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See original.

Source: Brosnahan Sept. 1994, 385.

GLOSSARY

ANPDH

Nicaraguan Association for Human Rights (Asociación Nicaragüense Pro Derechos Humanos)

CPDH

Permanent Commission for Human Rights (Comisión Permanente de Derechos Humanos)

FN 3-80

Northern Front 3-80 (Frente Norte 3-80)

FNRR

Ramón Raudales National Front (Frente Nacional Ramón Raudales)

FROC

Revolutionary Front of Workers and Peasants (Frente Revolucionario de Obreros y Campesinos)

FSLN

Sandinista National Liberation Front (Frente Sandinista de Liberación Nacional)

FUAC

Andrés Castro United Front (Frente Unido Andrés Castro)

Note:

Most of these official names have been translated for the reader's convenience. The translations are unofficial, however, as English has no official status in Nicaragua.

1. INTRODUCTION

This paper is a follow-up to two previous DIRB Question and Answer Series documents: *Nicaragua: Chronology of Events January 1995-December 1996*, published in February 1997, and *Nicaragua: Update*, published in July 1994. As a result of elections held in October 1996, Nicaragua is now under a new government headed by President Arnoldo Alemán of the Liberal Alliance Party; this government succeeds Violetta Chamorro's administration (*Country Reports 1996* 1997, 512). The Alemán government, officially in power since 10 January 1997, is faced with numerous problems: the still unresolved issue of property confiscated by the Sandinistas, political divisions, and the fragile economy (*Jane's Intelligence Review* 1 May 1997; see also CAR 30 Jan. 1997, 2), as well as an unemployment and underemployment rate reported to be between 50 and 54 per cent (*South America, Central America and the Caribbean 1997* 1997, 498; *Country Reports 1996* 1997, 512; LP 16 Jan. 1997, 6). In addition, the government intends to address the problem of armed groups that control a number of isolated rural areas (CAR 30 Jan. 1997, 2; LAWR 28 Jan. 1997b, 53).

In the context of the political and social developments of the first eight months of President Alemán's administration (January to August 1997), this paper deals in particular with the disarmament process, marked by agreements between the new government and the armed groups. It also examines the issues that are still unresolved, the ongoing talks regarding the confiscated properties, and the measures taken by the Alemán administration during this period.

2. POLITICAL DEVELOPMENTS

The October 1996 national elections saw the Liberal Alliance, with 51 per cent of the vote, win the right the form a new government, while the Sandinista National Liberation Front (FSLN)^[1] obtained 38 per cent of the vote (*Country Reports 1996* 1997, 518; Reuters 20 Jan. 1997). The country's new president, Arnoldo Alemán^[2], was sworn in on 10 January 1997 (*Country Reports 1996* 1997, 512). The Sandinistas boycotted the swearing-in ceremony (LP 16 Jan. 1997, 6; CAR 16 Jan. 1997, 4). The

FSLN had challenged the validity of the election results, but the Supreme Electoral Council acknowledged the legality of the Liberal Alliance's victory (ibid.; *Country Reports 1996* 1997, 518). International observers stated that the voting had been conducted fairly, despite a few irregularities [3] (Keesing's 1996, 41323).

Shortly before Alemán officially became president, the Supreme Court invalidated a large number of laws that the previous legislature had hastily adopted in late 1996 (LAWR 14 Jan. 1997b, 26; CAR 10 Jan. 1997, 6). These laws had, among other things, given the National Assembly the power to elect the Central Bank president and the attorney general. As a result of the Supreme Court ruling, these rights reverted to the president (LAWR 14 Jan. 1997b, 26; CAR 10 Jan. 1997, 6). *Central America Report* indicates that members of parliament reacted with outrage to the Supreme Court decision, which they saw as an infringement of their legislative jurisdiction (ibid.).

The Liberal Alliance managed to obtain a certain degree of control over the legislature by excluding the Sandinistas from key positions in the National Assembly (LAWR 10 June 1997, 272; Barricada 24 Jan. 1997). However, the 42 seats held by President Alemán's Liberal Alliance do not give it a majority in the National Assembly, and given that the FSLN, the principal opposition party, is close behind with 36 seats, the Liberal Alliance must rely on alliances with various small parties in order to effectively exercise its legislative power (LAWR 14 Jan. 1997b, 26; CAR 10 Jan. 1997, 5). According to Central America Report, since the small parties have not always supported the Liberal Alliance, preferring instead to side with the Sandinistas on a number of issues, in one three-month period the government was able to push through only three laws (17 Apr. 1997, 3). The same source emphasizes that the Liberal Alliance members of parliament only rubber-stamp the wishes of the executive branch (ibid.). However, bills dealing with fundamental issues need a two-thirds majority in the National Assembly to pass; in such cases, the Liberal Alliance thus has to seek the cooperation of the Sandinistas (LAWR 14 Jan. 1997b).

