INDEX TO DOCUMENTATION OF COUNTRY CONDITIONS REGARDING PERSECUTION BASED ON POLITICAL OPINION IN NICARAGUA

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<tr>
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<tr>
<td>1.</td>
<td><strong>GOVERNMENTAL SOURCES</strong></td>
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<tr>
<td></td>
<td>• “Parapolicemen and individuals linked to the Ortega regime carried out a campaign of harassment, intimidation, and violence toward perceived enemies of the regime, such as former political prisoners, <em>campesino</em> or farmers activists, prodemocracy opposition groups, and Roman Catholic clergy. Human rights groups alleged that between October 2018 and August, parapolicemen killed between 20 and 30 campesinos considered to be opponents of the ruling FSLN party. Crimes committed by parapolicemen against these individuals were not investigated or prosecuted.” (p. 2)</td>
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<td>• “The government used reprisals to restrict the ability of individuals to criticize the government.” (p. 12)</td>
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<td>• “Domestic NGOs, Roman Catholic Church representatives, journalists, and opposition members alleged the government monitored their email and telephone conversations. Church representatives also stated their sermons were monitored.”</td>
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As part of a continuing social media campaign against prodemocracy protests, ruling party members and supporters used social media to publish personal information of human rights defenders and civil society members. Progovernment supporters marked the houses of civil society members with derogatory slurs or threats and then published photographs of the marked houses on social media. On several occasions the markings were accompanied by or led to destruction of private property.” (p. 11)

- “[A]rbitrary arrests occurred regularly, including but not limited to the context of prodemocracy protests.” (p. 7)

- “The government did not respect the legal right to public assembly, demonstration, and mobilization. Prodemocracy marches and protests were not allowed during the year. Police failed to protect peaceful protesters from attacks; they also committed attacks and provided logistical support to other attackers. Human rights organizations reported police stopped traffic for and otherwise protected progovernment demonstrations.” (p. 16)


- “[T]he Ortega government instituted a policy of “exile, jail, or death” for anyone perceived as opposition, amended terrorism laws to include prodemocracy activities, and used the justice system to characterize civil society actors as terrorists, assassins, and coup-mongers.” (p. 1)

- “[C]ases of torture were well documented, and public officials intentionally carried out acts that resulted in severe physical or mental suffering for the purposes of securing information, inflicting punishment, and psychologically deterring other citizens from reporting on the government’s actions or participating in civic actions against the government. Members of civil society and student leaders involved in the protests that began on April 19 were more likely than members of other groups to be subjected to such treatment.” (p. 4)

- “The government did not respect the legal right to public assembly, demonstration, and mobilization. Antigovernment marches and protests were allowed at times, but in several instances, the NNP [Nicaraguan National Police] and parapolice shot live ammunition at protesters. Police failed to protect peaceful protesters from attacks; they also committed attacks and provided logistical support to other attackers.” (p. 19)

- “The government used reprisals to restrict the ability of individuals to criticize the government.” (p. 14)

### INTER-GOVERNMENTAL SOURCES

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<td>•</td>
<td>“[T]he National Police resorted to excessive force against those attempting to demonstrate, conducted arbitrary arrests of persons protesting peacefully (in some cases for waving Nicaraguan flags in the streets or for singing the national anthem) and used threats to discourage protests.” (p. 2)</td>
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<td>•</td>
<td>“Police and prison staff allegedly perpetrated torture and ill-treatment while arresting individuals perceived as political opponents.” (p. 8)</td>
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<td>•</td>
<td>“Arbitrary arrests and detentions continued to be used as a means to repress the expression of dissent, and instances of torture and ill-treatment targeting persons deprived of liberty in relation to the protests persisted.” (p. 14)</td>
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<td>•</td>
<td>“Media workers, journalists, human rights defenders, peasants, lesbian, gay, bisexual, transgender and intersex persons, students and members of the Catholic clergy continued to be subjected to attacks, criminalization, seizure of their assets, intimidation, threats, harassment and smear campaigns by authorities and/or pro-Government elements. Relevant authorities did not take measures to prevent, investigate, prosecute and sanction such acts.” (p. 5)</td>
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<td>•</td>
<td>“[T]he investigations and prosecutions carried out at the time of writing had targeted only individuals who participated in protests, provided support to those protesting or were critical of the Government.” (p. 13)</td>
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<p>|  •  | “The serious human rights crisis in Nicaragua since the social protests began on April 2018 has been characterised by multiple forms of repression and other forms of violence that resulted in thousands of victims, including approximately 300 deaths and 2,000 persons injured...the repression and the violence ‘are products of the systematic erosion of human rights over the years, and highlight the overall fragility of institutions and the rule of law.’ This crisis has deepened the polarization within Nicaraguan society.” (p. 7) |
|  •  | “The systematic persecution and suppression of dissent or perceived opposition by Government authorities and pro-Government groups, compounded with the continuous intimidation by pro-Government armed elements, have resulted in a climate of widespread terror, frustration and despair within the population. There are currently no conditions for the free and safe exercise of the rights to freedoms of expression, peaceful assembly and association.” (p. 21) |</p>
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<td>•</td>
<td>“Harassment against individuals perceived as opposed to the Government include house tagging, death threats, mobbing and smear campaigns in social media. OHCHR has received accounts from individuals who allegedly were warned that their names appeared on ‘death lists’; these lists would allegedly be circulated by governmental authorities in order to instruct persons of who to harass, arrest or even deprive of their lives.” (p. 19)</td>
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<td>“Human rights violations documented by OHCHR include disproportionate use of force by the police that sometimes resulted in extrajudicial killings; enforced disappearances; obstructions to access to medical care; widespread arbitrary or illegal detentions; prevalent ill-treatment and instances of torture and sexual violence in detention centres; violations of freedoms of peaceful assembly and expression, including the criminalization of social leaders, human rights defenders, journalists and protesters considered critical of the Government. At the time of writing this report, the number of protests has decreased which indicates the chilling effect of repression.” (p. 22)</td>
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<td>“Detention usually targets those who participated in some sort of activity opposing the Government or perceived as such.” (p. 28)</td>
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<p>| •  | “[T]he violence perpetrated by the State has been aimed at deterring participation in the demonstrations and putting down this expression of political dissent and...it follows a common pattern, marked by: (a) the excessive and arbitrary use of police force, (b) the use of parapolice forces or shock groups with the acquiescence and tolerance of State authorities, (c) obstacles in accessing emergency medical care for the wounded, as a form of retaliation for their participation in the demonstrations, (d) a pattern of arbitrary arrests of young people and adolescents who were participating in protests, (e) the dissemination of propaganda and stigmatization campaigns, measures of direct and indirect censorship, (f) intimidation and threats against leaders of social movements, and (g) lack of diligence in opening investigations into the killings and bodily injuries taking place in this context.” (p. 7) |
| •  | “The Commission states its concern over the special situation of risk faced by human rights defenders, student leaders, religious figures, and journalists, as of April 18, 2018. This is the result of the assaults, threats, acts of harassment, criminalization, trailing, and surveillance against them...the Commission was informed of the surveillance to which these persons are subjected, through police patrols and private vehicles and harassment on social networks.” (p. 81) |
| •  | “[B]ased on the magnitude of state violence and the strategies implemented, it is obvious that there is coordinated action to control the public space and repress social demands.” (p. 20) |</p>
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<td>“The IACHR notes the constant use of the social networks and other media for the purpose of putting out stigmatizing and delegitimizing information against human rights defenders. Since the protests began human rights defenders, student leaders, and religious figures have suffered accusations by the state authorities and non-state actors in which they are harassed, denigrated, and stigmatized, both for denouncing the human rights violations that have taken place in the context of state repression of the protests and for allegedly encouraging the participation of the population in the demonstrations.” (p. 84)</td>
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**NON-GOVERNMENTAL SOURCES**


   - “Many of the people detained during the crackdown on protests were subject to serious abuses that in some cases amounted to torture—including electric shocks, severe beatings, fingernail removal, asphyxiation, and rape. Many injured detainees were reportedly denied medical care in public health institutions and doctors who provided care said they suffered retaliation.” (p. 1)

   - “Hundreds of detainees have also been subject to prosecutions for alleged crimes in connection with their participation in anti-government protests or their role in social movements that challenged the government, sometimes even prior to the crackdown. Many have been accused by prosecutors of serious, violent crimes.” (p. 1)

   - “The government has also targeted those who expose its abuses, including independent journalists and human rights defenders. Several of the human rights defenders and journalists targeted during the crackdown had been longstanding critics of [President] Ortega and had already been victims of harassment before the protests started.” (p. 6)

   - “Since the beginning of the protests in April 2018, Nicaragua’s police and armed progovernment groups have operated jointly to detain hundreds of demonstrators. Armed pro-government groups have also abducted many people, at times holding them in secret detention facilities. At other times, these gangs immediately handed detainees over to police.” (p. 21)


   - “Police arbitrarily arrested, and pro-government groups kidnapped, hundreds of people as part of ‘a policy’ to ‘eradicate the structural conditions that support opposition voices and critics.’”

   - “National Police subjected protesters to abuses that at times amounted to torture, including beatings, waterboarding, electric shocks, and rape.”
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<td>“Human rights defenders and other critics of the government’s human rights record have increasingly become the targets of death threats, intimidation, online defamation campaigns, harassment, surveillance, assault, and judicial persecution.”</td>
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<td>“During the crackdown, the Nicaraguan Health Ministry authorities fired at least 135 doctors, nurses, and other health workers from several public hospitals in apparent retaliation for participating in protests or otherwise expressing disagreement with government policy. At least 40 professors from the National University of Nicaragua (UNAN), a public institution, were fired since the start of the protests for supporting or taking part in anti-government demonstrations.”</td>
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   - “Years of political repression under Ortega, including through politicized court rulings and other measures that prevented opposition figures from participating in politics, severely limited the ability of the opposition to gain power through elections, and very few opposition figures hold legislative seats or other government positions. In 2018, police and progovernment armed groups employed lethal force against peaceful opposition and antigovernment protesters, and thousands of protest participants were arbitrarily detained and arrested. While such largescale violence was not repeated in 2019, heavy-handed repression of the opposition has continued. The government has refused to discuss electoral reforms or early elections as called for by the Nicaraguan population.”  
   - “In 2019, repression and intimidation by state and progovernment forces contributed to a generalized climate of fear and terror that continues to restrict free expression. The families of victims of regime violence are subjected to routine monitoring and surveillance.”

   - “Through the documentation of at least 12 reported cases of torture, Amnesty International has concluded that state agents, or members of pro-government armed groups acting under their command, inflicted pain and suffering on demonstrators as a method of punishment and during investigations to obtain information about the organization of protests. This constitutes a gross violation of human rights and a crime under international law.” *(p. 47)*  
   - “Amnesty International believes that the state authorities carried out arbitrary detentions and disregarded basic judicial guarantees in proceedings against student and community leaders, as well as demonstrators in general, as part of a repressive strategy to disrupt the protest movement and punish those involved in it.” *(p. 48)*
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<td>• “As pro-government activists sow violence in the streets, voices of dissent are silenced by arrest and assault. Roughed up and robbed by government supporters, protesters sometimes return home from demonstrations without phones or even shoes.”</td>
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<td>• “With tensions rising around the country, police officers have stormed the homes of opposition activists, tied them to chairs and humiliated them by recording video of them promising to stop harassing Sandinistas.”</td>
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<td>• “In the face of unrest, the government has used uncompromising measures to silence public dissent.”</td>
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<td>• “The excessive use of force by police authorities, and attacks by the FSLN government’s shock forces – at times coordinated with official authorities, or by armed civilians, against those in the opposition – are now part of Nicaraguan daily life, according to national and international human rights organizations.”</td>
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<td>• “At least 25 cases of political prisoners, published in Nicaraguan and US media, or as told to human rights organizations, have identified a pattern of abuse committed against opposition members while in detention: beatings, removal of fingernails, toenails and teeth, electric shock, acids thrown on skin, suffocation, cigarette burns, psychological abuse, sexual abuse and rape.”</td>
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<td>• “The spiral of state violence in Nicaragua has not come to an end. Instead of taking every measure in their power to end the violence, the authorities continue to create an atmosphere of terror, where any attempt to exercise the rights to freedom of expression and peaceful assembly is punished with repression.”</td>
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<td>• “[T]he authorities demonstrated that their strategy to end the crisis – far from guaranteeing justice, truth and reparation – includes continuing to repress any form of protest or dissent and trying to silence the independent media.”</td>
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**SUMMARY**

- “Seven gay men and a lesbian woman were reported killed in Managua and Carazo between April 18, 2018, and Jan. 31, 2019. Five of these murders ‘were committed during the protests.’”
- “Many LGBTQ people since the crisis began (have been) victims of aggression just because they participated in peaceful protests alongside the rest of the population and demanded the full exercise of their rights.”


- “Being gay or lesbian in Nicaragua, especially in this context where violence is more socially justified, puts us in a more vulnerable condition... [LGBTQI people are] vulnerable ‘not only because we don’t agree with a totalitarian political system, but because we are considered sexual deviants.’”
- “[S]ince 2013, 23 people from the LGBTIQ community have been murdered. ‘Persecution of this community is in the background of the [political] crisis.’”
- Young activists are attacked, threatened, and called slurs both because of their political affiliation and their sexual orientation after participating in civic demonstrations.

