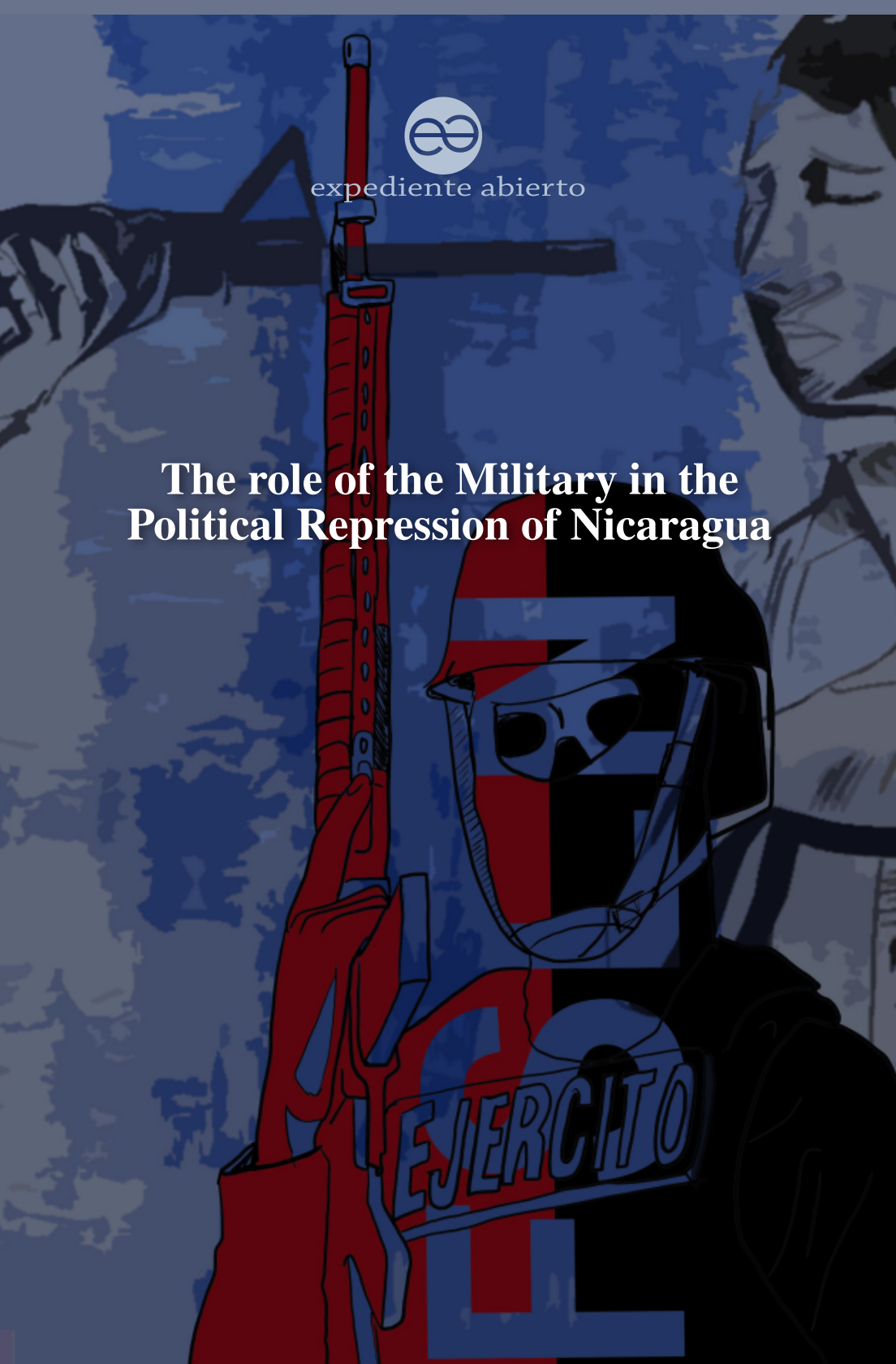




expediente abierto

The role of the Military in the Political Repression of Nicaragua



EJERCITO

RESEARCH REPORT

The role of the Military in the Political Repression of Nicaragua

“ It is imperative to overcome anything that impairs this unity.”
Mao Tse-tung

Managua, Nicaragua
February, 2021



expediente abierto

Contents

I. Introduction	.....
II. An overview of civil–military relations	.....
a) Ortega’s political capture of the military	.....
i. A necessary alliance (FSLN–EN)	.....
ii. Former members of the military in the state	.....
iii. Military enterprises	.....
iv. The increase in military budget and personnel	.....
b) The military at the top	.....
III. History of human rights violations (from Ortega on)	.....
IV. The role of the army in the 2018 sociopolitical crisis	.....
a) Strategis level	.....
b) On the ground	.....
c) Specific cases	.....
V. Conclusions	.....
VI. Recommendations	.....
VII. References	.....



I. Introduction

This document presents the results of an investigation whose objective was to find out about the participation of the Nicaraguan Army in the repression that began during the country's 2018 socio-political crisis. It also sets out to identify the mechanisms through which members of the military have been involved in state violence against and persecution of opponents of the Daniel Ortega regime.

The April Crisis, as the generalized protest against the Ortega regime is known, and the repression that followed it left more than 300 dead according to conservative estimates, and 1,200 to 2,400 injured by high-caliber weapons.

In May, 2018, the Nicaraguan Army issued a statement giving its position on the crisis, affirming that it remained neutral, and calling for dialogue. However, numerous accounts emerged based on videos posted on social networks where soldiers in civilian clothes could be recognized in the paramilitary forces, which implied covert military participation in the bloody government response.

Reports from specialized international organizations have made it clear that the weapons used in the repression are for the exclusive use of the Nicaraguan Army. Moreover, certain former high-ranking military personnel and Nicaraguan experts stated that the army had armed the paramilitaries, a civilian group that operated in conjunction with the National Police and caused most of the deaths and murders. On this evidence, these people inferred greater involvement of the military forces in the repression.



Since 2007, Nicaragua has suffered a gradual process of disintegration of the constitutional order. The system of liberal democracy has shifted to one of totalitarianism that concentrates power in the person of Daniel Ortega. In that regard, and as characterized by Martínez Meucci (2011), citing the study by Carl Freidrich and Zbigniew Brzeziński (1956, pp. 21-22), “every totalitarian regime is always a dictatorship.” Mariam Mufti, a political scientist at the University of Waterloo, asserts that “for dictators, it is very important to take over the repressive apparatus of the State to exercise the legitimate use of force.”

In this regard, members of the military are not immune to the personal and political schemes of those who want to accumulate power through direct control and subordination, and Nicaragua is no exception. This document also provides context by describing the conditions that led members of the military to fully submit to Ortega’s political project and his intention to establish a family dynasty in the country.

Reports made by national and international organizations on human rights violations were also reviewed. In addition, dates, names and facts were collected from open sources, mainly Nicaraguan media that followed events after the April crisis. An open questionnaire was designed and used in interviews with various former military personnel, deserters, and defense experts. A crossover analysis was carried out and questions were rephrased to further refine the findings presented in this report.

To conclude, this document proposes a number of defense sector reforms. In light of the results of this investigation and due to the role that soldiers have played to date, we believe that these reforms should be carried out once democratic order has been restored in Nicaragua. A unique opportunity arises at this point, and such a reform should begin by answering the questions: Do we need an army in Nicaragua? If the armed forces continue, what type of military forces should we have?

II. An overview of civil–military relations

In 2007, when Daniel Ortega returned to power, the dynamics of the relations between civil authority and the military underwent a profound change. Prior to 2007, and during the preceding liberal governments (under Presidents Barrios, Alemán and Bolaños),¹ civil–military relations were regulated by a clearly democratic legal framework, in which the Ministry of Defense played a reasonable role in handling national defense policy and running the Nicaraguan Army.

By 2008, only a year after Ortega assumed the presidency, the Institute of Strategic Studies and Public Policy (IEEPP in Spanish)² began to report a deterioration of the Ministry of Defense and therefore of the civil and democratic management of the sector, reforms to the Executive Branch law that eliminated the position of the Minister of Defense as the delegated representative of the presidency to see to military affairs, and an accelerated increase in the prominence and role of the president as the main authority with unprecedented control over the military.

In its Fourth Management Report, which includes an analysis of defense sector management during the period January–June 2008, the IEEPP summarizes it as follows: “In the opinion of retired Colonel Javier Pichardo, former chief of the Air Force of the Sandinista People’s Army (EPS in Spanish),³ one of the things clearly observed in the first year and a half of President Daniel Ortega’s administration ‘has been a type of dismantling of

¹ Violeta Barrios de Chamorro (1990–1996); Arnaldo Alemán (1997–2001) and Enrique Bolaños Geyer (2002–2007).

² Instituto de Estudios Estratégicos y Políticas Públicas; a think tank for the study and analysis of the security sector in Nicaragua. It was abruptly closed by the Ortega government in December 2018.

the MIDEF,⁴ which may be linked to the working style of the new government, where it is clear that the president has assumed the functions (apart from commander-in-chief), of the Ministry’.”

In other words, from the first months of Ortega’s first term and when he returned to power, observers such as the IEEPP noted his marked interest in controlling and subordinating the members of Nicaragua’s military to the executive. This is the main difference in civil–military relations between the previous liberal governments’ model and that of Daniel Ortega. This set the scene for the first and most important condition that defined the role that the Nicaraguan army would play in the state violence committed before, during and after the April 2018 crisis.

A retrospective analysis of the main events that occurred in connection with management of the defense sector, mainly relating to the Nicaraguan army, shows a series of events that culminate with what Samuel Huntington defines in his work *The Soldier and the State* (1957) as “subjective subordination,” which is a series of measures taken by the civil authority to fold the military into their personal political goals, using patronage and special prerogatives that benefit the status quo of the military machine and its financial interests.

