

45. In general the Committee notes that the National Assembly is now in the initial stages of preparing a new Labour Code and that the Government has undertaken to seek ILO co-operation in its drafting and to keep the Office regularly informed of the stages reached in the process.

46. The Committee considers that the Government should give priority to preparing this Code. It urges the Government to work in association with all the workers' and employers' organisations, as well as with the ILO - as already accepted by the Government, in drafting the Code and it expresses the firm hope that the Government will be able to report very shortly that it has made substantial progress towards new legislation eliminating the discrepancies with Conventions Nos. 87 and 98 that were pointed out by the Committee of Experts on the Application of Conventions and Recommendations, particularly as regards recognition of the right to organise of certain categories of workers, the setting up of organisations, the political activities of organisations, inspection of trade union accounts and registers, the right to strike and the right to collective bargaining. The Committee requests the Government to furnish detailed information on the process followed in drafting this new legislation.

47. In view of the conclusions it has thus reached, the Committee observes that the situation of employers' and workers' organisations in Nicaragua gives rise to major problems in relation to several basic principles concerning freedom of association and trade union rights. The Committee accordingly considers that the Government should take concrete measures in the shortest possible time to apply fully the Conventions on freedom of association which it has ratified. These measures should, on the one hand, cover all the problems which arise in law in relation to both the preparation of a new Labour Code and the adoption of legislation guaranteeing the full exercise of civil liberties. These legal measures should be accompanied by measures relating to factual situations, such as, in the first place, the release of leaders of employers' and workers' organisations at present in detention. Should the Government not supply, before the next meeting of the Committee in February 1989, information demonstrating a change in attitude as regards these questions and a clear desire to make progress as regards the situation of employers' and workers' organisations, as well as their leaders and members, the Committee would consider it necessary to refer the matter to the Governing Body, recommending to it the establishment of a Commission of Inquiry in conformity with article 26, paragraph 3, of the Constitution.

#### The Committee's recommendations

48. In the light of its foregoing interim conclusions, the Committee invites the Governing Body to approve the following recommendations:

- 
- (a) The Committee notes the report of the study mission carried out in Nicaragua and the facilities granted by the authorities to the Director-General's representative for carrying out his mission. It deplores however the fact that the Director-General's representative was not authorised to meet one of the imprisoned persons with whom the mission had asked to speak.
- (b) The Committee requests the Government to furnish a copy of the text of the judgement that will be handed down in the case of CUS trade unionists now held at the "Zona franca" penitentiary compound in Managua mentioned in paragraph 14 above.
- (c) The Committee requests the Government to consider the adoption of amnesty or reduced sentence measures in respect of Mr. Milton Silva Gaitán and Mr. Arcadio Ortiz Espinoza, two trade unionists who were sentenced to five and six years' imprisonment.
- (d) The Committee requests the World Confederation of Labour to furnish further information on the circumstances surrounding the arrest of Mr. Anastasio Jimenez Maldonado, Mr. Justino Rivera, Mrs. Eva Gonzáles and Mr. Eleazar Marengo.
- (e) The Committee requests the Government to furnish detailed information on the arrest of the trade unionists mentioned in paragraph 21 above (specific facts motivating the arrests, text of the judgements, place of detention).
- (f) As regards the arrests carried out during a hunger strike organised by the Permanent Congress of Workers, the Committee reminds the Government that the arrest by the authorities of trade unionists against whom no charge is made entails restrictions on freedom of association and that governments should take measures to ensure that the authorities receive appropriate instructions to eliminate the danger of arrests being based on trade union activities.
- (g) As regards the attacks carried out against trade union premises and the threats against trade unionists, the Committee recalls that activities of this kind create among trade unionists a climate of fear which is extremely prejudicial to the exercise of trade union activities and that the authorities, when informed of such matters, should carry out an immediate investigation to determine who is responsible and punish the guilty parties.
- (h) As regards the measures taken following the demonstration in Nandaime, the Committee considers, in view of the political nature of this demonstration, that the matter should be examined by other international bodies which have general competence in respect of human rights.
- (i) As regards the confiscation of property, the Committee considers that this measure appears to have been particularly biased against the COSEP leaders and members and it considers that all

the provisions relating to compensation for expropriated land should be reviewed to ensure that there is real and fair compensation for the losses sustained by the landowners and that the Government should reopen the compensation files when so requested by persons who consider that they have been despoiled.

- (j) As regards the conviction of Mr. Alegria, the Committee expresses its concern at the procedure followed in this case and at the extreme harshness of the sentence handed down by the court of first instance. The Committee expresses the firm hope that the Court of Appeal in Managua will re-examine the case with all the requisite attentiveness and impartiality. It requests the Government to furnish a copy of the decision reached by the Court of Appeal as soon as it is available.
- (k) As regards civil liberties connected with the exercise of trade union rights, the Committee notes that unduly severe restrictions still remain and therefore requests the Government to take advantage of the peace process that has begun in Nicaragua to adopt legislation that will fully guarantee the exercise of public freedoms and broaden judicial safeguards.
- (l) As regards tripartite consultations on international labour standards, the Committee requests the Government to set up and convene as soon as possible an advisory committee on this subject - which should be representative of all employers' and workers' organisations - and to furnish information on the setting up and meetings of this advisory committee.
- (m) On the subject of trade union legislation, the Committee urges the Government to work with all the workers' and employers' organisations - and with the ILO as already accepted by the Government - on the drafting of the new Labour Code which it intends to prepare and it expresses the firm hope that the Government will be able to report very shortly substantial progress towards new legislation in line with Conventions Nos. 87 and 98.
- (n) In view of the conclusions it has thus reached, the Committee observes that the situation of employers' and workers' organisations in Nicaragua gives rise to major problems in relation to several basic principles concerning freedom of association and trade union rights. The Committee accordingly considers that the Government should take concrete measures in the shortest possible time to apply fully the Conventions on freedom of association which it has ratified. These measures should cover all the problems which arise in law in relation to both the preparation of a new Labour Code and the adoption of legislation guaranteeing the full exercise of civil liberties. These legal measures should be accompanied by measures relating to factual situations, such as, in the first place, the release of leaders of employers' and workers' organisations at present in detention. Should the Government not supply, before the next

meeting of the Committee in February 1989, information demonstrating a change in attitude as regards these matters and a clear desire to make progress as regards the situation of employers' and workers' organisations, as well as their leaders and members, the Committee would consider it necessary to refer the matter to the Governing Body recommending to it the establishment of a Commission of Inquiry in conformity with article 26, paragraph 3, of the Constitution.

Geneva, 10 November 1988.

Roberto Ago,  
Chairman.

#### ANNEX

REPORT BY PROFESSOR FERNANDO URIBE RESTREPO,  
REPRESENTATIVE OF THE DIRECTOR-GENERAL,  
ON THE STUDY MISSION TO NICARAGUA

(28 September-5 October 1988)

#### I. Introduction

In a letter dated 23 May 1988, the Government of Nicaragua suggested to the Director-General that a study mission should go to Nicaragua. At its May 1988 meeting, the Committee on Freedom of Association, having noted that the invitation was drafted along the lines it had itself contemplated, recommended the Governing Body to accept the proposal. The Governing Body approved this recommendation at its 240th Session (May-June 1988).

During a meeting held on 11 June 1988 between Mr. Roberto Ago, the Chairman of the Committee on Freedom of Association, and Mr. Benedicto Meneses Fonseca, Minister of Labour, it was agreed that in accordance with the wish expressed by the Committee on Freedom of Association, the study mission would be instructed to examine the factual and legal issues pending before the Committee. In addition, the mission was to examine problems connected with the comments made by the Committee of Experts on the Application of Conventions and Recommendations concerning the application of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), the Right to Organise and Collective Bargaining Convention, 1949 (No. 98) and the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144).

The Director-General appointed me as his representative to carry out this mission, which took place from 28 September to 8 October 1988.

I was accompanied throughout the mission by Mr. Bernard Gernigon, Chief of the Freedom of Association Branch, and Mr. Christian Ramos Veloz, an official in the same branch. I should like to emphasise the competence, devotion and conscientiousness of my companions whose support was a determining factor in the success of the mission.

## II. Outline of the mission

To obtain the fullest possible information on the trade union situation, the mission had talks with representatives of all shades of opinion concerned with economic and social matters in Nicaragua.

On the side of the government authorities, the mission met Mr. Benedicto Meneses Fonseca, Minister of Labour, and Mr. Fernando Cuadra, Deputy-Minister of Labour; Commander Alonso Porras, Deputy-Minister for Agrarian Reform; Commander René Vivas Lugo, Deputy-Minister of the Interior; Dr. Omar Cortés, Attorney-General, and Dr. Rodrigo Reyes, President of the Supreme Court. In addition, the mission had several meetings with senior Ministry of Labour officials.

The mission also had talks - either at the headquarters of the organisations concerned or on the premises of the United Nations Development Programme - with a large number of employers' and workers' organisations representing practically all the national-level organisations in the country. On the workers' side these were the General Confederation of Labour (CGT), the National (Autonomous) Confederation of Workers (CTN(A)), the Autonomous Confederation of Trade Union Unity (CAUS), the Confederation of Trade Union Unity (CUS), all four of which make up to the Permanent Congress of Workers (CPT); the Confederation of Workers of Nicaragua (CTN); the Workers' Front (FO); the Sandinista Confederation of Workers (CST); the Association of Agricultural Workers (ATC); the National Association of Teachers of Nicaragua (ANDEN); the Federation of Health Workers (FED SALUD); the Union of Journalists of Nicaragua (UPN) and the National Union of Employees (UNE).

On the employers' side, the mission met representatives of the Council of Private Enterprise (COSEP); the National Union of Farmers and Cattle-breeders (UNAG); the National Small-Industry Confederation (CONAPI) and the Association of Enterprises of Nicaragua (ADENIC).

The mission also had talks on matters connected with the exercise of public freedoms with representatives of the National Committee for the Promotion and Protection of Human Rights and of the Standing Committee on Human Rights.

Lastly, the mission left the capital to meet Mr. Carlos Huembes, General Secretary of the Confederation of Workers of Nicaragua, who is being held at La Granja (in the province of Granada), and to visit a

farm expropriated from Mr. Bolaños, former Chairman of the Council of Private Enterprise (COSEP).

A list of all the persons encountered is appended to this report.

Before discussing the substantive questions the mission was sent to deal with, I must mention the facilities that were granted me by the government authorities and for which I should like to thank them. I was thus able to speak in complete freedom with the persons whom I had wanted to meet. The only exception to this freedom to draw up my programme of visits was the refusal of permission to meet Mr. Mario Alegría, the Director of the Nicaraguan Institute for Economic and Social Studies (a COSEP study institute), who is at present detained in the "Zona Franca" prison in Managua, despite my having emphasised the importance of this meeting both to the Ministry of Labour authorities and to those of the Ministry of the Interior. The Government stated that the refusal should not be seen as intended to impede the smooth running of the mission's work but that, having carefully examined and discussed my request, it was of the opinion that Mr. Mario Alegría's case should be considered as one of espionage and infringement of public order and the security of the State and consequently in no way related to labour matters. I greatly regret the refusal of permission to visit Mr. Alegría which would have enabled me to have full information on his conviction and imprisonment, especially since this refusal - rightly or wrongly - is likely to throw doubt on the genuineness of the Government's apparent willingness to co-operate with the ILO in the examination of complaints.

Lastly, I should like to thank everyone I spoke with for the atmosphere of frankness which characterised all the talks, enabling me to collect information which, I hope, will prove useful to the Committee on Freedom of Association, the Governing Body and the Committee of Experts.

To facilitate examination of the report, I think it is advisable to consider firstly the questions relating to trade union legislation arising in connection with the comments of the Committee of Experts and the complaint lodged under article 26 of the ILO Constitution; secondly, questions of public freedom connected with the exercise of trade union rights; and, lastly, the factual issues pending before the Committee on Freedom of Association.

### III. Trade union legislation

Among the questions I had to examine in the course of the mission were those arising out of the comments of the Committee of Experts on the application of Conventions Nos. 87, 98 and 144.

These comments relate, in respect of the application of Convention No. 87, to the need to:

- guarantee, by a specific provision, the right of public servants, self-employed workers in both urban and rural sectors and persons working in family workshops to associate in defence of the occupational interests of their members;
- abolish the requirement of an absolute majority of the workers of an undertaking or work centre for the formation of a trade union (section 189 of the Labour Code);
- amend the provision on the general prohibition of political activities by trade unions (section 204(b) of the Code);
- amend the obligation now placed on trade union leaders to present to the labour authorities the registers and other documents of a trade union, on application by any member of that union (section 36 of the regulations on occupational associations);
- lift the excessive limitations on the exercise of the right to strike, requiring a majority of 60 per cent of the workers for calling a strike, prohibiting strikes in rural occupations when the produce may be damaged if it is not immediately disposed of, and enabling the authorities to end a strike that has lasted 30 days by compulsory arbitration if no settlement has been reached after the date authorised for the strike (sections 225, 228 and 314 of the Code).

As regards Convention No. 98, the observations concern the incompatibility with Article 4 of the Convention of Decree No. 530 of 24 September 1980, making collective agreements subject to the approval of the Ministry of Labour and the National Labour and Wages Organisation System (SNOTS) which determined wage policy.