Dated: [DATE]  
[CITY, STATE]  

Respectfully submitted,  

[FIRM]  
*Pro Bono Counsel for Respondent*

By: _________________________  
[NAME]  
[FIRM]  
[ADDRESS]  
[PHONE NUMBER]  
[FAX NUMBER]
TAB 1
EXECUTIVE SUMMARY

Nicaragua has a highly centralized, authoritarian political system dominated by President Daniel Ortega Saavedra and his wife, Vice President Rosario Murillo Zambrana. Ortega’s Sandinista National Liberation Front (FSLN) party exercises total control over the executive, legislative, judicial, and electoral functions. President Ortega was inaugurated to a third term in office in January 2017 following a deeply flawed electoral process. The 2016 elections expanded the ruling party’s supermajority in the National Assembly, which previously allowed for changes in the constitution that extended the reach of executive branch power and the elimination of restrictions on re-election for executive branch officials and mayors. Observers noted serious flaws in municipal, regional, and national elections since 2008. Civil society groups, international electoral experts, business leaders, and religious leaders identified persistent flaws in the March 3 Caribbean regional and 2017 municipal elections and noted the need for comprehensive electoral reform.

The Nicaraguan National Police (NNP) maintain internal security. The army is responsible for external security but also has some domestic security responsibilities. Both report directly to the president, pursuant to changes in the police and army code in 2014. Parapolice, which are nonuniformed, masked, and armed groups with tactical training and organization, act in coordination with government security forces, under the direct control of the government, and report directly to the NNP. Civilian authorities maintained effective control over police and parapolice security forces.

From February to June, the government released 494 purported political prisoners in the context of the national dialogue. Some of those released appeared to have been common criminals; human rights groups claimed only 344 of those released were actually political prisoners. Since April the government detained 161 new political prisoners, including reimprisoning some individuals who were previously released. On December 30, the government released 91 political prisoners, leaving 70 imprisoned.

Significant human rights issues included: reports of unlawful or arbitrary killings, including extrajudicial killings, committed by the government or its agents; forced disappearance by parapolice forces; torture by prison guards and parapolice; physical abuse, including rape, by government officials; and arbitrary detentions
by police and parapolice. There were harsh and life-threatening prison conditions; political prisoners; arbitrary and unlawful interference with privacy; serious problems with the independence of the judiciary; restrictions on free expression and the press, including threats of violence, censorship, and criminal libel; and substantial interference with the rights of peaceful assembly and freedom of association, including attacks on the Roman Catholic Church and church officials. The government continued to block nine nongovernmental organizations (NGOs) and civil society organizations from recovering their legal status and illegally withheld their assets, preventing them from operating. Government restrictions on freedoms of expression, association, and assembly precluded any meaningful choice in elections. There was widespread corruption; trafficking in persons; attacks against lesbian, gay, bisexual, transgender, and intersex (LGBTI) persons; discrimination against ethnic minorities and indigenous communities; and child labor.

The government did not take steps to identify, investigate, prosecute, or punish officials who committed human rights abuses, including those responsible for at least 325 killings and hundreds of disappearances during the prodemocracy uprising of April 2018. President Ortega actively strengthened impunity for human rights abusers who were loyal to him.

Parapolice and individuals linked to the Ortega regime carried out a campaign of harassment, intimidation, and violence toward perceived enemies of the regime, such as former political prisoners, campesino or farmers activists, prodemocracy opposition groups, and Roman Catholic clergy. Human rights groups alleged that between October 2018 and August, parapolice killed between 20 and 30 campesinos considered to be opponents of the ruling FSLN party. Crimes committed by parapolice against these individuals were not investigated or prosecuted.

Section 1. Respect for the Integrity of the Person, Including Freedom from:

a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings

There were numerous reports that the government or its agents committed arbitrary or unlawful killings.

On May 16, guards shot and killed dual Nicaragua-U.S. citizen Eddy Montes in custody at La Modelo prison. Montes was imprisoned under highly irregular
circumstances for participating in prodemocracy protests but was set to be released as part of a negotiation process. A police report issued the day of the killing and subsequent government information claimed that Montes was shot due to a scuffle with a guard during an attempted prison mutiny. Forensic reports and eyewitness accounts, however, contradicted this version and blamed Montes’s killing on La Modelo prison guards.

Reports of killings were common in the north-central regions and the North Caribbean Autonomous Region (RACN). Human rights groups and campesino advocates documented 20 to 30 killings of campesinos between October 2018 and August in and around the departments of Jinotega and Nueva Segovia. Human rights groups said these killings marked an escalation of a campaign of terror in the north-central and RACN regions, perpetrated by parapolice groups to stamp out political opposition to the ruling FSLN party. Edgard Montenegro and Yalmar Montenegro were killed on June 27 in the Honduran border municipality of Trojes after fleeing their hometown of Wiwili, Jinotega, due to harassment by FSLN members. Police and FSLN members had informally accused Edgard Montenegro of organizing antigovernment protests in Jinotega. Human rights organizations and independent media alleged some killings were politically motivated, an allegation difficult to confirm because the government refused to conduct official inquiries.

There was no indication the government investigated crimes committed by police and parapolice groups related to the 2018 prodemocracy uprising. In April 2018 President Ortega and Vice President Murillo ordered police and parapolice forces to put down with violence peaceful protests that began over discontent with a government decision to reduce social security benefits. By late November 2018, the ensuing conflict had left at least 325 persons dead; more than 2,000 injured; hundreds illegally detained, tortured, and disappeared; and more than 80,000 exiled in neighboring countries. Beginning in August 2018, the Ortega government instituted a policy of “exile, jail, or death” for anyone perceived as opposition, amended terrorism laws to include prodemocracy activities and used the justice system to characterize civil society actors as terrorists, assassins, and coup-mongers. Although the NNP and Prosecutor’s Office detained, brought to trial, and imprisoned many members of the prodemocracy opposition, human rights organizations widely documented that the investigations and charges did not conform to the rule of law.

The government continued to make no effort to investigate several 2017 incidents of extrajudicial killings and torture in both the North and South Caribbean Autonomous Regions. In March the army issued a point-by-point rebuttal in these
cases and other unrelated cases. The army claimed that killings involved land or narcotics disputes, or that in some cases army units were defending themselves after receiving hostile fire from armed campesinos.

b. Disappearance

Armed parapolice forces arbitrarily detained protesters and often held them in makeshift facilities without allowing them to inform family members or seek legal counsel. The detentions generally lasted between two days and a week. NNP officers and prison authorities often denied detainees were in custody. Human rights organizations claimed the NNP and prison system’s inability to locate prisoners was not due to poor recordkeeping but was instead a deliberate part of a misinformation campaign. The government made no efforts to prevent, investigate, or punish such acts. Most, if not all, of the hundreds of disappearances perpetrated by NNP and parapolice during the height of the 2018 prodemocracy uprising remained unresolved.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

Although the law prohibits such practices, cases of torture were well documented, and public officials intentionally carried out acts that resulted in severe physical or mental suffering for the purposes of securing information, inflicting punishment, and psychologically deterring other citizens from reporting on the government’s actions or participating in civic actions against the government. Members of civil society and student leaders involved in the protests that began in April 2018 were more likely than members of other groups to be subjected to such treatment.

In its September 3 report, the Office of the UN High Commissioner for Human Rights (OHCHR) included various accounts of torture, particularly of protesters in police custody, particularly in the La Modelo and La Esperanza prisons located in Tipitapa. The OHCHR reported beatings with batons, pepper spray applied to the genitals of detainees, and unjustified and degrading visual inspection of political prisoners’ body cavities during strip searches occurring almost every time they left their cells. Local human rights organizations reported that several detainees had been beaten, stripped, and fed poisoned or otherwise contaminated food.

Local human rights organizations said men and women political prisoners were subjected to sexual violence, including rape, while in the custody of security forces. The OHCHR reported many detainees were subjected to degrading
treatment and sexual violence, including inappropriate touching and rape threats against women, while in the custody of parapolice forces, prison officials, and the NNP, as well as the Directorate of Judicial Assistance (DAJ), a special police investigations unit, in its jail commonly referred to as El Chipote, especially during arrests related to the protests.

**Prison and Detention Center Conditions**

Prison conditions were harsh and potentially life threatening. Overcrowding, poor sanitation, difficulties obtaining medical care, and violence among prisoners remained serious problems in prison facilities.

**Physical Conditions:** Prison conditions continued to deteriorate due to antiquated infrastructure and increasing inmate populations. Despite new temporary holding cells in the DAJ, the rest of the prison system remained in poor condition. The government acknowledged in 2018 that the number of prisoners held in the system exceeded prison capacity by approximately 9,000 inmates. Human rights organizations continued to be concerned about prison overcrowding. Due to overcrowding, pretrial detainees often shared cells with convicted prisoners and juveniles shared cells with adults.

Many prisoners suffered mistreatment from prison officials and other inmates. Inmates also suffered from parasites, inadequate medical attention, frequent food shortages and food contamination, contaminated water, and inadequate sanitation. Although conditions for female inmates were generally better than those for men, they were nevertheless unsafe and unhygienic. The OHCHR reported some men and women detained in the context of the 2018 protests were subjected to solitary confinement in maximum-security cells of La Modelo and La Esperanza prisons, in some cases for months at a time.

Conditions in jails and temporary holding cells were also harsh. Most facilities were physically decrepit and infested with vermin; had inadequate ventilation, electricity, or sewage systems; and lacked potable water.

**Administration:** Although prisoners and detainees could submit complaints to judicial authorities without censorship and request investigation of credible allegations of inhuman conditions, authorities often ignored or did not process complaints. The extent to which the government investigated allegations of poor prison conditions was unknown. The government ombudsman could serve on behalf of prisoners and detainees to consider such matters as informal alternatives
to incarceration for nonviolent offenders, although this generally did not occur. In certain instances the government restricted prisoners’ access to visitors, attorneys, and physicians. Staff members of human rights organizations, family members, and other interested parties were not allowed access to the prison system or to prisoners in custody.

Independent Monitoring: The government denied prison visits by local human rights groups and media outlets. NGOs generally received complaints through family members of inmates and often were unable to follow up on cases until after the release of the prisoner due to lack of access. The government denied all requests from local human rights organizations for access to prison facilities.

d. Arbitrary Arrest or Detention

The law prohibits arbitrary arrest and detention and provides for the right of any person to challenge the lawfulness of his or her arrest or detention in court. Human rights NGOs, however, noted hundreds of cases of arbitrary arrests by the NNP and parapolice forces, although parapolice have no authority to make arrests.

Arrest Procedures and Treatment of Detainees

The law requires police to obtain a warrant from a judicial authority prior to detaining a suspect and to notify family members of the detainee’s whereabouts within 24 hours, but this rarely happened in the context of arrests related to civil unrest.

Police may hold a suspect legally for 48 hours before arraignment, when they must bring the person before a judge. A judge then must order the suspect released or transferred to jail for pretrial detention. The suspect is permitted family member visits after the initial 48 hours. A detainee has the right to bail unless a judge deems there is a flight risk. The criminal code lists a number of crimes that may be tried by a judge without a jury and that would not qualify for bail or house arrest during the duration of the trial. Detainees have the right to an attorney immediately following their arrest, and the state provides indigent detainees with a public defender. There were numerous reports detainees did not have immediate access to an attorney or legal counsel and were not afforded one during their 48-hour detention. In several instances authorities denied having detainees under custody in a specific jail, even to their family members or legal counsel.
Human rights organizations and civil society activists asserted that the government misused the 2015 Sovereign Security Law, which significantly broadened the definition of state sovereignty and security, as a pretext to arrest protesters and citizens it deemed in opposition to its goals. The government did not cite the law publicly in specific cases.

**Arbitrary Arrest:** According to NGOs and other human rights groups, arbitrary arrests occurred regularly, including but not limited to the context of prodemocracy protests. In many cases the NNP detained prodemocracy protesters during marches and transported them to another part of town so as not to process the arrest. Numerous reports claimed authorities used DAJ jail cells for arbitrary arrests beyond the prescribed 48 hours of detention legally allowed. Many arrests were allegedly made without warrants and without informing family members or legal counsel. Reports were common of armed, hooded men in plain clothes acting alone or together with police to arrest and detain prodemocracy protesters. Human rights organizations indicated that delays in the release of prisoners after finishing prison terms led to many cases of arbitrary continuation of a state of arrest. The NNP also committed irregular arrests and detentions during investigations into armed opposition groups or other violent crimes in the north-central regions of the country.

**Pretrial Detention:** Lengthy pretrial detention continued to be a problem. Many prodemocracy protesters were detained and held with no charges and without following due process. Observers noted that in several instances lengthy pretrial detention was intentional against specific protest leaders. Observers attributed other delays to limited facilities, an overburdened judicial system, judicial inaction, and high crime rates. No information was available on the percentage of the prison population in pretrial detention or the national average length of pretrial detention.