Fifteen years after returning to power, and having served three consecutive terms in the Executive, what is clearly evident is that Ortega had a plan, which was to subordinate all the powers of the State to create an environment that would allow him to consolidate an autocratic, dynastic family regime. In this plan, the personal and partisan subordination of the Nicaraguan army has been a priority. Ortega has employed political maneuvers to remain in power, including constitutional reforms, reelection, dismantling opposition and State powers, centralizing municipalities and taking over the military.

³ Ejército Popular Sandinista; official name of the armed forces before it was named the Nicaraguan Army.

⁴ Ministry of Defense.

To achieve this, Ortega took the following actions: 1-. Made changes in the military laws to retain former Sandinista guerrillas in the army; 2-. Changed the national security system, giving control to the military; 3-. Placed high-ranking former military personnel in management positions in State and semi-public enterprises; 4-. Extended prerogatives and benefits to military businesses; and 5-. Granted impunity for abuses and crimes committed, mainly in the countryside, in certain landmark cases that occurred prior to April 2018.

Although this section does not attempt to provide an in-depth study of these conditions, they will be described in some detail in the following pages as factors that explain why the Nicaraguan military never hesitated in the background when it came to providing protection, security, and stability to the regime of Daniel Ortega.

Within the framework of this investigation, the identification and description of these conditions is of vital importance because from them can be inferred the extent of these military members' commitment to Daniel Ortega. This commitment is ongoing, despite the fact that during the April 2018 crisis, the Nicaraguan army denied its involvement in the repression in official communiqué No. 01/2018, issued by the Public Relations Directorate on May 12, 2018.

a) Ortega's political capture of the military

Upon his taking power in 2007, Ortega's actions showed that he was pursuing a strategy to stay in power, counting, among other things, on the support of the military. Dr. Mariam Mufti, an expert in hybrid regimes⁵, says that every authoritarian regime seeks and needs the cooperation of the military:

“

The army has all the guns and trained soldiers. And if the dictatorship wants to establish a monopoly over the coercive apparatus of the State, number one, and number two the legitimate use of violence within the State, then absolutely you need the cooperation of the military.”
(Mufti, 2018)

At his inauguration in January 2007, Daniel Ortega drew the lines of his policy regarding relations with the military. During the ceremony, in the most important parts of his speech, he reminded the military of “their revolutionary origins.”⁶

“Reminding the military of their revolutionary origin was a call to side with Daniel Ortega; specifically, it was a call for loyalty to his goals. This was understood by the military command and the officers with whom I had the opportunity to speak after Ortega's speech. The military understood that the rules of the game were changing,” was the assessment of former intelligence officer Raúl Méndez García for this report (personal communication, October 2020). “From the beginning, Ortega sought to establish an alliance with the armed forces,” he stated.

⁵ Hybrid regimes are regimes that combine characteristics of democracy with authoritarianism.

⁶ See <https://www.laprensa.com.ni/2007/01/11/politica/1291034-ortega-toma-el-mando-de-policia-y-el-ejercito>



i. A necessary alliance (FSLN–EN)

The idea of forming an alliance between the FSLN government and the Nicaraguan Army (EN in Spanish) may have emerged during the first years of Ortega's administration. According to Méndez, at the General Secretariat of the FSLN, which serves as the presidential office and also Ortega's residence, a meeting was recorded between the president and the respective heads of the national police and the army.

“The alliance was struck in that meeting. The country's armed forces would seek a way to protect the system (regime), not for ten years, but for at least thirty years, because by safeguarding the regime, they would also reap the benefit. Military and police influence and control in Nicaragua would be strengthened; that is, they would become decisive agents in the administration of power and it would bring them financial benefits as well,” states Méndez.

A potential alliance of this type to strengthen a specific political plan is not completely far-fetched. Venezuela is a living example. Ramos (2018), in her academic essay, describes how the military and the civil authority in Venezuela, headed by the late Hugo Chávez, established an alliance so close that the military has played an important role in the country's politics and holds a significant share of public offices in the various government bodies. This has, of course, produced an obvious negative impact, leading to a democratic regression.

In the opinion of Méndez García, “what is reproduced here is the Cuban model, where the military occupies a large part of the positions in the economic and political sectors” (personal communication, October 2020).

ii. Former members of the military in the state

In Nicaragua, active military members have not held important positions in many government institutions. The only exception is Major General Denis Membreño Rivas, who was appointed while on active duty and continues to lead the Financial Analysis Unit;⁷ there are no other similar cases.

However, numerous retired military personnel who left active duty before and during Daniel Ortega's first two presidential terms have held high positions in various institutions of the State. Two clear examples are retired general Oscar Mojica, appointed in 2017 as minister of transport and infrastructure; and retired brigadier general Denis Moncada Colindres, the current Nicaraguan foreign minister.

A count found at least 47 former military who in 2013 had positions in government and state-owned consortia such as Alba de Nicaragua S.A. (Albanisa), created with funds from the Venezuelan oil cooperation.

⁷This is the State agency whose mission is to prevent and prosecute the crime of money laundering from illegal activities and financing of terrorism.

Table 1.

<div> List of former military personnel in State positions in 2013</div>						
No.	Highest military rank	Name	Speciality	Military Education		Observations
				ALEMI	DEM	
FSLN Administration - ALBANISA						
01	Major General	Ramón Humberto Calderón Vindel	Troops	X	X	Guerrilla
02	Colonel	Rodolfo Fernando Velásquez Gutiérrez	MCI		X	Guerrilla
03	Colonel	Leonardo Guatemala	Special Ops	X	X	Guerrilla
04	Colonel	Guillermo González	Executive		X	
05	Lieutenant Colonel	Pablo Corea Fernández	T and T		X	Guerrilla
06	Lieutenant Colonel	Vílchez	Troops		X	Guerrilla
Vice Presidency of Nicaragua						
07	Army General	Moisés Omar Halleslevens Acevedo	MCI		X	Guerrilla
08	Colonel	Rudy Saavedra	MCI	X	X	Guerrilla
09	Colonel	Ramón Sevilla	MCI	X		
10	Colonel	Víctor Guevara	MCI	X		
Supreme Court of Justice						
11	Subcommander	Rafael Solís Cerda	Attorney			Guerrilla
12	Lieutenant	Juana Méndez Pérez	DGSE (Secret police)			Guerrilla
13	First lieutenant	Julio Arias	Judge			
14	Lieutenant	Adela Cardoza	MCI			
Supreme Electoral Council						
15	Colonel	Emmet Lang Salmerón	Head Admin			Guerrilla
16	Lieutenant Colonel	Marisol Castillo Bellido	HR			
17	Major	Johnny Tórrez Aguilar	Policy			Guerrilla
Free Trade Zone						
18	Brigadier General	Álvaro Baltodano Cantarero	Area Head		X	Guerrilla
19	Major General	Glauco Cidar Robelo Choenihg	2nd Head MCI		X	Guerrilla
20	Brigadier General	Néstor López Fernández	Troops	X		Guerrilla
Delegation to the Organization of American States (OAS)						
21	Brigadier General	Denis Moncada Colindres	Head Admin		X	Guerrilla
Nicaraguan Embassy in Panama						
22	Major	Antenor Ferrey Pernudy	Head Admin		X	Guerrilla
Ministry of Agriculture and Forestry						
23	Colonel	Silvio Palacios	Troops		X	Guerrilla
24	Colonel	Manuel Gutiérrez	Policy		X	Guerrilla

Source: Author, with information from open sources and from former military personnel.

25	Lieutenant Colonel	Francisco Luna	Special Ops		X	Guerrilla
Customs Headquarters						
26	Captain	Eddy Medrano	Section Head			
27	Commissioner	Carlos Rodríguez	Section Head			Guerrilla
28	Lieutenant Colonel	Néstor Moncada Law **	Intelligence/ DGSE			Guerrilla
29	Major	Ernesto Tórrez	Troops		X	Guerrilla
ENITEL CLARO Mobile carrier						
30	Brigadier General	Orlando Talavera Siles	Intelligence/ DGSE	X	X	Guerrilla
Nicaraguan Electric Company						
31	Brigadier General	Ronaldo Velásquez	MCI	X	X	Guerrilla
Ministry of Mines						
32	Lieutenant Colonel	Carlos Zarruk Pérez			X	
Civil Aviation						
33	Brigadier General	Jorge Miranda Jaime		X	X	Guerrilla
Ministry of Environment and Natural Resources						
34	Rear Admiral	Juan Estrada ***				
Nicaraguan Aqueducts and Sewer Company						
35	Colonel	Erwin Barrera	MCI		X	
36	Colonel	Javier Martínez	MCI		X	
37	Colonel	Octavio Aragón	Policy		X	
38	Colonel	Denis P. Paiz	Armament		X	
39	Lieutenant Colonel	Jorge Pasconde	MCI			
40	Lieutenant Colonel	Fernando Galeano				
Ministry of Education, Culture and Sport						
41	Brigadier General	Ricardo Martínez Bonilla	Troops		X	Guerrilla
Central Bank of Nicaragua						
42	Lieutenant Colonel	Alberto Guevara	Intelligence/ DGSE			
Ministry of Health						
43	Colonel	Elías Antonio Guevara Ordóñez	Doctor		X	Guerrilla
Nicaraguan Institute of Territorial Studies						
44	Colonel	Jorge Castro				
National Supply Company						
45	Brigadier General	José Herminio Escoto	Troops	X	X	Guerrilla
46	Lieutenant Colonel	Nelson Largaespada	Troops		X	Guerrilla
47	Captain	Julio Hernández	Rearguard		X	Guerrilla

Source: Author, with information from open sources and from former military personnel.

As the table shows, 93% of these former military personnel who held positions in the State as of 2013 came from the Nicaraguan army and only 7% from agencies of the former Ministry of the Interior, such as the DGSE (the secret police) or the National Police.

