

DISMISSING THE TRUTH

Why Amnesty International is wrong
about Nicaragua

An evaluation of and response to
Amnesty International's report of
October 2018



alliance for global justice



Executive Summary

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Dismissing the truth: Why Amnesty International is wrong about Nicaragua

An evaluation and response to the Amnesty International report 'Instilling Terror: from lethal force to persecution in Nicaragua'

Background

In April 2018, protests broke out in Nicaragua about planned government social security reforms. The protests quickly turned violent, demanding that President Ortega leave power. Attempts to enforce this demand by blocking the country's main roads and setting up hundreds of roadblocks in cities, accompanied by violence, produced 253 deaths and hundreds of injuries. Among the deaths were protesters, government supporters, bystanders and 22 police officers. In an attempt to resolve the crisis by agreement, a national dialogue was established, but it failed when the opposition refused to withdraw the roadblocks. After several weeks, many were removed by agreement and others by force. By the end of July, the country had begun to return to normal. Those involved in the violence were arrested and many were subsequently released. By early November, 273 people were still detained and charged with various crimes linked to the protests, including murder, torture, kidnapping and others.

Response of 'human rights' organisations and Amnesty International

Refusing to recognise opposition violence and its victims, local 'human rights' bodies accused the government of causing the majority, if not all, of the deaths and injuries. Similarly, despite receiving detailed evidence from the government itself, the Inter-American Commission on Human Rights ignored the violence of the protesters and blamed the government. As an independent human rights body, Amnesty International (AI) could have taken a different approach, making a balanced assessment of the scale and nature of human rights abuses, ascribing responsibility correctly between the opposition and the government. Instead, it followed the same path established by the local bodies which have a long history of partisan opposition to the Sandinista government, and of the IACHR which obtained almost all of its evidence from these local bodies or from opposition media.

Amnesty International's two reports on Nicaragua in 2018, *Shoot to Kill* (May) and *Instilling Terror* (October), not only argue that the Nicaraguan government is primarily responsible, but that it instigated **'a strategy of indiscriminate repression with intent to kill not only in order to completely smash the protests, but also to punish those who participated in them.'**

Why we wrote 'Dismissing the Truth'

The report has been prepared by a group of people with experience of Nicaragua, living in or with detailed knowledge of the places where different events occurred. The aim is not to exonerate the

Nicaraguan government from blame for any deaths but to show that AI completely fails to provide a balanced assessment of events, and in doing so ignores the interests of the large number of Nicaraguans who want the country to return to the state of peace and security which it enjoyed before the protests began.

To correct AI's imbalance, the report focusses on the actions of the opposition. After setting the context of events in 2018 (Chapter 1) it:

- addresses the legitimacy of the Nicaraguan government's actions (Chapter 2)
- looks critically at AI's 'timeline' of events (Chapter 3)
- examines in detail many of the incidents covered by AI and the errors it makes (Chapter 4)
- presents a case study of one region of Nicaragua to show how AI might have done its work (Chapter 5)
- reaches conclusions about the validity of AI's claims (Chapter 6).

Context of events in Nicaragua in 2018

According to AI, largely peaceful protest provoked a gross over-reaction by the government, in which it used massive force against protesters who were law-abiding or had very limited weaponry, which they used solely in defence.

The reality was very different. *Dismissing the Truth* shows that:

- Roadblocks that AI says were set up as a '**sign of protest, to defend themselves from attacks on the civilian population and to exert pressure on the authorities by restricting road traffic**' actually paralysed the country for several weeks. They created 'no-go areas' in cities, with no entry for police and no law enforcement. They provided a means of controlling the resident population, who were subject to checking of documentation, systematic extortion, threats and – in many cases – robbery, violence or even kidnapping, rape, torture and death.
- AI says that '**the use of homemade mortars as a means of defence was common**'. Makeshift weapons were used in huge quantities: their production was on an industrial scale. AI reports that use of more serious weapons was '**limited**' when they were actually widespread, as is obvious from the fact that 22 police officers were killed and 401 injured by bullets, quite apart from deaths and injuries to civilians.
- Opposition protestors destroyed or damaged buildings and vehicles of municipal authorities, government ministries, schools, hospitals and health centres as well as hundreds of private homes and businesses. The estimated cost to Nicaragua's economy was almost US\$1 billion with the loss of nearly 120,000 jobs.

Legitimacy of Nicaraguan government actions

AI argues that the government '**criminalizes opponents**' and its arrests amount to '**arbitrary detention**'. Yet all those arrested are charged with crimes under criminal law. AI questions the government's use of the terms 'coup' and 'terrorism', yet on accepted definitions the events in April-July 2018 were an attempted violent coup and many individual protesters committed acts of terrorism, maintaining the population of several cities in a state of fear and intimidation.

AI decries state use of torture as a method of punishment and to fabricate evidence. *Dismissing the Truth* shows there is no reliable evidence of such torture, and that the leader of the IACHR mission confirmed this verbally on one of their visits.

Numbers killed and injured

By September AI says that at least 322 people had been killed (**'most at the hands of state agents'**), among which 22 were police officers; more than 2,000 people were injured. *Dismissing the Truth* cites the report from the official Truth Commission which provides corroborated evidence of 253 deaths: 31 known supporters of the opposition, 48 probable or actual Sandinista supporters, 22 police officers and the remainder (152) of unknown affiliation. This official estimate is backed by an independent assessment from a contributor to our report, who examined all of the evidence from local human rights bodies. There is also a detailed examination of deaths in one region (see below).