**Detainee’s Ability to Challenge Lawfulness of Detention before a Court:** While the law provides detainees the ability to challenge the legality of their detention before a court, the government generally did not allow those arrested during protests to challenge in court the lawfulness of their arrests or detentions. There were reports legal counsels faced obstacles when they attempted to invoke constitutional protections for detainees, including habeas corpus, and courts frequently ignored their requests.

**e. Denial of Fair Public Trial**
The law provides for an independent judiciary, but the government did not respect judicial independence and impartiality. The law requires vetting of new judicial appointments by the Supreme Court of Justice, a process wholly influenced by nepotism, personal influence, and political affiliation. Once appointed, many judges submitted to political pressure and economic inducements for themselves or family members that compromised their independence. NGOs complained of delayed justice caused by judicial inaction and widespread impunity, especially regarding family and domestic violence and sexual abuse. In many cases trial start times were changed with no information provided to one or both sides of the trial, according to human rights organizations. Authorities occasionally failed to respect court orders.

**Trial Procedures**

The law provides the right to a fair and public trial. Changes to the law enacted in 2017, however, allowed judges to deny jury trials in a wider range of cases, deny bail or house arrest based on unclear rules, and arbitrarily move a case from other judicial districts to Managua, to the disadvantage of defendants, their families, or their counsel. Defendants have the right to be fully and promptly informed of the charges against them and the right to a fair trial. While the law establishes specific time periods for cases to come to trial, most cases encountered undue delay. Trials are public, but in some cases involving minors or at the victim’s request, they may be private. The law requires defendants must be present at their trial, although this was not always respected. Proceedings in most cases related to charges of terrorism brought against protesters in the context of prodemocracy protests were made private, except for the presence of state media.

According to the constitution, defendants are presumed innocent until proven guilty. Observers claimed, however, that trials against prodemocracy protesters were unduly delayed and did not conform to due process, and that defendants’ release was in many cases based on political decisions rather than on rule of law. On June 8, the National Assembly approved an amnesty law and freed some prodemocracy protesters imprisoned as a consequence of protests starting in April 2018. The law was criticized by lawyers, human rights organizations, and the Political Prisoners Committee because it included a provision that released prisoners under amnesty could be imprisoned again and their original accusations reinstated, if they participated once again in the activities that led to their initial arrest. Furthermore, observers noted that in a large majority of the cases against protesters, a fair trial would have freed the accused without the need for an amnesty.
The September OHCHR report found “violations of the right to a fair trial in cases of persons prosecuted for their involvement in demonstrations, sometimes based on a distorted application of the criminal legislation, which is not in line with international human rights norms and standards.”

Defendants have the right to legal counsel, and the state provides public defenders for indigent persons. Defendants have the right to adequate time and facilities to prepare a defense, but judges commonly failed to grant counsel’s access to the defendant. In several instances related to prodemocracy protests, defendants were not allowed to name their legal counsel, and the court appointed a public defendant, which family members of the accused and human rights organizations claimed was detrimental to the defendant’s case. In many cases legal counsels of the defendants received death threats, which caused some to resign. Although the constitution recognizes indigenous languages, defendants were not always granted court interpreters or translators. Defendants may confront and question witnesses and have the right to appeal a conviction. Defendants may present their own witnesses and evidence in their defense; however, some judges refused to admit evidence on behalf of the defense. Defendants may not be compelled to testify or confess guilt.

Women’s rights organizations believed the court system continued to operate under unofficial orders to forgo jail time or pretrial detention in domestic violence cases. The policy reportedly applied only to domestic violence cases considered mild.

**Political Prisoners and Detainees**

Human rights NGOs characterized those detained in the context of prodemocracy protests as political prisoners. The government does not recognize political prisoners as an inmate category and considers all remaining prisoners to be common criminals. On May 21, authorities stated they had released 336 persons “imprisoned in relation to incidents that occurred after April 18, 2018.” The government subsequently released 158 additional prisoners held for participating in prodemocracy protests, including 106 political prisoners released under the June 8 amnesty law. Despite the broad amnesty, as of November 28, the Political Prisoners Committee counted 161 political prisoners who remained in detention. On December 30, the government released 91 political prisoners, leaving 70 imprisoned.
Released political prisoners recounted being beaten, kept in solitary confinement for weeks, and suffering from poor ventilation and poisoned or contaminated food and water. Human rights organizations believed that a portion of the remaining 70 political prisoners were kept with common criminals. The government did not permit access to political prisoners by human rights groups or humanitarian organizations.

**Politically Motivated Reprisal Against Individuals Located Outside the Country**

There were credible reports that the government attempted to misuse international law enforcement tools for politically motivated reprisal against individuals. In one example from September, government authorities used the Interpol system to call for the arrest in the United States of the son of a prominent opposition leader. Local press reported the Interpol warrant was based on spurious charges of weapons smuggling to opposition groups.

**Civil Judicial Procedures and Remedies**

Individuals and organizations may file suit in civil courts to seek damages for alleged human rights violations, but authorities did not always respect court decisions.

The lack of an effective civil law system resulted in some civil matters being pursued as criminal cases, which were often resolved more quickly. In a number of instances, individuals and groups appealed to the Inter-American Commission on Human Rights (IACHR), which passed their cases to the Inter-American Court of Human Rights.

**Property Restitution**

The government regularly failed to take effective action with respect to seizure, restitution, or compensation of private property. These failures were exacerbated by the social upheaval in 2018, in which groups of persons, including members of the FSLN, illegally took over privately owned lands, with implicit and explicit support by municipal and national officials. Some land seizures were politically targeted and directed against specific individuals, such as businessmen traditionally considered independent or against the ruling party. The Office of the Attorney General routinely either rejected requests to evict illegal occupants of real property or failed to respond to the requests altogether. National and local police
also routinely refused to evict illegal occupants of real property. The judicial system delayed final decisions on cases against illegal occupants. Members of the judiciary, including those at senior levels, were widely believed to be corrupt or subject to political pressure. When judges issued orders in favor of landowners, enforcement of court orders was frequently subject to nonjudicial considerations. In the face of government inaction, some landowners were forced to pay squatters to leave their real property. As of July 4, the private sector confirmed approximately 12,500 acres remained seized.

f. Arbitrary or Unlawful Interference with Privacy, Family, Home, or Correspondence

The law prohibits such actions. The government, however, failed to respect prohibitions against unlawful interference with privacy, family, home, and correspondence. FSLN party-based grassroots organizations such as the Citizen Power Councils colluded with parapolice or party loyalists to target the homes of prodemocracy protesters. Without a warrant and under no legal authority, these groups illegally raided homes and detained occupants. These actions were widespread in the large cities, particularly Managua, Matagalpa, Esteli, Masaya, Rivas, Leon, and Jinotega.

Domestic NGOs, Roman Catholic Church representatives, journalists, and opposition members alleged the government monitored their email and telephone conversations. Church representatives also stated their sermons were monitored. As part of a continuing social media campaign against prodemocracy protests, ruling party members and supporters used social media to publish personal information of human rights defenders and civil society members. Progovernment supporters marked the houses of civil society members with derogatory slurs or threats and then published photographs of the marked houses on social media. On several occasions the markings were accompanied by or led to destruction of private property.

On September 4, the National Assembly approved an amendment to the law establishing the Financial Analysis Unit to obligate lawyers and accountants to inform the state of suspicious financial behavior of their clients and employers. Independent lawyers said the new regulation encroached on attorney-client privilege and could compel lawyers and notaries to accuse their clients or risk losing their license. Members of the opposition worried the government could use this law for political persecution.
Inhabitants in northern towns, particularly in the departments of Nueva Segovia, Jinotega, and Madriz, as well as the RACN and South Caribbean Autonomous Region (RACS), alleged repeated government interrogations and searches without cause or warrant, related to supposed support for armed groups, while government officials claimed they were confronting common criminals. Several opposition members who were former Contras claimed they were regularly surveilled by police, stopped by police, and detained for questioning for several hours, usually in connection with alleged contact with rearmed groups or antigovernment protests. The individuals also said progovernment sympathizers verbally threatened them outside their homes and surveilled and defaced their houses.

The ruling party reportedly required citizens to demonstrate party membership in order to obtain or retain employment in the public sector and have access to public social programs.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Expression, Including for the Press

The law provides for freedom of expression, including for the press, but the government did not respect this right. Restrictions on press freedom, the absence of an independent judiciary, and a nondemocratic political system combined to inhibit freedom of expression, including for the press. Although the law provides that the right to information may not be subjected to censorship, the government and actors under its control retaliated against the press and radio and television stations by blocking transmissions, impeding the import of ink and paper, and violence against journalists. Some independent media outlets also reported they were victims of cyberattacks.

Freedom of Expression: The government used reprisals to restrict the ability of individuals to criticize the government.

Independent media were active and expressed a wide variety of views despite government attempts to restrict and intimidate them. Independent media outlets experienced vandalism, seizure of broadcast equipment, arrest, and fear of criminal defamation charges. The government repeatedly denied broadcasting licenses and other permits for independent media. Further attempts to intimidate came through continued financial audits performed by the Directorate General of Revenue, which resulted in referral of cases to the Customs and Administrative Tax Court. Independent news outlets faced restrictions on speech, such as not being permitted
to attend official government events, being denied interviews by government officials, and receiving limited or no direct access to government information. Official media, however, were not similarly restricted.

The government restricted symbolic speech. Prodemocracy protesters were arrested on many occasions for displaying the national flag as a protest banner.

**Press and Media, Including Online Media:** Independent media faced official and unofficial restrictions, reprisals, and harassment, but they were nonetheless successful in expressing a variety of views. Journalists from many stations were threatened and harassed with the purpose of limiting their editorial independence.

Significant state influence, ownership, and control over media continued. National television was largely controlled either by business associates of the president or directly owned and administered by his family members. Eight of the 10 basic channels available were under direct FSLN influence or owned and controlled by persons with close ties to the government. Media stations owned by the presidential family generally limited news programming and served as outlets for progovernment or FSLN propaganda and campaign advertisements. Press and human rights organizations claimed the use of state funds for official media, as well as biased distribution of government advertising dollars, placed independent outlets at a disadvantage.

**Violence and Harassment:** Journalists were subject to government violence, harassment, and death threats. Renowned journalist Carlos Fernando Chamorro went into exile in January after receiving harassment and death threats. On November 25, he returned, along with five other journalists. The television station 100% Noticias and the offices of news magazine *Confidencial* remained closed and under police custody after the December 2018 raid of those facilities.

**Censorship or Content Restrictions:** The government penalized those who published items counter to the ruling party’s ideology; however, it did not do this according to specific guidelines.

To control printing presses, the government continued to enforce the controversial Law 528, or “Ley Arce,” which established high tariffs and bureaucratic delays on the importation of ink, paper, machinery, and other printing necessities, despite constitutional provisions protecting the media’s right to freedom from such tariffs. By September the government had not allowed national, independent print media *La Prensa* and *El Nuevo Diario* to import ink, paper, or machine parts to continue
printing for more than one year. This led to significant increase in printing costs and restrictions of printing capacity of both daily newspapers. On September 27, after nearly 40 years in business, *El Nuevo Diario* announced its permanent closure, citing “economic, technical, and logistical difficulties, which made [its] operation unsustainable.”

In September Radio Corporacion, an independent radio broadcaster, found its AM radio antenna sabotaged and its transmission cables dug up and cut into pieces. Radio station staff stated that unknown perpetrators carried out the attack with knowledge of where the sabotage could do the most damage. As a result, the radio station lost its ability to broadcast on the AM frequency for more than a week and moved all of its programming to an FM frequency. This resulted in lower listenership, particularly among rural listeners who rely principally on AM frequency for radio transmissions.

Restrictions in acquiring broadcast licenses and equipment prevented the media from operating freely. Beginning in 2008, media outlets were unable to apply for new broadcasting licenses while the General Law (Law 200) on Telecommunications was under review in the National Assembly. The government extended the validity of existing licenses indefinitely. Human rights groups and independent media also reported the failure to approve or deny Law 200 resulted in uncertainty surrounding the purchase and import of goods related to broadcasting. As a result, independent radio owners continued to defer long-term investments.

Some independent-media owners also alleged the government exerted pressure on private firms to limit advertising in independent media, although other observers believed the lack of advertising was the result of self-censorship by private companies or a business decision based on circulation numbers. Many journalists practiced self-censorship, fearing economic and physical repercussions for investigative reporting on crime or official corruption. In addition, media outlet owners exercised self-censorship by choosing not to publish news that affected public perceptions of the government or the FSLN.

**Libel/Slander Laws:** Although during the year the government did not use libel laws, independent media reported engaging in self-censorship due to the government’s previous use of libel laws. Slander and libel are both punishable by fines ranging from 120 to 300 times the minimum daily wage.
National Security: Human rights NGOs and civil society organizations argued the Sovereign Security Law was a basis for the government’s failure to respect civil liberties. Although not cited in specific cases, the law applies to “any other factor that creates danger to the security of the people, life, family, and community, as well as the supreme interests of the Nicaraguan nation.”

An NNP regulation restricts criticism of government policies and officials under the guise of protecting national security.