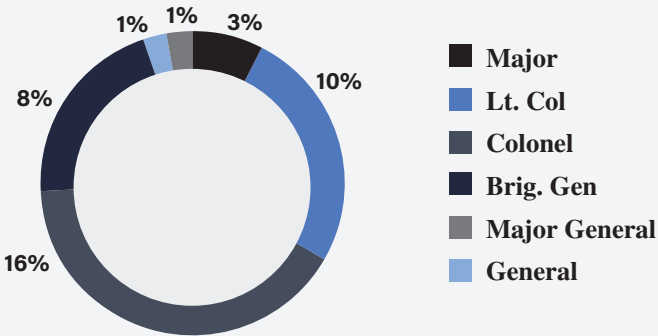
Of the former military members who had belonged to the Nicaraguan army (93%), 82% had been high-ranking officers and held strategic positions within the military, such as chief of staff, operations and inspector general, among others. Only 18% were lower-ranking military personnel, among them two captains, a first lieutenant and a lieutenant. It may be noted that 59% of them (26) were Sandinista guerrillas who had fought in the armed conflict that ended in the overthrow of Anastasio Somoza Debayle in 1979.

The appointment of General Omar Hallesleven (2012–2017) is a case that illustrates this strategy of installing military members into State institutions. According to testimonies from former army officers, his appointment as vice president was due to a political strategy between the army and President Ortega to project a positive image of the army. An order was received to generate more closeness between the army and the people in rural regions, especially where there was greater political opposition. The strategy involved having the army help and protect peasant farmers (dairy, cattle, crop farmers) to improve the political image of the army and of General Hallesleven. Subsequently, the forces withdrew and concentrated in their various bases, mountain posts and regional military commands, which did not please the peasant groups that had previously benefited.

This evidence and data show an unusual pattern in the administrations of the last 20 years. No other government had hired a large number of retired military personnel for positions in government institutions.

According to the information that has been gathered, these persons have been given positions in at least 19 different public agencies, which indicates that they have amassed considerable power. Several of these institutions have been key in setting up the logistics for repressing those whom the Ortega–Murillo regime identifies as its enemies.

Figure 1. Former military members with State positions in 2013.
Percentage distribution by rank.



Source: Prepared by author.

Was there an intention behind this? What end was President Ortega pursuing (or is pursuing) by appointing a considerable number of former military personnel to public office? Once again, an analysis of the information suggests a hypothesis of three objectives.

According to the hypothesis, Ortega has sought the most effective way to exercise supreme and personal control of the armed forces; has taken advantage of his personal relationship with the military caste, in active service or retired; and has appointed them to State positions to win their political loyalty and that of the respective institution as a whole. In this way, his strategy ensures political penetration through these former military members because even after they have left the military, they still have friends and former subordinates in active service.

What is more, Ortega has an intelligence conduit in the institutions where these former military personnel are located; what do they think, what problems do they face, which ones are the most loyal, who is not, and other information of this type.

This oversight could also serve a more strategic objective; institutional loyalty in times of crisis. The army would be crucial in the event of a widespread crisis that could not be controlled by the police force alone.

The last objective suggests that Ortega has sought to win political loyalty from members of the military institution itself using what is known as the “mirror policy;” an indirect message to active members of the army letting them know that loyalty brings rewards. Thus, for example, the active military would see in the reflection of the former military now in the government their own future if they are faithful to Ortega’s political goals; economic perks, leadership in non-military spheres, impunity and other privileges, which are also extended to their families.

According to the Military Code or Military Law, an officer of the Nicaraguan Army, depending on his military rank, receives a retirement pension, which includes his salary up to retirement. A high-ranking officer could receive a pension of USD \$2000 tax-exempt, and if he is hired to a high position in a government institution, a further USD \$2000 would be added, effectively resulting in a monthly salary of USD \$4000. And if the government hires the official’s wife, which has already occurred in the case of the Supreme Court of Justice and the Supreme Electoral Council, the monthly income for the household would be close to USD \$5,000.

In other words, Ortega would be rewarding his faithful officers, and punishing those who do not agree with his policies. His benevolence is visible in the case of the former military persons that he has working in the government and in the companies where he holds shares or influence.

iii. Military enterprises

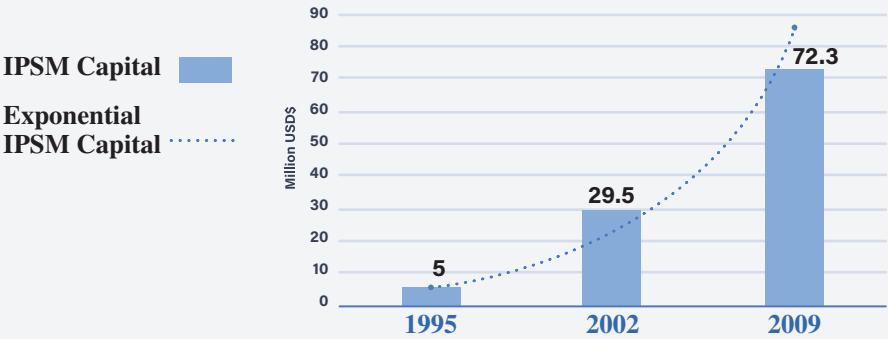
The Military Social Security Institute (Instituto de Previsión Social Militar; IPSM) is the agency that administers military service members' pension funds in Nicaragua. However, they have administered them as a public investment fund under the pretext that the contributions made by participants would not make it profitable to guarantee a livable retirement pension for members of the Nicaraguan army. Thus, by 2009, the IPSM was running a total of nearly 60 businesses and managing a capital estimated at 72.3 million dollars, and had become one of the main investment groups in the country, as can be seen in Figure 2.

The lack of transparency in the way military businesses are managed makes it difficult to know how much capital is currently controlled by the military through the IPSM. Although the Office of the Comptroller General (CGR in Spanish) is authorized to audit the Nicaraguan Army, the army ensured that it would keep civil oversight out of its finances by approving, in the Military Code, that it should be audited through external private firms and only present the final results to the CGR, which would then approve them without verification.⁸

Due to the secrecy, this investigation uses data released by some media and official reports by auditing firms to show how military businesses have grown and that these firms are a determining factor in supporting the stability of the current regime. A crisis of violence, such as the one that occurred in 2018, would have negative effects on military finances if it lasted over a prolonged time.

⁸ Article 67, no. 5; Articles 71 and 72 of Act 181 or the Code of Military Organization, Jurisdiction and Social Security, better known as the Military Code.

Figure 2. Growth of the military funds of the Military Social Security Institute (IPSM)



Sources: IEEPP, Confidential and Deloitte & Touche and PricewaterhouseCoopers audits

Over the seven years from 1995 to 2002, IPSM capital growth was 490%, an enviable financial return for any civilian corporation. In the following seven years, its wealth increased by 169%, and it continued to follow a growth trend.

Nevertheless, journalist Juan Carlos Bow (August, 2019) cites in his report published in Confidential magazine that **“Military sources stated that at the time, IPSM funds could be between 90 and 100 million dollars, of which at least 35% was invested in bonds in the United States.”**⁹

These funds are the Nicaraguan army’s “corporate treasury,” and the military wants to continue their stable growth. A political crisis, such as the April 2018 crisis, threatens this growth and therefore puts pressure on the military to maintain the status quo.

Military expert Roberto Cajina defines it this way: “The crisis (of 2018) is putting at risk the millionaire interests of the military corporation administered by the Military Social Security Institute (IPSM), to which are added the individual interests of the military leadership.

It is not only a question of their investments in Nicaragua, which are considerable, but – and perhaps more importantly – their investments abroad; in the United States in particular” (Cajina, 2018).

In Cajina’s own words, this explains why the Nicaraguan Army, in its communiqué number 01/2018 issued on May 12, 2018, took a position of “covert complicity” by not condemning the acts of violence committed by the national police together with heavily armed paramilitaries who murdered protesters and chose to put out a call for stability; “... a call to stop the violence and the actions that destabilize us.”⁹

The army’s call in that statement, together with an analysis of the language it used, indicate, in Cajina’s opinion, that the military stood on the side of the repressors, led by Daniel Ortega and Rosario Murillo. Although the language used is general and noncommittal – it does not identify anyone in particular – calling for a halt to violence and destabilizing actions directly benefits the status quo which, at the time of the crisis, was undoubtedly Ortega and his regime.

Cajina, citing several facts that circulated on social networks and aerial surveillance carried out during the crisis by the army, concludes, “Of all these, the army only gave an explanation – which was incomplete – of the vehicles at the Military Hospital. The armed forces spokesman only made reference to the vehicles’ arrival, stating that they were transferring wounded police officers whose weapons (AK-47 rifles) were seized and later handed over, he said, to the police with a written record of the transfer. For the remaining cases, the army has kept a suspicious, complicit silence. These cases cast doubt on the military’s neutrality, which had been implied in the May 12 communiqué.”¹⁰

⁹ See <https://confidencial.com.ni/ipsm-el-grupo-de-negocios-del-ejercito/>

¹⁰ See <https://www.envio.org.ni/articulo/5507>

¹¹ Ibid

¹² Ibid

Military businesses and their financial earnings are an important element *per se* in the bid for stability. The Nicaraguan army did not intervene in the April, 2018 crisis, so the status quo prevailed with forces from the national police and the paramilitary. This avoided their military businesses being affected, especially the new ventures in which they had been involved that concerned the Alianza Bolivariana para los Pueblos de Nuestra América (Bolivarian Alliance for the Peoples of Our America), which ended up being a source of illicit enrichment for economic elites close to the Ortega–Murillo regime.

vi. The increase in military budget and personnel

The national defense sector has been among the items prioritized in the national budget (PGR in Spanish) by the Ortega–Murillo regime, along with acquisition of weapons and military equipment. Military spending has not been subject to the civilian spending controls that apply to the other institutions of the State. Nicaragua, one of the poorest countries in the Americas, has one of the largest arms stockpiles in Central America in relative terms.