In addition, the Committee of Experts had requested the Government to provide information concerning the consultations on international labour standards that had been carried out with employers' and workers' organisations in connection with the application of Convention No. 144.

The complaint lodged by several employers' delegates under article 26 of the Constitution also raised a number of the questions which had been the subject of comments by the Committee of Experts, in particular the impeding of collective bargaining and tripartite consultation on international labour standards.

Before considering each of these points, I must emphasise that throughout my talks with the Ministry of Labour authorities and with employers' and workers' organisations, I made a point not only of dealing with the legal problems raised by the legislation but also of examining how it was applied in practice.

(a) Right of association of public servants  
and certain other categories of workers

With regard to the right to organise of public servants, which is not guaranteed by any specific provision in the Labour Code, information obtained in the course of the mission shows that 40 per cent of them belong to the National Union of Employees (UNE) whose membership is made up of manual and professional workers employed by state institutions. The rules of the UNE which regroups 45 local unions and some 27,000 workers, which is registered with the Ministry of Labour and therefore has legal personality, provide that one of its aims is to promote better labour/management relations and conditions of work. The leaders of the UNE whom the mission met stated that their organisation carried on its activities like any other trade union, including activities in respect of collective bargaining. It is open to all public servants with the exception of those whose duties are of a political nature (ministers, deputy-ministers, programme directors). There is also an organisation of health workers (FED SALUD) and of teachers (ANDEN), whose representatives spoke with the mission and who cover about three-quarters of the workers in their respective sectors. The Sandinista Confederation of Workers (CST) also includes public employees, especially municipal workers and state enterprises, among its members.

Representatives of the Confederation of Trade Union Unity (CUS) and of the Workers' Front (FO) told the mission that although it was true that public servants could join a union, their freedom to do so is, in their opinion limited since, in practice, it is impossible for public servants to set up a trade union whose views oppose the Government's. The CUS leaders also pointed out that public servants are under pressure to join the UNE if they wish to keep their jobs or secure a promotion.

The delegates from the National Association of Teachers of Nicaragua and the Federation of Health Workers, however, emphasised that the trade union unity prevailing in their sector corresponded to the wishes of the workers. They maintained that there had been existing no applications for the registration of unions independent of the existing organisations, but that no legal obstacle prevents such an organisation being formed.

The mission noted that a large number of self-employed workers and of workers in family workshops belonged to the National Small-Industry Confederation (CONAPI) which has 10,800 members, employing some 40,000 workers. Many of these affiliated members are family workshops; according to the CONAPI leaders, the right of association of the workers employed in these workshops is not important from a practical viewpoint.

(b) Restrictions on the establishment and running of trade union organisations

The Ministry of Labour recognised that, as pointed out by the Committee of Experts, some of the provisions in the regulations governing trade union associations are incompatible with the free exercise of the political and trade union rights of representative organisations. It was recalled in this respect that the laws and regulations in force are a legacy of the previous regime, with the consequences this implies. The Ministry of Labour authorities consider, for example, that there is no reason for the ban on political activities. Together with the rest of the legislation, the regulations on trade union associations will shortly be amended as part of the process of reviewing the entire legal structure of the country which began with the promulgation of its Constitution.

The Ministry of Labour authorities emphasised - as did the government authorities in general - that they had not placed major obstacles in the way of the political and trade union activities of organisations except in cases where there was a clear violation of provisions protecting public order. They added that although it is true, in some cases, that Ministry of Labour officials, acting in strict conformity with the law, have requested trade unions to comply with legal requirements, in many other circumstances they have acted with the maximum flexibility. For example, a list handed to the mission by the Ministry of Labour showed that 15 unions in the region of Managua belonging to trade union confederations opposed to the Government have not held elections to their executive bodies for several years. Nevertheless, the Ministry of Labour has not applied any corrective measures or restrictive provisions. Instead, according to the Ministry of Labour, these unions continue to operate normally even though their executives have not been re-elected in the normal way, as provided by legislation.

On this question of the establishment and running of organisations, a number of trade unions complained of the unduly officious attitude of the Ministry of Labour in registering organisations. For example, representatives of the Confederation of Workers of Nicaragua (CTN) stated that workers setting up trade unions sometimes came up against administrative red tape in the form, for instance, of requests for extremely detailed information. Representatives of the General Confederation of Labour (CGT) stated that as far back as 1985 they had written to the Minister of Labour (and they produced a copy of the letter) to draw his attention to these practices which go even beyond the requirements of the laws and regulations. They received no reply. This omission was brought to the attention of the Ministry of Labour, which did not give explanations in that respect. The Confederation of Trade Union Unity (CUS) gave the mission a list of organisations which had apparently received no answer to their application for registration. The CUS also stated that to avoid administrative problems a number of organisations concealed the exact number of their members, limiting it in their application for registration to the minimum required by law. In the

same line of ideas, a leader of the FO, a Marxist-Leninist central organisation, stated that in order to speed up their registration, certain unions did not mention in their rules their affiliation to his organisation. Furthermore, according to the CTN, the leaders of unions wishing to leave the Sandinista Confederation of Workers were subjected to threats and pressure.

Questioned on the difficulties said to be encountered by organisations, the Ministry of Labour authorities emphasised that, in order to be registered, organisations were naturally required, in accordance with the law, to furnish a certain amount of information but that the attitude of the Government in this respect, far from being restrictive had been open. Thus, since 1987, the programme that was set up to decentralise the registration of trade unions made the procedure easier, especially for provincial organisations. These authorities also stated that, since the Sandinista Revolution took over in July 1979 and up to December 1987, 1,515 trade unions belonging to seven central organisations of various tendencies had been registered. These authorities mentioned that the Ministry had met serious working problems due to staff turnover; in addition, there is a problem of understaffing, which affects the training level. The leaders of UNAG confirmed this opinion, mentioning that the registration difficulties met by unions are of a practical nature - due to the multiplication of associations in Nicaragua (there are, for instance, more than 400 religious associations) - and not of a legal one.

A further practical problem that might affect the establishment and running of organisations was raised by some of the people I spoke to, namely the advantages said to be granted to organisations of both employers and of workers close to the Government. For example, leaders of the COSEP stated that employers belonging to the National Union of Farmers and Cattle-breeders (UNAG) are granted credit facilities. On the workers' side, according to the Workers' Front, members of the Sandinista Confederation of Workers (CST) enjoy advantages as regards supplies. Similarly, leaders of organisations forming the Permanent Congress of Workers (CPT) stated that certain organisations, especially in the agricultural sector, were backed by the government authorities. The CST denied that there was any discrimination and the authorities of the Ministry of Labour emphasised that the legislation on financial credit applied to all regardless of membership of any particular organisation. As regards supplies, they stated that everyone was free to buy consumer goods without any discrimination whatsoever. What might happen, still according to the authorities of the Ministry of Labour, is that a union deal directly with the producers in order to obtain better prices and services for its members.

(c) The right to strike

According to the Ministry of Labour, the nature of the Somoza dictatorship explains why the Labour Code establishes a series of extremely complex procedures for strikes to be recognised as legal

(conciliation, arbitration, the possibility of closing a work centre, etc.). Under the Somoza regime, strikes were a very powerful and important means of struggle for the workers. However, relations between employers and workers have now changed considerably. Under the mixed economy, according to the Ministry of Labour authorities, the Government has taken on the role of safeguarding the rights of both workers and employers. These authorities also emphasised that the proliferation of bipartite committees in enterprises, the production councils and the consultation bodies for the various branches of activity are expressions of the political and economic space gained by the trade union movement for presenting its claims. According to the Ministry of Labour there has been no need to have recourse to strikes to achieve these aims precisely because the workers have the benefit of a social policy which looks after their interests and needs.

The Ministry of Labour authorities stated that they fully recognised the right to strike as an instrument of trade union struggle. This government position is reflected in legal terms in the national Constitution (article 83). However, since it is the political will of the State to guarantee the satisfactory solution of claims made by the working world, the exercise of the right to strike is kept as a last resort. Furthermore, the authorities emphasised that the foreign aggression to which Nicaragua is subjected, with its extremely serious consequences both materially and for the population, created an exceptional situation in which a strike would have a direct effect on the possibilities of economic recovery from the conflict, all of which would be detrimental to the vast majority of the Nicaraguan population. The authorities went on to say that the tension resulting from the economic blockade and the technical shortcomings of the production structure inherited from the Somoza regime would be aggravated by the unconsidered use of strike action.

The opinion of the workers' organisations varies as to the possibilities of the effective exercise of the right to strike. Those opposed to the Government generally consider that the lifting of the state of emergency in January 1988, which reinstated the right to strike, has made little difference in practice for they maintain that any workers wishing to call a strike are subjected to threats or reprisals (dismissal, arrest, etc.). The mission was given examples such as the case of the strike in the building sector, from 25 April to 5 May 1988, when workers were arrested. The opposition trade union organisations also stated that Act No. 1074 of July 1982 concerning the maintenance of public order and security was used to repress strike movements. Under this Act any persons who reveal secrets to the detriment of the country's economic security or who prevent or try to prevent the authorities from carrying out their functions freely are deemed to have committed an offence against public security. Under the Act persons who spread false information with the intention of bringing about changes in prices, wages, etc., are liable to between one and four years' imprisonment.

Other trade union organisations, however, consider that the lifting of the state of emergency once again enabled workers to have

recourse to strike action. Leaders of the National Association of Teachers of Nicaragua (ANDEN) mentioned cases in which workers in their sector had organised strikes without suffering any reprisals. Cases of work stoppages were also referred to by the Federation of Health Workers (FED SALUD) which nevertheless pointed out that in some cases there had been some reprisals against the strikers but that the Federation had been able to settle these problems.

On the subject of the exercise of the right to strike, the Ministry of Labour authorities stated that the unions had resorted to strike action, even during the state of emergency when the right was suspended. In 1987, for instance, there had been nine strikes in various branches of activity (the metal trades, the sugar sector and food production). Although these strikes were illegal, the authorities added, the Government had not repressed them but had immediately initiated negotiations, encouraging the parties involved to make mutual concessions.

Since the lifting of the state of emergency and until 30 June 1988, there had been 50 strikes involving a total of 4,617 workers. According to the Ministry of Labour, the vast majority of these strikes were declared without the provisions of the Labour Code being strictly applied, despite which the Government had sought to resolve the disputes through persuasion and dialogue with the parties concerned.

The Ministry of Labour authorities also emphasised that strikes had sometimes been used with the clear intention of promoting economic boycotts and political agitation. Thus, according to the Government, during the strike in the building sector from 25 April to 5 May 1988, a minority sector run by the confederations connected with the political parties opposed to the Sandinista Revolution took advantage of workers' claims to exert pressure and threaten political blackmail, resorting even to a hunger strike. To maintain public order, the police authorities briefly arrested a number of the instigators, who were subsequently released. According to the Ministry of Labour, the strike came to an end without the police actually intervening to liberate the premises that had been occupied, and the problem at the origin of the dispute was satisfactorily resolved by lowering the output that workers were expected to maintain. Still according to the Ministry of Labour, a collective agreement is now being negotiated but, in agreement with the political parties from which they receive their orders, the trade unions which organised the strike have not wished to participate.

(d) Collective bargaining

To justify the restrictions that may have been imposed on collective bargaining, the Ministry of Labour authorities explained that at the beginning of the Sandinista Revolution an important sector of private enterprise began to "decapitalise" their assets. According to the authorities one of the methods used to this end was to negotiate and grant conditions of work that were beyond the actual capacity of the enterprise; this enabled them, in the medium term, to request the

suspension or closing-down of the enterprise on the grounds of a lack of liquid assets or insolvency.

The Ministry of Labour authorities therefore decided to play a more active part in the negotiations, with prior knowledge of the enterprises' situation, with a view to safeguarding jobs. A national effort to organise income levels was also necessary, the authorities stated, both to eliminate unfair differences in wages and to determine procedures for classifying the country's occupational structure. This resulted, as from 1984, in the application of the National Labour and Wages Organisation System (SNOTS) which established categories of employment and corresponding rates of remuneration. According to the Ministry of Labour these categories were determined through tripartite negotiations, taking account of the particular characteristics of enterprises and of union claims. One of the major objectives of that system was to abolish the substantial inequities then existing.

The Ministry of Labour considers that, despite the foregoing, the participation of the State in collective bargaining was not an obstacle to the reaching of collective agreements since, between 19 July 1979 and the second half of 1987, 1,192 collective agreements covering 380,665 urban and rural workers were signed.

The Ministry of Labour authorities finally stated that the economic reform adopted in 1988 reduced the wage-fixing role of the Ministry of Labour to a minimum. At the moment the wage rates established within the framework of the SNOTS are used solely for reference purposes. Remuneration is established according to the economic capacity and profitability of each work centre by means of bilateral negotiations between employers and workers. Centralised fixing of remuneration now takes place only for the central government administrations. The role of the Ministry of Labour authorities has thus been reduced to a purely formal one. In that respect, it is worth mentioning the statement of a union leader to the effect that the SNOTS is now "defunct for all practical purposes".