Alemán has placed the army under civilian authority and appointed Jaime Cuadra as the minister of defence (ibid.; CAU 14-20 June 1997; Jane's Intelligence Review 1 May 1997). According to Central America Update, military authorities now report to a minister whose department is staffed by supporters of President Alemán, who belongs to the Liberal Alliance Party (14-20 June 1997). At the same time, the military authorities reportedly still have strong ties to the FSLN (ibid.; Reuters 14 Jan. 1997). The ANPDH points out that members of the former Sandinista government's political police are now scattered throughout the military and police structures and therefore real power is still in the hands of the FSLN (19 Aug. 1997). The Permanent Commission for Human Rights (Comisión Permanente de Derechos Humanos - CPDH), a non-governmental human rights organization, notes that the same people who were in the Sandinista army are found in today's army as well (CPDH 27 Aug. 1997). Another source points out that even in recent years, the principal army leaders have been FSLN activists (La Nación 25 July 1997b). According to Jane's Intelligence Review, military authorities were unhappy with Jaime Cuadra's appointment, since it meant that they would henceforth have to report to an authority outside the military (1 May 1997). However, InterPress Service (IPS) reported on 13 December 1996 that army chief General Joaquín Cuadra had indicated that he was open to the possibility of collaborating with the future defence minister.

After the Sandinistas lost power in 1990, the army began a process of professionalization designed to transform it into an apolitical body (*La Nación* 25 July 1997b; CPDH 27 Aug. 1997; *El Nuevo Diario* 8 May 1997). According to Reuters, the military high command, despite its Sandinista allegiances, stopped taking part in political matters after General Humberto Ortega retired in 1995 (14 Jan. 1997). Other sources indicate, however, that the Sandinistas continue to control many aspects of

the army and the police (*The Washington Times* 14 Jan. 1997; *St. Petersburg Times* 23 Mar. 1997), while Reuters notes that they no longer have total control (Reuters 20 Jan. 1997; see also *Country Reports* 1996 1997, 512). According to the ANPDH, the attitude of lower-ranking officers raises some questions about the professionalization of the police (DIRB 25 July 1997).

Notwithstanding the FSLN's ongoing campaign against the Liberal Alliance since the October 1996 elections, FSLN leader Daniel Ortega began a dialogue with Alemán three days after the latter was sworn in as Nicaragua's president; among other things, the two men were to discuss possible ways of resolving the controversial issue of the land confiscated by the Sandinistas while they were in power (CAR 16 Jan. 1997, 4; LAWR 14 Jan. 1997a, 25). See Section 4 below for more information on this subject.

In its first few months in power, the new government also launched a peace process designed to deal with the problem of armed groups operating in northern and central Nicaragua (ibid. 28 Jan. 1997b; Nicavision 22 Jan. 1997; Reuters 28 Jan. 1997). These regions have been marked by ongoing instability due to the armed groups' activities and the difficulties experienced by the government in bringing the situation under control (LP 5 June 1997, 8; see also ANPDH Jan.-Mar. 1997a). According to an ANPDH representative, also contributing to the instability are acts of vandalism and violence committed by some individuals during public demonstrations; Sandinista activists or sympathizers are reportedly the instigators of many of these acts (DIRB 25 July 1997; see also AP 2 July 1997). In addition, according to one source, various terrorist and anarchist movements reportedly support the FSLN (Jane's Intelligence Review 1 May 1997). The government has accused the Sandinistas of using the armed groups as an instrument to stir up trouble and destabilize the country (Barricada 29 May 1997b; AP 2 July 1997). Sandinista leader Daniel Ortega has accused the government of promoting the creation of paramilitary troops in order to suppress demonstrations organized by various sectors affected by the government's policies (Barricada 29 May 1997a; AP 2 July 1997). The government on the other hand has held the Sandinistas responsible for the existence of various armed groups (Barricada 29 May 1997b).

During its first few months in power, the government has had to face social unrest as mass demonstrations were held throughout the country in mid-April 1997 to protest against the government's social and economic policies (AFP 18 Apr. 1997; LAWR 22 Apr. 1997; ACAN-EFE 18 Apr. 1997). These Sandinista-led demonstrations came to an end when President Alemán made a commitment to start a national dialogue and suspend a number of government measures dealing with confiscated land^[4] and the agricultural loans given to farmers by state banks (LAWR 22 Apr. 1997; see also CAR 26 June 1997, 1). According to LAWR, numerous politicians of all stripes believe that the president gave in to the Sandinistas by agreeing to Daniel Ortega's demands (22 Apr. 1997). The same source adds that the cardinal archbishop of Managua, Miguel Obando y Bravo, had difficulty in justifying the accord^[5] (ibid.).