According to the Global Firepower website, which publishes world military power rankings every year, Nicaragua has 12,000 active military personnel, 198 tanks, 285 armored vehicles, 160 rocket launchers and 272 towed artillery pieces that are part of the land force. The country's inventory of military hardware also includes 13 helicopters, and 21 ships and patrol boats. Nicaragua has more land force equipment than Guatemala, Honduras or El Salvador, which, however, have larger numbers of active personnel; 20,000, 15,000 and 25,000 members, respectively.



In the army's annual reports and its journal Ejército Defensa Nacional ("National Defense Army") from 2007 to 2020, the only data provided are on drug seizures, patrols and rescue operations, and the speeches by General Julio César Avilés, head of the army, thanking Ortega for his "unconditional support" with budgetary resources to strengthen land, sea and air military capability.

However, there has been no information about how much or how the investment in "strengthening" military weapons and equipment was made, nor about how much of the budget was used to maintain these assets.

In recent years, Central American countries, with the exception of Costa Rica, which does not have an army, have increased their numbers of military personnel, equipment, and investment with the justification that they are needed to fight organized crime and drug trafficking, and protect their respective national territories. In the case of Nicaragua, officials have not provided a convincing explanation of why the number of tanks was increased if the country does not have the least prospects of war with any other nation.

In 2016 the government and the army were called into question by the scandal raised when the country received fifty T-72B1 tanks through an agreement with Russia. The cost would have been 80 million dollars, which surprised even National Assembly representatives, who had not approved any such loan for purchase of the tanks.

Another example is a purchase that was approved by the Nicaraguan legislature. In December 2017, the army acquired two new patrol vessels for use by the navy. The acquisition passed through the National Assembly only because it was necessary for representatives to approve a 9.8 million dollar line of credit with the Dutch shipbuilder BV Scheepswerf Damen Gorinchem. The credit was approved and the navy received the vessels in June, 2019.

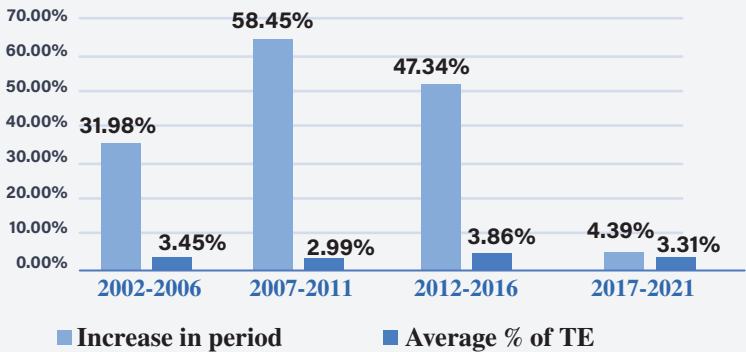
The budgetary secrecy of the Nicaraguan army stands in contrast to its Central American counterparts. In Honduras, El Salvador and Guatemala, military commanders are required by law to make purchases transparent, including military equipment. This information enables civil society groups in these countries to monitor and demand accountability for what they call excessive spending by their respective armies.

In Guatemala, purchases are detailed on the Ministry of Defense website, in the Purchases and Acquisitions Department section, which gives access to documents on tenders or other procurement processes, as well as the contracts and tenders awarded or tenders declared inconclusive and not awarded, and the reasons why. In El Salvador, the Ministry of National Defense also makes information on purchase processes available, detailing the items, amounts, supplier, and type of contract, among other factors. The information can be accessed at this website, where Salvadoran state ministries and institutions, including the military, are held accountable for public funds. In Honduras, the Ministry of National Defense (SEDENA) must by law make military spending transparent, which it does through www.portalunico.iaip.gob.hn, although to obtain information on army purchases it is necessary to make a request by filling out an electronic form.

In contrast, in Nicaragua, there is no such source of this information like those in the other Central American countries, nor are expenditures made transparent in official documents. In the national budget, for example, there is little information on the National Defense program that is carried out entirely by the Nicaraguan army. There are only aggregate amounts. However, budget performance reports show that the Ministry of Defense has been the central government institution receiving the sixth-largest amount of funds since 2001.

As shown in Figure 3, during the government of Enrique Bolaños (2002–2006), Ministry of Defense spending increased by 32%, while in Ortega’s first presidential term (January 2007 to 2011), the increase was 58.46%. In his second presidency, the amount allocated to the military grew by 47.34%. Although the country’s socio-political and economic crisis has affected the allocation of resources to the army, its preferential treatment has been maintained, since overall spending has increased by 4.39% between 2017 and 2021.

Figure 3. Evolution of MIDEF spending by presidential term



Source: Author, with data from performance reports of the 2001–2019 national budget; budget approved 2020 and 2021

Nicaragua is the country that allocates the most funds to the national defense sector relative to the size of the total national budget; from 2012 to 2021, defense received an average of 3.19% of the total budget (3.28% in the 2021 budget) (see Figures 4 and 5). In 2021, the proportion is higher than in neighboring countries; Honduras allocates 2.93% of total spending, Guatemala 2.64%, and El Salvador 2.96% to their respective defense sectors. Since 2012, defense spending in Nicaragua has grown by 11%.

Figure 4. Defense sector expenditure as a percentage of total expenditure in each CA-4 country, 2012–2021

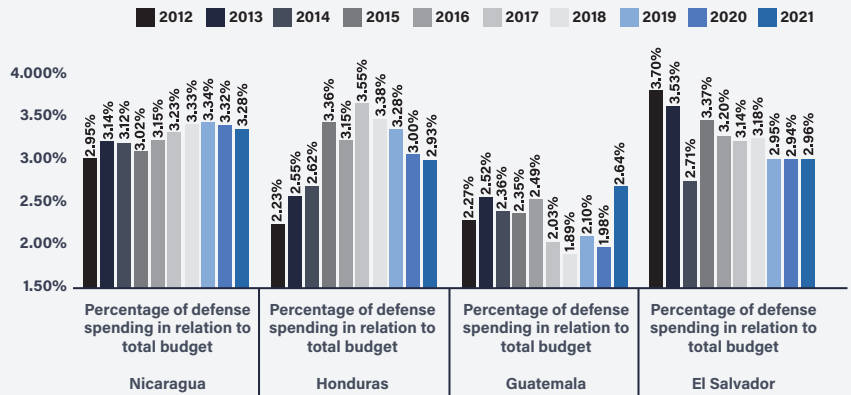


Figure 5.

Average defense spending as a percentage of total spending during the period 2012–2021			
3.19%	3.01%	2.26%	3.17%

Sources: Author, based on budget performance reports from each country

According to testimonies from former army officers, a relevant detail regarding the army’s budget allocation is that there is a lot of project under-execution. The deteriorating condition of units, military posts and bases is evidence of this. Under-execution also lends itself to corruption; for example, payroll inflation, and payroll entries for nonexistent soldiers that are pocketed by unit heads.

b) The military at the top

Another important aspect for understanding personal and party subordination to Ortega and his family are the organizational and functional changes in institutions concerned with security. Since 2010, Ortega's regime has made profound changes by means of various items of legislation, creating the National Democratic Security System and the Sovereign Security System, which are an integral part of the state's national security policy.

Before these systems were created, responsibility for security was allocated according to the laws governing the Nicaraguan army and the national police, organizations that are assigned their missions by the Nicaraguan constitution. The army is responsible for national security and defense of Nicaraguan territory and the police for internal (or public) security and for investigating and pursuing lawbreaking.

However, once the Democratic Security Act,¹³ the National Defense Act¹⁴ and the Sovereign Security Act¹⁵ were approved, the army and the police were to join forces, along with other complementary institutions, to ensure national security, which was defined as the territorial integrity and stability of the Nicaraguan State and government.

This coordination is directed by the president, but places the military on the top, above the rest of the institutions that take part in carrying out these functions. In other words, the Nicaraguan Army is the state institution that directs and coordinates this alliance between the army and the police.

¹³ Bill No. 750, approved by the National Assembly on December 13, 2010.

¹⁴ Bill No. 748, approved by the National Assembly on December 13, 2010.

¹⁵ Bill No. 919, approved by the National Assembly on December 2, 2015.

For example, Article 9 of the Democratic Security Act, which creates the Democratic Security System and establishes the bases of national defense policy, says:

“The National Democratic Security System (SNSD) is created as a set of actions aimed at ensuring the democratic security of the nation, through the permanent coordination and cooperation of the specialized institutions of the State in this field, which fulfill their function through basic and specialized operations, using human resources and technical means.

“This system is coordinated by the president of the republic, and the Office of Information for the Defense of the Nicaraguan Army is designated as the Executive Secretariat of the system, having the functions established in Article 26 of Bill 181. Code of Military Organization, Jurisdiction and Social Security, published in La Gaceta, Official Gazette No. 165, September 2, 1994.

“The following are the elements that make up the National Democratic Security System:

- 1. The Nicaraguan Army.**
- 2. The National Police.**
- 3. The following institutions that, in the exercise of their functions under the terms of the law, obtain, produce and process national security information:**
 - a. Specialized unit of the Attorney General’s Office.**
 - b. Department of Immigration and Foreign Affairs.**
 - c. Department of Customs Services.**
 - d. National Penitentiary System.”**



The Sovereign Security Act, in Article 9, creates the Sovereign Security System which, in practice, is coordinated by the Nicaraguan army: “This system is coordinated by the president of the republic. The Nicaraguan Army, through the Office of Information for the Defense of the Nicaraguan Army, will function as the Executive Secretariat of the system, having the functions stipulated in Article 26 of Bill 181, Code of Military Organization, Jurisdiction and Social Security, whose full text with incorporated reforms was published in La Gaceta, Official Gazette No. 41 on March 3, 2014.

To put it another way, the army exercises executive control over actions that ensure national security, which implies, according to this body of law, internal security when the stability of the country and the State are threatened by conditions such as:

- a. Any illegal act that threatens the existence of the Nicaraguan State and its institutions.**
- b. Acts of foreign interference, espionage, sabotage, rebellion or treason.**
- c. Acts of foreign interference in national affairs.**

The Daniel Ortega government considered the 2018 protests to be an act of foreign interference¹⁶ and as such, a threat that by law had be addressed by both security systems coordinated by the Nicaraguan Army through the Defense Information Directorate (DID). The DID is a system that, despite being seconded to the military, functions as a state security or national counterintelligence mechanism.

