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Nicaragua's case against US in World Court

Even if Sandinistas win, Congress unlikely to alter US policy

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Nicaragua may stand to win public relations points abroad in its case against the United States at the World Court.

But despite allegations that the US is seeking to overthrow the Sandinista government, the case is not likely to have much effect where Nicaragua needs it most — in the US Congress. Sources on Capitol Hill say that faced with South Africa, trade, and the coming superpower summit, congressional interest in Latin America, for now, at least, has taken a sharp downturn.

Nicaragua resumed its legal offensive against the US last week, charging the US with "state terrorism" in providing aid and organizational advice to antigovernment rebels, or "contras," operating from bases in Honduras and Costa Rica.

In testimony yesterday, a French Roman Catholic priest who taught nursing at a school near the Honduran border said that the contras have created an "atmosphere of terror" in northern Nicaragua and graphically described alleged attacks against women and children.

Nicaragua's legal team, headed by Harvard law Prof. Abram Chayes, is seeking hundreds of millions of dollars in compensation for lives and property lost in contra attacks during the past four years.

But responding from Washington, Reagan administration officials cite what they call a mountain of new evidence confirming longstanding charges that Nicaragua has been exporting its revolution.

In a controversial move last January, the administration announced its refusal to participate directly in the case, saying the issue at stake was "political" and not "legal," and charging that Nicaragua was using the court — known officially as the International Court of Justice — for "political and propaganda purposes." The decision was widely criticized as a challenge to the principle of the rule of law in international affairs.

Responding to Nicaragua's charges before the World Court, administration spokesmen say US support for the contras was taken in legitimate self-defense in response to documented efforts by the Nicaraguan government to support and train leftist guerrillas operating in neighboring Central American countries.

Last week, the administration released a report it says contains new evidence to back up its claims. The 130-page document, which administration spokesmen acknowledge was timed to rebut Nicaragua's case before the tribunal in The Hague, cites what it calls "sustained [Nicaraguan] efforts to overthrow or intimidate other governments" through the arming and training of leftist forces and the transshipment of Soviet and Cuban arms.

The report is based on newly released intelligence information, captured documents, and the testimony of guerrilla defectors from El Salvador.

The report says that faced with mounting evidence that Nicaragua was seeking to export its revolution, the US was gradually forced to replace its "positive relationship" with Nicaragua with a policy of providing direct assistance to contra forces. Such support, the report says, is not "the action of one government determined to destroy another," but rather an effort to "persuade an aggressor government to cease its unlawful acts in the interest of regional peace and security."

But lawyers for Nicaragua contend that overthrowing the Sandinista government is precisely the aim of US policy. Through an affidavit submitted last week, former contra leader Edgar Chamorro testified that Central Intelligence Agency agents told him that public US statements that contra aid was intended only to stanch the flow of arms across the Nicaraguan border were made only "to maintain the support of Congress and should not be taken seriously by us." Instead, he says, the real objective "[as we were repeatedly told in private], was to overthrow the government of Nicaragua."

In addition, former CIA analyst David MacMichael testified that the CIA developed a plan in the fall of 1981 to invade Nicaragua using 1,500 armed rebels. He added that the plan had President Reagan's backing.

Lawyers for Nicaragua say the CIA has provided the money and advice that translated various small, disorganized antigovernment factions into a well-organized army of 15,000, "capable of inflicting great harm on Nicaragua." Such activities, they say, stand in direct violation of international law, which forbids the threat or use of force against another state except in case of war.

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