Internet Freedom

There were credible reports that the government monitored private online communications without appropriate legal authority and in some cases restricted or disrupted access to the internet or censored online content.

Several NGOs claimed the government monitored their email and online activity without appropriate legal authority. Domestic NGOs, Roman Catholic Church representatives, journalists, and opposition members alleged the government monitored their email and telephone conversations. Paid government supporters used social media and website commentary spaces to harass prominent members of civil society, human rights defenders, and well known journalists.

The government disclosed personally identifiable information to penalize the expression of opinions. As part of a continuing social media campaign against prodemocracy protests, ruling party members and supporters used social media to publish personal information of human rights defenders and civil society members. Civil society members alleged government offices provided the information. Government supporters also used the personally identifiable information to mark the houses of civil society members with either derogatory slurs or threats, then published photographs of the marked houses on social media.

Academic Freedom and Cultural Events

There were government restrictions on academic freedom, and many students, academics, and researchers reported pressure to censor themselves.

Public universities expelled from school and erased the records of many university students who participated in prodemocracy protests. In many cases students who went into exile could not continue their studies abroad without their records. Entrances to public universities remained under surveillance by progovernment
guards who regularly checked every visitor and also often by police. Some university rectors reported university enrollment following the prodemocracy uprising dipped to 50 percent of precrisis levels.

Human rights NGOs and civil society groups reported authorities required students in elementary and secondary public schools to participate in progovernment rallies while schools were in session. Political propaganda for the ruling party was posted inside public schools. Teacher organizations and NGOs alleged continuing FSLN interference in the school system through the use of school facilities as FSLN campaign headquarters, favoritism shown to members of FSLN youth groups or to children of FSLN members, politicized awarding of scholarships, and the use of pro-FSLN education materials.

Combined NNP and parapolice surrounded and harassed students inside university campuses during student protests in violation of university autonomy.

**b. Freedoms of Peaceful Assembly and Association**

The government restricted freedoms of peaceful assembly and association.

**Freedom of Peaceful Assembly**

The government did not respect the legal right to public assembly, demonstration, and mobilization. Prodemocracy marches and protests were not allowed during the year. Police failed to protect peaceful protesters from attacks; they also committed attacks and provided logistical support to other attackers. Human rights organizations reported police stopped traffic for and otherwise protected progovernment demonstrations.

The NNP consistently refused to accept applications or denied permits to use public spaces for prodemocracy marches, using unclear parameters. A denial of permission from the NNP resulted in significant repression and violence against protesters when they carried on with the protest. On September 21, the NNP used tear gas and shot marbles and pellets at prodemocracy protesters, whose application to march was denied by the NNP. Parapolice attacked Roman Catholic churches throughout the year during masses in commemoration of protesters killed during the April 2018 prodemocracy uprising.

On November 14, police surrounded a church in Masaya where Father Edwin Roman hosted a group of mothers of political prisoners on a hunger strike to
demand of the release of their children. Police impeded access and prevented anyone inside the church from exiting, and later that day the government cut off water and electricity to the church. On November 15, the NNP arrested 16 individuals who arrived at the church to show solidarity with the striking mothers by providing them with water and charged those 16 individuals with trafficking weapons, munitions, and explosives. Local media and lawyers for the accused said police planted military-grade weapons inside the individuals’ vehicles after they were detained. An attorney for some of the detained individuals reported they had been beaten in prison. On December 2, Judge Adalberto Zeledon announced the trial of the 16 would begin on January 30, 2020.

On November 18, NNP officers and riot police, who had surrounded and blocked access to the Cathedral of Managua as families of political prisoners began a hunger strike inside, allowed inside the cathedral a group of at least 30 regime-aligned individuals, who assaulted Father Rodolfo Lopez and desecrated sacred items and spaces. The regime-aligned individuals spent the night camped out on the altar of the cathedral, menacing the hunger strikers who had locked themselves inside the sacristy. The siege ended on November 19 when the Red Cross evacuated the hunger strikers.

Through various press releases and arrests, the NNP claimed protesters were responsible for destruction of public and private buildings, setting fires, homicides, and looting. While the majority of protesters were peaceful, some turned violent as they responded to NNP and parapolice provocations and use of force by throwing stones and employing homemade mortars and weapons to defend their positions.

**Freedom of Association**

The law provides for freedom of association, including the right to organize or affiliate with political parties; nevertheless, the Supreme Electoral Council and National Assembly used their accreditation powers for political purposes. National Assembly accreditation is mandatory for NGOs to receive funding, have bank accounts, or employ workers licitly. The Ministry of the Interior has oversight of regulatory compliance by NGOs and provides certificates. Many NGOs that worked on topics of democracy, human rights, and women’s issues complained that the ministry purposefully withheld certification to hinder their work and access to funding. The Roman Catholic Church NGO Caritas publicly stated that the government retained humanitarian goods in customs with unclear requirements on how to get the products into the country.
c. Freedom of Religion

For more information, see the Department of State’s International Religious Freedom Report at https://www.state.gov/religiousfreedomreport/.

d. Freedom of Movement

The law provides for freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respected these rights. The government strictly controlled the entry of persons affiliated with some groups, specifically humanitarian and faith-based organizations. The government may prevent the departure of travelers with pending cases; authorities used this authority against individuals involved in the protest movement. The law requires exit visas for minors.

e. Internally Displaced Persons

Not applicable.

f. Protection of Refugees

Access to Asylum: The law provides for the granting of asylum or refugee status, and the government has established a system for providing protection to refugees. Only the executive branch or the country’s embassies abroad may grant asylum for political persecution. The Nicaraguan National Commission for Refugees had not met since 2015.

Durable Solutions: The government recognized 61 persons as refugees in 2015, the most recent year for which information was available. By mid-2018 the Office of the UN High Commissioner for Refugees counted 326 refugees or persons in refugee-like situations in the country.

g. Stateless Persons

Not applicable.

Section 3. Freedom to Participate in the Political Process

While the law provides citizens the ability to choose their government in free and fair periodic elections based on universal and equal suffrage and conducted by
secret ballot, restrictions on freedom of expression, peaceful assembly, and association, and institutional fraud, among other obstacles, precluded opportunities for meaningful choice.

**Elections and Political Participation**

**Recent Elections:** The March 3 Caribbean regional and 2017 municipal elections were marred by widespread institutional fraud. The Caribbean regional elections were characterized by heavy security force presence, including antiriot police at polling units, which local press said intimidated voters and led to low turnout. In both elections, authorities did not provide domestic civil society organizations accreditation for electoral observation. Opposition party members reported government officials transported FSLN supporters to voting centers. Opposition party members and observers claimed the FSLN used its control over the Supreme Electoral Council (CSE) to commit fraud. There were reports of public-sector employees being pressured to vote and show proof the next day at work they had voted. Opposition representatives claimed opposition poll watchers were denied accreditation, FSLN-affiliated poll watchers posed as opposition poll workers, and votes were not counted in accordance with the law.

Several isolated and violent postelection clashes between supporters of competing political parties and with security forces left at least six persons dead after the 2017 municipal elections. A larger, sustained confrontation between supporters of the indigenous party YATAMA and the ruling FSLN left several buildings ransacked or torched, at least one person dead, and dozens injured. The NNP arrested approximately 55 opposition party members on charges associated with postelectoral violence but later released them.

Civil society groups expressed concerns over the lack of a transparent and fair electoral process leading up to both the 2017 municipal elections and the March Caribbean regional elections. Electoral experts, business leaders, representatives of the Roman Catholic Church, and civil society organizations reported that a lack of accredited domestic observation, in addition to the ruling party’s control over official electoral structures and all branches of government, combined to impede holding a free and fair election.

**Political Parties and Political Participation:** The FSLN used state resources for political activities to enhance its electoral advantage in recent elections. Independent media, human rights groups, and opposition parties reported the government used public funds to provide subsidized food, housing, vaccinations,
access to clinics, and other benefits directly through either FSLN-led “family cabinets” (community-based bodies that administer government social programs) or party-controlled Sandinista leadership committee (CLS) systems, which reportedly coerced citizens into FSLN membership while denying services to opposition members. The FSLN also made party membership mandatory for an increasing number of public-sector employees. Observers noted government employees continued to be pressured into affiliating with the FSLN and to participate in party activities.

The FSLN also used its authority to decide who could obtain national identity cards. Persons seeking to obtain or retain public-sector employment, national identity documents, or voter registration were obliged to obtain recommendation letters from CLS block captains. Persons without identity cards had difficulty participating in the legal economy, conducting bank transactions, or voting. Such persons also were subject to restrictions in employment, access to courts, and land ownership. Civil society organizations continued to express concern about the politicized distribution of identity cards, alleging this was how the FSLN manipulated past elections and that the CSE failed to provide identity cards to opposition members while widely distributing them to party loyalists.

Participation of Women and Minorities: No laws limit participation of women or members of minorities in the political process, and they did participate, although observers noted most women in elected positions at the municipal and national levels held limited power or influence in their respective bodies.

Section 4. Corruption and Lack of Transparency in Government

There was widespread corruption, including in the police, the CSE, the Supreme Court, customs and tax authorities, and other government organs. The government did not effectively enforce criminal penalties for corruption, allowing officials to engage in corrupt practices with impunity. The Supreme Court and lower-level courts remained particularly susceptible to bribes, manipulation, and political influence, especially by the FSLN. Companies reported that bribery of public officials, unlawful seizures, and arbitrary assessments by customs and tax authorities were common.

Corruption: Corruption and impunity remained rampant among government officials, and a general state of permissiveness hindered the possibility of addressing the problem effectively. A lack of strong institutions, a weak system of
checks and balances, and the overbearing political control of government institutions allowed for corruption to remain.

The Office of the Comptroller is responsible for combating corruption within government agencies and offices. The comptroller did not carry out a complete verification of the government’s full financial statements. The comptroller stated in 2015 that Albanisa, a private company controlled by regime insiders that imports and sells Venezuelan petroleum products, and associated revenue under the Venezuela oil cooperation agreement were not subject to audit because the National Assembly did not approve the agreement. Between January and June, the comptroller reported that corruption committed by 26 public officials resulted in economic losses to the government of 2.8 million cordobas ($116,000), an amount observers considered unreasonably low.

Executive branch officials continued to be involved in businesses financed by economic and developmental assistance funds lent by the Venezuelan-led Bolivarian Alliance for the Peoples of Our America (ALBA), all of it outside the normal budgetary process controlled by the legislature. Media reported ALBA-funded contracts were awarded to companies with ties to the president’s family and noted the funds from Venezuela served as a separate budget tightly controlled by the FSLN, with little public oversight. Cases of mismanagement of these funds by public officials were reportedly handled personally by FSLN members and President Ortega’s immediate family, rather than by the government entities in charge of public funds.

Financial Disclosure: Public officials rarely made their financial information public as required by law, and there was no public record of sanctions for noncompliance.

Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Abuses of Human Rights

The government imposed significant burdens on the limited number of human rights organizations it allowed to operate in the country. The Nicaraguan Center for Human Rights remained stripped of its legal status, effectively hindering its ability to investigate human rights ions and abuses. The Nicaraguan Pro-Human Rights Association continued to operate from forced exile in Costa Rica and focused more on the Nicaraguan exile community. Other human rights organizations faced significant harassment and police surveillance. Humanitarian organizations faced obstacles to operating or denial of entry, and government
officials harassed and intimidated domestic and international NGOs critical of the government or the FSLN. Some NGOs reported government intimidation that created a climate of fear intended to suppress criticism.

The government continued to prevent non-FSLN-affiliated NGOs and civil society groups from participating in government social programs, such as Programa Amor, which provides social protections to children and adolescents, and Hambre Cero, a program that distributes livestock for smallholder production. The government frequently used FSLN-controlled family cabinets and party-controlled CLSs to administer these programs. Government programs purportedly created to provide support for victims of the violence since April 2018 benefited only FSLN party members. Increased government restrictions on domestic NGOs’ ability to receive funding directly from international donors seriously hindered the NGOs’ ability to operate. The government continued to expand the reach of its Financial Analysis Unit through an amendment to its authorizing law passed on August 19 that obligates lawyers, notaries, and accountants to inform the unit of suspicious activities performed by their clients or employers, a move observers characterized as an overreach of authority for political persecution. In several instances the government used the unit to block access of an NGO to its bank account. In addition, increased control over the entry of foreign visitors or volunteer groups into the country hindered the work of humanitarian groups and human rights NGOs. Some groups reported difficulties in moving donated goods through customs and said government officials were rarely cooperative or responsive to their complaints.

Domestic NGOs under government investigation reported problems accessing the justice system and delays in filing petitions, as well as pressure from state authorities. Many NGOs believed comptroller and tax authorities audited their accounts as a means of intimidation. While legally permitted, spot audits were a common form of harassment and often used selectively, according to NGOs. NGOs reported difficulties in scheduling meetings with authorities and in receiving official information due to a growing culture of secrecy. Local NGOs reported having to channel requests for meetings with ministry officials and for public information through the Ministry of Foreign Affairs. These requests were generally not processed. NGOs also reported government hostility or aggression when questioning or speaking with officials on subjects such as corruption and the rule of law. Groups opposing the construction of a proposed interoceanic canal also reported being harassed and placed under surveillance.
The United Nations or Other International Bodies: The government did not allow the OHCHR or IACHR to send working groups to monitor the human rights situation in the country. The government did not cooperate with these groups, as noted in OHCHR and IACHR reports. During a July meeting between the government and the OHCHR regional office, the government stated it had no answer to the OHCHR’s request to be allowed back into the country to continue its documentation of human rights abuses.