If the military, through its May 12, 2018 statement, confidently claimed that they were not involved in the state repression against the protesters, it may be seen that although they had not contributed active forces or carried out any tactical operations, they were probably supplying information collected through these security systems (national and sovereign) coordinated by the DID or other units of the Nicaraguan army by mandate of the law.

In other words, the Nicaraguan Army was required by law to provide operational information, at least, to President Ortega during the socio-political crisis. This information, gathered through intelligence, would have been tactically useful both for the national police and for the paramilitaries¹⁷ when they were implementing the well-known “Operation Clean-Up” that dismantled the barricades and roadblocks maintained by the protesters on the country’s main roads and highways.

Due to the changes to the security model introduced by these laws, it can be clearly deduced that Ortega militarized the model by situating the Nicaraguan Army as the main institution that coordinates and centralizes the national and sovereign security systems in the executive. This could indicate that the military have not been on the sidelines of the socio-political crisis and the consequent repression by the Ortega government, by collecting and distributing crucial information for the various levels of operations carried out against civil dissidence.

¹⁶On page 52 of the report “Volviendo a ser humano,” (Returning to being human) by the human rights collective Nicaragua Nunca+ (Nicaragua Never Again), one of the victims of the repression describes an interrogation by intelligence officers who asked who financed them. Many similar testimonies indicate that the objective was to discover whether the source of financing was foreign.

¹⁷The armed civilians who supported the national police during operations against the protesters were called paramilitaries.

Table 2.

<div><h2>Summary of the Democratic Security and National Defense and Sovereign Security laws</h2></div>	
Democratic Security Law	
Purpose	<div><div>1. Preserve and maintain national security.</div><div>2. Anticipate and respond to threatsto national security.</div></div>
Scope	<div><div>1. Security of the State, security of the nation.</div><div>2. Monitor threats.</div><div>3. Territorial integrity and sovereignty.</div></div>
Applies to:	<div><div>1. Democratic security system, made up of:<div><div>a. Defense Information Directorate (DID, Army).</div><div>b. National Police.</div><div>c. Specialized national budget (PGR) unit.</div><div>d. Immigration and Foreign Affairs.</div><div>e. Customs.</div><div>f. Prison system.</div><div>g. Public Prosecutor’s Office Unit against Organized Crime.</div><div>h. Superintendency of Banking and Other Financial Institutions (SIBOIF) specialized unit.</div><div>i. Financial Analysis Commission.</div></div></div></div>
Role	<div><div>1. Prepare and update the national security plan.</div><div>2. Prepare intelligence assessment reports useful in government decision-making.</div><div>3. Inform the president of threats or crimes that could undermine national security and defense.</div></div>

Source: Author, based on the content of the laws cited.



Summary of the Democratic Security and National Defense and Sovereign Security laws

National Defense Law

Purpose	1. Regulate the actions of the State in organizing, directing, preparing and making the country ready for national defense in all ways.
Scope	1. National defense: sovereignty, self-determination and national independence and territorial integrity. 2. National security: sovereignty, territorial integrity, stability of the State and government.
Applies to:	1. Higher bodies of national defense: a. Political level. b. Military level (Nicaraguan Army).
Role	1. Plan, organize, prepare, and carry out armed defense. 2. Lend support in the event of extreme need for maintenance of peace and public order. 3. Continually fight against any manifestation of terrorist activities criminalized by law that endanger or undermine the security and democratic stability of the institutions of the Nicaraguan State.

Source: Author, based on the content of the laws cited.



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Summary of the Democratic Security and National Defense and Sovereign Security laws

Sovereign security Law

Purpose	1. Preserve, promote and maintain security, and determine functions, structure and coordination in matters of defense and sovereign security.
Scope	1. Internal security and stability. 2. Maintenance of the established order. 3. Security of the State. 4. Counter threats.
Applies to:	1. National Sovereign Security System, made up of: a. Defense Information Directorate (DID, Army). b. National Police. c. Sinapred (National System for Disaster Prevention, Mitigation and Support). d. Public Prosecutor's Office. e. Attorney General of the Republic. f. Ministry of the Interior. g. Financial Analysis Unit.
Role	1. Prepare national security plan. 2. Maintain constitutional order, rule of law and strengthen government institutions. 3. Counter any illegal act that threatens the existence of the Nicaraguan State and its institutions. 4. Prepare intelligence assessment reports useful in government decision-making.

Source: Author, based on the content of the laws cited.



III. History of human rights violations (from Ortega on)

The army's participation in operations that persecuted and eradicated dissidents had already been well noted before the April 2018 sociopolitical crisis. According to various reports from human rights organizations and former officials of these organizations¹⁸ interviewed for this report, it is clear that in rural areas, mainly in Jinotega and the Southern Caribbean Autonomous Region (RACS), the military deployed operations against peasants, individually and against groups that had taken up arms for political reasons.


One of these former officials stated, “Before 2018, in several cases that I investigated, mainly in Jinotega, the Nicaraguan army's participation is very clear. Our organization criticized the military for operating against armed groups since they do not have the constitutional authority to prosecute crime”¹⁹ (Personal communication, December, 2020).

For this section, several emblematic cases that occurred before 2018 were selected in order to analyze the degree of military participation and compare the types of operations involved. The cases are described in the following table.

¹⁸ Nicaraguan Center for Human Rights (CENIDH in Spanish), Permanent Commission on Human Rights (CPDH in Spanish) and Nicaraguan Association for Human Rights (ANPDH in Spanish), all Nicaraguan organizations.

¹⁹ The identities of some sources in this report are not given, for reasons of safety.

Table 3.

<div></div> <div>Emblematic cases of deaths attributed to the Nicaraguan army</div>							
Victims							
Date	Place	M	F	Children	Adults	Total	Summary
Case “Yajob”							
Feb.,2011	El Cuá, Jinotega	I			I	I	José Gabriel Garmendia, alias Comandante Yajob, had taken up arms against the Ortega regime. He was killed in a special/intelligence operation.
Case “Pablo negro”							
Jan.,2012	Las Manos, border post with Honduras, in Honduran territory	I			I	I	Guadalupe Joya Borge commanded the rearmed 3-80 Democratic Forces group. He was executed with two shots, one to the head and the other to the abdomen.
Case “Cascabel”							
Apr. 4, 2013	Wapí, RACS	4			4	4	Joaquín Torres Díaz, Comandante Cascabel, and three of his men who had taken up arms, were annihilated in the Nicaraguan army’s Operation Reptile.

Source: Media reports and Nicaraguan Army annual reports.

Victims							
Date	Place	M	F	Children	Adults	Total	Summary
Case “Attack on Anisales”							
Oct. 9, 2013	Pantasma, Jinotega	2			2	2	Yairon Elías Díaz Pastrán and Santos Ernesto Irías Calderón were killed in a Nicaraguan army attack.
Case “Comandante Naval”							
Jun. 12 , 2014	La Cruz de Río Grande, RACS	I	I	I	I	2	Saturnino Lira (Comandante “Naval”) also led an armed group with political objectives. He and a 14-year-old girl died in the army attack.
Case “Knapsack bomb”							
May. 25, 2015	Pantasma, Jinotega	3			3	3	The incident occurred in the town of El Portal, and two of the deceased belonged to an armed group.
Case “Andrés Cerrato”							
Apr. 18 , 2016	Ayapal, Jinotega	I			I	I	He was killed after his account of intimidation by the Nicaraguan army was published in the newspaper La Prensa. He was kidnapped before being executed.
Case “El Invisible”							
Apr. 30 , 2016	Río Blanco, Matagalpa	I			I	I	Enrique Aguinaga, alias “El Invisible,” had taken up arms with his group for political motives. He was killed in the town of Palancito.

Source: Media reports and Nicaraguan Army annual reports.



Victims							
Date	Place	M	F	Children	Adults	Total	Summary
Case “Deaths in Las Magdalenas”							
Nov. 6, 2016	Las Magdalenas, Ciudad Antigua	3			3	3	José Nahum Mendoza, Margarito Mendoza and Santos Pérez López were killed.
Case “Commander “Colocho”							
Nov. 12, 2017	La Cruz de Río Grande, RACS	4	2	2	4	6	Rafael Pérez Dávila, known as Commander Colocho, and the other victims were killed by the Nicaraguan army. He was the father of the two murdered teenagers. Their mother is Elea Valle.

Source: Media reports and Nicaraguan Army annual reports.

The first thing that can be noted in an analysis of these cases is that prior to the April 2018 crisis, the military operations zone of the Nicaraguan army was the countryside, mainly remote areas where police presence was weak or almost non-existent.

All the deaths recounted in Table 3 took place in municipalities far from the capital; Jinotega (40%), South Caribbean Autonomous Region (30%), Nueva Segovia (20%) and Matagalpa (10%). Various media²⁰ have reported that 25 to 42 peasants were killed between 2011 and 2017. The figure could be higher due to the fact that there are high levels of secrecy on this issue and little communication with remote rural areas, which makes corroboration difficult.

²⁰ See <https://confidencial.com.ni/ejercito-letal-armados/> and <https://www.articulo66.com/2017/11/17/los-rearmados-asesinados-ejercito-nicaragua/>

An important point to note is that all the cases cited in the table concern murders or executions attributed to the Nicaraguan army that were committed against peasant leaders who took up arms for political reasons. There are records of public statements in the media and videos uploaded to YouTube by people who were later murdered in which they claimed to have taken up arms to fight against the Daniel Ortega regime. The cases of “El Invisible” and “Cascabel” are examples of this.²¹

However, the Nicaraguan government rejects these claims and asserts that there are no politically motivated armed groups in Nicaragua. This is a State policy that has been in place since 1994, when the Frente Norte 3-80, which was made up of former combatants in the Counterrevolution, demobilized. It was the last political armed group to be acknowledged as such.

