

War  
In  
Wan Tasbia  
Nicaragua's Offenses in Indian Country

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I accompanied Brooklyn Rivera with a small delegation on an official trip inside Nicaragua in October, 1984. During that trip we visited seven government camps for relocated Indians and several Indian communities. That visit was the first step of a peace effort between MISURASATA (the joint political/military organization of the Miskito, Sumo and Rama Nations whose territories are known as Wan Tasbia or the Atlantic region of Nicaragua) and the Nicaraguan Government. I served as a legal advisor to MISURASATA at each of the four rounds of formal peace talks which subsequently took place in Colombia and Mexico. Since May 1985 when the peace talks broke down, I have been involved in several unsuccessful efforts to resume talks to end the Indian war on Nicaragua's Atlantic Coast.

I am told that the Indians with whom we work are called "traitors" by some officials within the Reagan Administration. After the peace talks broke down, the Nicaraguans began declaring that our Center is a "front for the CIA" and that I am a "CIA agent." Our Center has no connection to the CIA, and we have never received any government funds. I am neither a traitor nor a CIA agent, but I am a strong advocate of Indian rights in all countries of the Americas.

The intensity and the emotional character of the debate over human rights in Nicaragua is in substantial part due to the fact that the issue of human rights is seen as intertwined with the issue of national security by almost all parties involved. Because of perceived threats to national security interests, reports on human rights in Nicaragua are frequently colored and distorted by the left and the right, by the Sandinista government, the United States government and other interested governments, and by Nicaraguan Indian leaders who are striving to secure what they consider to be their own Indian national interests.

In this charged atmosphere we might take a moment to learn from others who have faced this perceived conflict between human rights and national security in other difficult times. We could consider the case of Earl Warren, the late Chief Justice of the [U.S.] Supreme Court, who began his political career in California in such difficult times. As a government official he helped organize and implement the plan to forcibly relocate over 100,000 Japanese-Americans. At the time when the United States was entering World War II, after the Japanese attack on Pearl Harbor, this massive relocation program had widespread support among almost all sectors of American society, including

civil libertarians. Much later, the Japanese-American relocation became recognized as one of the most shameful episodes in our nation's history.

Chief Justice Warren's otherwise illustrious career was badly stained by the abuses he had committed against Japanese-Americans. However, to his credit, he criticized himself in his memoirs and passed on to us some wisdom he gained through sad experience:

*The atmosphere was so charged with anti-Japanese feeling that I do not recall a single public officer responsible for the security of the state who testified against a relocation proposal.*

*Those [Japanese-Americans] who did not move by a certain date were to be confined to concentration camps established by the United States Government.*

*I have since deeply regretted the removal order and my own testimony advocating it, because it was not in keeping with our American concept of freedom and the rights of citizens.*

*It was wrong to react so impulsively, without positive evidence of disloyalty, even though we felt we had a good motive in the security of our state. It demonstrates the cruelty of war when fear, get-tough military psychology, propaganda, and racial antagonism combine with one's responsibility for public security to produce such acts.*

THE MEMOIRS OF EARL WARREN (Doubleday, 1977) pp. 148-49

In that spirit we should discuss human rights in Nicaragua today. We should reaffirm that our fears and concerns about the national security of the United

States, of Nicaragua or of other neighboring countries in this hemisphere must not interfere with our commitment to uphold human rights principles and standards. We must tell the truth, and we must always be willing to criticize ourselves.

A very important fact about human rights in Nicaragua is the existence of two wars: One between the government and the resistance forces of UNO, FDN, ARDE and BOS (the so-called "contras"), the other between the government and the Indians of the Atlantic Coast. The war with the "contras" has given rise to widespread human rights violations by both sides, and it has served as a justification or pretext for the massive curtailment of basic rights and liberties of Nicaraguan citizens.

The Indian war, however, is itself a war about human rights. It is a war of resistance being fought by the Indian population to defend basic human rights, particularly their right to their native lands and their right to continued autonomy or self-government. It is a war which has been sparked and fueled from the beginning by the violation of human rights by the government against Indian individuals and Indian communities. The Indians are fighting not to topple the government in Managua or to reverse the revolution of 1979. On the contrary, they are fighting to give realization to the revolution for Nicaragua's poorest and most oppressed population.