In late June riot squads had to be called out as students took to the streets of Managua for several days to protest against the reduction of state subsidies to universities^[6] (ACAN-EFE 30 June 1997; Radio Nicaragua 26 June 1997; Barricada 1 July 1997). Agence France Presse (AFP) reported that about 30 students were arrested on 30 June (1 July 1997). The source does not mention the subsequent fate of the students. Although Alemán reconsidered his decision and agreed to allocate six per cent of the national budget to universities, student demonstrations took place again on 3 and 4 July in Managua; 32 individuals were arrested and released shortly after (*Tico Times* 4 July 1997). Further, according to the Associated Press (AP), police arrested 148 people for disturbing the peace during

demonstrations held on 8 July 1997; however, no students were arrested (8 July 1997).

NOTES

- [1] The Permanent Commission on Human Rights (Comisión Permanente de Derechos Humanos, or CPDH) notes that the FSLN members of parliament belong to the party's radical wing, which reportedly is trying to destabilize the government (27 Aug. 1997). [back]
- [2] Alemán, who was the mayor of Managua in the early 1990s, is perceived as an authoritarian politician. It is believed that he will find it difficult to get along with a legislative assembly where his party does not have a majority (CAR 16 Jan. 1997, 4). During the election campaign, the Sandinistas reportedly accused him of being a Somoza sympathizer (Reuters 7 Feb. 1997). Ortega denounces the Alemán government, accusing Alemán of wanting total control of all state organs (ibid. 14 Jan. 1997; CAR 26 June 1997; LP 10 Jul. 1997, 6). According to some sources, Ortega has stated that Alemán has dictatorial tendencies (CAR 26 June 1997; LP 10 Jul. 1997, 6). [back]
- [3] For more information on this subject, see the February 1997 DIRB Question and Answer Series paper entitled *Nicaragua:* Chronology of Events. January 1995-December 1996. [back]
- [4] For more information on this topic, see Section 4 below. [back]
- [5] The Catholic church is reportedly very influential in Nicaragua (CAR 29 mai 1997, 4) and the Sandinistas have accused Cardinal Bishop Miguel Obando y Bravo of interfering in politics by supporting President Alemán (ibid. 26 June 1997, 2).

 [back]
- [6] In a move that contradicted the 1995 constitutional provisions regarding higher education, Alemán vetoed the law authorizing the allocation of six per cent of the national budget to universities (*Tico Times* 4 July 1997; ACAN-EFE 30 June 1997; *La Nación* 3 July 1997). In addition, the president indicated his intention to distribute subsidies directly to the universities instead of giving them to the National Council of Universities (AP 27 June 1997; *Tico Times* 4 July 1997; *La Nación* 3 July 1997). [back]

3. DISARMAMENT OF ARMED GROUPS [7]

When the civil war ended in 1990, Violetta Chamorro's government concluded agreements with a number of armed groups belonging to the Nicaraguan resistance movement (Contras) or the former Sandinista army; these groups had agreed to lay down their arms (LP 5 June 1997, 8; DPA 25 Apr. 1997; Country Reports 1996 1997, 513). Many former combatants, unhappy because the government had allegedly reneged on its promises, rearmed shortly afterward and started attacking peasants in Jinotega, Matagalpa, Chontales and other rural regions in northern and central Nicaragua (Reuters 28 Jan. 1997; AI 1997, 243; DPA 25 Apr. 1997). Amnesty International reports that various crimes such as murder, kidnapping, torture and rape have been committed (1997, 243). According to the same source, the victims include peasants, women, children, supporters of a range of political movements, and members of grassroots organizations (ibid.). Since 1990, armed groups have been responsible for killing more than 1,000 people and wounding several hundred others (Reuters 17 Feb. 1997; UPI 10 Mar. 1997; CAR 30 Jan. 1997, 2).

According to official estimates, there were some 500 guerrillas or 33 armed groups operating in central and northern Nicaragua in early 1997 (Reuters 28 Jan. 1997; LAWR 28 Jan. 1997, 53; *El Nuevo Diario* 22 Jan. 1997; CAR 30 Jan. 1997, 2). The guerrillas are reportedly former members of the Sandinista army or the Contras^[8], a group that led a rebellion against the government when the Sandinistas were in power (Reuters 4 Feb. 1997; DPA 25 Apr. 1997; LP 5 June 1997, 8). While some groups rearmed for political reasons (*Country Reports* 1996 1997, 513; CAU 24-30 May 1997), some Contras simply elected to turn to banditry rather than confront the problems of finding a job in a

poverty-ridden country (ibid.). Bandit groups have committed numerous crimes against the populace (*La Nación* 25 July 1997a; *Country Reports* 1996 1997, 513; see also CAU 24-30 May 1997). According to Daniel Ortega, peasants and farmers have had to take up arms in order to defend themselves against the gangs that targeted them, and that has led to the creation of armed groups such as the Ramón Raudales National Front (Frente Nacional Ramón Raudales, or FNRR) (*Barricada* 29 May 1997b; CAR 12 June 1997, 4). According to two sources, the FSLN supports these armed self-defense groups in northern and central Nicaragua (*La Prensa* 4 June 1997; CAR 12 June 1997).