From then until the present, several groups have emerged, mainly since 2012, when Daniel Ortega was re-elected for a second presidential term. In a video uploaded to YouTube, Enrique Aguinaga, alias Comandante Invisible, states that he took up the fight because of Ortega’s constant violations of the Constitution.²²

The other point to note in the army's operations against these groups is that they never left survivors. These operations were one-hundred percent fatal to the peasants who took up arms. This can be verified in the case of Rafael Pérez Dávila, Comandante Colucho. The soldiers who conducted the operation against him on November 12, 2017, did not care that he was accompanied by his son Francisco Alexander, age 12, and daughter Yojeisel Pérez Valle, age 16. The two young people were shot and their bodies showed signs of torture, as corroborated by human rights organizations.

²¹ See https://www.youtube.com/watch?v=xghUUCzKm0Q&ab_channel=CaciqueDiriangen and https://www.youtube.com/watch?v=IQsvGHoGMos&ab_channel=fdnnicaragua380

²² Ibid.

According to testimonies by a former officer who was part of the regional squads of the Nicaraguan army, operations similar to these are carried out secretly by special operations squads (COE in Spanish). The COEs are made up of officers and soldiers with extreme loyalty to the military. Their operations are carried out in coordination with the Defense Intelligence Directorate (DID), which files charges against the targeted persons and thus authorizes the execution.

In many cases, as the qualitative evidence presented in Table 3 suggests, a battle between the army and criminal groups is faked. Former army officers who were familiar with these intelligence operations say that they often place military weapons (AKM) and hunting weapons (shotguns, 22s) as though the victims had been using them. These weapons are provided by the DID, having been confiscated from drug traffickers. The military justifies the deaths with this faked evidence.

The absence of survivors caught the attention of retired general Hugo Torres and guerrilla commander Dora María Téllez. When interviewed for a special report, they highlighted that the viciousness is due in particular to political motives on the part of the military, because these peasants had risen up against a system that the military seeks to preserve, as was the case with the National Guard in the time of Anastasio Somoza Debayle²³ (Téllez and Torres in Mogollón, 2018).

A human rights defender interviewed for this report highlighted that impunity is very common in all these cases. There has never been an official investigation to determine individual responsibilities nor to prosecute in the event that crimes were determined to have been committed. The defender explained that this is typical when the military is involved and they enjoy the protection of the person who benefits from their actions, in this case the president of Nicaragua, Daniel Ortega.

The national police and the public prosecutor did not carry out any investigation in these cases, despite the fact that the people indicated that the military was responsible and the deaths showed very clear signs of having been summary executions.

Finally, another important aspect of these assassination operations is stigmatization of the victims. For example, in the case of Elea Valle's children, the military released photos of the young victims in military clothing and carrying AK-47 rifles. Valle assured the media, in various press conferences, that the photos had been edited by the Nicaraguan army and that she repudiated them not only because her children had not belonged to any armed group, but also because it was evident that the photos had been manipulated.

In the press releases issued by the Nicaraguan army on the battles, and deaths of the rearmed leaders, their language is full of stigmatizing terms and unproven accusations.

For example, in press release number 063/2013, issued by the Nicaraguan Army on the occasion of the death of Joaquín Torres Díaz, known as Commander Cascabel, they refer to his group as “an expression of criminal activity.” In listing its members, it calls them “criminals” and attributes several murders to them. Other official communiqués by the Nicaraguan army similarly brand peasants who took up arms for political reasons as experienced criminals. Other crimes that they are charged with in the army's statements are cattle rustling and drug trafficking.

A human rights defender concludes, “By stigmatizing these cases, what the army wants to imply is that these people died as criminals. Underneath, there is a subliminal message that the rearmed fighters, since they are criminals, ought to die” (Consulted expert, personal communication, November 2020).

²³ See <https://www.articulo66.com/2017/11/17/los-rearmados-asesinados-ejercito-nicaragua/>.

IV. The role of the army in the 2018 sociopolitical crisis

On April 18, 2018, a political and social crisis broke out in Nicaragua. Massive protests were held across the country to demand that Ortega be removed from power. Protesters took control of almost all Nicaragua's cities, and main arterial roads were blocked by barricades that had been erected to oppose a government operation to restore order.

However, in early July 2018 the government launched an offensive against the demonstrators called "Operation Cleanup," which took a toll of dozens of deaths, mainly in Masaya, Carazo, Jinotega and León. Officers of the National Police operated in conjunction with armed civilian allies and militants of the Sandinista National Liberation Front (FSLN) ruling party, whose leader is Ortega. These armed civilians were known as "paramilitaries."

Operation Cleanup was the Ortega regime's reaction to the widespread demand for democracy. The sociopolitical crisis implied a breakdown of the status quo. If it persisted, many de facto powers, developed and strengthened under Ortega's administration since his term began in 2007, would lose control and influence, in addition to benefits and prerogatives mainly of a financial nature. In other words, it could have meant the end of the economic scheme of the Ortegas and the circle of businessmen around them.

Operation Cleanup, according to the investigation, was bloody and ruthless, to such a degree that the government regained control within a few days, leaving at least a hundred dead, several hundred injured and another hundred disappeared or political prisoners.



During this stage of government repression, the Nicaraguan army became invisible. In the words of a human rights defender, “We have not seen participation by the army in our monitoring of repression. It is completely opposite to what happened prior to 2018, where military participation in operations persecuting and wiping out armed groups in the countryside is blatant. In 2018 military involvement could barely be detected, but by 2019 and 2020 it had disappeared from view. It is as though the main command made a political decision and gave orders to make themselves invisible” (Defender consulted, personal communication, November 2020).

However, the Nicaraguan Army was unable to hide its involvement completely. This report includes a number of events that show the level and type of participation by the military in the repression carried out by the State against dissents protesting against Daniel Ortega. An analysis of these events shows that military participation in the repression has two levels and two types according to geographical region.

a) Strategic level

The Democratic Security, National Defense and Sovereign Security laws specify two systems for coordinating actions to counter threats such as the national protest that began on April 18, 2018. The key point about these laws is that the Defense Information Directorate (DID), whose specialty is counterintelligence, is responsible for coordinating and directing the response to these threats.



In other words, the Nicaraguan Army, through the DID, was involved in how the State addressed the sociopolitical crisis. A former intelligence major, interviewed for this report, sums it up like this:

“

The DID was in charge of gathering information on the ground, which was then delivered to President Ortega, the chief of both defense systems, so that the national police and the paramilitaries could then act on reliable data. The information dealt with locations of roadblocks, numbers of protesters, resources and weapons they had, names of their leaders, means of supply, etc. I venture to say that it was the DID that then passed the information on to those repressive forces, even the addresses where the protest leaders lived.”
(Méndez, personal communication, October 2020)

This is confirmed by statements made by Ana Isabel Morales, former Minister of the Interior, at a meeting of FSLN militants. The date and place of the meeting are unknown, but a video was uploaded to the Internet in late January 2019 in which she states that “Army intelligence is working here in this region.”²⁴ Her exact words were:

“

We know how it is, how the game is played. So we, the elders, have to teach them about pre-checking, surveillance, to support the police intelligence or army intelligence that is working here in the region. When they come, when it’s our turn, you let them come into your house to set up surveillance points for their operation, give them your full support. Because we know what it means. We were in the position where they are now, we were in the army, we know the importance of operational information.”
(Ana Isabel Morales, n.d.)



Morales's statements contradict the neutrality position that the Nicaraguan army has claimed since its communiqué 01/2018 issued on May 12 of the same year. Although the military discredited Morales in an official statement issued on February 2, 2019, emphasizing that they “rejected and disavowed” those statements because she was a “former official with no connection to the military,” some former military members consulted consider that Morales did know what she was talking about. They gave her credit not only for having been the minister of a portfolio dealing with internal affairs and that handles counterintelligence, but also for being one of Daniel Ortega's most trusted FSLN militants. “The information on the espionage carried out by the army through the DID at the time could have been obtained from the General Secretariat of the FSLN,” is the assessment of one of the sources (Sánchez, personal communication, October 2020).

Another military unit named by former military personnel interviewed for this report is the army's Special Operations Command (COE). This is a special forces unit made up mainly by elite units from the armies of Guatemala, Spain, the United States and Russia.

Several of these former military members said that the main officers of that unit surveilled the country by helicopter, mainly in the northern region, to collect tactical information on what is known as the “operational situation.” This was another channel that the Nicaraguan Army might have used to identify the strongest blocks and barricades and identify vulnerable places that could be exploited in a military operation.

²⁴ See <https://www.youtube.com/watch?v=sey-nnT1U9o> and <https://confidencial.com.ni/reporte-ciudadano/ejercito-realiza-labores-de-inteligencia/>

²⁵ See <https://confidencial.com.ni/reporte-ciudadano/ejercito-desmiente-a-exministra-de-gobernacion/>

“

The operational situation is simply the information that has to be collected on the ground to locate the number and distribution of enemy forces, their logistics, terrain analysis and other data that are required for decision-making to carry out operations. That's what COE officers did during their air patrols. This information had to be passed on to the police commanders, who, in turn, used force to dislodge the barricades. In other words, the police and paramilitaries could have operated with information that the COE passed on to them,” (Sánchez, personal communication, October 2020).

b) On the ground

Repression is the second level of participation by the Nicaraguan army since the incidents began in April 2018. Some specific operations are highlighted, both in remote municipalities and in border areas whose control is in the hands of the military through two detachments located in the north and south of the country.

Although we will describe specific cases later, here we will give some details provided by several defectors who were active in the military during the 2018 crisis. In addition, older former military members tell how General Julio César Avilés himself, commander-in-chief of the Nicaraguan army, personally called them to join the paramilitaries and fight alongside the national police to dismantle the national protest.