The employers' and workers' organisations with which the mission had contacts recognised that the National Labour and Wages Organisation System served only as a yardstick and that wages could therefore be fixed freely. For the leaders of the General Confederation of Labour, the SNOTS system was unworkable since there is no real economic planning in Nicaragua. The National Union of Farmers and Cattle-breeders (UNAG) considered that this system was in fact a "straitjacket" imposed on the social partners. In this respect the National Union of Farmers and Cattle-breeders (UNAG) described the role of the Ministry of Labour following the economic reform as that of an arbitrator. Nevertheless, some of the organisations with which the mission had contact, including the Council of Private Enterprise (COSEP), the Permanent Congress of Workers (CPT), the Confederation of Workers of Nicaragua (CTN) and the Workers' Front (FO), criticised the fact that the agreements had always to be approved by the Ministry of Labour. It seems, however, that in 1988 the Ministry has never refused to register a collective agreement.

(e) Tripartite consultation in respect of international labour standards

Numerous workers' and employers' organisations stated that they had not been consulted at all, which constitutes a violation of Convention No. 144. The COSEP leaders stated however that, a few days before, the Government had sent them questionnaires on the issues to be discussed by the next International Labour Conference.

The Ministry of Labour emphasised the difficulty of organising tripartite consultations in view of the vast number of employers' and workers' organisations in the country, with extremely divergent opinions and between whom relations were often antagonistic for political reasons. In addition, the Ministry noted that it is not always easy to decide which organisation is more representative. It nevertheless expressed its willingness to consider setting up an advisory committee on international labour standards.

(f) Prospects of new trade union legislation

The Ministry of Labour authorities informed the mission that the National Assembly was in the initial stages of preparing a new Labour Code. The relevant committee set up by the National Assembly had already consulted various trade union organisations, including some that were opposed to the Government, and which confirmed this fact to the mission. The Ministry of Labour specified that in the near future a round table that would include all the organisations of employers and workers would be held on this subject. The COSEP, however, stated that it had not been consulted as regards the preparations for a new Labour Code.

At the mission's proposal, the Minister of Labour stated that the Government would request the co-operation of the International Labour Office in drafting the new Code. The Government also undertook to inform the ILO of the stages reached in the process. In the meantime the mission gave the Ministry of Labour some proposals for amending the laws and regulations that were in line with the observations made by the Committee of Experts. The Ministry of Labour will study these proposals as part of its preparations for the new Labour Code.

IV. Public freedoms connected with the exercise of trade union rights

The complaint lodged by a number of Employers' delegates under article 26 of the Constitution of the ILO alleged in particular that Nicaragua had been in a state of emergency for several years. According to the complainants this situation was being used by the Government to suppress the rights essential for the implementation of Convention No. 87. Subsequently, the ILO's supervisory bodies noted

that the state of emergency had been lifted throughout the country by Decree No. 247 of 18 January 1988 and that all the constitutional rights which had been suspended were consequently re-established. Nevertheless, both the Committee on Freedom of Association and the Committee of Experts requested the Government to supply specific information on the resumption of trade union activities. I therefore made a point, in my talks with representatives both of the authorities and of the organisations, of obtaining information on the practical consequences of the lifting of the state of emergency as regards public freedoms connected with the exercise of trade union rights.

In general, the various organisations of employers and of workers with which the mission had contacts had varying opinions on the consequences of the lifting of the state of emergency. For the leaders of the COSEP, the peace process which made this possible should logically have resulted in the situation returning to normal. Yet, according to this organisation, the opposite had occurred in practice and organisations independent of the authorities were being subjected to repression. Thus, according to the COSEP, the lifting of the state of emergency did not lead to any improvement in the situation of employers' or workers' organisations.

The leaders of the organisations forming the Permanent Congress of Workers (CPT) considered that the lifting of the state of emergency might have resulted in some cosmetic improvements but they emphasised that organisations opposed to the Government were still subjected to arbitrary acts and to reprisals either by the police authorities themselves or by groups connected with the authorities. The representatives of the National Confederation of Workers (CNT) also stated that the lifting of the state of emergency had entailed only minor changes since the repression against trade union leaders had continued and even been stepped up. According to the CNT, the reasons given for the arrests were never officially related to trade union matters for the authorities gave other grounds such as links with counter-revolutionary elements, the undermining of public order or state security, etc. The practical result of this situation is to make trade union activities extremely difficult. The mission was also informed that the National Assembly was discussing draft legislation on the state of emergency with the aim of drastically regulating the provisions applicable in the event of a state of emergency being proclaimed, and that the provisions in this bill are particularly stringent. According to the CUS, this bill provides that the state of emergency may be declared in case of war, economic crisis or national disaster; when it is proclaimed, the president has, inter alia, wide powers to suspend constitutional rights and safeguards, to order by decree preventive and home arrests and to suspend communications.

On the other hand, organisations close to the Government considered that the lifting of the state of emergency had allowed for a return to the effective exercise of the rights of organisations which, they maintain, are no longer subjected to restrictions on their activities.

The various government authorities, for their part, emphasised that since the lifting of the state of emergency the ordinary laws applied and none of the freedoms laid down in the national Constitution was suspended.

In order to draw up a résumé of the situation as regards public freedoms connected with the exercise of trade union rights, I shall examine in turn questions relating to the right of expression, the right to demonstrate and the right of assembly, judicial safeguards, amnesty and pardon.

(a) The right of expression

All the persons whom the mission met stated, and recognised, that the lifting of the state of emergency had entailed the ending of the censorship to which the media had been subjected. This obviously facilitates the publication of trade union literature. For example, the Confederation of Trade Union Unity (CUS) is once again publishing its review "Solidaridad".

However, a number of persons with whom the mission spoke emphasised the difficulties encountered by organisations in expressing their opinions through the press despite the ending of prior censorship. The opposition organisations often lack the financial means of issuing publications. They also face a crisis as regards paper supplies. Lastly, and above all, they state that they are constantly liable to have their publications suspended or stopped altogether because of the considerable restrictions imposed by the relevant legislation, as can be seen from the suspension of newspapers or radio programmes decreed since the lifting of the state of emergency (in particular, "La Prensa" and Radio Católica in July 1988). This results, the organisations maintain, in a sort of self-imposed censorship designed to avoid repressive measures by the authorities. When these rules are not followed, the consequences may be extremely serious, as in the case of Mr. Alegria, the Director of a COSEP institute (see developments in this case further on in the report).

As far as the Government is concerned, freedom of expression and in particular freedom of the press have been respected since the lifting of the state of emergency. The authorities allowed 17 radio news programmes, two radio reviews, two printed reviews and two weekly publications, all connected with opposition groups, to resume their work. However, according to government circles, the opposition media defied the law and acted irresponsibly, publishing lies and calumny, which were obviously false as was seen in the case of trade union leader Rafael Blandon, alleged to have been murdered (see further on in the report). The authorities also stated that the National Reconciliation Committee set up following the Esquipulas II peace agreements had exhorted the mass media of the country to promote respect for personal dignity and honour, to moderate the language used and to be more objective in their information.

The national Constitution recognises the right of expression in article 30 which provides that "Nicaraguans have the right to express their ideas freely". Article 66 states that "Nicaraguans have the right to accurate information", while article 67 specifies that "the right to provide information is a social responsibility that must be exercised in strict respect of the principles laid down in the Constitution. This right may not be subject to censorship but may entail subsequent liability in accordance with the law."

Freedom of the press is regulated by the general provisional law on the media which was promulgated on 13 September 1979 and subsequently revised, in particular on 30 April 1981. Section 2 of this Act establishes that criticism or comments must serve constructive objectives and be based on proven facts. In accordance with section 3, as amended by the incorporation of Decrees Nos. 511 and 512 of 17 September 1980, it is forbidden to publish, distribute, pass on, exhibit, disseminate, transmit or sell written material likely to compromise or undermine the internal security of the country or its national defence, or written material likely to compromise or undermine the economic stability of the nation. In both cases, before publication, the information must be verified with the relevant authorities (Ministry of Defence and of the Interior, and Ministry of Internal Trade). In the event of these texts being infringed, the publications may be suspended temporarily or definitively.

According to information communicated by the Union of Journalists of Nicaragua, 14 newspapers or radio news programmes were suspended in 1988 by the Directorate of the Media for a maximum period of two weeks. The reasons given for the suspensions were, in six cases, false information; in two cases the transmitting of counter-revolutionary communiqués; in two cases presenting women as sex objects; in one case failure to verify information with the army or the Ministry of the Interior; in one case condoning an offence; and in two cases undermining the internal security of the country or its national defence.

(b) The right to demonstrate and the right of assembly

With the lifting of the state of emergency, the right to demonstrate and the right of assembly are once again recognised. However, according to various organisations opposed to the Government, this is outweighed by all the practical obstacles to the actual exercise of these rights. For instance, the organisations forming the Permanent Congress of Workers (CPT) stated that most of the time the authorities of the Ministry of the Interior gave only very late replies (only 48 hours in advance) to applications for authorisation to hold public demonstrations although the applications had been submitted well in advance. This puts the organisations in a difficult situation: either they wait for permission and then do not have sufficient time to organise the demonstration, or they call on their members to demonstrate before obtaining the authorisation, in which

case they are liable to incur penalties and repression. Moreover, once demonstrations have been authorised, there is a likelihood of provocation tactics being used which justify police intervention and the ensuing arrests and convictions.

The Deputy Minister of the Interior has emphasised that only a few applications were received from trade union organisations for authorisation to organise demonstrations. On the other hand, the political parties often submit applications, most of which are accepted, although the Government has been more reluctant to grant authorisation since the incidents which took place at the demonstration in Nandaime in July 1988. In any event, stated the Deputy Minister, the rules concerning authorisations of demonstrations are outdated, having been adopted in 1924. The Ministry of Labour supplied the mission with a list of public demonstrations organised by opposition unions or political parties in 1988. This shows that nine demonstrations took place, three of which were organised by trade union organisations. The Attorney General stated in this respect that the purely trade union demonstrations commemorating 1 May did not give rise to any incidents, which was confirmed in opposition union circles.

On the other hand, according to the government authorities, the demonstrations which pursued political aims often gave rise to acts of violence which had to be quelled in accordance with the law. Thus, the National Commission for Reconciliation, in its report of March 1988, had to launch an appeal to all political parties to refrain from resorting to violence during their various public demonstrations or meetings. Some of the situations resulting from these incidents have, according to the Government, been settled through dialogue with the political parties. For example, on 27 March 1988, 25 persons arrested at Masaya during a demonstration against patriotic military service were released.

The government authorities also emphasised the fact that these political demonstrations formed part of a plan to destabilise the country which originated and was financed from abroad, and was being carried out by a sector of the Nicaraguan opposition forming the Democratic Co-ordination Movement, whose members include the COSEP and the CTN.

The mission was also informed that the meetings organised on trade union premises were not subject to prior authorisation but that they were liable to be disturbed by the constant police surveillance to which trade union premises are subject or by violence on the part of para-governmental groups. Furthermore, meetings and demonstrations are subject to the Act on the maintenance of public order and security (Decree No. 1074, 1982) which is considered too drastic by the government opponents.

(c) Judicial safeguards

At the same time as the lifting of the state of emergency, Decree No. 296 of 19 January 1988 abolished the anti-Somoza people's courts. Questioned on the consequences of this development, leaders of the COSEP, the CPT and the CTN reckoned that it made little difference since the same judges remained, the majority of members of the anti-Somoza people's courts having been incorporated into the normal judicial system. The leaders of the COSEP emphasised that the judiciary was not independent of the executive and that this was true of courts at all levels. According to several sources, sentences are handed down on the basis of subjective evidence (such as statements by accused persons) without the right to defence being fully respected. These persons added that judges often consider simple clues as evidence, and found decisions on what they call "healthy revolutionary criticism".

The President of the Supreme Court explained that during the state of emergency there was only one anti-Somoza people's court in Managua (one of the first instance, the other of the second instance) to which were added, six months before the state of emergency was lifted, two more courts of the first instance in the provinces. Since there were only three judges per court (one jurist and two lay advisers), the number of persons incorporated into the judiciary could only be very limited, especially since only certain members of the people's courts were accepted.

The sentences handed down by the anti-Somoza people's courts could not be appealed against to the Supreme Court. The question arose whether, once the state of emergency had been lifted, these sentences could be reviewed. The opinions of the jurists whom the mission met differed on this point. According to the National Commission for the Promotion and Protection of Human Rights, such a review was legally possible since the legislation made provision for an extraordinary appeal for review. The President of the Supreme Court, however, considered that sentences passed by the anti-Somoza people's courts now had the status of the res judicata and could not be reviewed. All that could be done on behalf of the persons who had been sentenced was to take a political decision to grant them an amnesty.

In any case no appeals seemed to have been lodged with the Supreme Court for the review of judgements. The CTN stated that the possibilities - which it considered to be legal - of reviewing such court decisions had not been resorted to. The National Commission for the Promotion and Protection of Human Rights stated that three courses of action were open to the persons who had been sentenced: they could seek a presidential pardon, apply for a reduction of sentence or a conditional release on parole, when they had served part of the sentence.

Another effect of the lifting of the state of emergency, emphasised both by the Attorney General and the President of the Supreme Court, was that habeas corpus had been fully restored.