Government use of 'excessive, disproportionate and unnecessary force'

Where force has been used by the government, it was very often justified given the scale and nature of the opposition's weaponry. AI's examples of the police using excessive force fail to give the context, giving the impression that they were completely unprovoked. Yet the police faced violence on a scale unparalleled in Nicaragua's recent history, including many instances of police being captured and publicly humiliated, tortured and executed.

AI's timeline of key events

AI offers a **'timeline of key events'** which has many omissions, inaccuracies or pejorative statements. Some of the most obvious are:

- The burning down of a house in Managua, according to AI by pro-government armed groups, when opposition members have been accused of the crime (with evidence from at least one victim) and the whole area had been under opposition control when the fire occurred
- AI's claim that roadblocks were removed peacefully in only two places – in fact this happened in many places; yet violent incidents *did* occur in the two examples cited by AI, showing again the unreliability of their evidence
- Serious events in Morrito on July 12 are omitted from AI's timeline and unmentioned in the report. The opposition made an unprovoked attack on the police station and town hall, killing four policemen and a teacher and kidnapping and torturing nine others.
- AI claims only a minority of demonstrators committed crimes against (Sandinista) supporters: our report shows this to be totally false.

Amnesty's claims of a 'strategy of repression'

AI justifies its claim that the government has a strategy of repression by presenting a series of examples. None of these justify Amnesty's claim:

- In the city of Masaya, AI bases its claim on the use of lethal force and the presence of **'pro-government armed groups'** in the **'clean-up'** of the city's roadblocks in mid-July. *Dismissing the Truth* explains in detail the presence of heavily-armed opposition groups in Masaya by this date, who had previously killed, kidnapped or tortured police officers as well as holding

the police station under armed siege for over a month, burning down major public buildings and declaring the city's 'independence' from the national government. It shows how the city could not possibly have been restored to normal without use of massive police action, including volunteer police, which enabled casualties to be kept to a minimum.

- In the city of Jinotepe, AI focuses on the killing of police officer Faber López Vivas, which it calls a '**possible extrajudicial execution**' based on minimal and unsubstantiated evidence. *Dismissing the Truth* examines the circumstances of his death in detail, based on witness statements, a report from the forensic authorities and media scrutiny, explaining the logistics of events before and on the day when Lopez and another officer were killed by opposition sniper fire and three others injured. AI's accusation is shown to be completely false.
- *Dismissing the Truth* makes a similar detailed comparison of events described by AI in Jinotega and the UNAN university in Managua, and analyses the arrests of individuals such as Medardo Mairena, Pedro Mena, Amaya Coppens, Nelly Roque and Roberto José Cruz, to show how AI's explanations are partial, biased, and completely inconclusive in demonstrating that the government has used excessive violence or is making arbitrary arrests. The report was unable to investigate certain allegations where AI insists on the anonymity of those involved.

How Amnesty could have examined violent events – a case study

As an exercise to show what an unbiased investigation might have revealed, *Dismissing the Truth* shows the evidence for all the protest-related deaths that occurred in a central region of Nicaragua during the period covered by AI. It reveals that half the deaths registered by local 'human rights' bodies and included in the totals cited by AI and other international organisations were unrelated to the conflict. Of 16 deaths related to the conflict, 15 were the result of opposition action (five police officers, six government supporters or workers, and five unaffiliated citizens).

'Dismissing the Truth' – conclusions about Amnesty International and Nicaragua

Amnesty International has a history of producing controversial and unbalanced reports about Nicaragua that began soon after the Sandinista revolution defeated the Somoza dictatorship in 1979. Opposition personalities are often used to launch AI's reports, invariably making one-sided allegations against the Nicaraguan government that present only part of the available evidence or ignore the context for the events described.

AI's terms of reference are artificially narrow, drawing on highly biased, anti-government sources focusing almost entirely on allegations of violations of political and civil rights by the state. *Dismissing the Truth* shows that even within this limited framework much of the evidence presented by AI is incomplete, ignores the real sequence of events or in many cases is simply wrong.

AI fails to address the underlying causes of the violence. It ignores violations of political and civil rights by opposition supporters and, more broadly, the grave violations of the social and economic rights of the general population. It does this despite its own guidance on human rights saying that the responsibilities of 'other armed groups' must be considered as well as those of the state. AI's latest report, *Instilling Terror*, continues the same practices followed in its earlier reporting on Nicaragua, disregarding both its own rules and the criticisms AI has received.

Dismissing the Truth challenges not only Amnesty International's conclusions but also a large proportion of the evidence on which it bases them. The report offers detailed evidence of its own, showing the faults in many of the cases which Amnesty examines. It casts doubt on Amnesty's methods and argues that it is completely unbalanced in its approach.

It argues that, as a consequence, Amnesty International completely fails to establish its case that there is **'a strategy of indiscriminate repression'** on the part of the Nicaraguan government.

Dismissing the Truth urges Amnesty International either to make a radical change in its approach to judging human rights issues in Nicaragua, or to desist from publishing further reports.

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