It should be noted that since 2007 the army has implemented a Patriotic Education program in the military units made up of the basic ranks of privates and sergeants. This ideological training was partisan, and the history and values of the Sandinista Front were promoted. As indicated by the testimonies of former army officers, in 2018 this ideologization facilitated the execution of orders issued in defense of the revolution and the government. Even the army reserve was activated, especially former revolutionary fighters.

For the purposes of this report and for the safety of sources and their families, the names of the informants have been changed. The interviews presented here were conducted with Lieutenant “Marvin,” Major “Raúl,” and Colonel “Sánchez.”

The three sources identified the same patterns of military participation in the repression. Some of the most important patterns are: 1-. Personnel selected from special troops for insertion as civilians into paramilitary forces that violently repressed the protest marches and mounted operations to clear the roadblocks; 2-. Operations conducted in remote regions and at Nicaragua’s southern border; 3-. Army resources employed to mobilize paramilitary troops, and to distribute military weapons to them.

Decision taken by General Avilés

The three former military members say military involvement in repression of the 2018 crisis was a decision taken by President Daniel Ortega and General Julio César Avilés, supreme commander and commander-in-chief, respectively, of the Nicaraguan army.

Lieutenant Marvin puts it this way:

“

Several of my military unit and I were selected by the commander of our unit to go to Managua to take part in some activity on May 17, 2018. They told us that this was an order from above and the person who selected us was the head of the unit. Once we were in Managua, they called us to train together with other soldiers from other units, which notably included special forces. This happened in the General Staff area, in the vicinity of the Tiscapa lagoon. There General Avilés began to give a speech, praising the heroes who had fought Yankee imperialism (...) At the end of his speech, he spoke of President Ortega's order to garrison the national police.²⁶ Avilés said that Commander Ortega, as the good citizen that he is, is going to garrison the police, but that now it was up to us, the military, to act, to go into combat. After that, he said that we had a green light to kill, and referred to the protesters as sons of b... He said it in those exact words: “you have a green light to kill all the sons of b... you want.” (...) Almost immediately after he finished his speech, a small truck loaded with civilian clothes, mainly jeans and shirts the same color, came up to us so that we could identify ourselves”. (Lieutenant Marvin, personal communication, November 2020).

Lieutenant Marvin claimed not to have participated in the killings, because he deserted a few days after the summons. The story told by this former soldier is consistent with others that state that the Nicaraguan army contributed personnel and weapons for subsequent government operations carried out to dismantle the barricades. It contradicts the “neutral” position that the military claims to have taken as of its May 12, 2018 communiqué.



In the media there are reports of former Nicaraguan army officers who were called for this purpose. One of them, retired Colonel Tomás Maldonado, told a national television station that he had been called by General Avilés himself to join the paramilitaries in Operation Cleanup.

Maldonado's statements are presented as follows:

“

Army Intelligence called me, with Julio Avilés (...) standing there on the side, (...) saying that I had to be involved with organizing the roadblocks and that I would support him in taking that down and that I was going to come (...) that cleanup, he even offered my support and that he was going to support it” (Maldonado, July 2020).

Maldonado and his son who became involved in the protests were political prisoners. The Ortega regime imprisoned them for having participated in the protests. Both are from the city of Jinotepe, located 50 kilometers south of Managua, which is also where General Avilés is from.

The former colonel also stated to the media: “He insisted and Julio Avilés told him, ‘tell him about the conditions then.’ They talked about saying that I could receive perks from them and that my son would give himself up and that they were going to give him a safe house. There is a tremendous involvement in that, there is no turning back in that situation, they want to hide it, it’s all right that they make the effort, but I had that communication with them. They called me, Julio Avilés together with the head of information.”²⁶

²⁶ Garrisoning the National Police in their barracks had been one of the dissidents’ demands as a condition for continuing the dialogue that had been set up to resolve the crisis and violence in the country.

²⁷ See <https://100noticias.com.ni/nacionales/101906-julio-cesar-dirigio-operacion-limpieza/>

²⁸ Ibid.

Both Major Méndez and Colonel Sánchez state that some Nicaraguan army resources were used to transport and supply the paramilitaries. Both say that the military provided military weapons to civilians aligned with FSLN and that they came from secret military warehouses in various places in Managua. Méndez, for example, said that one of those warehouses is located in Colonia Morazán in the northern sector of capital.

“There is a storage service that they use as a front, but behind it the military keeps weapons that are old but in good condition,” explained Méndez.

This warehouse was mentioned in a report by the Organization of American States (OAS). The report was the result of an investigation carried out by the OAS General Secretariat concerning three thousand AK-47 rifles and 2.5 million rounds of ammunition that belonged to the Nicaraguan national police but were diverted to the United Self-Defense Forces of Colombia (UAC).²⁹

c) Specific cases

There are also cases that would add evidence to strong signs and indications of military participation in state repression and violence during and after the April 2018 crisis. Although the Nicaraguan Army has tried to stay out of sight and to locate itself on the sidelines of the repression, an analysis of these cases and the testimonies of the victims contradict the picture of neutrality they have tried to paint.

It is important to note that all the cases where there may have been participation by the army took place mainly on the southern border of Nicaragua and in rural areas.

The Southern Military Detachment, whose base is located in San Carlos at the head of the San Juan River, is responsible for protecting the border with Costa Rica. In addition, Bill 749, the Legal Border Regime Act, establishes a border security zone five kilometers wide along the international border. It is controlled by the military to prevent entry into the country at uncontrolled points (blind spots), and they conduct permanent surveillance by means of posts located along the demarcation line.³⁰

In other words, border security operations beyond the official border control posts are operated exclusively by the Nicaraguan army. This means that the pursuit and capture operations, incrimination, and death of some of the participants in the April 2018 protests have a heavy burden of military responsibility.

²⁹ See the OAS report at <https://www.oas.org/OASpage/NI-COarmas/NI-COEsp3687.htm>

³⁰ See <https://ministeriopublico.gob.ni/LibreriaVirtual/Leyes/UNIDAD%20ESPECIALIZADA%20DE%20CRIMEN%20ORGANIZADO/LEY%20N%C2%B0%20749-LEY%20DE%20R%C3%89GIMEN%20JUR%C3%8DDICO%20DE%20FRONTERAS.pdf>

I) The case of Deybin Mairena Centeno

Deybin Mairena Centeno, an autoconvocado (member of a self-organized group) from Sébaco, Matagalpa, went into exile in Costa Rica in July 2018 because he had received threats from the CPC (Council of Citizen Power) in his neighborhood that he would be sent to jail. Since December of that year, he has found refuge on a farm in El Almendro, Río San Juan, along with other autoconvocados who are also being hunted. On January 11, 2019, he told his family that he would be returning home.

According to Mairena's family, a witness recounted that they were ambushed by the army, and that six of the autoconvocados died in the confrontation. The family also says that they learned that someone had reported that the autoconvocados were drug traffickers and the police appeared on the scene. The family has searched for Mairena in prisons around the country but they have not found him (February 2021). The official version given out by the authorities is that someone reported he heard shots in a municipality called El Almendro and when the officers arrived on the scene they found two unidentified deceased persons. They recovered five shotguns, four revolvers, 21,300 Nicaraguan córdobas in counterfeit currency and 6.5 pounds of marijuana. Because it is unknown where he is or whether he was one of the people who died on January 12, Deybin's family and human rights organizations count him as disappeared.³¹

³¹<https://www.laprensa.com.ni/2019/09/19/nacionales/2592351-deybin-mairena-centeno-el-autoconvocado-que-lleva-ocho-meses-desaparecido>

II) The case of Rubén Loáisiga

According to the Costa Rican Foreign Ministry, on August 26, 2019, a man of Nicaraguan origin was murdered in Costa Rica, a few meters from the border, by six members of the Nicaraguan army who were pursuing him. The Judicial Investigation Agency (OIJ in Spanish) and the Costa Rican police identified the victim as Rubén Loáisiga, found dead 150 meters from the Nicaraguan–Costa Rican border. He had been shot in the back and the rifle bullet had exited by the chest.

The events took place in San Carlos, Alajuela, Costa Rica, near border marker No. VI. The Nicaraguan government rejected the accusation by the Costa Rican government, stating that the latter “is trying to twist a common crime into something it is not by means of false accusations.” The Nicaraguan authorities claim that a police unit responded to a report of robbery with intimidation in the municipality of El Castillo, Río San Juan, involving four individuals armed with two guns and two cutting weapons who then fled “in the direction of Costa Rica.” The authorities state that the victims of the robbery identified Rubén Loáisiga as one of the perpetrators.³²

³² See <https://confidencial.com.ni/nacion/costa-rica-acusa-al-ejercito-y-nicaragua-alega-delincuencia-comun/>



III) The case of Santos Pérez Valdivia and Emiliano Zeledón Valdivia

They were captured and imprisoned on April 7, 2020 in San José de Bocay, Jinotega. The Nicaraguan army reported that they had been detained along with three other people who included one minor, in an operation that was part of the government's Field Security Plan and "Containment Wall" strategy. According to the military, "5 pounds of marijuana, two .22 mm caliber rifles with 42 bullets, one .22 mm caliber revolver with 8 bullets, and 2 horses were seized" and the detainees were said to "transport and sell marijuana." However, Pérez Valdivia and Zeledón Valdivia appear in the lists of political prisoners published by the Mechanism for the Acknowledgment of Political Prisoners. According to the list, both were prosecuted, and Pérez Valdivia is being held at the national police facility in Jinotega and Zeledón Valdivia in the penitentiary at Waswalí, Matagalpa. Both still appear on the most recent list, published in September 2020, so it can be presumed that they have not been released.³³

IV) The case of Esleyter Gabriel Gaitán Pérez, José Ramón González Oporta, and "Arsenio"

On October 1, 2020, the bodies of Esleyter Gabriel Gaitán Pérez, José Ramón González Oporta and another person identified as Comandante Arsenio were found in Punta Gorda, Bluefields, RACCS by peasants who lived in the region.