In early 1997, the ANPDH attributed the insecurity in these regions to the fact that the authorities took no action against armed groups, who were thus able to operate with impunity (Jan.-Mar. 1997b). The same source pointed out that the army and the police could not protect the population in some regions because they themselves were afraid of being attacked by the armed gangs and consequently stayed away from these regions (ibid. 19 Aug. 1997). The *St. Petersburg Times* notes that former Contras might be justified in fearing for their safety in these regions, given that they cannot count on protection being provided by the army, which, according to the newspaper, is still under Sandinista control (23 Mar. 1997; see also ANPDH 19 Aug. 1997). This source adds that because of their remoteness, the rule of law reportedly does not prevail in these regions (*St. Petersburg Times* 23 Mar. 1997).

Violence continued in early 1997 in the areas occupied by the armed groups, with one group killing six soldiers in the Rio Blanca zone in Matagalpa on 8 January (Reuters 10 Jan. 1997; CAR 30 Jan. 1997, 2). According to *Central America Report*, General Cuadra reportedly declared that the army would eliminate those responsible if it caught them (ibid.). *Central America Report* also states that the same day, gangs kidnapped four civilians and demanded the release of three detained gang members as ransom (ibid.). According to *Latin America Weekly Report*, a clash between an armed gang and soldiers in Jinotega on 22 January 1997 left two soldiers and one gang member dead (28 Jan. 1997b, 53).

In collaboration with army chief General Joaquín Cuadra and the National Assembly president Ivan Cuadra, President Alemán drew up a plan at the start of his term in office to deal with the armed groups (LAWR 28 Jan. 1997b, 53; Reuters 28 Jan. 1997; DPA 30 Jan. 1997). President Alemán gave the armed groups until the end of February 1997 to lay down their arms (*El Nuevo Diario* 22 Jan. 1997; DPA 30 Jan. 1997; CAR 30 Jan. 1997, 2). The army would launch an offensive against groups that did not meet that deadline (DPA 30 Jan. 1997; IPS 5 Feb. 1997; *La Prensa* 18 Feb. 1997). A special commission was set up to talk with the armed groups and find out what they wanted (LAWR 28 Jan. 1997b, 53; *El Nuevo Diario* 22 Jan. 1997; Nicavision 22 Jan. 1997). Negotiations with the leaders of these groups began in February (Reuters 4 Feb. 1997; LARR 18 Feb. 1997b).

According to Reuters, 23 armed group members surrendered their arms on 14 February 1997 in exchange for government promises of an amnesty, land and credit (14 Feb. 1997); on 17 February 1997, in El Coral, Chontales region, 27 others followed suit under a similar agreement (ibid. 17 Feb. 1997; *La Prensa* 18 Feb. 1997). However, shortly before the disarmament deadline, rebel chiefs in the Jinotega region announced that their groups felt compelled to leave the peace zone as the government had not kept its promise of providing assistance and food to those who were there [9] (Canal Dos Television 21 Feb. 1997; CAR 30 Jan. 1997, 2). President Alemán pushed the disarmament deadline back from 28 February 1997 to 11 March 1997 (UPI 10 Mar. 1997; see also *El Nuevo Diario* 7 Mar. 1997).

El Nuevo Diario reports that in March 1997, talks in El Ayote between Interior Minister José Antonio Alvaro and an armed group belonging to the Northern Front 3-80 (Frente Norte 3-80) resulted

in an accord calling for the partial disarmament of some 80 men (22 Mar. 1997). The same source says that the group's chief asked for several weeks to collect the arms of his men, who were dispersed in various places (ibid.). InterPress Service reports that FN 3-80 made a commitment in late April to lay down its arms and sign a peace accord with the government (29 Apr. 1997). IPS adds that in return, the group demanded land as well as security guarantees (ibid.). The accord, finalized on 30 May 1997, provides for land grants and assistance in building houses, and also meets several of the group's demands with respect to social conditions (Radio Nicaragua 30 May 1997; *La Prensa* 22 June 1997; CAU 24-30 May 1997). In addition, the accord contains provisions for granting an amnesty to most of the group's members (Radio Nicaragua 30 May 1997; CAU 24-30 May 1997). In order to provide security for the regions affected by armed group violence, it was agreed that members of the National Police personnel would be stationed there; it was also agreed that some FN 3-80 members could join the National Police (Radio Nicaragua 30 May 1997; CAR 10 July 1997). FN 3-80's disarmament began on 21 June and ended in late July [10] (LAWR 15 July 1997; Notifax 22 July 1997b; *La Prensa* 22 June 1997).

