and this was its maiden voyage in this area. It was a white Toyota pickup, with front and back seats ("doble cabina"). Some of the residents of Ojo de Agua, who saw the pickup the morning after the attack, commented to Americas Watch that the problem was that it was just like some of those that the DGSE uses; the DGSE also said that they and some FSLN¹⁰ officials have similar Toyotas.

Hearsay evidence received after the attack included a report that the contras were targeting Abelardo Rivas, an FSLN leader from Rosita who frequently traveled on that road.

The Toyota was not conspicuously marked as a church or neutral vehicle. It apparently had red crucifixes taped to the front doors, about eight inches high, but these would not have been visible at a distance at night. Secundino Aguinaga Blandón, the father of the contra who allegedly perpetrated the attack, commented to us that church cars used to have big flags in front that clearly indicated that they were not government vehicles.

Bishop Schlaefer remarked to The New York Times that: the attack could have been avoided if the church workers had not tried to travel at night in an area of known contra activity, and if their recently purchased pickup truck had been familiar to contra units operating in the area.¹¹

¹⁰ Frente Sandinista de Liberación Nacional, the governing party.

¹¹ Mark A. Uhlig, "Top Contras Deny Killing Nuns, but Clergy Differs," The New York Times, January 4, 1990.

Bishop Schlaefer told Americas Watch several days later that the peasants living along the road of the attack had reported seeing no contras in the area for some time.

The pickup, with Sister Maureen driving, left Siuna and, according to the officer in charge of the base at Coperna, First Lieutenant Luis Alfredo Zamora, passed through the Coperna checkpoint at about 6:20 pm, dropping off their written permission slip with the soldier in charge of the checkpoint. They were not stopped and did not talk with any officer.

C. The scene in Ojo de Agua

In Ojo de Agua during the afternoon of January 1 the Torres family and neighbors had been conducting a celebration in honor of the Virgin (purísima) in the Torres house on the south side of the highway facing the Gutiérrez house on the north side, both near to and quite visible from the highway.

There is a stretch of straight road starting a few hundred meters west of the Gutiérrez house and continuing a few hundred meters east. At night, a car with headlights on can be seen approaching from a distance.

The Gutiérrez and Torres houses are, by rough measurement, about 450 meters west of the place on the north side of the highway where the car came to rest after the attack, and where two crosses have since been placed to commemorate the deaths. Local residents say that the houses are about 300 meters from the site of the attack itself.

When Americas Watch visited Ojo de Agua, the place from which the ambush was conducted was clean pasture land and the shoulder of the highway (between the pasture fence and the highway) was clean as well. Ronal told us, however, that when he passed by the site (before being kidnapped) on December 31 he noticed that the pasture land was "dirty," which he described as having weeds in some