The OAS Permanent Council held its General Assembly on June 26-27, during which the Permanent Council adopted a resolution to create a high-level commission to help resolve the country’s crisis. The government rejected the creation of the commission and stated that it would not allow the commission to enter the country. The government issued a travel warning on September 14 to its immigration offices proscribing the entrance into the country of commission members, including ambassadors and senior officials from five OAS member states and the chief of staff of the OAS secretary general.

Nicaragua did not send a representative to any of the 2019 IACHR hearings. In several instances protesters protected by IACHR precautionary measures were detained or continued to be harassed by progovernment supporters. On September 20, the government rejected 124 of the 259 recommendations made during the UN Human Rights Council (UNHRC) Universal Periodic Review.

Government Human Rights Bodies: In November the National Assembly elected as human rights ombudsman Darling Rios, a sociologist with no previous human rights experience. Rios was a prominent leader of the Sandinista Youth wing of the FSLN. The National Assembly also elected a new vice ombudsman, Adolfo Jarquin, son of the previous vice ombudsman, also with no previous human rights experience. The Office of the Ombudsman for Human Rights was perceived as politicized and ineffective. In March the UNHRC demoted the Office of the Ombudsman for Human Rights from category A to B for its lack of independence.

Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

Women

Rape and Domestic Violence: The law criminalizes all forms of rape of men or women, regardless of the relationship between the victim and the accused. Sentences for those convicted of rape range from eight to 12 years’ imprisonment.
The law criminalizes domestic violence and provides prison sentences ranging from one to 12 years.

The government failed to enforce rape and domestic violence laws, leading to widespread impunity and reports of increased violence from released offenders emboldened by their release. The government continued to use FSLN-led family cabinets and CLSs in mediation processes in cases of domestic violence. Both processes were politicized and did not operate according to rule of law. The government employed limited public education, shelters, hotlines, psychosocial services, and police training in nominal but unsuccessful attempts to address the problem.

Observers reported a general increase in sexual crimes and violence against women; however, data were unreliable. NGOs working on women’s issues reported that violence against women increased and police generally understated its severity.

**Sexual Harassment:** The law prohibits sexual harassment, and those convicted face one- to three-year sentences in prison, or three to five years if the victim is younger than 18. No data was available on government efforts to prevent or prosecute complaints of sexual harassment.

**Coercion in Population Control:** There were no reports of coerced abortion or involuntary sterilization.

**Discrimination:** The law provides for gender equality. Nevertheless, women often experienced discrimination in employment, obtaining credit, and receiving equal pay for similar work, as well as in owning and managing businesses. While the government enforced the law effectively in the public sector, women in positions of power faced limitations, and their authority was limited compared to that of men. Enforcement was not effective in the private sector or the larger informal sector.

**Children**

**Birth Registration:** Citizenship is derived by birth within the country’s territory and from one’s parents. Local civil registries register births within 12 months, although many persons, especially in rural areas, lacked birth certificates. Persons without citizenship documents were unable to obtain national identity cards and consequently had difficulty participating in the legal economy, conducting bank
transactions, or voting. Such persons also were subject to restrictions in employment, access to courts, and land ownership.

**Child Abuse:** According to the criminal code, prison sentences for rape committed against minors range from 12 to 15 years and, for child abuse, range from seven to 12 years. Government efforts were insufficient to combat child abuse and sexual violence against minors. High rates of sexual violence against teenage girls contributed to high rates of teenage pregnancy, according to UNICEF.

**Early and Forced Marriage:** The minimum legal age for marriage is 18 for men and women, or 16 with parental authorization. There were credible reports of forced early marriages in some rural indigenous communities. UNICEF’s 2017 *State of the World’s Children*, the most recent data available, reported 41 percent of women 20 to 24 years of age were married or in a union by age 18, and 10 percent were married by age 15. No information was available on government efforts to address or prevent forced and early marriage.

**Sexual Exploitation of Children:** The law prohibits sexual exploitation in general and designates enticing children or adolescents to engage in sexual activity as an aggravating condition. The government generally enforced the law when pertaining to child sex trafficking. Penalties include 10 to 15 years in prison for a person who entices or forces any individual to engage in sexual activity and 19 to 20 years in prison for the same acts involving children or adolescents. The law defines statutory rape as sexual relations with children age 14 or younger.

The law also prohibits child pornography, and the government generally enforced it. The penalty for an individual convicted of inducing, facilitating, promoting, or using a minor for sexual or erotic purposes is 10 to 15 years in prison.

The country was a destination for child sex tourism. The law imposes a penalty of five to seven years in prison for convicted child-sex tourists.


**Anti-Semitism**
The country has a very small Jewish population. There were no known reports of anti-Semitic acts.

**Trafficking in Persons**

See the Department of State’s *Trafficking in Persons Report* at [https://www.state.gov/trafficking-in-persons-report/](https://www.state.gov/trafficking-in-persons-report/).

**Persons with Disabilities**

Discrimination against persons with physical, sensory, intellectual, and mental disabilities was widespread despite being prohibited by law. Laws related to persons with disabilities do not stipulate penalties for noncompliance, although penalties may be issued under the general labor inspection code. The Ministry of the Family, the Ministry of Labor, and the Human Rights Office are among government agencies responsible for the protection and advancement of rights of persons with disabilities. The government did not enforce the law effectively; did not mandate accessibility to buildings, information, and communications; and did not make information available on efforts to improve respect for the rights of persons with disabilities. Independent media reported persons with disabilities accounted for less than 1 percent of public-sector employees, despite the legally mandated minimum representation of 2 percent. Further reports indicated public institutions did not sufficiently coordinate with the Labor Ministry to accommodate persons with disabilities in the workplace.

Persons with disabilities faced severe problems accessing schools, public health facilities, and other public institutions. Children with disabilities attended schools with nondisabled peers; anecdotal evidence, however, suggested that children with disabilities completed secondary education at a significantly lower rate than other children. Public schools were rarely well equipped, and teachers were poorly trained in providing appropriate attention to children with disabilities. Many voting facilities were not accessible. Complaints continued regarding the lack of accessible public transportation in Managua. Organizations of persons with disabilities claimed interpreters for the deaf were not accessible at schools and universities, making it difficult for these persons to obtain education. Government clinics and hospitals provided care for veterans and other persons with disabilities, but the quality of care generally was poor.

**National/Racial/Ethnic Minorities**
Exclusionary treatment based on race, skin color, and ethnicity was common, especially in higher-income urban areas. Darker-skinned persons of African descent from the RACN and the RACS, along with others assumed to be from those areas, experienced discrimination, such as being subjected to extra security measures and illegal searches by police. Indigenous and other ethnic groups from the RACN and the RACS alleged that discriminatory attitudes toward ethnic and racial minorities were responsible for the lack of government resources devoted to the regions. The ruling party devoted attention and resources to keeping political control over decision-making bodies in the regions where most indigenous groups lived.

**Indigenous People**

Indigenous persons constituted approximately 5 percent of the population and lived primarily in the RACN and the RACS. Despite having autonomous governing bodies, decisions affecting their lands, cultures, traditions, or the exploitation of energy, minerals, timber, and other natural resources on their lands were largely made or approved by national government authorities or by FSLN representatives. Individuals from five major indigenous groups—the Miskito, Sumo/Mayangna, Garifuna (of Afro-Amerindian origin), Creole, and Rama--alleged government discrimination through underrepresentation in the legislative branch.

NGOs and indigenous rights groups claimed the government failed to protect the civil and political rights of indigenous communities. Some observers alleged government involvement in the violence against Miskito populations in the RACN along the Coco River, either by failing to defend indigenous populations or as accomplices to nonindigenous groups invading indigenous lands.

Indigenous groups continued to complain of rights violations in connection with plans to build an interoceanic canal. Indigenous persons from rural areas often lacked birth certificates, identity cards, and land titles. Most indigenous individuals in rural areas lacked access to public services, and deteriorating roads made medicine and health care almost unobtainable for many.

Indigenous women faced multiple levels of discrimination based on their ethnicity, gender, and lower economic status.

Throughout the year indigenous leaders alleged that regional and national governments granted logging concessions to private firms and to government-
affiliated businesses, such as ALBA-FORESTAL, and that logging continued in violation of national autonomy laws in the RACS and the RACN.

**Acts of Violence, Discrimination, and Other Abuses Based on Sexual Orientation and Gender Identity**

Although it does not mention sexual orientation and gender identity specifically, the law states all persons are equal before the law and provides for the right to equal protection. No laws specifically criminalize consensual same-sex sexual conduct between adults. LGBTI persons, however, continued to face widespread societal discrimination and abuse, particularly in housing, education, and employment. LGBTI groups reported lack of access to justice and discrimination and lack of response from the NNP. The government and FSLN supporters frequently targeted LGBTI participants in civil protests in particular, using online smear campaigns and physical attacks in some cases. Reliable data on the breadth of such discrimination was not available. No specific laws exist to punish hate crimes against LGBTI groups.

There were reports of attacks against transgender women, and the NNP reportedly failed to investigate the cases appropriately. Transgender women who participated in prodemocracy protests were particularly harassed while in custody. They were kept with male inmates, forced to strip in front of their peers, and specifically harangued by guards. The law does not recognize gender-based identity, and as such the penitentiary system is not required to separate inmates based on gender identity.

**HIV and AIDS Social Stigma**

The law provides specific protections for persons with HIV/AIDS against discrimination in employment and health services, but such persons continued to suffer societal discrimination. An administrative resolution issued by the Ministry of Health continued in effect, declaring that HIV/AIDS patients should not suffer discrimination and making available a complaints office.

**Section 7. Worker Rights**

**a. Freedom of Association and the Right to Collective Bargaining**

The law provides for the right of all workers in the public and private sectors, with the exception of those in the military and police, to form and join independent
unions of their choice without prior authorization and to bargain collectively. In practice the government violated the right by controlling established unions. The constitution recognizes the right to strike, although it places some restrictions on this right. The law prohibits antiunion discrimination but does not provide for measures to protect against rights violation. Burdensome and lengthy conciliation procedures impeded workers’ ability to call strikes. The government created parallel labor unions to confuse and diffuse efforts to organize strikes or other labor actions. In addition, if a strike continues for 30 days without resolution, the Ministry of Labor may suspend the strike and submit the matter to arbitration.

A collective bargaining agreement may not exceed two years and is renewed automatically if neither party requests its revision. Collective bargaining agreements in the free trade zone regions, however, are for five-year periods. Companies in disputes with their employees must negotiate with the employees’ union, if one exists. By law several unions may coexist at any one enterprise, and the law permits management to sign separate collective bargaining agreements with each union.

The government sought to foster resolution of labor conflicts through informal negotiations rather than formal administrative or judicial processes. The law does not establish specific fines for labor law violations, and penalties were generally insufficient to deter violations. Although the law establishes a labor court arbitration process, it was subject to long wait times and lengthy and complicated procedures, and many labor disputes were resolved out of court. The government claimed the vast majority of labor disputes were resolved favorably to workers, but labor and human rights organizations continued to allege rulings were often unfavorable to workers.

Freedom of association and the right to collective bargaining were not respected, and the government often intervened for political reasons. Most labor unions were allied with political parties, and in recent years the government reportedly dissolved unions and fired workers not associated with the ruling FSLN.

Politically motivated firings continued to be a problem, and the government appeared to accelerate such firings during prodemocracy protests. After the prodemocracy uprising in 2018, the Nicaraguan Medical Association reported at least 405 doctors, including medical school professors, had been fired from the public health system without cause as of August. Many of those affected stated they were fired for rejecting government orders not to provide medical attention to protesters. In 2018 authorities similarly fired more than 40 public university staff,
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who also claimed that firings were in retaliation for expressing support for protests or in favor of university students participating in protests. A majority of the doctors and university staff from the public sector fired for political reasons had not received severance pay as of November. Party affiliation or letters of recommendation from party secretaries, family cabinet coordinators, or other party officials were allegedly required from applicants seeking public-sector jobs. Several sources highlighted similar instances of public-sector employees being fired without receiving severance pay.

There were no known high-profile documented instances of strikes being declared illegal. During a strike, employers may not hire replacement workers, but unions alleged this practice was common. Wildcat strikes—those without union authorization—have historically been common.

Employers interfered in the functioning of workers’ organizations and committed other violations related to freedom of association and collective bargaining. Labor leaders noted employers routinely violated collective bargaining agreements and labor laws with impunity.