According to several sources, the disarmament of some of these groups is by no means as certain as some seem to think (CAR 10 July 1997, 7; CAU 14-20 June 1997; CAR 12 June 1997, 4), and, as detailed below, a number of incidents have occurred during and since negotiations of disarmament accords. According to Reuters, fighting in mid-April between the army and the Andrés Castro United Front (Frente Unido Andrés Castro, or FUAC)[11] left five rebels dead and three other people wounded near Sunia, in the Northern Atlantic Autonomous Region (22 Apr. 1997). According to the same source, the FUAC had left the peace zone, that is, the area to which the government had confined it for the duration of negotiations over the group's disarmament (ibid.). Reuters also reports that a Nicaraguan working for the European Union mission was kidnapped on 13 May 1997 in northern Nicaragua by a heavily-armed group of men thought to be former Contras (13 May 1997). Sources report that seven people, including members of the Disarmament Commission, were kidnapped in June 1997 in Matagalpa, reportedly by a group of some 80 former Contras (ACAN-EFE 17 June 1997; AFP 17 June 1997). The army reported that a rebel group with links to the Contras kidnapped government representatives in the disarmament process; the Defence Ministry denied the report (CAU 14-20 June 1997). According to Central America Report, the minister stated that the kidnappers belonged instead to the FUAC (10 July 1997, 7). The kidnappers demanded the release of one of their colleagues as ransom (AFP 17 June 1997). The kidnapping took place on the day that the group was supposed to hand over its arms in accordance with the agreement reached between the leaders of the FN 3-80 and the government (ibid.; ACAN-EFE 17 June 1997; CAR 10 July 1997, 7). While ACAN-EFE indicated on 17 June 1997 that the government was intending to send a delegation to northern Nicaragua to negotiate with the kidnappers, no further information was available at time of writing this report.

On 18 June, in the very week that disarmament took place, there was a clash between the army and FN 3-80 (CAR 12 June 1997, 4; CAU 14-20 June 1997). *Central America Report* states that witnesses gave differing accounts of the incident, with some claiming that the soldiers opened fire on a group of FN 3-80 members they had encountered by chance not far from the peace zone, and others claiming that the army ambushed the FN 3-80 members (CAR 10 July 1997, 7). According to the same source, calm will not be restored to the rural regions any time soon, given that isolated FN 3-80 groups, as well as various other gangs, are still operating in northern Nicaragua (ibid.).

Central America Report reported in July that the group led by Vicente Blandón Cantarero (nicknamed "El Cadejo") had already reneged twice on promises to surrender its arms (10 July 1997, 7). Also in July, clashes pitting police and army troops against armed groups reportedly associated with

the FUAC left four people dead: one policeman, one soldier and two rebels (Notifax 22 July 1997c; *La Nación* 30 July 1997). In addition, *La Tribuna* reports that on 20 July 1997, a policeman, a soldier and a rebel were killed and another rebel wounded when FUAC members attacked the Jinotega police station (29 July 1997). According to the same source, FUAC has accused the police and army of torturing a FUAC member, and alleges that his death occurred not during the fighting but rather while he was in police custody (ibid.). The wounded FUAC member was also allegedly tortured by the authorities (ibid.).

In mid-July 1997, amid rumours that an armed group of former Sandinistas was preparing an attack, the military and police increased their vigilance in various regions of the country, including Estelí (*La Nación* 17 July 1997; *La Prensa* 12 July 1997). *La Prensa* reports Abelardo Mata, the bishop of Estelí, as saying that the group wanted to capture Estelí in order to demand the release of imprisoned group members as ransom; the reinforcement of the military presence in the town and its outlying areas apparently prevented the group from carrying out its plan (18 July 1997).

On 25 July 1997, *La Nación* reported that peasants in northern Nicaragua were still complaining to the authorities about being the victims of crimes committed by bandits or rebels (25 July 1997a). However, in late August 1997, two Nicaraguan human rights organizations indicated that although the violent acts committed by armed groups had not ceased completely, they were less frequent (ANPDH 19 Aug. 1997; CPDH 27 Aug. 1997). The armed groups were given an ultimatum by army chief General Joaquín Cuadra, who announced that if they did not make their way without delay to the enclaves designated for the final round of negotiations, they would have to face the consequences when the law was enforced (*La Prensa* 1 Aug. 1997; *La Tribuna* 1 Aug. 1997). In early August, a detachment of almost 200 soldiers was sent to the Northern Atlantic region and Matagalpa, where the FUAC operates; the government wanted to regain control of a number of access routes and ensure the security of these regions (ibid. 6 Aug. 1997; *La Nación* 7 Aug. 1997).

The gangs which reportedly still have not been disarmed are those made up of former members of the Sandinista army; they are the FUAC, the FNRR and the Revolutionary Front of Workers and Peasants (Frente Revolucionario de Obreros y Campesinos, or FROC) (*La Nación* 25 July 1997a; *La Prensa* 22 July 1997). There are also gangs of common criminals that have not been disarmed (ANPDH 19 Aug. 1997; CPDH 27 Aug. 1997). The authorities and the FUAC established contact to discuss the FUAC's demobilization (Notifax 23 July 1997; *La Nación* 30 July 1997; *El Nuevo Diario* 7 Mar. 1997), and the two sides have been holding talks since mid-August 1997 (*La Tribuna* 29 Aug. 1997; see also *La Prensa* 13 Aug. 1997; *La Nación* 14 Aug. 1997). On another front, 73 to 75 FNRR members are reported to have surrendered their arms in El Tuma, Matagalpa, on 14 August 1997 (ibid. 15 Aug. 1997; *La Tribuna* 15 Aug. 1997; Canal Dos Television 15 Aug. 1997); the remaining members of the group were to follow suit a few days later [12] (*La Tribuna* 15 Aug. 1997). In addition to these groups, one source also mentions that another powerful armed band consisting of former soldiers and Sandinistas is operating in the country; according to the source, this band, called the National Salvation Movement (MSN), has announced that it intends to fight property evictions as well as the dismissal of government employees, and that it supports students' demands (CAR 10 July 1997, 7).

