

NSC response to UN Human Rights Report on Nicaragua: Annex 1



General comments on the UN “Group of Experts” report

Introduction

The Human Rights Council resolution establishing the group of experts who prepared the report on Nicaragua (Resolution 49/3) instructed it to investigate “all alleged human rights violations and abuses committed in Nicaragua since April 2018, with a view to contributing to accountability and access to justice for victims.”

The expert group (entitled “GHREN”) has lamentably failed to meet its mandate. It has simply not carried out an exhaustive, independent investigation of all the events of 2018 giving access to justice for all victims, because it has excluded any reference to the thousands of victims of systematic, opposition terrorist violence and abuse in 2018. Worse, it repeatedly gives the impression that the majority of Nicaraguans supported the opposition and its violence, which was not the case even at the peak of its support. Moreover, its discussion of the violence inaccurately attributes almost all of it to the Nicaraguan government, when in many instances such attribution is easily shown to be false or questionable.

The report completely fails to show how the opposition tried to destroy the functionality and daily livability of much of Nicaragua, as is shown in detail in Annex 2 (our account of events in Masaya).

This went far beyond targeting the Sandinista government, and promoted general chaos and fear. It was reminiscent of the conduct of the “Contra” terrorists in the 1980s, and the US administration’s agenda then, to attack and destroy not only the Sandinistas but the achievements of the revolution, particularly its investment in health services and schools. By omitting this crucial characteristic of the opposition’s behavior, it fails to give proper context to actions by the police to restore order, especially those in June-July 2018 when the opposition roadblocks were eventually cleared.

Because of these huge gaps, the report is effectively a whitewash of the violent opposition campaign which explicitly aimed to overthrow the government of Nicaragua. From the first few days of the violence and throughout the national dialogue that started early in May 2018, opposition activists and their leaders openly stated that their objective was the removal of President Ortega.

This remained their position even after highly conciliatory actions by the Nicaraguan government, very soon after the start of the violence, as contributions to a peaceful solution to the violence. First, on April 22, the Nicaraguan authorities suspended the social security reforms which were the ostensible reason for the violent protests. Second, as part of the national dialogue, the authorities announced a ban on the use of firearms by the police, in response to allegations of police violence. Yet the violent actions aimed at regime change persisted and intensified. Third, despite the scale and seriousness of the crimes then committed, the government repeatedly released large numbers of those arrested, on promises of good behavior. This culminated in a general conditional

amnesty in 2019, with the release of hundreds of people convicted of crimes, even including murder. These conciliatory acts are barely acknowledged in the report.

The bulk of the report deals competently with international law applicable to the human rights concerns which the report supposedly addresses, along with a detailed account of Nicaragua's institutions. This largely uncontroversial material lends a spurious impression of rigor to the expert group's heavily prejudiced opinions and its egregiously unfair interpretations of events before, during and after 2018.

While the report covers other allegations against the Nicaraguan government in the period since July 2018, continuing its reliance largely on opposition information sources, it also justifies this continued coverage to allege (in the short version of its report presented to the Human Rights Council) that the Nicaraguan government has been engaged “since April 2018 and up to the time of writing this report... [in] a widespread and systematic attack... . against a part of the Nicaraguan population.” This gives the totally misleading impression that the violence of April-July 2018 continues, whereas it was confined almost entirely to that three-month period. Since then there have been virtually no deaths or injuries in any way associated with conflict between government and opposition.

This misleading impression is strengthened by the whole section of the report devoted to the “lack of cooperation from the State of Nicaragua.” But the expert group was either unaware of or chose to ignore the earlier representations and evidence from the

Nicaraguan government to the OAS and other international bodies, which were either ignored or minimized. For example, in response to the early report by the Inter-American Commission on Human Rights about the violence, Nicaragua's Foreign Minister Denis Moncada pointed out that it completely ignored the evidence which the government submitted to it. Nevertheless, at that time he expressed the government's willingness to collaborate with an earlier group of experts and with the UN human rights commissioner in further investigations. Indeed, representatives of the high commission came to Nicaragua and were shown prison conditions; and they were presented with a dossier of information on the crimes committed, which the vice-minister for the interior says was then ignored.