Many employers in the formal sector, which declined during the year, continued to blacklist or fire union members and did not reinstate them. Many of these cases did not reach the court system or a mediation process led by the Ministry of Labor. Employers often delayed severance payments to fired workers or omitted the payments altogether. Employers also avoided legal penalties by organizing employer-led unions lacking independence and by frequently using contract workers to replace striking employees. There were reports FSLN party dues were automatically deducted from paychecks.

b. Prohibition of Forced or Compulsory Labor

The law prohibits all forms of forced or compulsory labor. Penalties were generally insufficient to deter violations. There was no information available regarding government enforcement of these laws. Despite reported political will to combat human trafficking, including labor trafficking, during the year the government did not take sufficient action to address the scope of the problem and provided only limited information about its law enforcement efforts.

Observers noted reports of forced labor, including of men, women, and children in agriculture, construction, mining, street begging, and domestic servitude.
Also see the Department of State’s *Trafficking in Persons Report* at [https://www.state.gov/trafficking-in-persons-report/](https://www.state.gov/trafficking-in-persons-report/).

**c. Prohibition of Child Labor and Minimum Age for Employment**

The law prohibits the worst forms of child labor. The law establishes the minimum age for employment at 14 and limits the workday for any individual between the ages of 14 and 18 to six hours and the workweek to 30 hours. Those between the ages of 14 and 16 must have parental approval to work or enter into a formal labor contract. The law prohibits teenage domestic workers from sleeping in the houses of their employers. It is illegal for minors to work in places the Ministry of Labor considers harmful to their health or safety, such as mines, garbage dumps, and night entertainment venues, and to undertake certain agricultural work. The government mostly enforced the law in the formal sector, which was significantly smaller than the informal sector, in which child labor was more prevalent. Legal penalties for persons employing children in dangerous work were sufficient to deter violations.

The government used its limited resources to concentrate on child labor violations in select sectors in narrow geographic areas, such as coffee-growing regions, and gave only limited attention to the large informal sector.

The government continued *Programa Amor*, which aimed to eradicate child labor by reintegrating abandoned children into society. Information on the program’s activities, funding, and effectiveness was unavailable.

Child labor remained widespread. According to organizations that worked on children’s rights, this likely increased to almost 320,000 children working in some form of child labor. A common feature of child labor was the prevalence of unpaid family work, and the National Institute of Development Information stated 80 percent of children and adolescents were unpaid workers.

Most child labor occurred in forestry, fishing, and the informal sector, including on coffee plantations and subsistence farms. Child labor also occurred in the production of dairy products, oranges, bananas, tobacco, palm products, coffee, rice, and sugarcane; cattle raising; street sales; garbage-dump scavenging; stone crushing; gold mining and quarrying of pumice and limestone; construction; drug production and trafficking; street performing; domestic work; and transport.
Children working in agriculture suffered from sun exposure, extreme temperatures, and dangerous pesticides and other chemicals. Children working in the fishing industry were at risk from polluted water and dangerous ocean conditions.

Also see the Department of Labor’s *Findings on the Worst Forms of Child Labor* at [https://www.dol.gov/agencies/ilab/resources/reports/child-labor/findings](https://www.dol.gov/agencies/ilab/resources/reports/child-labor/findings) and the Department of Labor’s *List of Goods Produced by Child Labor or Forced Labor* at [https://www.dol.gov/agencies/ilab/reports/child-labor/list-of-goods](https://www.dol.gov/agencies/ilab/reports/child-labor/list-of-goods).

d. Discrimination with Respect to Employment and Occupation

The law and regulations prohibit discrimination regarding race, sex, gender, disability, language, sexual orientation or gender identity, HIV or other communicable disease status, or social status. The government did not deter such discrimination because it did not effectively enforce the law and regulations.

Discrimination in employment took many forms. Although women generally had equal access to employment, few women had senior positions in business and worked in the informal sector at higher levels than men; in the public sector or in elected positions, women’s independence and influence were limited. In addition, women’s wages were generally lower when compared with those of male counterparts, even for the same position and work performed. Workplace challenges for persons with disabilities included inadequate infrastructure, lack of educational opportunities, and a generally low rate of public-services positions, despite a legal requirement that a certain percentage be available to them. LGBTI organizations complained that sexual orientation and gender identity continued to be a basis for discriminatory behavior.

The Special Rapporteurship on Economic, Social, Cultural, and Environmental Rights of the Inter-American Commission on Human Rights expressed its deep concern over discrimination on political grounds in the exercise of the rights to work. Workers who disagreed with government recommendations were fired, and only those with a membership card of the ruling party were hired.

e. Acceptable Conditions of Work

The law establishes a statutory minimum wage for 10 economic sectors. According to the Ministry of Labor, the average legal minimum wage covered only 35 percent of the cost of basic goods. The ministry, together with workers’ unions aligned with the ruling party, agreed to freeze minimum wage raises for the year.
The minimum wage was generally enforced only in the formal sector, estimated to be approximately 20 percent of the economy, and in contracting. The Ministry of Labor is the primary enforcement agency, but the government did not allocate adequate staff or other measures to enable the Office of Hygiene and Occupational Safety to enforce occupational safety and health (OSH) provisions. Established penalties were generally sufficient to deter violations.

The standard legal workweek is a maximum of 48 hours, with one day of rest. The law dictates an obligatory year-end bonus equivalent to one month’s pay, proportional to the number of months worked. The law mandates premium pay for overtime, prohibits compulsory overtime, and sets a maximum of three hours of overtime per day not to exceed nine hours per week.

According to International Labor Organization guidelines, the number of labor inspectors was insufficient for the size of the workforce, which included approximately three million workers.

The National Council of Labor Hygiene and Safety, including its departmental committees, is responsible for implementing worker safety legislation and collaborating with other government agencies and civil society organizations in developing assistance programs and promoting training and prevention activities. OSH standards did not deter violations in the formal sector because they were infrequently enforced.

OSH standards also were not widely enforced in an expanding large informal sector, which represented 77 percent of employment and 88 percent of businesses, according to 2016 reports from the Consultants for Business Development and the Nicaraguan Foundation for Economic and Social Development. The informal sector included the bulk of workers in street sales, agriculture and ranching, transportation, domestic labor, fishing, and minor construction. Legal limitations on hours worked often were ignored by employers, who claimed workers readily volunteered for extra hours for additional pay. Violations of wage and hour regulations in the informal sector were common and generally not investigated, particularly in street sales, domestic work, and agriculture, where children continued to work in tobacco, banana, and coffee plantations. Compulsory overtime was reported in the private security sector, where guards often were required to work excessive shifts without relief.
By law workers may remove themselves from situations that endanger their health or safety without jeopardy to their employment. It was unclear if authorities effectively protected employees in such cases.
TAB 2
EXECUTIVE SUMMARY

Nicaragua has a highly centralized, authoritarian political system dominated by President Daniel Ortega Saavedra and his wife, Vice President Rosario Murillo Zambrana. Ortega’s Sandinista National Liberation Front (FSLN) party exercises total control over the executive, legislative, judicial, and electoral functions despite the country’s official status as a multiparty constitutional republic. President Ortega was inaugurated to a third term in office in January 2017 following a deeply flawed electoral process. The 2016 elections expanded the ruling party’s supermajority in the National Assembly, which previously allowed for changes in the constitution that extended the reach of executive branch power and the elimination of restrictions on re-election for executive branch officials and mayors. Observers have noted serious flaws in municipal, regional, and national elections since 2008. Civil society groups, international electoral experts, business leaders, and religious leaders identified persistent flaws in the 2017 municipal elections and noted the need for comprehensive electoral reform.

Civilian authorities maintained effective control over police and parapolic security forces. Parapolic are nonuniformed, masked, and armed groups with tactical training and organization, acting in coordination with government security forces, under the direct control of the government, and reporting directly to the Nicaraguan National Police (NNP).

In April President Ortega and Vice President Murillo ordered police and parapolic forces to put down with violence peaceful protests that began over discontent with a government decision to reduce social security benefits. The government’s excessive response included the use of live ammunition and snipers. Protesters built makeshift roadblocks and confronted NNP and parapolic with rocks and homemade mortars. As of late November, the ensuing conflict left at least 325 persons dead, more than 2,000 injured, hundreds illegally detained and tortured, and more than 52,000 exiled in neighboring countries. Beginning in August the Ortega government instituted a policy of “exile, jail, or death” for anyone perceived as opposition, amended terrorism laws to include prodemocracy activities, and used the justice system to characterize civil society actors as terrorists, assassins, and coup-mongers.

Human rights deteriorated markedly during the year. Issues included reports of unlawful or arbitrary killings committed by the government or its agents; forced
disappearance by parapolice forces; torture; physical abuse, including rape, by government officials; and arbitrary arrest and detention. There were harsh and life-threatening prison conditions; political prisoners; arbitrary and unlawful interference with privacy; arrests of journalists, censorship, site blocking, and criminal libel; and substantial interference with the rights of peaceful assembly and freedom of association, including attacks on the Roman Catholic Church and Church officials. The government stripped the legal status of several nongovernmental organizations (NGOs) and civil society organizations, seizing their assets and preventing them from operating. There was widespread corruption; trafficking in persons; attacks against lesbian, gay, bisexual, transgender, and intersex (LGBTI) persons; discrimination against ethnic minorities and indigenous communities; and child labor.

President Ortega actively strengthened impunity for human rights abusers who were loyal to him.

Section 1. Respect for the Integrity of the Person, Including Freedom from:

a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings

There were numerous reports that the government or its agents committed arbitrary or unlawful killings.

NNP officers and parapolice forces shot high-caliber weapons from concealed, elevated, and distant locations at protesters in Esteli, Masaya, and Managua. Independent forensic investigations by human rights organizations and local media suggested the shooters specifically aimed to kill, as 19 victims suffered high-precision gunshot wounds to the head and thorax.

On May 10, the NNP and parapolice raided the Polytechnic University in Managua and fired live ammunition, killing several students. On July 12-13 in Managua, the NNP and parapolice attacked students from the National Autonomous University of Nicaragua (UNAN) who had found shelter in a nearby church, leaving one student dead.

Parapolice, reportedly well trained and equipped with vehicles and high-caliber weapons, and the NNP attacked roadblocks and barricades throughout the country, resulting in numerous deaths.
There were several reports from individuals claiming that a family member believed to have been detained was later found dead. Such bodies were found in the morgue or discovered strewn about city streets.

Approximately 40 of the protest deaths were police officers or members of the ruling party, according to President Ortega. There were credible reports the government killed some police officers for refusing to follow orders to suppress protests.

There were credible reports the government directed the Ministry of Health to deprive protesters of medical attention and instructed public hospitals and clinics under the control of the Social Security Institute not to provide medical care to wounded protesters. On April 20, a 15-year-old who was shot in the face while bringing water to protesters was denied medical care and became the first minor to die in the protests.

Reports of killings were common in the north-central regions and the North Caribbean Autonomous Region (RACN). These killings were widely believed to be related to the army’s pursuit of armed antigovernment groups in the north-central region, although the army admitted only the presence of criminals and delinquents. Government forces continued to carry out arbitrary or unlawful killings during confrontations with armed groups (both criminal organizations and possibly antigovernment groups), in the north-central and Caribbean regions. Human rights organizations and independent media alleged some killings were politically motivated, an allegation difficult to confirm because the government refused to conduct official inquiries. In some cases, the individuals killed by military or police personnel were members of groups identifying themselves on social media as politically motivated and that had taken up arms against the government.

There was no indication the government investigated claims that three members of a self-proclaimed politically motivated armed group in Siuna, in the RACN, had been tortured and killed extrajudicially in 2017. There were no further developments in the September 2017 killing of three individuals in Siuna by the army’s “Ecological Battalion.” There was no further investigation of the November 2017 killing of six individuals, including a known opposition figure, his brother, and two minors, by the military in the municipality of La Cruz de Rio Grande in the South Caribbean Autonomous Region (RACS).

b. Disappearance
The Nicaraguan Pro-Human Rights Association (ANPDH) reported more than 500 disappearances between April 19 and July 26. Armed parapolice forces arbitrarily detained protesters and often held them in makeshift facilities without allowing them to inform family members or seek legal counsel. The detentions generally lasted between two weeks and one month. NNP officers and prison authorities often denied detainees were in custody. Other detainees were eventually found dead in the morgue or in city streets. Human rights organizations claimed the NNP and prison system’s inability to locate prisoners was not due to poor recordkeeping, but was instead a deliberate part of a misinformation campaign. The government made no efforts to prevent, investigate, or punish such acts.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

Although the law prohibits such practices, cases of torture were well documented, and public officials intentionally carried out acts that resulted in severe physical or mental suffering for the purposes of securing information, inflicting punishment, and psychologically deterring other citizens from reporting on the government’s actions or participating in civic actions against the government. Members of civil society and student leaders involved in the protests that began on April 19 were more likely than members of other groups to be subjected to such treatment.

In its August 29 report, the Office of the UN High Commissioner for Human Rights (OHCHR) gave detailed accounts from detainees who had been subjected to physical and psychological torture by the NNP, parapolice, or prison authorities, including burnings with Taser guns and cigarettes, use of barbed wire, beatings with fists and tubes, attempted strangulation, and death threats. Local NGO Permanent Commission for Human Rights reported at least one detainee had one of his nails pulled out and another received electric shocks. Another detainee reported suffering beatings, electrocution, waterboarding, and sodomy with a firearm. Several detainees released from La Modelo prison said the NNP brought police cadets into the prison to show them how to beat prisoners without leaving obvious marks.

