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Amnesty International Report On Human Rights In Nicaragua Compliments Government

by Deborah Tyroler

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[Appearing below are excerpts from a review by Paul Laverty of an Amnesty International report on Nicaragua dated 11/09/89 (67 pages, nine-page update). Laverty, a lawyer from Scotland, has worked for 2-1/2 years in Nicaragua as a human rights investigator. The review was distributed on 11/08/89 by Scottish Medical Aid for Nicaragua, a private charity that has provided doctors, nurses and medical equipment to Nicaragua for the past five years. (Scottish Medical Aid for Nicaragua can be contacted at The Scottish Foundation, 25/27 Elmbank Street, Glasgow, Scotland. Telephone 041/226-3431. Fax 041 221 0716.)] Highlights of report: * In its recommendations to the government, Amnesty International writes that it "welcomes the Nicaraguan government's 'open door' policy towards international organizations concerned with the protection of human rights. It is encouraged by the willingness the government has demonstrated to investigate the concerns outlined in this document, the prompt measures it has already taken in response to some of these concerns, and the information provided on numerous cases which the organization has raised." * Amnesty praised the government-sponsored human rights organization, the National Commission for the Promotion and Protection of Human Rights (CNPPDH) for its "serious investigations" (p. 6, update, p. 8). Amnesty also outlines the logistical and financial problems faced by the CNPPDH in carrying out investigations in distant and remote parts of the country. * Human rights abuses by security forces are not condoned by the government (pp. 4, 47). Amnesty referred to convictions and sentences of soldiers charged with human rights abuses as an indication of government policy: "During the first nine months of 1987 military courts handed down sentences of more than three years imprisonment against 192 soldiers, of whom 51 were officers; in 1988 the number increased to 337 of whom 89 were officers" (p. 47). Prosecution and conviction of soldiers accused of human rights abuses, said the Amnesty report, "undoubtedly indicate a serious attempt to preserve standards of discipline and do not lend support to the notion that the higher military authorities condone criminal behaviour by the troops" (p. 47). The Amnesty report cited a government report which points out that Nicaraguan efforts to prosecute and sentence members of its own security forces are an exception to the rule in Latin America: "Nicaragua is one of the very few countries on the...continent which has a certain number of members of its armed forces serving prison sentences for infringing the law" (p. 7). The same report is cited by Amnesty in its Update (p. 7): "The Government of Nicaragua does not deny that isolated violations of human rights have occurred, but this is neither an explicit or tacit policy of the government which does not promote nor tolerate such violations." Regarding the case of an army lieutenant who received Nicaragua's maximum 30-year prison sentence for the murder of two peasants, Amnesty cited the Nicaraguan military court's decision: "These acts which involve seizing and killing civilians, and later presenting them as actions in combat and enemy losses, are personal acts beyond any order and respect for human integrity for which this revolution is, and struggles to be highly respectful. For this reason, such actions must be severely punished as the law requires" (p. 48). While not condoning government human rights violations, Amnesty emphasized that most abuses have taken place where "armed combat has been most intense" (p. 46), and where the contras have purposefully mutilated and tortured civilian victims before murdering them (pp.

46, 60). Amnesty also points out that of the 56 cases raised by its investigators some dating back to 1985, every one has been investigated by the government or is currently under investigation (p. 1). * In contrast, Amnesty states that contra abuses are "deliberate policy," and as such directed mainly against civilians. Abuses are so widespread, said the report, that "the number of victims...is impossible to determine although there are hundreds of reports of deaths..." (p. 60). The report refers to "thousands of Nicaraguan civilians abducted" by the contras whose whereabouts are unknown, as well as whether they are alive (p. 63). Amnesty reported that it has no information of a single contra fighter being arrested and serving a custodial sentence for human rights abuses, although some have been identified as perpetrators of murder and rape (pp. 63-65). * The report indicates US government responsibility for contra human rights abuses. Amnesty considers distribution by the CIA of its Assassination Manual to contra fighters as "tantamount to encouraging these forces to carry out selective assassinations" of civilians (p. 60). The report cited the decision of the International Court of Justice which stated that by producing and distributing the manual to the contras, the US government had "encouraged the commission by them of acts contrary to the general principles of humanitarian law" (p. 61). In the most diplomatic language and by implication, the report indicated that former US Asst. Secretary of State for Inter-American Affairs Elliott Abrams had lied when he complained of "outrageous charges against the Resistance" (pp. 61, 62). Next, the report referred to "the sanguine view taken by the [US] State Department" in its attempts to minimize abuses by the contras (p. 62). * The Amnesty report said that "notable improvements" in human rights protection have occurred, and that "many of these have been the direct result of the government's diplomatic efforts to negotiate a solution" to the conflict. Examples mentioned in the report follow: a) The release from prison of all but 39 of 3,500 former National Guardsman (p. 1). b) The release from prison of 239 former contras since the signing of the Aug. 7 Tela agreement. The government has pledged to release the remaining approximately 1,240 prisoners as the contras are demobilized. c) Immediate release of prisoners certified to be in poor health (update, p. 2). d) Lifting the state of emergency. e) Dissolution of the anti-Somocista tribunals criticized by Amnesty in its 1986 report. f) Introduction of draft legislation to repeal emergency powers Decree 1074 used throughout the war. g) Introduction of draft legislation to end police sentencing powers inherited from the old regime. h) Increased use and effectiveness of habeas corpus as a remedy to protect the rights of detainees. Amnesty notes that "any citizen may apply on behalf of any person illegally detained or threatened with illegal detention" (p. 16). i) Amnesty notes that pre-trial detention time by security forces was "greatly reduced" in 1988 and 1989 (p. 15).

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