Many of the early Nicaraguan abuses against the Indians are well-known. What is less understood is that the suffering of Nicaraguan Indians is still extreme and widespread. I will briefly summarize several of the most pressing human rights issues concerning the

Indians of Nicaragua.

### **Deprivation of Basic Necessities**

Reports we have received from visitors recently returning from Nicaragua include accounts of the lack of basic food supplies, the lack of medicines and medical care, and the lack of clothing, tools and all other basic necessities.

In time of war, we cannot say that every inconvenience or deprivation rises to the level of a human rights violation. Yet in this case the deprivations of basic necessities appear to be the direct and intended result of government policies. In our judgement, the Sandinista government is violating the basic human rights of virtually an entire Indian population.

### **Forcible Relocation and Confinement**

Shortly after the MISURASATA-Nicaraguan peace talks broke down in May of 1985, Tomas Borge, Nicaraguan Minister of the Interior, made a surprise declaration permitting thousands of Miskito Indians to leave the so-called *Tasba Pri* (free land) camps to which they had been forcibly relocated in early 1982. By the end of 1985, some 14,000 Miskitos had returned to their traditional village sites along the Coco River. They began the difficult task of restoring scores of villages which the Nicaraguan army had utterly destroyed at the time of relocation. They suffered from severe shortages of food, medicine, tools, shelter, seeds and all necessities, but they were very pleased to be home. Through much hard work they began to rebuild their communities.

In its March 1986 report on Nicaragua, *Americas Watch* stated that this return of Miskito people to their Coco River villages had "brought to a close" the Indian relocation program. That statement was not correct. Some 3000 to 6000 Miskito and Sumo Indians remain confined in government camps in the *Jinotega* and *Matagalpa* regions of Nicaragua's Pacific Coast. These are the people who were forcibly relocated in late 1982 from upper Coco River villages. (That relocation came to public attention when a helicopter carrying 75 of their children crashed and burned, killing all aboard except the helicopter crew.)

These people are living in shamefully overcrowded camps where they pick coffee for the state at token wages. In a November 1984 article in the *NEW YORK TIMES*, Senator Edward Kennedy wrote that these people were living "in intolerable conditions in forced-labor camps which resemble concentration camps." I can personally attest to the truth of that statement because I visited four of those camps in October 1982. Recent reports indicate that the conditions have at best remained the same and may have even worsened.

These long-suffering people are pleading for permission to return to their villages along the Coco River. We should work together to publicize their plight and to pressure the Nicaraguan Government to free them. Visitors to Nicaragua who are particularly concerned about human rights should ask for government permission to visit these camps, including *San Antonio de Upa*, *Isla de Upa*, *Abesinia*, and *La Paz*.

On the basis of information which we have gathered over the years from a variety of sources, we are more convinced than ever that the Sandinista program to relocate and confine Indians was motivated primarily by a desire to control a segment of the Nicaraguan population which was resisting Sandinista control and had begun engaging in armed conflict against the government. In essence, Indians were relocated because they were viewed as an untrustworthy population.

The Sandinistas themselves have made clear that their recent program to relocate many thousands of non-Indian peasant farmers on Nicaragua's Pacific coast is at least in part due to the same motivation.

As human rights advocates we must never countenance forcible relocations which are based even in part on a government's determination that the class, race or group of people being relocated are suspect or disloyal.

**Nicaraguan Military Offensives Against Indian Communities**

From the beginning of the MISURASATA-Nicaraguan peace initiative in late 1984 until January of this year, there was a marked reduction of armed conflict on Nicaragua's Atlantic Coast. There was also a marked reduction in arbitrary arrests, interrogations and tortures in the Atlantic Coast region during that period. In April 1984 a formal accord reducing offensive military actions was reached between MISURASATA and the Nicaraguan Government. Some Indian military field commanders extended this reduction of hostilities by signing ad hoc

cease-- fire accords with the government.

This limitation of armed conflict was punctuated on several occasions by outbursts of fighting between Indian and Sandinista troops. For example, in late October, 1985, there were ten days of fighting which was reportedly triggered by the killing of a Miskito man. This relative peace was very fragile because none of the underlying Indian grievances had been resolved, and because the competing forces had not laid down their arms.