According to the government authorities, recourse to habeas corpus had in any case not been completely suspended during the state of emergency when it came to establishing the reasons for an arrest, determining the place where the arrested person was being held or protecting that person's right to life and to physical safety.

According to certain information collected by the mission, the habeas corpus machinery does not work well in practice as a result both of legislative shortcomings and of the inefficiency of the judicial system. Arrested persons are said to be held first of all in the premises of the state security offices, in total secrecy, where ill-treatment is said to be frequent.

In general the mission was informed, both in government circles and in those of the opposition, that the legislation on judicial procedures needed to be revised. The President of the Supreme Court and the National Commission for the Promotion and Protection of Human Rights both said that the National Assembly was discussing proposed new legislation in respect of judicial protection (ley de amparo) which, they maintained, would broaden the scope of the judicial safeguards. The Attorney General informed me that the Criminal Procedure Code which establishes the prosecution system dates back to the previous century (1872) and that the existing Police Code was adopted at the turn of the century. In addition, various sources drew the mission's attention to the severe restrictions placed on human and material resources, which affect the administration of justice. Vast numbers of jurists left the country and the functioning of universities is greatly hampered. In such circumstances, it is difficult to attract qualified professionals to the public service, to seat as ad honorem "implementing judges" with respect to habeas corpus proceedings, or to act as ex-officio lawyers for the numerous people who cannot obtain legal aid.

(d) Amnesty and pardon

According to information supplied by the Attorney-General, pardon may be granted to persons completing prison sentences while amnesty is reserved for those who, since 1983, have been involved in armed activities against the Government and who wish to lay down their arms and return to civilian life. Between 30 July 1987 and 30 August 1988, 1,256 persons benefited from such measures out of a total of 4,647 since 1983. In November 1987, 987 persons were pardoned.

The government authorities also specified that following the Sapoa agreements with the counter-revolutionary bodies, the Government had adopted an amnesty calendar for counter-revolutionaries undergoing trial or convicted: 50 per cent of the 1,523 counter-revolutionaries in prison would be released as soon as the armed groups reached the cease-fire areas and the remaining 50 per cent would be released when a definitive cease-fire had been signed. By 27 March 1988, 100 prisoners had been released under this arrangement.

Although the mission asked several times how many trade unionists had benefited from the amnesty, it was unable to obtain any replies on this matter since the authorities explained that they knew nothing about the trade union membership of the persons who had been imprisoned and then amnestied. In general, it was reckoned in opposition circles that the amnesty was insufficient and that in any case trade unionists were still being arrested and sentenced.

V. Cases pending before the Committee on Freedom of Association

The study mission was able to discuss questions concerning cases which are pending before the Committee on Freedom of Association, with officials from the Ministry of Labour and other officials of the Government of Nicaragua, in particular with the Attorney-General, the President of the Supreme Court of Justice and the Vice-Minister of the Interior, as well as with representatives of the workers' and employers' organisations concerned. The study mission obtained the following information:

A. Complaints presented by organisations of workers

Cases Nos. 1129 and 1298

When the Committee last examined these cases, which had been presented by the ICFTU and the WCL, at its meeting in May 1988, it requested the Government to supply information on the arrest and current situation of trade unionists Eric Gonzáles and Eugenio Membreño.

The leaders of the CTN (autonomous) stated that these two trade unionists were at liberty. Following three months' imprisonment, the sentence of trade unionist Eric Gonzáles had been commuted. Trade unionist Eugenio Membreño had been released in similar circumstances.

Case No. 1442

(a) The murder of workers

The allegations presented in this case by the ICFTU concern the death of José Abraham Galea, a peasant affiliated with the Peasants' Federation of Chinandega, on 20 or 21 January 1988. According to local CUS members, he had been threatened by the military chief of the region owing to his trade union militancy within the CUS; the ICFTU

communication also denounces the murders of Mauricio Canales Prieto, a member of the Independent Lawyers' Association and legal adviser to an organisation affiliated with the CUS, in the city of El Viejo, department of Chinandega, and Carlos Alberto García Valásquez, a member of the CUS, who was murdered on 3 July 1988 in Nindirí.

Concerning the death of José Abraham Galea, a member of the Peasants' Federation of Chinandega, the Vice-Minister of the Interior, Commander Rene Vivas Lugo, reported that Mr. Galea was killed by a border patrol on 20 January while he was engaged in contraband activities along with two other persons, in a border zone which is strongly guarded owing to the presence of "contra" camps on the other side of the border, whose forces cross into Nicaraguan territory to carry out terrorist activities. The soldiers involved in Mr. Galea's death were court martialled and the charges against them were eventually dropped. He emphasised that Mr. Galea's death had nothing whatsoever to do with his trade union affiliation. He added that trade union membership is often invoked in cases of common criminals to portray the Government as engaging in repression against the trade union movement. Moreover, he stated that there are far more workers belonging to the Sandinista Central of Workers who have been imprisoned for common crimes, than members of other organisations of workers, which moves that the Government is not engaged in retaliatory measures.

Mrs. Vilma Núñez de Escorcía, the Director of the National Committee for the Promotion and Protection of Human Rights (CNPPDH) supplied information to the mission on the allegations concerning the murders of Mauricio Canales Prieto, a member of the Independent Lawyers' Association and legal adviser to an organisation affiliated with the CUS, and of Carlos Alberto García Velásquez. Concerning the murder of Mr. Canales Prieto, she stated that the Committee's investigation of this case had found that it was unrelated to his trade union activities. Mr. Canales Prieto was murdered on 24 June 1988 in a discotheque he owned, by José García Estrada, a personal acquaintance. Mr. Estrada is currently being tried in the Criminal Court of the District of Chinandega, which also issued the warrant for his arrest. The mission received the same information on this case from the Attorney General. As regards the murder of Carlos Alberto García Velásquez, the Director of the CNPPDH reported that it was unrelated to his affiliation with the CUS: Mr. García Velásquez was murdered by an off-duty policeman, while they were drinking alcoholic beverages together in a private home. The mission was given a copy of the sentence handed down by the Criminal Court of the District of Masaya on 22 July 1988 against Margarito Altamirano Matute, which found him guilty of the crime.

(b) The imprisonment of workers  
affiliated with the CUS

These allegations also refer to the imprisonment without trial, since 8 August 1987, of peasants affiliated with the CUS, and in particular, of: Santos Francisco García Cruz, Juan Ramón Gutiérrez

López, Saturnino Gutiérrez López, Juan Alberto Contreras Muñoz, Presentación Muñoz Martínez, Ronaldo González López, Arnulfo González, Jacinto Olivo Vallecillo, Salomón de Jesús Vallecillo Martínez, Ricardo Gutiérrez Contreras, Luis García Alvarado, Eusebio García Alvarado, Eduardo García Alvarado and Pedro Joaquín Talavera; and the imprisonment of Juan José Cerda, leader of the Roadmen's Trade Union of Masaya, for a period of six months.

Following its interview with the Vice-Minister of the Interior, the mission received through the Ministry of Labour a communication with information on the allegations contained in a communication of the ICFTU concerning the imprisonment without charges or trial of peasants belonging to the CUS on 8 August 1987. In this connection the Ministry of the Interior reported in writing that: Santos Francisco García Cruz, Juan Ramón Gutiérrez López, Saturnino Gutiérrez López, Presentación Muñoz Martínez, Ronaldo González López, Arnulfo González Olivas, Jacinto Olivas Vallecillo, Salomón de Jesús Vallecillo Martínez, Luis Enrique García Alvarado, Eusebio García Alvarado, Eduardo García Alvarado and Pedro Joaquín Talavera Pérez were arrested on 8 August 1987 for violating clauses (a) and (g) of section 1 of Decree 1074 (Act concerning public security) and section 493 of the Penal Code; they are currently being held at the "Zona Franca" penitentiary, as ordered by the Third Criminal Court of Managua, pending trial. Juan Alberto Contreras Muñoz and Ricardo Gutiérrez Contreras were arrested on 6, and 13 August 1987, respectively; they are charged with the same crimes and are being held at the same place. As regards the sentencing of Juan José Cerda, Secretary of the Roadmen's Trade Union of Masaya, to six months' imprisonment, the leaders of the CPT reported that he was released one month later and pardoned for counter-revolutionary activities, following the peace negotiations of Sapoá, but that he continues receiving threats. In this connection, the Ministry of the Interior reported that Mr. Cerda was arrested by the Sandinista police on 19 February 1988, for participating in acts of civil disorder and violence against law enforcement personnel and facilities in Masaya. He was sentenced by the police court to six months' imprisonment for disturbing the peace and contempt of authority, under Decree 559 and the Police Code. On 25 March of this year he was pardoned and released. As regards the allegations concerning the imprisonment of peasants affiliated with the CUS, who have been in jail since 8 August 1987, the Director of the CNPPDH confirmed that they are being held at the "Zona Franca" penitentiary, and are being tried by the Third Criminal Court of Managua for disturbing the peace and undermining national security through their individual participation in activities which provide logistical support to the "contras", and for acts of sabotage. She stated that there is no evidence in court records that these persons were engaged in trade union activities, and that different charges have been filed against each of them.

The ICFTU also presented allegations concerning the arrest on 20 May 1988 of peasants affiliated with the Peasants' Trade Union of Cayantu and Cuje, an affiliate of the CUS. The peasants in question are: José Natalio Pérez Miranda, Agustín Pérez Miranda, Arnulfo

Carazo, José Angel Vargas Gutiérrez, Bernabé Carazo Sánchez, Pablo González Muñoz, Francisco González Muñoz, Eulalio Gómez Zamora, Bruno Muñoz Muñoz, Rudecindo Mejía González, Alejandro Rodríguez Sánchez, Ruperto Martínez, Santos Venegas, Pedro Venegas and Lucas Rivera.

Concerning the detention of many members of the newly constituted Peasants' Trade Union of Cayantu and Cuje in the Department of Madriz, which is affiliated with the CUS, the communication of the Ministry of the Interior states that José Natalio Pérez Miranda, José Agustín Pérez Miranda, José Angel Vargas Gutiérrez, José Bernabé Carazo Sánchez, Juan Pablo González Muñoz, Eusebio González Muñoz, Francisco González Muñoz, Eulalio Gómez Zamora, Bruno Muñoz Muñoz, Eusebio Mejía Gonzáles, Alejandro Rodríguez Sánchez and Santos Venegas, have not been detained by the Ministry of the Interior, but were mobilised by the Sandinista People's Army (EPS) in batallion 53-12, in accordance with Decree 1327, and sections 14 and 16 of the Act concerning patriotic military service, for reserve duty. The Ministry stated that it had no information concerning Arnulfo Carazo, Ruperto Martínez, Pedro Venegas and Lucas Rivera, who were mentioned in the same communication from the ICFTU. The Director of the CNPPDH reported that these persons were not being detained in any penitentiary, and that the date mentioned in the ICFTU communication - 20 May - would suggest that they were recruited for military service; moreover, there is no peasants' trade union of Cayantu and Cuje, since they are not wage-earning employees, but independent peasants. It is a common tactic for any arrested person suddenly to become a trade unionist or political leader.

The World Confederation of Labour (WCL) presented allegations concerning the arrest of several members of the CTN and the SIMOTUR trade union, who were falsely accused of being members of the "contra" and who are still being detained: Milton Silva Gaitán (arrested on 1 October 1983 and sentenced to five years' imprisonment) and Arcadio Ortiz Espinoza (arrested on 7 November 1983 and sentenced to eight years' imprisonment). The WCL also alleged that the following members of the CTN were arrested, and that their whereabouts are unknown: Anastacio Jiménez Maldonado (he was originally reported to have been imprisoned at Jalapa in October 1982), Justino Rivera (imprisoned at Japala), Eva González (in 1982 she was reported to have been imprisoned at Esteli) and Eleazar Marenco (he was also reported to have been imprisoned at Esteli in April 1983).

As regards these allegations, the Director of the CNPPDH reported that Milton Silva Gaitán (CTN), arrested on 1 October 1983 and sentenced to five years' imprisonment, and Arcadio Ortiz Espinoza (CTN), arrested on 7 November 1983 and sentenced to eight years' imprisonment, a sentence which was later commuted to six years, were found guilty of acts of sabotage against the National Bus Company (ENABUS), and are currently serving their sentences in the Tipitapa prison. Ricardo Cervantes Rizo (CTN) was also sentenced to seven years' imprisonment for acts of sabotage against ENABUS; he was granted amnesty on 28 March 1988 (as confirmed by Alvin Guthrie, trade union leader of the CUS). Napoleón Molina Aguilera, sentenced to five years' imprisonment in 1983 for acts of sabotage against ENABUS, saw

his sentence reduced to four years and was released on 22 July 1988. Moreover, as regards the allegations concerning the detention of Anastasio Jiménez Maldonado in October 1982 at Jalapa, of Justino Rivera, imprisoned at Jalapa, of Eva Gonzales, imprisoned at Esteli and of Eleazar Marengo, the Director of the CNPPDH stated that more specific information would be needed to determine their whereabouts.

