

Nicaragua: How the Prosecutor's Office Fabricated Cases against Demonstrators

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Specialized unit was responsible for criminalization of protest



Public Ministry offices in Managua. Photo: Carlos Herrera / Confidencial

Charges against self-organized were produced by devoted Ortega officials, who met to work in hotels with expenses paid

By Juan Carlos Bow [\(Confidencial\)](#)

HAVANA TIMES – The Public Ministry assigned the most loyal officials to the Ortega regime to fabricate cases and charges against its political prisoners, while the “puppet” prosecutors signed the complaints that they were not even allowed to read, sources inside and outside the Prosecutor’s Office told Confidencial.

They confirmed the creation of a specific unit for the criminalization of citizens who were involved in the April Rebellion.

The cases against self-organized citizens were concocted in the offices of the Specialized Unit against Organized Crime (UECDO in Spanish), located very close to the office of the Attorney General Ana Julia Guido, who since 2014 has openly made the Public Ministry a “pro-Ortega entity.”

Guido together with Douglas Roberto Vargas, Inspector General of the Prosecutor’s Office, and Javier Antonio Morazan Chavarria, Chief Prosecutor of the Specialized Unit against Organized Crime, formed, after the 2018 civic and social outbreak, an operations group of prosecutors devoted to Ortega, to whom they entrusted the investigations against the protestors.

In hotels with expenses paid

“The recruited prosecutors were sent to work in secret to a couple of hotels in Managua, with all expenses paid (accommodation, transportation and food). There they met with the DAJ (Judicial Assistance Directorate or El Chipote) investigators to fabricate all the files,” explained one of the sources.

The bulk of this group’s work occurred between July and October 2018, when the regime illegally arrested and charged leaders and members of the self-organized movement. This period is known as the “third stage of the repression”, according to national and international human rights organizations.

Others had to sign

The recruited prosecutors were the only ones assigned to assemble all the cases against the demonstrators. However, the signatures in the accusations belong to others. Lopez Davila, mainly, and Giselle Borge -daughter of the deputy chief of the regime’s Police in Managua-, were in charge of selecting and summoning the prosecutors that must sign the accusatory statement and the exchange of evidences.

A prosecutor, who worked at Lopez’s office, mentioned that, since the beginning of the protests, the Managua departmental prosecutor spent less time in his office, but he was commonly seen in the offices of the unit against organized crime.

“Alejandro would call you to his office, and once there, he would only say: ‘sign.’ He would not give you a chance to read the document. He forced you to sign. Everyone knew that when he called you it was to sign an indictment or an exchange of evidence,” said a former prosecutor.

-Sign here.

-Let me read it.

-No, I am not telling you to read, just to sign and nothing else.

According to prosecutors and former prosecutors, that was the dialogue that took place when an official asked Lopez to be able to read what he was going to sign.

Criminal Liability

The criminal lawyer Nelson Cortez explained that the Public Ministry operates under the principal of oneness, which implies that as an institution they consider themselves one body and all act on behalf of the attorney general. "From that perspective it does not matter who signs the accusation." However, the Organic Law of the Public Ministry also establishes the principle of objectivity, which compels each prosecutor to comply with the Constitution and the laws.

Cortez said that the breach of this principle entails administrative sanctions against prosecutors, who could also face criminal charges, in the case of a malicious and ill-intentioned accusation, either for "being outside of legal objectivity or directed by political orientations, such as in this case."

"In a way, what they (the Prosecutor's Office) are guaranteeing, by having other prosecutors sign, is that a direct link to them as individuals could not be established, at the time that a criminal responsibility against them is filed, when there is a change of system," the criminal lawyer said.

Former prosecutors and criminal lawyers agreed that the prosecutor who signed an indictment is the one who has the greatest responsibility in the process, so that in the face of future independent investigations they would be the first singled out of having committed a crime.

"The prosecutor has become a servant, who is not asked to think, and his job is precisely to think," noted a former Public Ministry official.

Frightened

Any prosecutor has the possibility of refusing to sign, although very few do so. "All prosecutors are frightened, because if you do not sign you are put on a black list, there may be reprisals or you could be labeled a coup monger. They are full of fear," commented another former prosecutor.

A prosecutor said that among the signatories "you have a mixed bag." Many lend themselves to sign because they fear reprisals if they resign or of being fired. "Those who have left have been threatened that they will not receive their termination payment because they are terrorists."