By calling for new coercive measures against Nicaragua, in addition to the many illegal measures already imposed, the report constitutes an unprincipled attack on the government of Nicaragua and its people, fully justifying the decision of Nicaragua's authorities to refuse to recognize the UN expert group. The report itself acknowledges that it was produced by an anonymous secretariat of nine individuals, raising further doubts about the good faith of the expert group's findings. Requests for the names of the investigators have been rejected and repeated attempts to communicate with the group via their published email contact details, to share our criticisms, have failed.

We therefore have every reason to suspect that the report is purposefully designed to create a spurious formal pretext for further international measures attacking Nicaragua's government and people.

The remainder of this annex critically examines the group's full report in detail. A second annex focuses specifically on the report's case study of events in Masaya. A third annex provides additional links to related news reports and other supportive material.

Failings in the group's approach to its work, selection of sources, and interpretation of material

In the introduction to the full report (available only in Spanish), Point 5 sets out apparently insuperable obstacles to an impartial investigation; but despite this, Point 6 claims that the UN expert group was able to overcome the obstacles to gathering information by identifying patterns in the limited amount of almost entirely one-sided information it did in fact obtain. This severely compromises the comprehensiveness of the report.

This issue is fundamental, because in fact the UN expert group report is dominated overwhelmingly by Nicaraguan opposition information sources, as well as reports from the OAS and UN bodies which were themselves dependent on those same sources. The report completely excludes readily available testimony and reporting which directly contradict or categorically call into question the report's allegations and false accusations. Annex 3 of our response lists some of these sources in English and Spanish.

The report never acknowledges the political allegiance of local opposition-aligned media, and the NGOs on which they depend for information and channeled funding. Nor does it recognize that

these media outlets and organizations are all funded either directly or indirectly by the US government, governments of the European Union, or their related entities, all generally hostile to Nicaragua's government. Instead, they treat these opposition-aligned sources as trustworthy, independent information sources in their reporting on events.

There are multiple examples of these sources providing highly distorted or simply false reports, yet the GHREN appears either to be unaware of them or to ignore them. Neither does the expert group report ever acknowledge other local media in relation to particular incidents, for example, the two May 30th 2018 Mothers' Day marches.

Thus, the report is demonstrably and egregiously selective in its presentation of evidence. It cites the following opposition-aligned international and national media and NGOs:

El País, CNN, BBC, France 24, Deutsche Welle, Diario Las Américas, Expediente Público, Mongabay, La Prensa, Nuevo Diario, Confidencial, Artículo 66, Nicaragua Investiga, 100% Noticias, Mesa Redonda, La Trinchera, Radio Corporación, and local organisations CENIDH, CPDH, CALPI and Urnas Abiertas

It may be contested that mainstream outlets like the *BBC* and *El País* are neutral. However, simple investigation would show that such mainstream media, as well as the more obviously hostile local media, both use journalists from Nicaragua's opposition; and they rely on material, as if it were independent, from highly biased

outlets such as *Confidencial* and *100% Noticias*. Even international human rights bodies such as Amnesty International have been shown to be biased and have refused to respond to critical reports of their work, such as the report *Dismissing the Truth*.

In contrast, the GHREN refers twice in Points 326 and 921 to a lack of reliable official data, suggesting that they regard such data as inherently unreliable. The report's footnote 496 confirms this, by noting that information from Nicaragua's police forms the basis of much information supplied by the Nicaraguan government (presumably to the OAS and the UN), with the implication that this information is therefore not to be trusted.

The same footnote expresses reservations about the Nicaraguan National Assembly's Commission for Truth, Justice and Peace as a source of information (CVJP for its initials in Spanish). This footnote also repeats the calumny that the Ministry of Health refused to treat numerous victims of firearms wounds, contradicted in several news sources and contrary to specific, publicly issued instructions from the then Health Minister. In fact, the CVJP's figures for deaths and casualties are not hugely different from those of other organizations. However, their explanations for those deaths and casualties differ markedly from the views and interpretations of the expert group, which are categorically skewed towards opposition accounts of the events.