NOTES

[7] Sources use various terms to describe re-armed Contras and re-armed former Sandinista members; these terms include "armed groups," "irregular groups," "gangs," "rebels" and "bands." [back]

[8] The most important group is the Northern Front 3-80 (Frente Norte 3-80), formed in early 1991 by former Contras (*La Prensa* 22 July 1997). [back]

- [9] In a 28 January 1997 article on the disarmament process, Latin America Weekly Report stated that the government would offer members of armed groups "safe conduct to 'peace zones,' where they [would] be expected to turn in their weapons, and where the government [would] hand out foodstuffs and farm equipment" (53). [back]
- [10] La Tribuna reported on 29 Aug. 1997 that seven members of the FN 3-80 who had not yet disarmed surrendered their arms in the town of La Patriota, in Matagalpa (29 Aug. 1997). [back]
- [11] It is estimated that 60 to 70 former Sandinista army soldiers belong to the FUAC (Reuters 22 Apr. 1997; IPS 29 Apr. 1997). The FUAC group has denied receiving any assistance whatsoever from the FLSN (*La Nación* 26 Aug. 1997) [back]
- [12] According to the CPDH, 120 FNRR members had been disarmed as of mid-August 1997; another 40 or so are supposed to surrender their arms (CPDH 27 Aug. 1997). [back]

4. LAND TITLES AND DWELLINGS CONFISCATED BY THE SANDINISTAS

An issue that is still contentious in Nicaragua is that of piñata, a term that refers to the confiscation and appropriation by the Sandinistas, while they were in power, of land and dwellings belonging to supporters of the Somoza regime (LARR 18 Feb. 1997a; LAWR 28 Jan. 1997a, 53; IPS 24 Jan. 1997). This issue is particularly troublesome since it has reportedly deterred investors and caused political instability (LP 13 Mar. 1997, 5; Radio Sandino 28 Feb. 1997). In an attempt to resolve the confiscated land problem, the Chamorro government in 1995 passed a law according to which those primarily peasants and poor people—who had received a plot of land not more than 100 square metres in area from the Sandinistas were recognized as the legal owners of that land (LAWR 28 Jan. 1997a, 53; IPS 24 Jan. 1997). Those whose homes occupied more than 100 square metres had to pay the state to obtain full title to the property; this category included many former Sandinista leaders (LAWR 28 Jan. 1997a, 53; IPS 24 Jan. 1997). Some of the original owners, that is, those who had owned the land before the Sandinista confiscation, are unhappy with this law and have petitioned the Supreme Court to invalidate it; their cases are still pending (ANPDH 19 Aug. 1997; LAWR 28 Jan., 1997a, 53; IPS 24 Jan. 1997). About 5,500 people are seeking compensation for confiscated properties (LAWR 28 Jan. 1997a, 53; LARR 18 Feb. 1997a; IPS 24 Jan. 1997). According to the minister of the Nicaraguan Agrarian Reform Institute (INRA), Jorge Castillo Quant, 5,700 titles were to be granted during the year; 507 titles were granted in the early days of President Alemán's administration (Radio Nicaragua 29 Apr. 1997).

In January 1997, the new government set up a special commission to deal with the land issue (LAWR 28 Jan. 1997a, 53; IPS 24 Jan. 1997). It also began negotiations with the Sandinistas; as a result of these talks, the poorest beneficiaries of the Sandinistas' land redistribution were able to obtain title to their properties (LAWR 28 Jan. 1997a, 53; see also Radio Nicaragua 29 Apr. 1997). However, as Latin American Regional Reports emphasizes, no agreement was reached concerning the properties that the Sandinistas had appropriated for themselves (18 Feb. 1997a). Alemán demanded that the Sandinistas either pay for the properties under their control or give them up (LP 13 Mar. 1997, 5; Miami Herald 28 Apr. 1997; La Nación 30 July 1997). On 6 February 1997 the government instructed the Sandinistas to return the confiscated properties, but the Sandinistas categorically refused (LARR 18 Feb. 1997a; LAWR 4 Mar. 1997, 120). Talks on this issue between the government and Sandinista leader Daniel Ortega broke down in late February (Reuters 18 Mar. 1997; La Nación 31 July 1997; The New York Times 2 Mar. 1997).