"There was a time when the Prosecutor's Office did not accept your resignation because a lot of people had left," he remarked.

Since the beginning of the crisis, last April, more than twenty prosecutors resigned for being against the hardening of the Ortega line, although they adduce personal reasons, the former prosecutor said. “Others remain in their positions, but they have to endure getting demoted or be under scrutiny of their fellow Sandinistas,” he added.

Since Guido took office in April 2014, almost a hundred officials of the Prosecutor’s Office have resigned because they do not want to take part of the “persecution” against opponents of the regime. Guido, a retired General Commissioner, is one of the regular participants in the FSLN public activities.

There are also, although in a minority, prosecutors who do their job because they believe they are doing the right thing. “They entered the first call for prosecutors in 2002 and were the pupils of Dr. (Julio) Centeno Gomez. Now they are red and black prosecutors with a Sandinista Youth card,” stressed an official of the Public Ministry.

Hand in Hand with the Police

The drafting of indictments was assigned to the prosecutors based exclusively on the police reports sent to the Prosecutor’s Office. All investigations were accepted without further formalities, although the legal guidelines to go deeper should be authorized by Guido, Douglas Vargas or Javier Morazan, according to the sources.



The Judicial Complex of Managua with excessive presence of police and riot police

when trials of leaders and formal complaints are made, in February 2019. Carlos Herrera / Confidencial

Prosecutors could guide investigators in obtaining evidence: request and validation of search warrants, seizure of articles and vehicles, search of private premises, requests to public institutions, calling witnesses, requests for expert and forensic analysis.

“Prosecutors maintained permanent contact with investigators and laboratory and forensic experts to obtain their evidence or review experts’ reports, if it was convenient to use them,” said one of the sources, added: “They could even discard evidence from the file that favored the accused, because the original police file was supervised by the prosecutor.”

A former Organized Crime (UECDO) prosecutor pointed out that it is valid for prosecutors to guide investigations. “What is illegal is to fabricate the cases, that the Public Ministry has not exercised criminal action against those who injured the protestors. They (prosecutors) wash the crimes of people close to the Government, such as the paramilitaries.”

He emphasized that many of the indictments “have neither heads or tails; they are hefty volumes poorly prepared,” which cannot be attributed to lack of knowledge. “The benefit of ignorance cannot be attributed to these prosecutors because the State has invested a lot of money in their training,” he added.

It extended to court hearings

A former assistant prosecutor indicated that the ignorance of the accusations extended, in some cases, to the process in court hearings, because the departmental prosecutor of Managua, Alejandro Lopez Davila, only ordered that they should attend a hearing, without any knowledge of the case. There were even cases that they were not given the file, only the indictment.

“The cases were cooked up in an office where no one had access, only those people (selected prosecutors),” commented one source. “They did not know the content of the evidence, because it is at the hearing that you get to know the facts,” he added.

The lack of communication between the accusing prosecutors and hearing or trial prosecutors was limited to cases of protestors with little media visibility. In the cases of university and peasant leaders, such as Medardo Mairena, the Prosecutor’s Office sent members of the elite team.

“In the emblematic cases, they (the recruited prosecutors) did not sign the indictments, but they did go to the hearings and trials,” emphasized an assistant prosecutor.

Supervision during trials

Notwithstanding that they sent their best prosecutors, the Public Ministry constantly monitored the performance of its officials in political trials. The aforementioned control and oversight was in charge of Lopez Davila and Lilliam Beatriz Soza, chief prosecutor of the courts.



Peasant leaders Medardo Mairena and Pedro Mena, during the trial against them, in November of 2018. Photograph: El 19 Digital.

“Alejandro tells the hearing or trial prosecutor all the arguments that he must answer in his intervention before the judges. Lilliam supervised the actions of the prosecutors and checks their cell phones,” said a source from the Prosecutor’s Office.

Prosecutors have no decision-making power over the process, they obey all the guidelines from above, from requesting a precautionary measure, further information, corrections in the indictments and exchanges of evidence, up to sentences to be imposed and aggravating factors to impose at the hearings when debating sentences.

“They guide you on what you have to do. They are puppets because they cannot express an opinion,” said the former prosecutor, who for almost a decade belonged to the unit against organized crime.