The bodies had several gunshot wounds. Ana María Gaitán Pérez, Esleyter's mother, reported the events to the Permanent Commission on Human Rights (CPDH) and held the Nicaraguan Army responsible for the murders: "I say it was the Army because they were dressed as soldiers, some in civilian clothes and others military, they were wearing balaclavas."



Gaitán Pérez reported that her son, who was from Monimbó, Masaya, participated in the anti-government protests that began in 2018 and had to go into exile in Costa Rica because he was being hunted. Later, he returned to Nicaragua because he had no job, and took refuge in Punta Gorda. The three victims were opponents of the government and were part of a rearmed group called “Frente Sur Rafaela Herrera.”

The army denied its participation, claiming that they do not have a presence in that sector, while the national police say that they received reports from the residents of the area that they heard gunshots and when they arrived at the scene, they found the three already dead. The police classified the victims as criminals, stating that they were part of a criminal group with a history of homicide, robbery with intimidation, drug trafficking and cattle rustling and that at the scene they found “an AK rifle, a shotgun, a revolver with the serial number removed, casings and a bag containing 21 pounds of marijuana.” According to the military, “it was determined that the drunken criminals argued among themselves about drug, money and cattle rustling transactions. Then they attacked each other with firearms.”³⁴

³³ See <https://www.ejercito.mil.ni/contenido/noticias/2020-04/6cmr-ni011-retencion-traslado-marihuana.html>

V) The case of Jean González Zeledón and Cristian Meneses Machado

On August 13, 2020, two young people who had fled to Costa Rica as refugees because they had participated in the April 2018 protest were captured by the Nicaraguan army when they tried to enter Nicaragua through a blind spot. Military spokesman Colonel Álvaro Rivas identified the young men as common criminals and stated that when captured, they were accompanied by two other individuals who fled. The official version states that balaclavas, pistols, military uniforms, rifles and backpacks were seized from the detainees. Colonel Rivas stated that both young men were involved in the murder of Gregorio Quintero, a farmer.³⁵

VI) The case of Juan Gabriel Cordero Blancher

Following the April 18, 2018 protests, the Nicaraguan Army pursued this person, who had participated in the well-known Laureano roadblock in Sábalo, El Castillo, Río San Juan. He had managed to escape the military for a month until they finally caught up to him near his home in Samaria, La Danta.

According to Cordero Blancher, he told human rights defenders of the Nicaragua Never Again Collective that about 50 soldiers, notably including Terencio Velázquez and Avelino Velázquez, discovered his position. When he fled, they shot at him, injuring him in the leg. Although wounded, he escaped the military unit that was pursuing him.

³⁴ <https://www.laprensa.com.ni/2020/10/05/politica/2729756-familiares-de-asesinados-en-punta-gorda-dicen-que-eran-positores-a-la-dictadura>

³⁵ <https://www.puroperiodismo.com/2020/08/ejercito-de-nicaragua-captura-en-frontera-a-exilados-que-regresaban-de-costa-rica/>

He was hidden in the mountains for a time, and with the help of friends, he went to Costa Rica, where he is now. His family also had to flee because the military harassed his wife and eight children. Mrs. Cordero was threatened with having her children disappeared if she did not tell them where her husband was hiding. According to his account, the military were looking for him in order to kill him because he had participated in the roadblocks. This testimony is part of the report that a number of organizations jointly submitted to the Inter-American Commission on Human Rights in 2019.³⁶

A careful observation of all these cases shows that the majority of those described in this report took place in rural communities in the department of Río San Juan or in areas near the border with Costa Rica. In other words, the Southern Military Detachment of the Nicaraguan army was very active in hunting opponents and capturing protesters who were refugees returning to Nicaragua from Costa Rica.

Both in the cases in Río San Juan, and others in the municipalities of Jinotega and Matagalpa, the Sixth Regional Military Command can be observed to have been hunting and capturing people identified as opponents and participants in the April 2018 protests.

This is a serious precedent in security matters in Nicaragua because the Nicaraguan army does not have the constitutional powers to carry out tasks that are by law the responsibility of the national police, nor to substitute for the police in this regard. According to criminal law experts consulted, members of the Nicaraguan army do not have powers of arrest – unless they actually catch the perpetrators in the commission of a crime – except in offshore operations against drug trafficking. Even in the latter case, the military must hand over the detainees to the appropriate authority as soon as they land on shore.

According to these experts,³⁷ in current statutory law, there is no law or executive decree that grants the military the power to pursue or arrest offenders. By exercising this function, which the military have been doing since April 2018, they have clearly overstepped their role in involving themselves in internal security or public security matters.

It should be noted here that not even the Field Security Plan, designed to protect the valuables that circulate among coffee farms in the north of the country, permits the Nicaraguan army to carry out tasks that are assigned strictly to the national police, according to the constitution.

This means that under the Daniel Ortega regime, the Nicaraguan army has been de facto given license to intervene, pursue, and capture opponents whom the government has named as offenders.

According to a human rights defender consulted for this report, the military has had to justify its actions by accusing detainees of drug trafficking or claiming they are members of criminal gangs that have murdered farmers.

In his own words: “The military have stigmatized their opponents by attributing crimes to them (that they did not commit). Essentially, not only to justify their actions, but also to leave in the collective imagination that the victims deserved what they got because they were criminals.”

However, there has never been a professional, impartial investigation of the crimes that the military accuses the detainees of committing.

³⁶ See Colectivo de Derechos Humanos Nicaragua Nunca+ (Nicaraguan human rights collective “Never Again”); Acción Penal (Criminal Action); Fundación para el Debido Proceso (Foundation for Due Process); Movimiento Campesino de Nicaragua (Peasant Movement of Nicaragua) (September 22, 2019). Situación de Derechos Humanos de la Población Campesina (Human rights situation of the peasant population). Retrieved from https://colectivodhnicaragua.org/wp-content/uploads/2019/09/Informe_Nic_2019-09-25pm.pdf

³⁷ For security reasons, these criminal law experts are not named here.

V. Conclusions

Based on the information and analysis presented in this report, the following can be concluded:

1. Although the Nicaraguan Army has claimed it was neutral in the country's socio-political crisis during and after April 18, 2018, this claim may not be true. By law, the military would have been directly involved through the Defense Information Directorate (DID) in strategic management of the crisis, by collecting and distributing tactical information to the national police who, supported by the paramilitaries, mounted Operation Cleanup to remove the roadblocks.

The DID would have coordinated National Defense and Sovereign Security systems actions to “take care of” the 2018 protests as a threat that should be neutralized. The National Police are an integral and vital part of these systems and were therefore the recipients of the information, operations and plans that led to repression and State violence against the protesters.

But the Special Operations Command (COE) would also have compiled operational information that it could later have distributed to the institutions and paramilitaries that would be in charge of carrying out military operations against the roadblocks and their leaders.



2. At the start of the 2018 crisis, there were important political and financial factors that committed the Nicaraguan army to loyalty to the Daniel Ortega regime, beyond the obligations stipulated by law, which make the president of the republic the supreme chief of the armed forces.

Those factors were: **1-**. Disproportionate growth of the Nicaraguan army's businesses and their revenue; **2-**. Accelerated growth of the military budget since Ortega came to power. **3-**. Hiring retired officers of the military for positions in the State and in private and mixed corporations, as well as regularly hiring family members of the military. Ortega applied the "mirror policy" to show what happens to the armed forces members who are loyal to his cause; **4-**. Guarantee of impunity for abuses and crimes committed by members of the Nicaraguan army. To date, there has been no official investigation of the military for abuses committed by the forces or homicides resulting from their operations, such as the death of Elea Valle's children.

These factors could have made the military, particularly high-ranking officers, to have tended to support maintenance of the status quo simply out of pragmatism. The result would benefit the military as a whole.

3. There are at least half a dozen cases where testimonies from victims and human rights organizations identify the Nicaraguan army as being involved in the deaths and arrests of opponents who had fled to Costa Rica to safeguard their lives from the framework of state repression.

The southern border in the department of Río San Juan, and Jinotega in the north of the country are the places where the most human rights violations have been registered. In these departments at least two territorial units of the Nicaraguan army are stationed; the Southern Military Detachment and the Sixth Regional Military Command.

4. The decision to involve the Nicaraguan army in repressive actions against opponents apparently came from the highest official levels. According to testimonies about the protests from retired soldiers and deserters, General Julio César Avilés is indicated as being as the person responsible for that order. However, it should be noted that there is a strong esprit de corps in the Nicaraguan army. This may be why the senior commanders in the General Command and Military Council (heads of departments and units), had to consent to the army's actions, due to ties of corruption, based on perks and illicit business dealings.

VI. Recommendations

Given these conclusions, the following are recommended:

1. Reforms to the structure of the Nicaraguan Army. These reforms must come out of official investigations of the alleged human rights violations, assassinations and extrajudicial killings committed by officers and soldiers of all ranks.

Those named must step down from their positions and functions for as long as the investigation to determine individual responsibilities lasts. Any that are proven guilty must be discharged and tried in special or ordinary courts of justice, as the case may be. To achieve justice, it is most advisable that a special criminal justice system be created outside of the Judicial Power, which is known to be wholly partisan in alignment with the Ortega regime.

It is important to institute this process to recover the legitimacy that the armed forces may have lost during and after the April 2018 crisis, if they are not dispensed with and the army totally disbanded.

2. Reforms of the military institutions. This implies a review of the laws that grant an excessive role to the Nicaraguan military, to the point that they have encroached on public security functions that are not their responsibility under the constitution. This reform must lead to a transformation of the functional structure of the army.

3. Investigate the role played by the DID in the repression. The Defense Information Directorate is the most important military intelligence and counterintelligence agency. Despite the fact that the constitution and the law prohibit political espionage, the role that it would have played in the 2018 sociopolitical crisis and after it would place the DID in a position of having violated that prohibition.

Statements by a former government official and one of the main FSLN political leaders, secretly recorded on video during a party meeting, could demonstrate the DID's degree of involvement in espionage and information gathering on the ground against opponents of the regime .



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