The group has systematically excluded abundant reporting and information from international media outlets and social media which contradict its findings. The following local sources are completely excluded from the report despite the fact that they all

published a large amount of highly relevant material and reports on specific incidents, often with video material, during the period in question:

Juventud Presidente, Nueva Radio Ya, Canal TN8 news, Canal 6 news, Canal 2 news, Canal 13 Viva Nicaragua, Informe Pastrán, Radio La Primerísima and Tortilla con Sal

The report also excludes hundreds of other extremely relevant reports on the events in 2018, 2019 and later, including work by dozens of writers of different nationalities who have visited Nicaragua both in 2018 and subsequently. Some of these are referenced in Annex 3.

Annex 2 of our report, covering the GHREN's case study of Masaya, also shows how, by ignoring these other local sources, the GHREN has produced a biased and incomplete account of events.

While it is the case that the expert group report references *El 19 Digital* and *Canal 4 Multinoticias* 62 times in over 1.900 footnotes, these illustrate the expert group's almost exclusively hostile interpretations of remarks by Nicaragua's Vice-President Rosario Murillo whom they target persistently.

As noted already, the report claims falsely that it has used a victim-centered approach when it has systematically and completely excluded testimony or case descriptions from any of the thousands of victims of intimidation, abuse, violence, and deprivation of essential public services by Nicaragua's opposition in 2018, even of the most notorious cases. It contains not a single

reference, let alone a quote from testimony, from any of these victims. However, it does offer several quotes from testimonies of persons alleging government abuse.

The report publishes these interviews with opposition supporters without genuinely independent corroboration of their claims and accusations, while alleging (point 59) that all its information was confirmed by at least two independent, credible primary sources. This calls into question what the expert group means by “independent” and “credible”, since so much of the information they use in their account of the events on which they report is demonstrably untrue or factually incomplete.

The GHREN also claims to have fulfilled its commitment to a gender perspective when it has applied this criterion in an egregiously selective way, absolutely excluding the widespread gender violence perpetrated by opposition activists during 2018, or else minimizing its effects, on the hundreds of women and girls who experienced that abuse and violence, and whose daily lives were severely disrupted for weeks by the opposition’s violent roadblocks.

The report does in passing acknowledge opposition violence (for example, noting police casualties), but the expert group justifies this as being an understandable response to alleged attacks by the police and Sandinista supporters. Its failure to give central importance to the 22 police deaths and the (barely acknowledged) 401 serious injuries of police officers, all of which resulted from opposition gunfire or bomb attacks and some of which involved torture, results in a totally distorted picture. This fits with the

report's claims that protests were generally peaceful but brutally repressed – disregarding much factual evidence and omitting local news media and social media footage and witness testimony of extreme opposition violence, including arson, torture and murder.

In particular, there is no reporting of the following egregious and very well documented cases, which are human rights violations of the highest order, indisputably carried out by opposition criminals:

- **attempted murder of student leader Leonel Morales**
- **arson attack destroying Nueva Radio Ya**
- **torture, murder, and disappearance of Bismarck Martinez**
- **disabling torture of Reynaldo Urbina**
- **murders of father and son, Roberto and Christopher Castillo**
- **attacks on the police stations of Masaya, Jinotepe, Nagarote, Morrito, Mulukuku, El Cuapa, El Coral and Puerto Príncipe, among others**
- **illegal detention of 400 truck drivers south of Diriamba for a month**
- **torture of Sander Bonilla**
- **numerous other cases of torture and abuse**

Similarly, in the case of Masaya and Estelí, the report quotes extensively from the 2018 Organization of American States' GIEI report, which itself relied almost exclusively on opposition material and testimony and was contested in detail in an Open Letter to the Inter-American Commission on Human Rights, which indicated major methodological faults in the way it was compiled (this open letter received only a perfunctory acknowledgment). In the case of opposition violence on April 20th in Estelí, the expert

group omits to mention that over thirty police officers, firefighters and municipal workers were injured and that the opposition assailants tried to burn down the municipal town hall. The GIEI managed to interview opposition sources but at no time contacted either Estelí mayor Francisco Valenzuela or any of the victims of opposition violence in Estelí.