The ICFTU also presented allegations concerning the detention on 20 June 1988 of the following peasants belonging to the CUS: Luis Alfaro Centeno, Pastor Garcia Matey, Mariano Romero Melgare, Dámaso González Sánchez, Jesús Cárdenas Ordóñez, and Teodoro Matey Romero, who are being held at San Juan Rio Coco, and José Matey Ordóñez and Rafael Ordóñez Melgara, who are being held at Dalla, department of Madriz; and concerning the arrest of Miguel Valdivia of the Peasants' Trade Union of Posoltega, by members of the Sandinista army, stating that his whereabouts are unknown. The Government agreed to send information on these persons as soon as possible.

(c) Allegations concerning the  
hunger strike called by the CPT

The allegations presented by the ICFTU in this case also refer to the hunger strike called by leaders of the CPT when the Government failed to respond to the socio-economic claims of trade union confederations which make up the CPT. According to the complainant, the CPT had convened a press conference, during which those present were forcefully evicted by the police, which arrested José Antonio Jarquin, General Secretary of the CTN(A), although he was later released because of his status as a member of Congress, as well as Roberto Moreno Cajina, General Secretary of the CAUS, and Rafael Blandón, a trade unionist. Likewise, it was alleged that the police had repeatedly visited the headquarters of the CUS, in its search for trade unionists Alvin Guthrie and José Espinoza.

During the study mission's interview with the CPT leaders, the latter stated that the hunger strike began on 25 April and ended on 5 May, and that the premises occupied by the strikers had been surrounded by the so-called "black berets", who exercised psychological pressure against the strikers. Likewise, they stated that members of the CGT(I) have been pressured by state security forces to collaborate with them, and have been accused of receiving dollars. The trade union activities of the organisations which make up the CPT are seen as being part of a political plan. As regards the arrest of Roberto Moreno Cajina, General Secretary of the Confederation of Trade Union Unity (CAUS), it was reported that he had been arrested on five occasions, most recently while attempting to enter the CGT(I) premises, where the hunger strike was taking place; he was then imprisoned at the Palo Alto Gaol, although no charges were filed, and was released when the hunger strike ended. Likewise, as regards the allegations that the police are looking for Alvin Guthrie and José Espinoza, these trade unionists personally declared that they have had

no problems with the police recently, but stated that the CUS premises are being monitored by state security forces.

As regards these allegations, the Vice-Minister of the Interior stated that security forces had not broken into the premises, and that the 26 workers who went on the hunger strike were persuaded to end the strike by other trade union leaders. Moreover, he stated that the CGT premises where the hunger strike took place is located on one of the main thoroughfares of Managua (as the mission saw for itself), and for this reason it was surrounded by police with a view to maintaining order and ensuring the free flow of traffic; at all times, a Red Cross ambulance stood nearby to provide the strikers with any medical attention required. The Vice-Minister asserted that no police agents crossed the threshold of the trade union office, and that this fact can be confirmed by any of the national or international journalists who were present at the scene around the clock. However, according to the Standing Committee on Human Rights, the special tactical forces and the police attempted to dislodge the strikers, but in view of the resistance put up by the strikers, they decided instead to seal off the building, leaving 80 workers inside, including the strikers and others. The police then proceeded to cut off the supply of water and electricity and to prevent deliveries of food, thus making the situation unbearable for the strikers and compelling them to end the strike.

As regards the arrest on 29 April 1988 of Rafael Blandón, a trade unionist who participated in the hunger strike organised by the CPT, the Director of the CNPPDH reported that certain publications, copies of which were supplied to the mission, spread the news that Mr. Blandón had been murdered by the Sandinista police, and that on the same day the National Democratic Co-ordinating Unit sent a coffin to his home. Two hours later, however, Mr. Blandón was delivered alive and well to his family by the Ministry of the Interior. This event led to the temporary closure of Radio Católica and Radio Corporación.

(d) Allegations concerning threats to trade unionists

The ICFTU allegations also refer to threats made by the Sandinista Confederation of Workers (CST) against the CPT in pamphlets distributed on 6 July, to threats made by the Sandinista army against members of the CUS, in an effort to dissuade them from participating in an agricultural programme known as Ciclo Agrícola 88-89, organised by the CPT, and to withdraw from this organisation in favour of the Association of Agricultural Workers (ATC), which sides with the Sandinistas, and to the assault on 4 March 1988 of the so-called Sandinista mobs on the CGT(I) trade union premises, where the Permanent Congress of Workers (CPT) was meeting, the search of trade union premises in the presence of the Sandinista police, and the threats made to CPT trade union leaders. The allegations also refer to the stoning, on the night of 10 July 1988, of the CUS headquarters in Managua by unidentified persons, who broke windows and damaged an

automobile belonging to the CUS, and to the authorities' refusal to authorise a demonstration organised by the CPT for 17 July 1988, to protest against government repression and the high cost of living.

As regards the stoning of the CUS headquarters on 10 July 1988, the Vice-Minister of the Interior informed the mission that none of the agencies consulted in this respect had any record of these events. With respect to the various allegations of repression against CPT leaders, he stated that the trade union confederations which make up the CPT often clash with the authorities, not for trade union reasons, but because of political activities sponsored by political parties; he stated that the CUS has clashed with the authorities for political reasons, and that such was the case of Mr. Carlos Huembes (see the following paragraphs); he added that the trade union activities of this organisation had not given rise to any problems. The leaders of the CUS use trade union activities for political ends, taking advantage of the international attention focused on this area. He stated that, in his opinion, the politisation of trade union activities would not pose a problem, so long as the laws were respected. He added that, following the events which took place in Nandaime (see the following paragraphs) and the political context surrounding them, the authorities are somewhat reluctant to issue permits. He repeated in writing that the General Office for National Security and the Sandinista police did not participate in any way in the assault on the CUS headquarters in Managua.

(e) Arrest of trade unionists during a demonstration held in Nandaime

The WCL communication of 19 August 1988 alleged that on 10 July 1988 the authorities arrested 45 persons who were participating in a demonstration in the town of Nandaime, including the General Secretary of the Confederation of Workers of Nicaragua (CTN), Carlos Huembes, and stated that it was convinced that the true reasons for his arrest were his trade union activities. The WCL stated that the demonstration had been authorised by the authorities and that some days later, several of those arrested were shown on television while it was announced that all 45 persons in question had been sentenced to six months' imprisonment. The communication also alleged that the Ministry of the Interior had commuted the sentences of 39 of these persons, but that they had not yet been released. Among those imprisoned were Evaristo López Martínez, Francisco José Rodríguez Ganvoa, Félix Antonio Hernández Murillo, Alfredo Hernández Lara, Pablo Mendoza Guevara and Julio César López Reyes.

As regards the detention on 10 July 1988 of the General Secretary of the CTN, Mr. Carlos Humberto Huembes, and that of other persons who were participating in a demonstration in the town of Nandaime, the Attorney-General, Dr. Omar Cortés, explained that this was not a trade union demonstration but a political demonstration, and that Mr. Huembes acts in a double capacity as a trade union leader and as president of the Nicaraguan Democratic Co-ordinating Unit, which

comprises trade union organisations, employers' organisations and 14 opposition political parties. According to the Attorney-General, the demonstration deviated from the itinerary which had been approved by the authorities; the police requested the demonstrators to follow the approved itinerary, which led to a disturbance of the peace on the public thoroughfare and to the injury of 14 to 16 policemen, as well as damages to homes in the neighbourhood and to police vehicles. As regards the judicial proceedings in this case, he explained that the examining police magistrate is responsible for determining whether these facts constitute a violation which comes under the jurisdiction of the police or the ordinary criminal courts, adding that his decision is provisional and subject to confirmation. In this case, the police magistrate's decision was reviewed and the case was handed over to the ordinary criminal courts, inasmuch as the violation of state security and public order, contempt of the Ministry of the Interior and damage to private property fall under their jurisdiction. The Attorney-General stated that the court has video cassettes and photographs of the demonstration, as well as the testimony of eyewitnesses, which prove that United States Embassy personnel were present. Moreover, he ventured the opinion that incidents such as that which took place in Nandaime reflect a lack of political maturity by the opposition, which abuses its rights, and that legislation in Nicaragua tolerates opposition within the legal framework, but sanctions infractions of the public order and aggressions against the authorities. Certain specific and proven events took place in Nandaime, but the attorneys for the defendants have adopted a belligerent attitude and addressed defamatory letters to the judges involved in the case without, however, making use of existing legal machinery to impune judges they consider incompetent. Thus, the defence has acted on a political rather than a juridical level, and has engaged in delaying tactics; as an example, he cited the delay in submitting a request for a change of venue. He reiterated that Mr. Huembes participated in the demonstration as President of the Nicaraguan Democratic Co-ordinating Unit, and that the slogans shouted and displayed at the demonstration were purely political. He also noted that a demonstration organised by the CPT (CUS, CTN(A), CAUS, CGT(I)) on 1 May 1988, on the other hand, took place without incidence, since the organisers respected legal requirements. The case of Nandaime cannot be viewed outside of the current national context, or without overlooking the important fact that United States Embassy personnel were present at the demonstration.

During the mission's interview with the Vice-Minister of the Interior, the latter reported that Mr. Huembes had been arrested for having led a political demonstration which ran afoul of the law, and not for his status as a trade unionist. Likewise, he stated that the demonstration took place at a time when the United States Congress was discussing financial aid to the "contras", and that a plan to destabilise the country had recently come to light, and had been denounced by the United States Congressman, Jim Wright. The Nandaime demonstration was part of the plan to create a political provocation; it also led to the temporary closure of the "La Prensa" newspaper and the Radio Católica radio station, and the expulsion from the country of the United States Ambassador and seven officials of the United States

Embassy. Moreover, he stated that some of the demonstrators were armed with knives and clubs, and injured some 15 policemen. At the same time, other demonstrations were held by the political opposition, with no interference from the authorities. Mr. Huembes' trial has been given full publicity and is currently in criminal court. As regards the WCL allegations concerning the other persons who were arrested during the same demonstration, the Vice-Minister stated that the Ministry of the Interior had not ordered their release and that judicial proceedings were in progress in the ordinary criminal courts.

I informed the Government of the mission's interest in visiting Mr. Carlos Huembes at the Fourth Regional Penitentiary (La Granja), where he was being held. The mission was authorised to visit Mr. Huembes, and furnished assistance to this effect. Thus, we were able to speak freely and in private with Mr. Huembes, as we had requested. On the subject of the Nandaime demonstration, he stated that it had followed the approved itinerary and that the disturbances took place at its destination when the police attacked the demonstrators. He also told us that the march had been organised by the Nicaraguan Democratic Co-ordinating Unit, of which he is president, and that it was a political demonstration designed to explain to the people the peace agreements reached at Esquipulas (agreement signed by the Central American Presidents with a view to finding a solution to the confrontations in the region). The CTN, an organisation of which Mr. Huembes is the General Secretary, is a member of the Nicaraguan Democratic Co-ordinating Unit; however, he stated that he participated in the demonstration as President of the Co-ordinating Unit, and not as General Secretary of the trade union organisation. He claimed that the so-called "Destabilisation Plan" was a fabrication of the Government, intended to repress the opposition. While it was undeniable that United States Embassy personnel were present at the demonstration, he stated that since it was a public demonstration, he had no way of preventing them from being there. As regards the banners which the authorities found insulting, he noted that the authorities also use similar language when referring to the opposition. Moreover, he reported that he had not had any problems with the authorities during the march held on May Day. As regards the status of his case, he reported that it was in the common courts, but that his lawyers had appealed the wording of the charges. However, he stated that the judge in the case is a former member of the Sandinista army, and that he receives his instructions from the Government. He also stated that he had not been mistreated physically, but that he is confined in a cell along with 45 other persons, and that sanitary facilities and medical care are insufficient. He also stated that 38 other persons were arrested during the Nandaime demonstration, and that they were imprisoned with him.

As regards these arrests, the Director of the CNPPDH stated that the Government was correct in sending the case to the ordinary courts, making it possible to review the proceedings. In her opinion, Mr. Huembes did not participate in the demonstration as a trade unionist, but as a political leader. Moreover, she stated that the Committee has monitored the health and conditions of confinement of

the persons concerned, as well as compliance with proper procedures. She noted, however, that for political reasons, many lawyers prefer to argue their case "in the newspapers", thus obstructing the judicial process. The Director of the Standing Committee on Human Rights (CPDH), an organisation independent of the Government, confirmed that Mr. Huembes participated in the Nandaime demonstration as a politician, and not as a trade union leader.

As regards the allegations presented by the ICFTU concerning the closure of Radio Católica on 11 July for an indefinite period, and that of the "La Prensa" newspaper for a period of 15 days, the written communication delivered to the mission by the Ministry of the Interior states that on 11 July 1988, Radio Católica, with malicious intent, broadcast incorrect information concerning the events in Nandaime; although it received warnings from Government authorities by phone, it continued to broadcast such misinformation, in violation of the Act concerning the media. Thus, in accordance with the above-mentioned Act, the Government decided to suspend the station's broadcasts. Likewise, on 11 July 1988, the "La Prensa" newspaper was closed down for a period of 15 days for continuing with its disinformation campaign which sought to undermine national security and national defence, to libel officials, incite public disorder, violence and civil disobedience.