Meanwhile, President Alemán announced that former president Somoza's family, in exile in the United States, was free to come back to Nicaragua and go to court to recover property confiscated by the Sandinistas (Reuters 7 Feb. 1997; *The New York Times* 2 Mar. 1997; Radio Sandino 28 Feb. 1997).

The Sandinistas were outraged by this announcement, since they consider that allowing the Somozas to recover their property is a betrayal of the Nicaraguan people and the Sandinista revolution that put an end to the Somoza dictatorship (LP 13 Mar. 1997, 5; *La Nación* 2 Aug. 1997; Radio Sandino 28 Feb. 1997). They also consider that several Somoza family members had themselves illegally appropriated the properties (LP 13 Mar. 1997, 5; *The New York Times* 2 Mar. 1997). Some Somoza family members have announced their intention to ask the courts to rule on their claims (*La Nación* 2 Aug. 1997; *La Prensa* 5 Aug. 1997).

According to Reuters, on 18 March 1997, hundreds of Sandinistas demonstrated in protest against a wave of court-ordered evictions and demanded that legal title deeds be granted to some 120,000 families living on land given to them by the Sandinista government (18 Mar. 1997). Sandinista-backed demonstrations were held throughout Nicaragua over a five-day period in mid-April to urge the government to resolve the property title issue and the problem of debts owed by small-scale agricultural producers (Xinhua 19 Apr. 1997; AFP 18 Apr. 1997; CAR 24 Apr. 1997; DPA 17 Apr. 1997). The demonstrations were suspended on 18 April after a partial agreement was reached between the government and Daniel Ortega (LARR 6 May 1997; CAR 24 Apr. 1997, 1; Xinhua 19 Apr. 1997).

Under this agreement, the government agreed not to invalidate 14 000 disputed property titles (LAWR 22 Apr. 1997; CAR 24 Apr. 1997, 2; Xinhua 19 Apr. 1997); to suspend for three months the eviction of people living on property that had been confiscated by the Sandinista government; to extend until the end of June the debt-restructuring programme deadline for farmers owing money to the state; to find a solution to the problem of agricultural debts (CAR 24 Apr. 1997, 2; LAWR 22 Apr. 1997; Xinhua 19 Apr. 1997); and to set up a multiparty commission to study economic and social issues, including the property problem (IPS 19 Apr. 1997; LARR 6 May 1997; CAR 24 Apr. 1997, 2).

When the May-end deadline for a definitive accord on these issues arrived, the parties still had not reached an agreement (*Barricada* 29 May 1997a; LAWR 10 June 1997, 272). After an extra week of discussions also failed to yield an accord, these discussions officially ceased (*Barricada* 29 May 1997a; CAR 26 June 1997, 1). In June, the FSLN announced that it intended to resort once again to national demonstrations in order to protest against the actions of President Alemán's government (LAWR 10 June 1997, 272; CAR 26 June 1997, 1). The government for its part has introduced a bill in the National Assembly to increase sentences for infractions that could be committed by demonstrators (LAWR 10 June 1997, 272; DPA 4 June 1997; CAU 28 June-4 July 1997).

Faced with stalled negotiations with the FSLN, President Alemán invited all political and social activists to participate in a national dialogue that was scheduled to start on 30 June; among other things, the property issue was on the agenda (CAR 26 June 1997, 1; AP 2 July 1997). The FSLN refused to take part (ibid.; CAR 26 June 1997, 1). According to one source, President Alemán asserted that his government would implement accords reached as a result of the national dialogue (Notifax 8 July 1997). The same source reported that the FSLN sought a firm commitment on the part of the government to incorporate the national dialogue recommendations into laws (ibid.). On 21 July 1997, the dialogue began (Notifax 22 July 1997a; *La Prensa* 21 July 1997) without the FSLN, which demanded that the government suspend a number of tax measures (*La Nación* 27 Aug. 1997) and insisted on the presence of international observers (ibid. 31 July 1997).

In late July it was reported that discreet negotiations between government lawyers and the FSLN regarding property titles would result in agreement on a bill to be discussed by participants in the national dialogue^[13] (*La Tribuna* 30 July 1997; *La Nación* 31 July 1997; Notifax 30 July 1997). *La Prensa* reported the attorney general as saying that the bill would require Sandinistas who had

appropriated for themselves a property larger than 100 square metres to either return the property to its original owners or pay them its cadastral value, while those occupying a confiscated property no larger than 100 square metres would obtain legal title to the property (30 July 1997).

On 21 August 1997, the National Assembly extended for 150 days the law suspending evictions from confiscated land (Notifax 22 Aug. 1997; *La Nación* 23 Aug. 1997).