On January 21, 1986 the Nicaraguan armed forces began a military offensive against the Indian forces. This new offensive was at first aimed at Brooklyn Rivera and a delegation of three North American Indian representatives who had accompanied him inside Nicaragua. It began with aerial bombing and strafing at the Miskito village *Layasiksa*. According to reports we received from reliable sources, the Nicaraguan air force used Somoza-era aircraft and modern Soviet MI-8 helicopters in the region south of Puerto Cabezas. Nicaraguan ground forces also engaged Indian forces in this region, and this led to extensive fighting throughout the Atlantic Coast region for a period which lasted long after Rivera and his delegation escaped by boat to the Colombian island of *San Andres*. During this period, Nicaraguan military forces occupied a number of Miskito villages, and many Indian villagers fled once again to the bush.

In this recent offensive the Nicaraguan military forces demonstrated again their disregard for the safety and wellbeing of non-combatant Indian villagers. We have received reports of civilian casualties in *Layasiksa* and *Wawa*, but we have no total casualty figures,

because the Nicaraguan government has imposed tough restrictions on travel in the area. It is only in the last few weeks that Nicaraguan military forces were reportedly withdrawn from the Miskito villages of *Haulover*, *Wawa*, and *Wounta*.

The Nicaraguan military knows it is fighting a popular Indian guerrilla force which receives much aid and support from their own Indian people. Today, as in the past several years, it is these same Indian villagers who have suffered most from the indiscriminate use of military force by the Sandinistas. Some of their villages are reportedly pockmarked by bomb craters.

### **The Recent Flight of Miskito Refugees to Honduras**

As already noted above, many of the Miskitos forcibly relocated to government *Tasha Pri* camps were permitted to return to the Nicaraguan side of the Coco River in the latter half of 1985. Almost all of these people are now in Honduras. They began fleeing in January of this year as the fighting once again began between Indian and Nicaraguan troops. Perhaps those who fled, at least 10,000, left their Nicaraguan villages in two week period beginning in the early morning hours of March 25. This is the largest exodus of Miskitos from Nicaragua since 1982. The total Nicaraguan Indian refugee population may now be as high as 35,000.

Sandinista officials and the official Sandinista press have described this latest massive exodus as a *kidnapping*. Over the years the Sandinistas have repeatedly described almost all Indian refugees as kidnap victims. Even though the majority of these refugees are officially registered in camps run by the UN High

Commissioner for Refugees, the Sandinista press insists they are being held captive in Honduras. Sandinista press reports state that conspiracies involving the KISAN Indian organization and the CIA are behind this latest kidnapping.

We have used many sources to obtain information about this latest development, including the press, human rights organizations, Indian refugees who were part of the recent exodus, Nicaraguan Moravian church sources and others. On the basis of these reports we make these observations:

>> The Miskito villagers returning to the Coco River were determined not to be forced once again into government camps. After some three years in the *Tasha Pri* camps, they were more fearful than ever of once again being under Nicaraguan military control. They were prepared to flee rather than be trapped in a situation which a Miskito man said was "like being in a hole."

>> At first the Nicaraguan military stayed away from the Coco River villages. There was reportedly an understanding that Nicaraguan military forces would not enter the villages. Only Indian fighters, most from the KISAN organization, were in the villages, and they moved freely among them.

>> there were a few armed clashes between Indian Nicaraguan forces in the region near these villages in the early months of this year, and some of the villagers immediately began leaving for Honduras. Some went to Honduras because of the shortage of food and medicine on the Nicaragua side. Most stayed and worked hard to rebuild their villages, clear back the jungle overgrowth and plant their crops. The Sandinistas provided almost no food, medicine,

tools, and other necessities. Some humanitarian relief organizations and Sandinista-solidarity groups began trying to raise funds in the United States for these people.

>> A good bean crop was almost ready for harvest when the Nicaraguan military began a surprise offensive into a few of these villages in the dark of the early morning hours of March 25. The villages immediately affected were *Biwaskarna*, *Wasla* and *Kum*. The Sandinistas fired some mortars into the villages and entered with ground troops and armored vehicles believed to be T-55 Soviet tanks.