#### B. Complaints presented by organisations of employers

##### Case No. 1344

The IOE had presented the following allegations in this case: the confiscation of property, land and enterprises belonging to several leaders of the Nicaraguan Council of Private Enterprise (COSEP), including property belonging to its then president, Mr. Enrique Bolaños, in 1985. Moreover, the Communications Authority had forbidden the newspaper "La Prensa" from publishing an open letter drafted by the COSEP, as well as the replies drafted by Mr. Bolaños concerning the confiscation of his land, and concerning the confiscation of land belonging to another leader of the COSEP, Mr. Ramiro Gurdián, in 1983; according to the complainant, this represented a form of harassment against the leaders of that organisation.

In its conclusions concerning this case, the Committee had taken note of the explanations provided by the Government to the effect that the confiscation of land was necessary for the purposes of agrarian reform, and expressed preoccupation that these measures had discriminated against a large number of COSEP leaders. The Committee also expressed the hope that the persons in question would be fairly compensated for their losses as provided for by law.

As regards the allegations concerning the confiscation of land under the Agrarian Reform Act, the mission interviewed Mr. Ramiro Gurdíán, currently the First Vice-President of the COSEP and President of the Union of Nicaraguan Agricultural Producers (UPANIC), whose land had been confiscated, as well as several other COSEP leaders who stated that the confiscation of land was part of a systematic harassment inasmuch as it was discriminatorily and unjustly aimed at COSEP leaders. Likewise, Mr. Gurdíán stated that his land had been confiscated in accordance with Legislative Decree No. 1265, and that it had not been taken over by local peasants, as the Government had stated. He added that it was not true that he or Mr. Bolaños had been offered compensation. Moreover, he stated that the percentage of COSEP members whose land had been expropriated was very high and that, in practice, the persons concerned did not have the right to appeal these decisions before the Agrarian Court.

During the course of the meeting with the leaders of the National Union of Farmers and Cattle-breeders (UNAG), the mission was informed that this organisation represents small- and medium-sized rural landowners, co-operatives and independent producers who account for 80 per cent of grain production (sorghum, corn, etc.), 34 per cent of coffee production, 32 per cent of cotton production, and 73 per cent of livestock. They stated that the confiscation of land under the agrarian reform programme is part of a policy to achieve a necessary structural transformation. The UNAG leaders consider that their organisation represents the most reliable and realistic check against the occasional instances of arbitrary or excessive measures undertaken within the framework of agrarian reform. They added that the confiscation of land had affected not only members of the COSEP, but also many members of the UNAG; their legal department is currently pleading 13 cases in which they consider the expropriation to have been unjust: eight of these cases involve members of the UNAG, and five involve members of the COSEP. They also stated that compensation has been awarded in some cases on various grounds, citing as an example 40 cases in which compensation was suitably negotiated in the VI Region. The members of the UNAG stated that they, as the producers' association, preferred to enter in negotiations, than to oppose the agrarian reform, since the reform was necessary to achieve a better distribution of productive land, the relocation of peasant families that have been displaced as a result of the war, and the transformation of agrarian structures, although they considered that the State should be the first to turn over its lands for these purposes. They recognised the need for the democratisation of the economy and noted that only 12 per cent of Nicaraguan land is being properly exploited; they believed that private producers should achieve greater productivity than the State, especially in order to preserve the mixed economy model adopted by the Sandinista Government.

During the mission's meeting with the Vice-Minister of Agricultural Development and Agrarian Reform, Comandante Alonso Porras explained that before 1979, 2 per cent of landowners owned approximately 40 per cent of productive land in Nicaragua, and that there were more than 150,000 landless peasant families (which, on the

basis of five persons per family, is equivalent to 750,000 persons), making agrarian reform a social and human necessity in Nicaragua, which has a population of 3,600,000.

The Vice-Minister gave a detailed account of the application of the Agrarian Reform Act, explaining that it is not applied on the basis of surface area, but on that of inefficient social and economic production; rather than aiming at egalitarianism in landownership, the purpose of the agrarian reform is to ensure that the land plays its proper social function, and to obtain a more efficient exploitation (in spite of the difficulties of defining this concept). The Agrarian Reform Act promulgated in 1981 has led to the redistribution of 720,000 blocks of land (one block of land is equivalent to 0.8 hectares, or 7,056 m<sup>2</sup>), among some 112,000 peasant families. This Act was amended in 1985 because it did not provide for the massive displacement of peasants from approximately 400,000 blocks of productive land which the war had rendered non-productive. The 1981 Agrarian Reform Act established five classes of land subject to expropriation: (a) abandoned property; (b) idle property; (c) inefficiently exploited property; (d) land rented or transferred in any other way; (e) land which was not worked directly by its owners, but by peasants working under a sharecropping, precarious or other form of peasant exploitation. The 1985 amendment invoked the concept of "public utility and social interest" in an attempt to solve the problems of displaced peasants. The Vice-Minister also stated that the 1981 Act stipulated that land expropriated under the agrarian reform could not be smaller in size than 500 blocks, but that this minimum was abolished in 1985 in order to meet the needs of displaced peasants. The Vice-Minister stated that the confiscation of land is carried out in accordance with current legislation because the Government recognises that the illegal confiscation of land leads to anarchy; moreover, it is the Ministry's policy not to negotiate with farmers who illegally occupy another's land. He added that in the early stages of the new Government, the risk of anarchy and chaos was very great, owing to the generalised unemployment among temporary agricultural workers, in particular.

During the course of a second meeting with the leaders of the COSEP, the mission was informed that negotiations in cases involving the expropriation of land for reasons of public utility and social interest were carried out under terms imposed by the Government; they stated that it is difficult to run a farm efficiently in the current situation, because the Government controls the necessary inputs for efficient production, and that the Government uses the ensuing inefficient production to justify the expropriation. They maintained that the farm confiscated from Mr. Bolaños is now held by the State, and that the expropriation was unjust, inasmuch as Mr. Bolaños was one of the country's most efficient producers. They added that Mr. Bolaños' enterprises, which encompassed more than his farmlands, were confiscated "manu militari", and that Mr. Balaños sought to bring a lawsuit in the matter of the expropriation of his crop-spraying enterprise, which serviced several producers; he dropped the lawsuit one year later, as the courts had failed to take any action. They

stated that the courts are politicised and defend the interests of the Government; as an example, they cited the case of Mr. Alegria (see Case No. 1454). They stated that there are no judicial guarantees in Nicaragua, and that the Government has only recently introduced the first draft of a Bill to establish a proceeding for relief.

As regards the statements made by the leaders of the UNAG, the COSEP leaders stated that, although it was true that members of the UNAG had also been affected by the agrarian reform, it was necessary to point out that the UNAG, as well as the Association of Agricultural Workers (ATC), engaged in the illegal occupation of land. They stated that although a private producers belonging to the UNAG oppose the Government, the organisation's leaders do not; this explains the privileges enjoyed by this organisation, including the benefits of an agreement between the Government of Nicaragua and the Government of Sweden for the supply of inputs.

As regards the case of Mr. Ramiro Gurdián, they stated that the Sandinista units often encourage the illegal occupation of lands, and that the Government later intervenes to bring about a conciliation; it sets up inefficient and poorly organised peasant co-operatives which are unable to repay their bank loans; as a result, they must eventually file for bankruptcy and the land reverts to the State. Mr. Gurdián reported that he had taken his case to the Supreme Court of Justice, which ruled that the Government had the right to confiscate his land on grounds of public utility. The COSEP leaders stated that much of the best land is held by the State, and that the State should redistribute this land before expropriating land belonging to the private sector. Earlier, the Vice-Minister had informed the mission that this was being done, stating that the lands held by the State had fallen from 22 per cent of the total in 1979, to 12 per cent at present.

The leaders of the COSEP gave the mission a copy of a study carried out by the legal department of the Union of Nicaraguan Agricultural Producers (UPANIC), entitled "Legal brief describing the countless expropriations of property from the Nicaraguan private sector by the Sandinista Government (1979-88), by means of decrees and legislation which violate the most basic universal legal principles". This brief states that "recourse is not made to the agrarian courts and authorities because the person concerned has no guarantee of a fair trial and a final review by the competent judicial authority, whether by appeal or under a proceeding for relief"; likewise, the brief states that the compensation for the confiscation of land is based on tax criteria, a procedure which has been rejected in the legislation of many countries and by many respected authors; compensation is generally paid by means long-term bonds (from 15 to 25 years), which means that owing to galloping inflation, the landowner will eventually receive a sum with vastly reduced purchasing power. Therefore, it would be more appropriate to speak of confiscation than expropriation, or at least of unfair compensation. In the interest of justice, compensation should reflect the real value of the expropriated property; it should be paid in cash; and it should be paid in

advance. This is the fairest approach, for only in this way can the person concerned acquire property similar in value to that which has been expropriated, or receive a fair compensation for his skills and work. This approach would improve somewhat the outlook for persons affected by expropriations.

Moreover, the above-mentioned brief states that "since 1983, Nicaragua has adopted a proceeding for relief, which has a long tradition in the judicial branch. This proceeding for relief has been used against legislation and other government actions, orders, provisions and instructions; however, it is not currently granted in connection with agrarian legislation or the resolutions of the agrarian authorities, and it is almost invariably suppressed as regards the special laws which are currently being promulgated (tenants, etc.), and this renders illusory any compliance with the guarantees defined in the Fundamental Statutes of Nicaragua". The brief adds that the Courts of Appeal (where proceedings for relief are filed) and the Supreme Court of Justice (where the case is decided) have refused to admit for proceedings for relief in agrarian matters; therefore, it is impossible to appeal against the Agrarian Reform Act and its many violations of Fundamental Statutes (including international treaties and commitments), or against agrarian resolutions. The brief also concludes that "the promulgation of the Constitution of January 1987 guarantees the inalienable right of the citizen to proceedings for relief; therefore, the provisions in the Agrarian Reform Act which do not permit appeals before the Supreme Court, are currently illegal".

The brief supplied by the COSEP states that the Ministry of Agricultural Development and Agrarian Reform pretends to act also as judge, inasmuch as the orders of expropriation are made by the Minister, based on a technical report prepared by the Ministry, in a procedure which does not allow the person concerned to appoint his own expert with a view to enabling the Ministry to issue a just and fair decision; the current Government seeks, in one way or another, to bring an end to private property and abolish private enterprise, whatever the cost.

The report concludes with the following observations:

- (1) Section 2(a) and (d) of the old Agrarian Reform Act provided compensation for the expropriation of idle, inefficiently exploited or abandoned land; the new Act provides no compensation whatsoever for these types of land, resulting in a true confiscation or usurpation. This provision is in contradiction with the universal principle, endorsed by Nicaragua, that "no one may be deprived of his property without fair compensation".
- (2) Section 2(a) of the old Agrarian Reform Act concerned idle or inefficiently exploited land belonging to persons owning more than 500 blocks of land in zone A, or more 1,000 blocks of land in zone B; section 1(e) of the new Act provides for the expropriation of land belonging to persons owning more than 50 blocks of land in Regions II, III and IV, or more than 100 blocks of land elsewhere.

- (3) Under the old Agrarian Reform Act, land could be expropriated only in connection with agrarian reform; under the new Act, the Ministry of Agricultural Development and Agrarian Reform is authorised to expropriate any kind of property on the grounds of public utility or social interest; this provision enables the Minister to expropriate any kind of property for whatever reason.
- (4) Expropriations for agrarian reform, or for any other reason, amount to confiscations, since the bonds destined for compensation were never issued; in one way or another, the person concerned loses everything, while the Sandinista administration unjustly and illegally accumulates wealth.
- (5) The regulation of the amendment to the Agrarian Reform Act concerning compensation and the form of payment does not comply with the Act's requirements (section 2): "The amount, form, interest and conditions of compensation shall be established in the regulation of the present Act." The regulation, however, fails to comply with the Act (section 17): "The issuance, redemption, interest rates and other particulars of agrarian reform bonds shall be established in accordance with tax principles and regulations adopted for that purpose." This situation renders the regulation null and void, and therefore makes the Act inapplicable.
- (6) Section 32 of the amendment to the Agrarian Reform Act abolishes the landowner's right to property in providing that: "transactions involving a change of ownership of farmland must be expressly authorised by the Ministry of Agricultural Development and Agrarian Reform ...". From this it follows that the Ministry of Agrarian Reform exercises the rights of ownership over all lands in Nicaragua, since their sale depends not on the will of the legitimate owner, but on the omnipotent decisions adopted by the Ministry of Agricultural Development and Agrarian Reform.
- (7) Section 2(d) provides that "land leased or transferred in any other way" may be set aside for agrarian reform; section 4 authorises the tenant to extend indefinitely the lease contracts for land which are not subject to agrarian reform. In cases in which the landowner wishes to terminate the leasing arrangement, or work his own lands, the Ministry of Agrarian Reform may expropriate the land; this means that once a landowner leases his land or transfers it to a third party under any arrangement, it is virtually expropriated, for the land may be used only by the tenant or expropriated by the Ministry. However, the Government is not under the obligation to continue leasing the land to the tenant, once the land has been expropriated.
- (8) Section 12 establishes "a priori" the "setting of the date for the transfer of ownership of expropriated land", which means that there is no point in legal proceedings to determine the public utility or social interest of the land concerned, since the landowner is completely defenceless, and it is assumed in advance

that there are grounds for expropriation. Instead, the expropriation should be handled through a process which allows both parties to participate.