Likewise, this report cites the GIEI version of events on May 30th in La Trinidad which describes a clash between armed Sandinista supporters and opposition activists controlling a *tranque* (roadblock) at the bridge on the Pan-

American Highway into La Trinidad from Estelí. Local journalists and other witnesses in Estelí report that in fact the opposition ambushed unarmed Sandinista supporters trying to get to Managua for the big government peace march on May 30th 2018. They say 27 Sandinistas were wounded, two of whom died later of the wounds they suffered, while no opposition members were reported as having suffered gunshot wounds. The fact that those controlling the *tranque* used many conventional weapons alongside “homemade” ones was evident from photos they posted on social media at the time (see photo).

Failure to set the proper context for recent events

This pattern of deliberate exclusion of all but opposition accounts of events is even more evident in the section of the report dealing with antecedents and context. Here again, the expert group adheres faithfully to an exclusively opposition account of events in Nicaragua since 1990. The report claims that the 17 years of neoliberal government initiated under the presidency of Violeta Chamorro were a period of positive development for democracy in Nicaragua, citing as an example the spurious, anti-democratic constitutional reform railroaded through the legislature in 1995 with zero popular consultation. It completely ignores the widespread corruption which peaked in the presidency of Arnaldo Aleman, the government's abject failure to respond adequately to natural disasters such as Hurricane Mitch, and the severe erosion of key public services such as health and education which took place over this 16-year period.

The expert group's account in this section of their report in effect constitutes further confirmation of the pattern of undue interference in Nicaragua's internal affairs embodied by the report itself and the overall process of its production. The section includes a false account of the events during and around the municipal elections of 2008, for example, claiming there was no external observation and that Sandinista supporters attacked opposition marches protesting the election results.

In fact, those elections were accompanied by the Latin American Council of Electoral Experts (CEELA), the Tikal Protocol group of election specialists from Central America and the Caribbean, the

Quito Protocol group of election specialists from all over South America, and a group of observers from Mexico's *Tribunal Electoral del Poder Judicial de la Federación* (TRIFE). Local media outlets at the time reported violent clashes between Sandinista and opposition supporters instigated by the opposition marchers themselves. But, as everywhere else in their report, the expert group cites only the extremist, foreign-funded opposition version of these controversial events.

The group of experts applies the same heavily prejudiced version of events to the national elections of 2011, without noting that all the international observers agreed that the results were a fair reflection of the will of the Nicaraguan people. Here the expert group falsely reports that there were no detailed elections results available, when in fact anyone following those elections will know that the Electoral Council website did indeed make available the respective votes for each party in all the country's polling stations. For example, this sample link from the CSE website at the time shows the detailed breakdown of votes by voting center in Achuapa, León.

The expert group mentions the anti-canal protest movement, again claiming its protests suffered police repression but without acknowledging the violent tactics, including the carrying of *machetes* and use of firearms, which were a constant feature of the anti-canal marches, threatening and disrupting public order (as described in these interviews here and here).

Among other very serious accusations, the expert group discusses what it calls extrajudicial executions, torture and lack of due

process. Its discussion mentions very few incidents, interpreting all of them based on opposition information sources, making it impossible to compare their account (in all but two or three cases) with versions from local non-opposition information sources or the national authorities. In fact, Nicaragua's official Legal Office for the Defense of Human Rights confirmed in 2018 that neither they nor any body of the Inter-American Commission for Human Rights found any trace of torture at the Judicial Assistance facility, which is the center most intensely accused by the UN expert group of practicing torture. Similarly, the Commission for Truth Justice and Peace found no evidence of the use of torture during its investigation of events during 2018. Insofar as the report gives evidence of "extrajudicial executions," their examples seem to be based largely on situations where police and volunteer police were acting to gain control of violent situations in which the police themselves were under attack.

The report makes persistent accusations of ill-treatment of prisoners, especially from 2018 on, but makes no mention of consistent facilitation of Red Cross access to prisoners by the government authorities, and Red Cross confirmation that prison conditions were normal. In fact, in a lengthy interview in September 2018, Luis Cañas, Vice Minister of the Interior, and Carlos Emilio López, Sandinista National Assembly Deputy, gave detailed answers to allegations about prison conditions, showing their falsity, and explained how they had facilitated a visit to prisons by representatives of the UN human rights commissioner. The expert group appears to be unaware of this.