The OHCHR reported many detainees were subjected to degrading treatment and sexual violence, including rape of men and women, while in the custody of parapolice forces, prison officials, and the NNP, as well as the Directorate of Judicial Assistance (DAJ), a special police investigations unit, in its jail commonly referred to as “El Chipote,” especially during arrests related to the protests.
According to media reports, on August 30, NNP members beat a man in Esteli, raped him using a knife, and subsequently castrated him and left him on the side of a road.

**Prison and Detention Center Conditions**

Prison conditions were harsh and potentially life threatening. Overcrowding, poor sanitation, difficulties obtaining medical care, and violence among prisoners remained serious problems in prison facilities.

**Physical Conditions:** Prison conditions continued to deteriorate due to antiquated infrastructure and increasing inmate populations. In October the government reported holding 20,918 prisoners in facilities with a capacity of 11,781. Due to overcrowding, pretrial detainees often shared cells with convicted prisoners and juveniles shared cells with adults.

Many prisoners suffered mistreatment from prison officials and other inmates. Inmates also suffered from parasites, inadequate medical attention, frequent food shortages, contaminated water, and inadequate sanitation. Released prisoners and family members of prisoners reported poor ventilation and lighting in the DAJ jail located in Managua. Although conditions for female inmates were generally better than those for men, they were nevertheless unsafe and unhygienic.

Conditions in jails and temporary holding cells were also harsh. Most facilities were physically decrepit and infested with vermin; had inadequate ventilation, electricity, or sewage systems; and lacked potable water.

**Administration:** Although prisoners and detainees could submit complaints to judicial authorities without censorship and request investigation of credible allegations of inhuman conditions, authorities often ignored or did not process complaints. The extent to which the government investigated allegations of poor prison conditions was unknown. The government ombudsman could serve on behalf of prisoners and detainees to consider such matters as informal alternatives to incarceration for nonviolent offenders, although this generally did not occur. In certain instances the government restricted prisoners’ access to visitors, attorneys, and physicians. Staff members of human rights organizations, family members, and other interested parties were not allowed access to the prison system or to prisoners in custody.
Independent Monitoring: The government denied prison visits by local human rights groups and media. NGOs generally received complaints through family members of inmates and often were unable to follow up on cases until after the release of the prisoner due to lack of access. The government denied all requests from local human rights organizations for access to prison facilities.

There was limited independent monitoring of prison conditions by international human rights organizations. Authorities allowed the Inter-American Commission on Human Rights (IACHR) rapporteur on the rights of persons deprived of liberty into the Chipote and Modelo prisons during a May 18-21 visit to the country, but they did not respond to his request for a follow-up visit in September. The government denied the IACHR access to the DAJ offices and jail facilities on June 28 but on July 2 granted access to the IACHR rapporteur for Nicaragua, Antonia Urrejola, who was in the country to confirm the location and conditions of detainees from antigovernment protests.

d. Arbitrary Arrest or Detention

Human rights NGOs noted hundreds of cases of arbitrary arrests by the NNP, parapolice forces, and army, although parapolice and the army have no authority to make arrests. Many members of a group of 170 detainees released on April 24 were unloaded from vans along a road leading to La Modelo prison in Tipitapa rather than being released to family members, human rights organizations, or Catholic Church representatives. On September 19, the vice minister of interior, Luis Canas, acknowledged the penitentiary system had 204 detainees in the context of civil protests; human rights organizations believed the number was closer to 500.

Role of the Police and Security Apparatus

The constitution establishes the NNP as an apolitical, nonpartisan institution protecting all citizens equally under the law. The army is responsible for external security but also has some domestic responsibilities, including countering illicit trafficking in narcotics and human trafficking and providing for the transportation of election-related materials, including ballots.

The NNP responds directly to the president as commander in chief, as established by constitutional changes in 2014 that diminished the Ministry of Interior’s role in oversight of the NNP. Parapolice forces emerged on May 30 in the context of stopping social unrest. On July 30, President Ortega said these parapolice forces
were voluntary police, although their actions, including arrests, killings, and forced disappearances, did not fit within the legal structure afforded to voluntary police. Parapolice members were heavily armed, shot live ammunition at protesters, and coordinated actions with regular police. In some cases, police vehicles transported them.

The army is a functionally autonomous force responding directly to the president pursuant to constitutional and military code reforms enacted in 2014 that diminished the role of the (civilian) Defense Ministry in oversight of the army. The army repeatedly stated it would remain neutral during the protests and government repression that began on April 19 and denied reports of its participation in the violence. Security experts, including former Nicaraguan military officials, suggested the military did cooperate with suppressing the protests, noting the high-caliber weapons handled by highly trained persons during the repression of protesters were used exclusively by the military.

Civilian authorities maintained effective control over the NNP and the military, and the government did not employ effective mechanisms to investigate and punish abuse. The NNP Office of Internal Affairs is responsible for investigating complaints and abuses regarding police officers or internal police activities. The Ministry of Interior and the NNP each have law enforcement and internal security responsibilities throughout the country. The Ministry of Interior oversees the General Directorate for Migration and Foreigner Services, which works together with police to oversee migration and border security. The Office of the Inspector General is responsible for investigating abuses and corruption in the army, but public information available on its activities was limited.

Observers noted the politicization of the NNP, exemplified by the use of parapolice forces outside the NNP chain of command and under no legal framework, to respond to orders from President Ortega and his wife, Vice President Murillo. The NNP arrested protesters on grounds of crimes including terrorism, organized crime, and financing terrorism, and the Prosecutor’s Office and judges processed their cases.

The NNP Office of Internal Affairs, and to a lesser extent the Office of the Inspector General, are responsible for investigating police abuse; however, lack of separation of power among the NNP, the ruling party, and the justice system did not allow for an impartial investigation into corruption, inefficiency, and violations of human rights. Due to limited information on the activities of the Office of Internal Affairs, human rights organizations and security experts were unable to
assess how the NNP investigated allegations of abuses and human rights violations by its members.

Human rights organizations and civil society activists continued to express strong concern regarding the 2015 Sovereign Security Law, which significantly broadened the definition of state sovereignty and security and established a National Committee of Sovereign Security, an executive-level committee with the enforcement backing of the military. The law includes “any other factor that creates danger to the security of the people, life, family, and community, as well as the supreme interests of the Nicaraguan nation” when it outlines potential risks and threats to the country’s sovereign security. Human rights NGOs and civil society organizations argued the Sovereign Security Law was the basis for repression against protests, although the government did not publicly cite the law in specific cases.

Impunity remained a severe problem, and the government did not provide training to increase respect for human rights by security forces. The NNP, Prosecutor’s Office, and judges under the influence of the ruling party arrested, investigated, and charged antigovernment protesters while ignoring crimes committed by the NNP, progovernment individuals, and parapolice.

**Arrest Procedures and Treatment of Detainees**

The law requires police to obtain a warrant from a judicial authority prior to detaining a suspect and to notify family members of the detainee’s whereabouts within 24 hours, but this rarely happened within the context of arrests related to civil unrest.

Police may hold a suspect legally for 48 hours before arraignment, when they must bring the person before a judge. A judge then must order the suspect released or transferred to jail for pretrial detention. The suspect is permitted family member visits after the initial 48 hours. The detainee has the right to bail unless a judge deems there is a flight risk. The criminal code lists a number of crimes that may be tried by a judge without a jury and that would not qualify for bail or house arrest during the duration of the trial. The Truth, Justice, and Peace Commission, created by the National Assembly to investigate violence related to civil unrest, stated in its July report that 204 of the 505 known detainees had been detained for more than the established 48 hours without being brought before a judge. Detainees have the right to an attorney immediately following their arrest, and the state provides indigent detainees with a public defender. There were numerous reports detainees
did not have immediate access to an attorney or legal counsel and were not afforded one during their 48-hour detention. In several instances authorities denied having detainees under custody in a specific jail, even to their family members or legal counsel.

**Arbitrary Arrest**: According to NGOs and other human rights groups, arbitrary arrests occurred regularly, including but not limited to the context of the protests that started in April. Numerous reports claimed authorities used DAJ jail cells for arbitrary arrests beyond the prescribed 48 hours of detention legally allowed. Many arrests were allegedly made without warrants and without informing family members or legal counsel. Human rights organizations indicated delays in the release of prisoners after finishing prison terms led to many cases of arbitrary continuation of a state of arrest. The NNP and army also committed irregular arrests and detentions during investigations into armed opposition groups or other violent crimes in the north-central regions of the country. On November 26, immigration authorities called women’s activist Ana Quiros, a Nicaraguan-Costa Rican dual citizen, to their offices, whereupon authorities handcuffed her, detained her in El Chipote prison for more than five hours, revoked her Nicaraguan citizenship, deported her to Costa Rica in violation of due process.

**Pretrial Detention**: Lengthy pretrial detention continued to be a problem. Many of those arrested during the social upheaval that started on April 19 were detained and held with no charges and without following due process. Observers noted that in several instances lengthy pretrial detention was intentional against specific protest leaders. Observers attributed other delays to limited facilities, an overburdened judicial system, judicial inaction, and high crime rates. No information was available on the percentage of the prison population in pretrial detention or the national average length of pretrial detention.

**Detainee’s Ability to Challenge Lawfulness of Detention before a Court**: While the law provides detainees the ability to challenge the legality of their detention before a court, the government generally did not allow those detained in the unrest to challenge in court the lawfulness of their arrests or detentions. There were reports legal counsels faced obstacles when they attempted to invoke constitutional protections for detainees, including habeas corpus, and courts frequently ignored their requests.

**e. Denial of Fair Public Trial**
The law provides for an independent judiciary, but the government did not respect judicial independence and impartiality. The law requires vetting of new judicial appointments by the Supreme Court of Justice (CSJ), a process wholly influenced by nepotism, personal influence, and political affiliation. Once appointed, many judges submitted to political pressure and economic inducements for themselves or family members that compromised their independence. NGOs complained of delayed justice caused by judicial inaction and widespread impunity, especially regarding family and domestic violence and sexual abuse. In many cases trial start times were changed with no information provided to one or both sides of the trial, according to human rights organizations. Authorities occasionally failed to respect court orders.

According to the constitution, defendants are presumed innocent until proven guilty; observers claimed, however, that persons detained in the context of the antigovernment protests were criminalized even before the start of the trial. In a July 13 session at the Organization of American States (OAS), Foreign Minister Denis Moncada said that Medardo Mairena, coordinator of the anti-Law 840 peasant group and a civil society member of a national dialogue, was a terrorist. Authorities arrested Mairena that same day and later accused him of terrorism. Authorities provided neither a reason for his arrest nor legal representation, nor did they inform his family, all of which were violations of due process. Following a trial that was deeply procedurally and substantively flawed, the prosecutor recommended a 72-year sentence.

**Trial Procedures**

Changes to the law enacted in 2017 allowed judges to deny jury trials in a wider range of cases, deny bail or house arrest based on unclear rules, and arbitrarily move a case from other judicial districts to Managua, to the disadvantage of defendants, their families, or their counsel. Defendants have the right to be fully and promptly informed of the charges against them and the right to a fair trial. While the law establishes specific time periods for cases to come to trial, most cases encountered undue delay. Trials are public, but in some cases involving minors or at the victim’s request, they may be private. The law requires defendants must be present at their trial, although this was not always respected. Proceedings in most cases related to charges of terrorism brought against protesters in the context of antigovernment protests starting on April 19 were made private, except for official media. One judge who made a protest-related proceeding public was dismissed from her position within a few days.
Defendants have the right to legal counsel, and the state provides public defenders for indigent persons. Defendants have the right to adequate time and facilities to prepare a defense, but judges commonly failed to grant counsel’s access to the defendant. In several instances related to antigovernment protests, defendants were not allowed to name their legal counsel and the court appointed a public defendant, which family members of the accused and human rights organizations claimed was in detriment of the defendant’s case. In many cases legal counsels of the defendants received death threats, which caused some to resign. Although the constitution recognizes indigenous languages, defendants were not always granted court interpreters or translators. Defendants may confront and question witnesses and have the right to appeal a conviction. Defendants may present their own witnesses and evidence in their defense; however, some judges refused to admit evidence on behalf of the defense. Defendants may not be compelled to testify or confess guilt.

The August 29 OHCHR report found that “trials of people charged in relation to the protests have serious flaws and do not observe due process, including the impartiality of the courts.”

On August 30, a court found Brandon Lovo Taylor and Glen Slate guilty of the April 21 murder of journalist Angel Gahona in the Caribbean coastal town of Bluefields. Gahona died of a single gunshot to the head while streaming live protests from his phone. The trial was conducted in Managua, limiting the defendants’ access to legal counsel and their family members. Proceedings took place behind closed doors except for official government media. The IACHR Interdisciplinary Group of Independent Experts did not have access to the courtroom in this case, despite an agreement with the government to help with legal proceedings stemming from protest-related violence. The prosecutor alleged the two men shot a homemade weapon at the journalist from across the street. When the defense’s independent ballistics expert stated that would be impossible given the distance, angle, and precision of the shot, the judge dismissed the independent expert witness. None of the prosecutor’s witnesses could place the accused at the scene of the crime, and the NNP officers on the scene did not participate in the trial.