Lastly, the brief contends that the amendment to the Agrarian Reform Act now authorises the Minister of Agricultural Development and Agrarian Reform to expropriate land on the grounds of public utility and social interest; this tends to substantiate allegations to the effect that the Ministry did not have the right to expropriate property before that date. Consequently, the expropriation of land by the Ministry prior to the amendment, on grounds of public utility or social interest, constituted an abuse of power, and justifies proceedings for annulment, the return of property, the payment of damages and the sanctioning of responsible officials.

As regards the compensation for landowners whose land has been expropriated, the Vice-Minister explained that according to the Agrarian Reform Act, compensation for expropriation on grounds of inefficient production or non-utilisation, is made by means of state bonds which accrue interest at a rate tied to that of inflation, and which may be used to repay bank loans. He added that compensation is not provided in cases in which the land is idle or has been abandoned. Where the expropriation is based on public utility or social interest, compensation is direct or made by means of land swaps, and is paid regardless of the efficiency or productivity of the land. Since 1985, even small farms have been expropriated to meet the needs of displaced peasants. Likewise, in accordance with section 21 of the Act, the Ministry of Agricultural Development and Agrarian Reform may choose other methods of compensation. The amount of such compensation is determined by the Ministry's assessors, based on the average income shown on tax returns for the past three years. The same Act also states that land which has become the property of the State may be set aside for agrarian reform. In this connection, the mission was informed that state lands, which were the first to be set aside for redistribution, have fallen from 22 to 12 per cent of the country's total, and that the lands held by large landowners (more than 500 blocks) have fallen from 36 to 9 per cent. In connection with the compensation for the confiscation of lands belonging to Mr. Enrique Bolaños, the Vice-Minister also stated that Mr. Bolaños had rejected several proposals for settlement made through public and private channels; according to the Vice-Minister, it was necessary to expropriate Mr. Bolaños' farm for social reasons, inasmuch as it was located in an area consisting primarily of small farms (which the mission was able to verify during its visit). The Vice-Minister stated that the Government is still willing to negotiate with Mr. Bolaños, and regrets that, until now, he has chosen to politicise the case.

The Vice-Minister made it possible for the mission to visit the farm which had belonged to Mr. Bolaños, and during the course of this visit we were able to confirm that it is growing large crops of grain (primarily corn, rice, as well as beans and yucca). We were informed that some 90 peasant families now occupy the farm, and that they are organised in three credit and service co-operatives. While on the

farm, we interviewed representatives of these co-operatives, who stated that the lands were delivered to them in 1985, when they were declared to be of public utility and social interest. All of the peasants are from the region, and most of them used to work for Mr. Bolaños, under what they termed precarious conditions. Now they are individual producers; they receive credit and technical assistance from the State, and have the right to small plots of land.

The Vice-Minister also emphasised that the expropriation of land has not affected one producing sector or political group more than another, since it has been applied equally with respect to all such groups, and the Government has always sought to carry out its agrarian reform policy within a legal framework. He admitted, however, that certain injustices may have been committed owing to the profound social changes taking place in Nicaragua, but that abuses, if any, could be appealed before the Agrarian Court, an administrative tribunal; moreover, the new Constitution also makes it possible to appeal before the ordinary courts, and to pursue the case to the Supreme Court of Justice through administrative proceedings for relief. He added that it was the Ministry's policy to review its own decisions concerning expropriations, and that in various cases where the review had identified mistakes, the expropriations had been revoked before the cases reached the Agrarian Court. As regards the expropriation of land belonging to Mr. Gurdián, he stated that the land had, in fact, been taken over by the peasants, and that subsequent procedures had legalised the situation and expropriated the land for the purposes of agrarian reform. He also stated that Mr. Gurdián had not accepted the bonds offered in compensation, and noted that the Government, more than anyone else, wished to settle these cases, since others sought to draw political advantage from them.

Lastly, the Vice-Minister stated that this fundamental transformation in landownership is virtually complete, and the Government is now focusing its efforts on stimulating production on expropriated lands through peasant co-operatives, and technical and financial assistance. He showed the mission a series of tables which indicated that from October 1981 to December 1982, the expropriations of land affect 200 landowners who owned 279 farms with a total surface area of 264,448 blocks, while in the period from January to May 1988, only 14 farms belonging to 17 landowners, with a surface area of 9,000 blocks, had been expropriated.

Concerning the administrative proceedings for relief before the Supreme Court, appealing the decisions of the Agrarian Court, the President of the Supreme Court told me that between 1979 and 1988 there had been 12 such cases: four of them had been decided, six were being reviewed, one was being processed, and one was pending notification. He stated that the proceeding for relief existed before the new Constitution, according to the Court's own jurisprudence, but that it was little used. Over the same period, according to statistics furnished by the Vice-Minister of Agrarian Reform, 1,139 expropriations were declared, affecting 971 landowners and a total surface area of 720,376 blocks.

Case No. 1454

The allegations in this case were presented by the International Organisation of Employers (IOE) and the Nicaraguan Council of Private Enterprise (COSEP), and concerned the arrest and imprisonment on 31 May 1988, in an unknown detention centre, of Mr. Mario José Alegría Castillo, Director of the Nicaraguan Institute for Social and Economic Studies (INIESEP), an agency of the COSEP, which carries out and publishes analyses of the country's economic situation. Mr. Castillo is accused of being an agent of a foreign intelligence service, of having fraudulently obtained state documents, and of having organised a network of informers who have infiltrated certain government institutions. The IOE and COSEP communication denies the charges filed against Mr. Alegría, and adds that the secret police confiscated documents at the INIESEP headquarters and prevented the leaders of the COSEP from drawing up a list of the confiscated documents. More generally, the communication alleged that sections 7(b) and (c), of Decree No. 888 of 1982, which reserves the monopoly for the publication of economic data to the Nicaraguan Institute of Statistics and Census (NEC), as well as Decree No. 512 of 1980, infringe the right of the COSEP and INIESEP to publish their research and conclusions concerning the economic situation in Nicaragua.

In a separate communication the IOE and the COSEP sent additional information on this case, including a summary of the defence presented on behalf of Mr. Alegría before the District Judge, published in "La Prensa", which invoked the constitutional right to "solicit, receive and publish information", as well as a list of confiscated documents, a statement issued by Mr. E. Bolaños, President of the COSEP, concerning the infractions of the right to defence, as guaranteed in article 34 of the Constitution, when the Government compelled Mr. Alegría and Mrs. Nora Aldana, also under indictment in this case, to appear on a Sandinista television broadcast and make statements which might incriminate them, and concerning the supposedly secret nature of a series of documents which are widely circulated among the opposition in Nicaragua.

Moreover, in another communication the IOE and the COSEP reported that Mr. Alegría was sentenced to 16 years' imprisonment, and that the COSEP had protested against the sentence. The communication alleged that the defendant's right of defence was not respected, that the court's decision was legally unfounded, and that certain other rights guaranteed by the Constitution, such as the right to solicit, receive and publish information, had been violated.

The complainants also alleged that by means of an order dated 3 May 1988, the Government had ordered the closure of Radio Corporación, Radio Católica, Radio Noticias and Radio Mundial, and that on 13 June the Media and Communication Office of the Ministry of the Interior had threatened to close eight independent radio stations, temporary or definitively, if they continued to broadcast information on the economic crisis in Nicaragua. In addition, the communication

stated that the "La Prensa" newspaper had been closed down for two weeks as from 11 July, and that Radio Católica had been closed down indefinitely.

The Attorney-General informed the mission that the proceedings against Mr. Alegria were based on evidence collected by security forces which pointed to his criminal responsibility for offences against the State. He explained that according to this evidence, Mr. Alegria purchased information, primarily from Mrs. Nora Aldana, also under indictment in this case, who worked for the Government and had access to confidential information. It was in this manner that he came to have knowledge of the 88-90 Economic Plan, which Nicaragua considers as confidential information since it defines the country's economic strategy in a time of war. This information, which identifies all sources of financing and supply, would enable the enemy to destabilise the country. The Attorney-General added that Mr. Alegria had also purchased similar information from officials of the Central Bank and the Foreign Trade Office, and that he communicated such information to an official of the United States Embassy, who has since been expelled from the country. The Attorney-General noted that there is freedom to undertake economic research in Nicaragua, provided one relies on official sources and complies with the law. He stated that Mr. Alegria had engaged in bribery to commit the most serious offences against national security, and it was on these grounds that he was tried. The case has been appealed in the courts of Managua, and the record of proceedings includes certified statements by the Ministry of the Economy concerning the importance of the information illegally obtained by the accused, and its confidential nature, which the attorneys for the defence have not challenged.

As regards Mr. Alegria's case, the communication supplied by the Ministry of the Interior states that Mr. Alegria was arrested on 31 May 1988 and tried by the Third District Criminal Court of Managua, which sentenced him to 16 years' imprisonment for crimes against national security, and for revealing secrets and publishing confidential official information. His case is currently before the Managua Court of Appeals.

The Director of the National Committee for the Promotion and Protection of Human Rights (CNPPDH) informed the mission that, in her opinion, it had been proved that Mr. Alegria's case involved a common-law offence. She reported that the accused was being held at a temporary detention centre in Managua, where he was allowed to work, and added that inasmuch as indictment proceedings in Nicaragua are not secret, the accused and his attorneys have full access to the record of proceedings.

The Director of the Standing Committee on Human Rights (CDPH), which is unaffiliated with the Government, stated that in his opinion, Mr. Alegria's case had clear political overtones. While he did not know whether Mr. Alegria had indeed bribed public officials, he did know that the allegedly secret documents circulated widely among the opposition. It was his understanding that the evidence on which the

judge had based his decision consisted of a confession on video tape, which had been made in the State's detention centre. Moreover, he informed us that the summary proceedings had lasted only 13 days. The judge in this case had formerly been the president of a people's anti-Somoza court; when those courts were abolished, he became a district criminal judge in Managua, in a court recently set up to hear political cases. Mr. Alegria was the Director of the Nicaraguan Institute for Economic and Social Studies (INIESEP), but was not a member of the COSEP board of directors; the above-mentioned Institute continues to operate.

Concerning Mr. Alegria's case, the Ministry of Labour furnished a certified copy of the sentence handed down against him, as well as sentences against others implicated in the case. The sentence is rather long, and contains the legal and factual grounds on which it was based. The most noteworthy points are the following: the sentence provides details of evidence which established the guilt of Mrs. Nora Aldana Centeno, an official of the Nicaraguan Food Programme, who, according to the sentence, supplied information on secret economic plans to officials of the United States Embassy (identified by name), and to Mr. Mario José Alegria Castillo, in exchange for money and personal favours for her son, who had been deported from the United States. According to the sentence, Mrs. Aldana sold to Mr. Alegria documents concerning statistics for the 1986-87 Economic Plan, for the sums of 3,500 córdobas, and 100,000 córdobas. The sentence also states that Mr. Alegria came into possession of the following secret documents: the 1988-90 Economic Plan, the 1987 Evaluation and Prospects, and attached statistics. Chapter 9 of the 1987 Economic Plan, entitled "Internal Finances, 1988 Balance Sheets, 1987 Economic Programme of the Ministry of Internal Trade (MICOIN); MICOIN Master Plan for 1988; documents concerning Enterprise Systems, the Status of Supplies, June 1987; Evaluation Report of the 1987 Supply Plan, documents concerning the Procedure for Issuing and Renewing Trade Licences; 1987 Supply Evaluation; Trade Price and Margin Policies". Likewise, the sentence states that Mr. Alegria obtained from Mr. Pedro Su Olivas, an official of the Central Bank of Nicaragua, documents containing statistics on monetary balances, which he forwarded to the economic adviser at the United States Embassy (identified by name). From Mr. Adrián Espinales Rodríguez, a financial analyst with the Ministry of Internal Trade, Mr. Alegria obtained a copy of the Domestic Trade Statistics for 1987, for which he paid 50,000 córdobas, and a copy of the Annual Domestic Trade Production and Consumption Statistics, for which he paid 200,000 córdobas by means of a cheque. The sentence states that Mr. Alegria made a study of national production and supply, which he delivered to the above-mentioned official of the United States Embassy. The sentence adds that in February 1988, Mr. Alegria requested Mrs. Aldana to obtain statistics concerning the demand and consumption of commodities, and statistics on the 1988 national balance, for which he paid 3,500 new córdobas, and which he then delivered to the above-mentioned official of the United States Embassy. The sentence states that these documents, like the others, were classified and secret. The sentence also states that Mr. Alegria managed to obtain from Mr. Su Olivas, who held the post of

General Manager of International Accounting of the Central Bank of Nicaragua, monetary statistics for the months of October and November, as well as balance sheets and profit and loss statements, and foreign currency and deposit statements which were confidential and reserved to bank managers. In exchange for this information, which according to the sentence was delivered to the economic adviser of the United States Embassy, Mr. Alegría obtained a visa for Mr. Su Olivas, enabling him to travel to the United States. The sentence also states that Mr. Alegría requested from Mr. Adrián Espinales a copy of annual production and domestic trade consumption statistics, for which he paid 200,000 córdobas by means of a cheque; INIESEP then undertook an analysis of national production and supply, which it delivered to the above-mentioned economic adviser. Mr. Espinales also delivered to Mr. Alegría a document entitled "Trade statistics for 1987 and 1988", which was also classified as confidential. Following a lengthy exposition of the offences and the legal provisions in question, the sentence explains that the judge visited the state security installations in order to view the video cassettes, which according to the prosecutor, contained statements made by Mrs. Aldana and Mr. Alegría. The sentence also states that the Vice-President of the Central Bank of Nicaragua made an official statement concerning the nature of the documents which had been found in Mr. Alegría's possession. The sentence notes the sensitive nature of these documents in Nicaragua's current circumstances, and their implications for national defence. Refuting the arguments presented by the defence attorneys to the effect that the documents confiscated from Mrs. Aldana, Mr. Su Olivas and Mr. Espinales, and later delivered to Mr. Alegría, were publicly known, the sentence states that it is well known that citizens may approach public institutions through the appropriate channels with a view to obtaining information which may be considered public in nature, but that the above-mentioned officials revealed secret and restricted information without authorisation, and in exchange for money, privileges or favours. The sentence condemns Mrs. Nora Aldana to 13 years' imprisonment for breach of section 1(b), of Decree No. 1074 (Act concerning public security), and to three years' imprisonment for breach of sections 538(a), 540(3) and 542 of the Penal Code; it condemns Mr. Mario Alegría to 13 years' imprisonment for breach of section 1(b) of Decree No. 1074, and to three years' imprisonment for breach of section 538(c), 540(3), and 542 of the Penal Code. The sentence condemns Adrian Espinales Rodríguez and Pablo Su Olivas to three years' imprisonment for breach of section 1(b) and (g) of Decree No. 1074.