NOTE

[13] Daniel Ortega denied the reports that the parties were close to reaching an agreement; the government retorted that the denial was just a stalling tactic on the part of the Sandinistas (Notifax 25 Aug. 1997). [back]

5. INTERNAL MOVEMENT

Country Reports 1996 states that the constitution of Nicaragua grants Nicaraguans the right to reside anywhere in the country and move about freely (1997, 517). According to the CPDH, victims of armed gangs in northern and central Nicaragua have had to leave their land and settle in towns in the same regions (CPDH 27 Aug. 1997). The ANPDH points out, however, that it is possible for these people to move but they put their physical security at risk (19 Aug. 1997). In addition, according to the same source, when these people move, they are forced to abandon their small plots of land, which constitute their only means of subsistance (ibid.).

In August 1997 the ANPDH indicated that it was already aware of cases of former Sandinista soldiers who, after deserting from the army, began receiving threats from FSLN elements (ibid.). These former soldiers apparently had information about acts committed under the Sandinista government that were illegal or even terrorist in nature (ibid.). These people did not agree to an investigation, since that would have led to a breach of confidentiality and endangered their safety (ibid.). The ANPDH stated that even if these allegations were proven to be justified, the Nicaraguan authorities would have been unable to provide the necessary protection to the individuals who were being threatened (ibid.). The CPDH also mentioned several similar cases that it is aware of (CPDH 27 Aug. 1997). Further information on internal movement is not currently available to the PPRB.

NOTES ON SELECTED SOURCES

L'Asociación Nicaragüense Pro-Derechos Humanos (ANPDH)

The ANPDH is a non-governmental organization that receives financial assistance from various bodies that operate internationally, including the Canadian International Development Agency (CIDA). The ANPDH deals with a variety of human rights issues. It investigates complaints made to it and promotes human rights throughout Nicaragua. It has 23 employees working in offices located in diverse regions of the country (CIC 11 Dec. 1997). The ANPDH's World Wide Web (WWW) home page on the Internet is at the following address: <URL: http://nicarao.apc.org.ni~apdh/>.

La Nación [San José], Costa Rica.

La Nación is a private newspaper founded in 1946. It is the main daily in Costa Rica, with a circulation of almost 100,000. Its Internet site provides the full text of its articles and contains an archival section dating back to 19 July 1995. Its Central America section covers the main releases of the EFE (Spain), Agence France Presse and Associated Press news agencies. Its World Wide Web (WWW) home page on the Internet is at the following address: <URL: http://www.nacion.co.cr>.

Notifax [Managua], Nicaragua.

Notifax is a private information agency providing a daily summary of the main news items about Nicaragua that have appeared in that country's newspapers as well as a summary of the main news agencies' releases. Notifax's Internet site contains an archival section covering approximately the last six months. Its World Wide Web (WWW) home page on the Internet is at the following address: <URL: http://www.notifax.com>.

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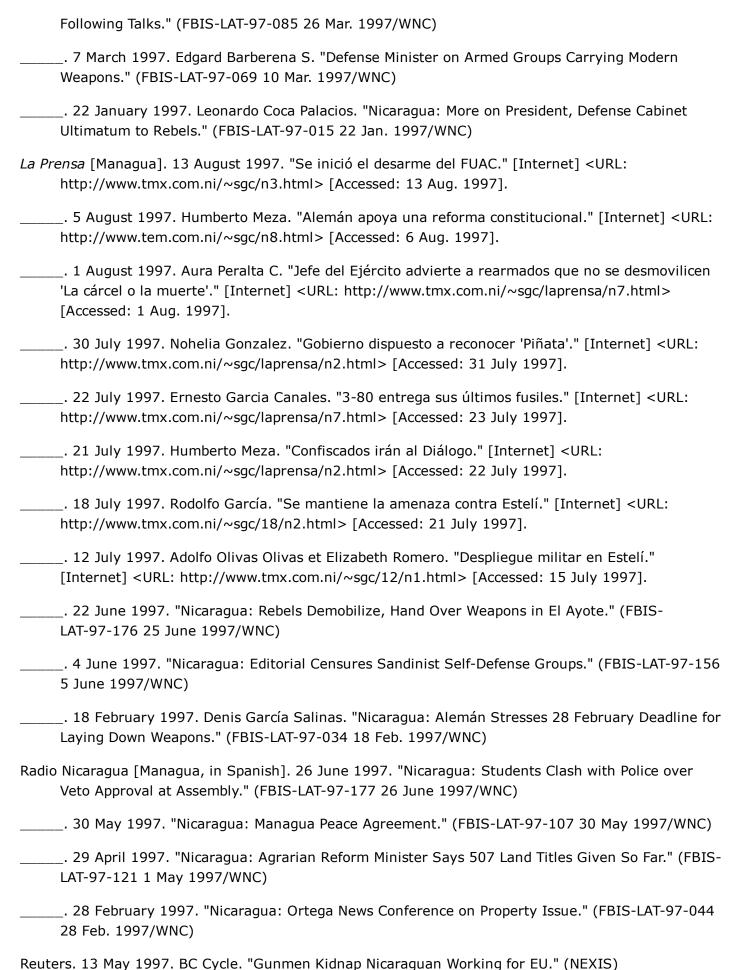
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