>> Fighting immediately erupted between the invading Nicaraguan forces and the Indian fighters in the villages. There were casualties among the combatants and among the non-combatant villagers. Reports indicate that three non-combatant villagers, an elderly woman and two children, were killed by a Nicaraguan mortar in *Kum* and that one or two others were killed in *Wasla*. We do not have a comprehensive report on casualties. The Sandinistas said *there were no casualties*.

>> As word of the Nicaraguan military operation spread up and down the river, the villages began emptying. People gathered a few belongings and promptly fled across the river to Honduras, fearful of being again relocated or militarily dominated by the Sandinistas and fearful of being caught up in the fighting. Within a few days all but some 2000 had left.

>> The people fled because of the Nicaraguan military operation and not because of any plan or conspiracy to embarrass the Sandinistas and influence the *contra* aid vote in the U.S. Congress.

>> Nicaraguan officials have not given a clear or

consistent explanation of their objectives in this operation. It is not known whether they anticipated that the general exodus would occur.

In Honduras the situation has been very difficult for these people. In addition to the problems they face as refugees, they face problems and pressures caused by political and military forces in the area which are very unstable and sometimes hostile. There are fears that the Sandinistas may strike at them from across the border. There are also fears that they will be subjected to forced recruitment by KISAN military forces. As many as 800 of these recent refugees have reportedly returned to Nicaragua. Both groups are in bad situations which require close observation by human rights organizations.

### Nicaragua's Failure To Respect Indian Rights

We can all agree that the rights of Indian peoples do not fit neatly into the structure of human rights which non-Indians have been building over the past few decades. As we approach the 500th anniversary of Columbus' voyage to America, we can also agree that we can no longer support the notion that peoples of European descent have a God-given superiority and right to dominate and control Indian lands, Indian resources, Indian governments, and Indian cultures. Yet governments in this hemisphere have only barely begun to understand the Indian rights demands of Indian peoples. Look, for example, at the Kissinger Commission report and see what it says about the rights of the majority Indian population in Guatemala or the rights which the Indian peoples of Nicaragua are fighting for. It says nothing about them. And where do we find mention of Indian rights in the draft

### Contadora treaties?

At the root of the Nicaraguan/Indian conflict is the widespread Indian demand for protection of their lands, their resources and their chosen way of life. These are issues of human rights. This underlying cause of the Indian war is obvious to those observers who have followed it even casually. The Indian position has been made public in countless speeches of Indian leaders and in the formal treaty proposal which they presented to the Nicaraguan Government in December 1984. The Indian peoples of Nicaragua demand control over their lands and resources and a fair measure of autonomy within the Nicaraguan state. It is a fair and workable proposal which human rights advocates and government officials should study carefully.

On the other hand, the Nicaraguan Government has denied Indian rights. It has sought to take over Indian villages and Indian village life with Sandinista political cadre and military forces. It forcibly relocated thousands of Indians, destroyed Indian governmental structures. In 1982 and 1983 it undertook a brutal counterinsurgency campaign which terrorized Indian villagers in their own homes and churches. Some 100 Indian villagers were arbitrarily killed or *disappeared* by government forces at that time, and most have not yet been accounted for. Many young Indian men and women have been casualties of tragic, needless combat against young Ladino men and women who likewise have suffered many casualties.

The Government of Nicaragua has instituted its own *autonomy project* for the Atlantic coast region, but it is a top-down, unilateral approach to the Indian rights question rather than the bilateral approach which

Indian leaders are demanding. The Indian leadership wants a treaty or agreement rather than a statute or edict which Managua can amend or repeal at will. The government's autonomy project is now in shambles because there is widespread resistance to it, even among those individuals who were appointed by the government to *autonomy study commissions*. Also, the draft new constitution for Nicaragua has a provision which makes clear that the Sandinistas are talking about respect for Indian culture and folklore but not fundamental Indian rights to land and self-determination. The peace talks between MISURASATA and the Nicaraguan Government broke down because the Sandinistas refused to negotiate over these fundamental Indian rights issues.

We see in the reports of recent developments that particular Nicaraguan operations, strategies and tactics have changed over time. But the character of the government policy and the resistance of the Indian population have remained fundamentally unchanged.

It is not easy to give compassionate and humane attention to these issues in the present climate of ideological polarization and military confrontation, but we must do so. In these difficult times we must be true to our principles.