## VI. Final comments

Although it is not for me to present conclusions on the trade union and labour situation in Nicaragua since the purpose of my visit was to carry out a study mission, I nevertheless feel it worth while to present some general comments which may be of help to the Committee

---

on Freedom of Association and the Governing Body in drawing up their conclusions and recommendations.

First of all, I should like to emphasise that the mission, in meeting a considerable number of persons from government, employers' and workers' circles, was able to obtain a full picture of the trade union and labour situation in the country, especially since all the persons with whom the mission spoke were obviously expressing their views sincerely and apparently without any fear as to the consequences of their statements.

Throughout the mission I was able to observe that the special circumstances prevailing in Nicaragua since 1979, when the Sandinista Revolution took place, the situation of conflict in which it is involved on the international scene and the serious economic difficulties - characterised by hyper-inflation - the country is experiencing have naturally resulted in an atmosphere of tense confrontation. This enabled me to see how difficult it is for many Nicaraguans to be completely objective at such a complex juncture in their country's history. According to the Attorney-General, the war situation compelled the Government to adopt mainly a survival strategy, rather than aim for development.

Despite this situation, which is difficult from every point of view, a trade union movement and pluralist associations unquestionably do exist in Nicaragua. I met the leaders of seven different inter-occupational trade union confederations, of all shades of political opinion, and the leaders of four national employers' organisations. Admittedly, some of the employers' and workers' organisations are encountering difficulties, but they nevertheless carry out a certain number of activities, especially in the field of collective bargaining.

I must point out, however, that Nicaragua today is in an anachronistic situation from the legislative point of view, especially in labour matters, as has been recognised by the Minister of Labour himself. The main laws on labour-management relations, such as the Labour Code and the regulations on trade union associations, are a legacy of the previous regime and obviously no longer correspond to the present situation.

The Government has undertaken to prepare a new Labour Code in consultation with the organisations of employers and of workers and in co-operation with the International Labour Office. This undertaking corresponds moreover to the wishes of the organisations, which are all calling for the adoption of new legislation. The Minister of Labour has emphasised in this respect that the process of adopting legislation calls for great care and that it must be borne in mind that Parliament is taking on a gigantic legislative task in setting up a new legal order in all fields. While fully aware of the enormous task represented by the need to review the whole body of legislation which existed under the previous regime, I personally consider that the Government should give top priority to industrial relations and labour matters, since the present situation is giving rise to extremely tense

disputes, accentuated by the fact that the whole country today is seething politically. To my mind, therefore, the regularisation of labour relations on a sound basis, in line with international standards, is most urgent.

It does not, however, seem to me that this process of reviewing labour legislation, even if carried out rapidly, is enough by itself to restore an atmosphere of harmony in relations between the Government and all the various employers' and workers' bodies. The process of peace in Nicaragua has begun to take shape. The Government should doubtless take advantage of this to adopt legislation that will fully guarantee the exercise of public freedoms and the firm establishment of judicial safeguards, to broaden its amnesty policy and to ease the measures taken against opponents which are likely to result in a climate of fear, not so much among the national leaders of opposition organisations, who are not afraid to proclaim their convictions far and wide, as among the local leaders and grass-roots trade union members. In my view, it is only on these conditions that industrial relations will be able to resume their normal course and that the Government will be able to rely on the participation of the population as a whole in national reconstruction.

I must also mention that the Minister of Labour expressed fears that the ILO, having originated in Europe and having its headquarters there, might not really understand the situation in Latin America in general, and even less so that in Nicaragua in particular. I reminded the Minister of the work carried out by the ILO in the Third World, of its great interest in concepts such as the New International Economic Order and of the universality of its mission. The Minister also emphasised the special situation of Nicaragua, which is attempting to set up a new legal system differing from the traditional one. This enabled me to recall also the dynamic character of international labour law and the universal value of the principles contained in the ILO's Conventions on the right to organise and freedom of association. The Minister replied that the Government of Nicaragua was convinced of the serious intentions and efficiency of the Organisation, with which he hoped to maintain excellent relations.

Lastly, I wish to thank the Director-General for his confidence in appointing me to carry out this mission, and I hope that this report will be useful in the context of the assigned objectives.

Fernando Uribe Restrepo.

ANNEXPersons interviewedGOVERNMENT

1. Dr. Benedicto Meneses Fonesca - Minister of Labour
2. Dr. Fernando Cuadra - Vice-Minister of Labour, Ministry of Labour
3. Dr. Rodrigo Reyes - President of the Supreme Court of Justice
4. Dr. Omar Cortez - Attorney-General
5. Dr. Orlando Corrales - Vice-President of the Supreme Court of Justice
6. Comandante René Vivas Lugo - Vice-Minister of the Interior
7. Comandante Alonso Porras - Vice-Minister of the Ministry for Agricultural Development and Agrarian Reform (MIDINRA)
8. Adrián Meza Soza - General Secretary, Ministry of Labour
9. Lombardo Gabuardi Ibarra - Director of International Relations and Technical Co-operation, Ministry of Labour
10. Donald Aleman - Office of National and International Relations, Ministry of Labour
11. Dr. René Cruz - General Secretary, Department of Justice

ORGANISATIONS OF EMPLOYERSNicaraguan Council of Private Enterprise (COSEP)

12. Dr. Gilberto Cuadra - President - COSEP
13. Dr. Carlos Quiñones - President - CONAPRO

## Reports of the Committee on Freedom of Association

---

14. Ramiro Gurdián - President of the Union of Nicaraguan Agricultural Producers - UPANIC  
- First Vice-President, Nicaraguan Council of Private Enterprise - COSEP
15. Mario Garache Castellón - Executive Secretary - COSEP
16. Antonio Leiva Pérez - Director of the Chamber of Commerce, member of the Nicaraguan Council of Private Enterprise - COSEP

### National Union of Farmers and Ranchers (UNAG)

17. Ariel Bucordo - Vice-President - UNAG
18. Marco Antonio Gonzales - National Executive Committee - UNAG
19. Juan Tijerino - National Council - UNAG
20. Daniel Núñez R. - President of the National Executive Committee - UNAG
21. Juan Ramón Aragón - Executive Committee - UNAG

### Association of Employers of Nicaragua (AENI)

22. Eduardo Mora - General Secretary - AENI (National Textiles Enterprise)
23. Max Kreimann - National Clothing Enterprise (ENAVES)
24. Ricardo Obregón - Sanitary products
25. Hernán García - Metales y Estructuras SA
26. Carlos Vega - Coca Cola

### National Small-Industry Confederation (CONAPI)

27. Gustavo Hernández - Deputy-Director - CONAPI, President of the Clothing Enterprises
28. Fernando Lara - Region I delegate - CONAPI

- 
29. Francisco Cortez - Member - CONAPI  
 30. Néstor Napal - Member - CONAPI

ORGANISATIONS OF WORKERS

Permanent Congress of Workers (CPT)

(National (Autonomous) Confederation of Workers, Confederation of Trade Union Unity, General (Independent) Confederation of Labour and Autonomous Confederation of Trade Union Unity)

31. Manuel Ernesto Castillo Fletes - Training and Information Department - CTN(A)  
 32. Heriberto Rayo Ordoñez - Deputy General Secretary - CTN(A)  
 33. Roberto Moreno Cajina - General Secretary - CAUS  
 34. Alvin Guthrie Rivers - General Secretary - CUS  
 35. José Espinoza Navas - Secretary for Political Affairs - CUS  
 36. Ramón Luna Castro - Finances - CUS  
 37. Héctor Sandoval Aleman - CUS  
 38. Santos Tijerino Jiménez - CUS  
 39. Alejandro Solorzano - National and International Relations - CGT(I)  
 40. Carlos Salgado Membreño - General Secretary - CGT(I)  
 41. Carlos Castillo Fletes - Attorney - CTN(A)

Confederation of Workers of Nicaragua

42. Sergio Roa Gutiérrez - Acting General Secretary - CTN  
 43. Miguel Salgado Báez - Executive Secretary, Head of Legal Department - CTN

44. Carlos Huembes - General Secretary of the CTN, President of the Nicaraguan Democratic Co-ordinating Unit (currently imprisoned in the penitentiary system of the IV Region (La Granja))

Association of Agricultural Workers

45. Edgardo Garcia - General Secretary - ATC  
46. Francisco Cano Torres - International Secretary - ATC

Workers' Front (FO)

47. Fernando Malespín Martinez - General Secretary - FO

Union of Nicaraguan Journalists (UPN)

48. Michele Castellón - General Secretary for Education and Press Relations - UPN  
Hernández  
49. Juan Alberto Henríquez - UPN

Federation of Health Workers (FEDSALUD)

50. Alberto Sequeira Ramírez - Secretary - FEDSALUD

National Association of Teachers of Nicaragua (ANDEN)

51. Guillermo Martinez José - General Secretary - ANDEN  
52. Mercedes Cerda - Official of the ATD Upper Education Affiliate - ANDEN  
53. Denis Fernández - General Secretary of the ANDEN-MED Affiliate, member CEN-ANDEN

54. Miriam Diaz - Secretary for Political and Pedagogic Education, ANDEN National Executive Committee.

Sandinista Confederation of Workers (CST)

55. Lucio Jiménez - General Secretary - CST
56. Luciano Torres G. - Secretary for International Relations - CST
57. José Benito González - General Secretary for Construction - CST
58. Denis Parrales - General Secretary of the MACEN Sacos Enterprise Trade Union - CST

National Union of Employees (UNE)

59. Alberto Raúl Medina Mendoza - General Secretary SINDIAP-UNE
60. Gerardo Aburto Cruz - General Secretary UNE-INTESCA
61. Roberto Gonzales Sánchez - General Secretary BANCA
62. José Angel Bermúdez - General Secretary - SEN

HUMAN RIGHTS ORGANISATIONS

National Committee for the Promotion and Protection of Human Rights (CNPPDH)

63. Dra. Vilma Núñez de Escorcía - Director of the National Committee for the Promotion and Protection of Human Rights (CNPPDH)

Standing Committee on Human Rights (CPDH)

64. Dr. Lino Hernández - Director

---

65. Leaders of the three peasants' co-operatives on the farm formerly owned by Mr. Enrique Bolaños.

Copyright © International Labour Organisation 1988

The material in this publication may be reproduced without permission, but the source should be quoted as ILO, *Official Bulletin*.

---

1989 price:

Annual subscription: 95 Swiss francs

Price per number: 20 Swiss francs

ISSN 0378-5882 (Series A)

ISSN 0378-5890 (Series B)

---

The designations employed in the *Official Bulletin*, which are in conformity with United Nations practice, and the presentation of material therein do not imply the expression of any opinion whatsoever on the part of the International Labour Office concerning the legal status of any country, area or territory or of its authorities, or concerning the delimitation of its frontiers.

ILO publications can be obtained through major booksellers or ILO local offices in many countries, or direct from ILO Publications, International Labour Office, CH-1211 Geneva 22, Switzerland. A catalogue or list of new publications will be sent free of charge from the above address.

*Changes of address, orders, renewals and advertising correspondence* should be addressed to: ILO Publications, International Labour Office, CH-1211 Geneva 22, Switzerland.

Changes of address, indicating both the old and the new address, should be sent at least six weeks in advance. If possible kindly enclose a recent mailing label. Claims for undelivered copies must be made immediately on receipt of the following issue.

---