Among the most serious false allegations about the crisis in 2018 is

the systematic misrepresentation of the role of voluntary police and the self-defense groups that defended Sandinista neighborhoods from marauding opposition gangs in various cities in the period from April 18th to July 17th 2018, when police resources were overstretched or the police were confined to their stations. This deliberate misrepresentation stems directly from the failure of the expert group to address the issue of coordinated mass terrorist activity directed by leaders of the failed coup attempt, like Dora María Tellez and Felix Maradiaga, and their opposition media accomplices such as *100% Noticias* (who instigated the arson attack on *Nueva Radio Ya* and its occupants that could easily have led to multiple deaths or injuries). This terrorist activity induced a climate of fear in the many cities where police presence was limited or absent. Volunteer police helped to protect ordinary people and their businesses which were under constant threat. The expert group did not visit Nicaragua, and consequently did not speak with the many ordinary people who might have given testimony to the fear and intimidation they suffered and their relief when the *tranques* were removed; even without physically visiting the country, the group could have found ways to interview some of them, as they interviewed persons in the opposition.

Specific failings (identified by paragraph numbers in the full report, version in Spanish)

[109] The expert group makes a disingenuous interpretation of the Electoral Council's decision in 2016 regarding the PLI political party. The report suggests that the PLI lost 28 of its deputies, when in fact all that happened was that those 28 deputies, as a result of

a conflict between rival *juntas directivas* of the party, were replaced by 28 different people who supported the legal *junta directiva*.

[284] This mentions the fire in *Indio Maiz*, implicitly suggesting the government neglected to address it adequately. That is patently false, given the energetic coordination with other countries, including the US, undertaken by the Nicaraguan authorities at the time.

[285] This mentions the social security reform, misrepresenting its provisions by suggesting that it attacked workers' and pensioners' social security rights and benefits, when in fact it secured them. It placed the main increase on employers and greatly improved health care for pensioners in exchange for a 5% levy.

[286] This gives a false account of the start of the violence, blaming it on armed police attacks. This claim is based on opposition-aligned news sources and on Amnesty International, whose reports depend on those same discredited sources and their own prejudiced reporting. The expert group fails to note that the very first victim of the violence was police officer Hilton Manzanares, killed by opposition thugs.

[287] This notes the increase in violence but attributes it to police attacks, when in fact the armed opposition gangs went on the rampage, attacking people and destroying public buildings and private residences. These incidents occurred most notoriously in Granada and Masaya but also in Chinandega, Estelí, León, Jinotepe, and elsewhere, in incidents widely reported in local

media at the time, to which the expert group makes no reference. This is particularly apparent in their Masaya case study, which mentions almost none of these attacks (see Annex 2).

[288] This gives an erroneous account of the start of the national dialogue: “On April 22, the government revoked the social security reform and agreed to initiate a National Dialogue process, with the mediation of the Nicaraguan Episcopal Conference.” It was the government, not some other body, that proposed a national dialogue mediated by the Bishops’ conference. The bishops took over two weeks to accept the government initiative. Nor does the report mention that the bishops demanded that the police be withdrawn from the streets to their stations so as to facilitate the dialogue. The government did so, and the police stayed in their stations for approximately one month.

Accompanying the national dialogue and the withdrawal of the police to their stations, the opposition greatly increased the number of *tranques* across the country, despite repeated government requests to dismantle them, as had been agreed to as part of the mediation process.



The claim that these *tranques* and related opposition activities were spontaneous is contradicted by comments made by Bishop Silvio Baez, the map published by one of the leading national

coordinators of the team running the *tranques* (see map), and the acknowledgment by the opposition leaders conducting those talks that they did have the power to remove the *tranques*. They chose not to do so, because they believed the damaging economic and social effects of the *tranques* gave them bargaining power vis-a-vis the government.

[290] This makes use of the term “the people” as if the general population were an actor in the events around May 30th. In fact, by that time the great majority of the population were frustrated and dismayed at the continuing terrorist attacks and criminality they were forced to endure at the hands of the opposition gangs, because the police had been retired to their stations so as to facilitate the national dialogue.

[292] This misrepresents the clearing of the *tranques* as being uniformly violent, beginning in mid-June. In fact, in various places, for example, the city of Estelí from June 13th, the *tranques* were dismantled peacefully. Armed force was needed only in places where heavily armed opposition activists resisted the police operation to restore order, such as Masaya and Jinotepe; and in these cases police officers taking part in the operations were ordered to minimize casualties. In the case of Jinotepe, the report *Dismissing the Truth* carried out a detailed investigation of casualties which showed that, up until the day on which the *tranques* were cleared on July 8th 2018, all the fatalities in that city were either Sandinista sympathizers, police or innocent bystanders, with none being *tranque* operators.

[302] This repeats false opposition propaganda attacking the government's handling of the Covid-19 pandemic, which Nicaragua managed better than any other country in Central America. This has been testified in comparative analyses of excessive deaths during the pandemic carried out by the World Health Organization and other independent investigators.

[304] This falsely alleges a process of criminalization of non-profits and legitimate political opposition, when in fact the Nicaraguan authorities applied legislation very similar to US and EU country legislation relating to money laundering and funding of foreign agents.

[305] This notes the arrest of Cristiana Chamorro and moves against *La Prensa*, but fails to mention the very serious criminal charges of fraud on which they were based. Cristiana Chamorro had refused to comply with financial reporting required of all Nicaraguan nonprofits, and subsequently failed to explain the transfer of what was alleged to be as much as US\$ 7 million from the Violeta Chamorro Foundation to her own personal bank accounts.

[306] This falsely states that six presidential candidates were arrested prior to the 2021 national elections. In fact, no actual presidential candidates were arrested. Some claimed to be presidential aspirants when they were arrested, but several were unregistered with a political party, and none had been nominated by one. Nor does the GHREN adequately explain the reasons for the Electoral Council's well-founded decision to remove the legal personality of three opposition parties that failed to comply with

requirements in election law.

[307] This falsely suggests that the 2021 elections were not recognized by a majority of the world's nations. Nicaragua maintains cordial diplomatic relations with the vast majority of the world's nations which did not question the election results. The fact that the report uses the opposition figure for voter participation (just 18.5%), while dismissing the official figure of around 64%, shows again the expert group's bias in favor of opposition information sources, which are anonymous and completely unsubstantiated and have been critically analyzed in detail.

[309] This misrepresents the closure of six private universities out of around 50 in the country, along with several hundred non-profits out of around 7,000 then registered, for failing to comply with reporting and other statutory obligations. The report omits that this regulatory process was principally to ensure Nicaragua's compliance with the demands of the international Financial Action Task Force (GAFI, for its initials in Spanish) and follows practices adopted in countries such as the United States, Australia and many others.

[313] This notes the removal from office in 2022 of mayors belonging to the former Citizens for Liberty party which at that point no longer existed. Their removal was largely at the instigation of a majority of councilors on the local municipal councils concerned, to prevent these opposition figures from abusing their position to disrupt the municipal elections or making corrupt use of municipal resources before leaving office

subsequent to the elections. This abuse had happened at previous local elections prior to the change of government in 2007.

[314] This claims the government carried out a campaign against the Catholic Church, when in fact the authorities acted to curtail the continuing activities of certain opposition-aligned bishops and priests, who were using their privileged positions for political purposes to provoke public disorder.

[315] The report falsely claims the municipal elections of 2022 took place in an atmosphere of official intimidation and acts of “electoral violence.” The claim is completely untrue, as corroborated by any number of sources.

[317] This cites the expulsion of 222 opposition prisoners to the United States, failing to note that this followed communication with and agreement of the US administration, and was welcomed by it as a means by which those convicted, if they agreed, could dispense with their prison sentences.

[439] Here the report claims that all opposition in Nicaragua has been suppressed – a patent falsehood, given the active, free and open participation in public life of various opposition political parties, including the five main opposition parties (PLC, PLI, ALN, APRE, Yatama) that took part in the national and regional elections of 2021 and the municipal elections in 2022. Some of these parties had been represented in earlier governments.

Likewise, there are numerous national and local opposition media outlets. National non-Sandinista television stations include *Canal*

10, Vos TV, 100% Noticias, Canal 11 - TV Red, Canal 12 – Nicavision, Canal 21 - Enlace Nicaragua, Canal 23 – CDNN. There is a plethora of local cable TV and radio stations including Radio Corporación, a national, vehemently anti-Sandinista outlet, as well as local non-Sandinista radio stations like Radio Darío in León and Radio ABC in Estelí. Furthermore, anti-Sandinista news websites proliferate on social media.