Women’s rights organizations believed the court system continued to operate under unofficial orders to forgo jail time or pretrial detention in domestic violence cases. The policy reportedly applied only to domestic violence cases considered mild.
**Political Prisoners and Detainees**

Human rights NGOs characterized the protesters detained in the context of antigovernment protests starting on April 19 as political prisoners. As of November 19, the Nicaraguan Center for Human Rights (CENIDH) counted more than 600 protesters detained. The NNP arrested more than 100 of the detainees under charges of terrorism, organized crime, and financing terrorism. The FSLN supermajority in the National Assembly enabled some of these arrests when it amended Law 977 to apply to “anyone who damages public or private buildings, wishes to alter the constitutional order, or wishes to force the government to take a certain action or refrain from taking certain action.” The prison sentence for such acts is 15 to 20 years.

After the July 2 IACHR visit, the government did not allow local or international human rights organizations access to these political prisoners, so it was unknown if such persons were given the same protections as other detainees. On September 19, the government issued photographs of three high-profile political prisoners as purported proof of their well-being, but human rights organizations claimed the photographs were taken closer to the time of arrest.

**Civil Judicial Procedures and Remedies**

Individuals and organizations may file suit in civil courts to seek damages for human rights violations, but authorities did not always respect court decisions.

The lack of an effective civil law system resulted in some civil matters being pursued as criminal cases, which were often resolved more quickly. In a number of instances, individuals and groups appealed to the IACHR, which passed their cases to the Inter-American Court of Human Rights.

**Property Restitution**

The government regularly failed to enforce court decisions with respect to seizure, restitution, or compensation of private property. Enforcement of court orders was frequently subject to nonjudicial considerations. Members of the judiciary, including those at senior levels, were widely believed to be corrupt or subject to political pressure. The government failed to evict those who illegally took possession of private property. Within the context of social upheaval starting on April 19, members of the FSLN illegally took over privately owned lands, with implicit and explicit support by municipal and national government officials.
Some land seizures were politically targeted and directed against specific individuals, such as businessmen traditionally considered independent or against the ruling party. As of August 24, the private sector confirmed approximately 15,000 acres remained seized.

**f. Arbitrary or Unlawful Interference with Privacy, Family, Home, or Correspondence**

The government failed to respect prohibitions against unlawful interference with privacy, family, home, and correspondence. FSLN party-based grassroots organizations such as the Citizen Power Councils colluded with parapolice, armed masked men, or party loyalists to target the homes of antigovernment protesters. Without a warrant and under no legal authority, these groups illegally raided homes and detained occupants. These actions were widespread in the large cities, particularly Managua, Matagalpa, Esteli, Masaya, Rivas, Leon, and Jinotega. On June 16, after occupants reportedly refused to allow them to place gunmen on the roof of a Managua home, parapolice set fire to the house, killing a family of six. Parapolice remained outside the house, guns drawn, to ensure the family could not escape the blaze and to prevent access to the house by voluntary firefighters, according to witnesses. Six months later, the NNP issued a press accusing student protestors of the arson and CENIDH of a secret campaign to persuade survivors to blame the NNP in exchange for visas.

Domestic NGOs, Catholic Church representatives, journalists, and opposition members alleged the government monitored their email and telephone conversations. Church representatives also stated their sermons were monitored. As part of a continuing social media campaign against antigovernment protests, ruling party members and supporters used social media to publish personal information of human rights defenders and civil society members. Progovernment supporters marked the houses of civil society members with derogatory slurs or threats and then published photographs of the marked houses on social media.

On October 3, the government published an amendment to the Financial Analysis Unit (UAF) Law to allow the UAF to access individuals’ personal data held by eight public institutions, including salary information, international travel, personal property registration, and credit and banking records. The UAF does not require a judicial decision or warrant to access this information, nor is it required to disclose to the individual that he or she is under investigation. The UAF investigated perceived members of the opposition in order to support charges of terrorist financing.
Inhabitants in northern towns, particularly in the departments of Nueva Segovia, Jinotega, and Madriz, as well as the RACS and the RACN, alleged repeated government interrogations and searches without cause or warrant, related to supposed support for armed groups, while government officials claimed they were confronting common criminals.

The ruling party reportedly required citizens to demonstrate party membership in order to obtain or retain employment in the public sector and have access to public social programs.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Expression, Including for the Press

Restrictions on press freedom, the absence of an independent judiciary, and a nondemocratic political system combined to inhibit freedom of expression, including for the press. Although the law provides that the right to information may not be subjected to censorship, the government and actors under its control retaliated against radio and television stations through raids, arson, blocking transmissions, and violence against journalists.

Freedom of Expression: The government used reprisals to restrict the ability of individuals to criticize the government. There were a number of incidents throughout the year in which public officials, including at the ministerial, congressional, and local government levels, were reportedly ousted for expressing their opinions through the independent media or on social media.

Independent media experienced vandalism, seizure of broadcast equipment, and fear of criminal defamation charges. The government repeatedly denied broadcasting licenses and other permits for independent media. Further attempts to intimidate came through continued financial audits performed by the Directorate General of Revenue, which resulted in referral of cases to the Customs and Administrative Tax Court. Independent news outlets faced restrictions on speech, such as not being permitted to attend official government events, being denied interviews by government officials, and limited or no direct access to government information. Official media, however, were not similarly restricted.

The government restricted symbolic speech. On May 5, a group of protesters changed the FSLN red and black colors at the base of a statue of Augusto Cesar
Sandino at the entrance of the town of Niquinohomo to white and blue, the national flag colors. FSLN members responded violently and changed the colors back to red and black, which led to clashes between the groups. Starting on September 1, protesters started releasing white and blue balloons on city streets as a form of protest and to celebrate independence days (September 14 and 15). NNP officers arrested two boys for carrying a large bag full of white and blue balloons. On September 12, during a celebration of Central American independence, men in a vehicle with FSLN paraphernalia stopped a high school student who was wearing a white and blue bandana and carrying an Independence and Peace Torch and ordered her to remove the bandana or give the torch to someone else. The girl eventually took the bandana off and continued running with the torch.

**Press and Media Freedom:** Independent media faced official and unofficial restrictions, reprisals, and harassment, but they were nonetheless successful in expressing a variety of views. Journalists from many stations were threatened and harassed with the purpose of limiting their editorial independence. In May the entire news team of Channel 10, which was owned by a foreigner close to the FSLN party, threatened to resign after the station refused to cover the protests. When the station relented, allowing coverage to take place, the head of government station Channel 8’s news desk attempted to install himself as the news director of Channel 10. The Financial Analysis Unit launched a money-laundering investigation against Nicaraguan-Honduran general manager Carlos Pastora, reportedly blocking him from leaving the country and forcing him into refuge on August 22. On December 3, Pastora left the country and went into exile. Many observers alleged the timing of the investigation was in reprisal for the editorial line of the station’s news show.

Significant state influence, ownership, and control over media continued. National television was largely controlled either by business associates of the president or directly owned and administered by his family members. Eight of the 10 basic channels available were under direct FSLN influence or owned and controlled by persons with close ties to the government. Generally, media stations owned by the presidential family limited news programming and served as outlets for progovernment or FSLN propaganda and campaign advertisements. Press and human rights organizations claimed the use of state funds for official media, as well as biased distribution of government advertising dollars, placed independent outlets at a disadvantage.

**Violence and Harassment:** Journalists were subject to government violence, harassment, and death threats. On April 20, two arsonists died while setting a fire
that destroyed Radio Dario in Leon. The station’s owner attributed the attack to an FSLN National Assembly representative and a local FSLN leader. International human rights organizations believed the fires were set in retaliation for coverage of protests against social security reforms and subsequent government repression of such protests. A local Jinotepe radio station, Stereo Romance, was vandalized with graffiti calling for its journalists to be killed. FSLN-controlled Radio Ya and government-owned Radio Nicaragua were both victims of fires of unknown origin, with minimal damage. Beginning on November 30, police detained 100% Noticias owner Miguel Mora and his wife and threatened them on six different occasions; government sympathizers also made accusations to prosecutors that Mora committed murders during the political crisis. Television anchor Jaime Arellano went into self-imposed exile on November 25 after police repeatedly stopped his vehicle over the course of several days and personnel remained present outside his house. On December 3, the NNP forced the closure of two radio stations in the department of Leon and intimidated several high-profile journalists. On December 22, the NNP raided the 100% Noticias television studio and took apart their broadcasting equipment, while the Nicaraguan Telecommunications Regulator (TELCOR) ordered all cable stations to remove the television’s signal from their programming. The NNP detained the network’s owner and its editor in chief, Lucia Pineda, who were later charged with provoking, proposing, and conspiring to commit terrorism. Most of the staff of the station went into hiding or self-imposed exile, including talk show host Luis Galeano.

Progovernment sympathizers and Sandinista Youth destroyed cameras and stole television equipment during coverage of antigovernment protests that started on April 19. Sandinista Youth, parapolice forces, and NNP officers actively targeted and pursued independent journalists to intimidate and harass them. Members of the NNP raided and ransacked the offices of newspaper Confidencial with no warrant. The crackdown happened during the raid of nine civil society organizations by the police despite the newspaper’s lack of ties to the organizations. One of the largest daily newspapers, independent *La Prensa*, claimed government officials and supporters regularly intimidated its journalists, actively hindered investigations, and failed to respond to questions of general public interest, particularly those involving the constitution, rule of law, and corruption.

**Censorship or Content Restrictions:** The government penalized those who published items counter to the ruling party’s ideology; however, it did not do this according to specific guidelines.
On April 19, TELCOR cut the signal of five channels that were covering antigovernment protests. The four smaller stations affected reestablished their signal within a day, but independent 24-hour news channel 100% Noticias remained off the air until April 24. Owner Miguel Mora said he refused TELCOR’s request to stop covering the antigovernment protests, and its coverage was uninterrupted on Facebook. On October 27, TELCOR ordered that 100% Noticias be relocated from its position at the top of the local television dial--where it was referred to by virtually everyone as “Channel 15”--to a much less prominent slot at channel 63.

To control printing presses, the government continued to enforce the controversial Law 528, or “Ley Arce,” which established high tariffs and bureaucratic delays on the importation of ink, paper, machinery, and other printing necessities, despite constitutional provisions protecting the media’s right to freedom from such tariffs. In late December, national print media, La Prensa and El Nuevo Diario, reported the government was delaying their import of ink and paper, which by late January 2019 would effectively end their already weakened ability to print newspapers.

Restrictions in acquiring broadcast licenses and equipment prevented the media from operating freely. Beginning in 2008, media outlets were unable to apply for new broadcasting licenses while the General Law (Law 200) on Telecommunications was under review in the National Assembly. The government, however, granted licenses in a discretionary manner and extended the validity of existing licenses indefinitely. Human rights groups and independent media also reported the failure to approve or deny Law 200 resulted in uncertainty surrounding the purchase and import of goods related to broadcasting. As a result, independent radio owners continued to defer long-term investments.

Some independent-media owners also alleged the government exerted pressure on private firms to limit advertising in independent media, although other observers believed the lack of advertising was the result of self-censorship by private companies or a business decision based on circulation numbers. Many journalists practiced self-censorship, fearing economic and physical repercussions for investigative reporting on crime or official corruption. Additionally, media outlet owners exercised self-censorship by choosing not to publish news that affected public perceptions of the government or the FSLN.

Libel/Slander Laws: Although during the year the government did not use libel laws, independent media reported engaging in self-censorship due to the
government’s previous use of libel laws. Slander and libel are both punishable by fines ranging from 120 to 300 times the minimum daily wage.

**National Security:** Human rights NGOs and civil society organizations argued the Sovereign Security Law was a basis for the government’s failure to respect civil liberties. Although not cited in specific cases, the law applies to “any other factor that creates danger to the security of the people, life, family, and community, as well as the supreme interests of the Nicaraguan nation.”

An NNP regulation under the guise of protecting national security restricts criticism of government policies and officials.

**Internet Freedom**

There were credible reports that the government monitored private online communications without appropriate legal authority, and in some cases restricted or disrupted access to the internet or censored online content.

Several NGOs claimed the government monitored their email and online activity without appropriate legal authority. Domestic NGOs, Catholic Church representatives, journalists, and opposition members alleged the government monitored their email and telephone conversations. Government and banking websites associated with the FSLN faced politically motivated cyberattacks, as did opposition media. Paid government supporters used social media and website commentary spaces to harass prominent members of civil society, human rights defenders, and a well known journalist.

The government disclosed personally identifiable information to penalize the expression of opinions. As part of a continuing social media campaign against antigovernment protests, ruling party members and supporters used social media to publish personal information of human rights defenders and civil society members. Civil society members alleged government offices provided the information. Government supporters also used the personally identifiable information to mark the houses of civil society members with either derogatory slurs or threats, then published photographs of the marked houses on social media.

The International Telecommunication Union reported approximately 30 percent of citizens used the internet in 2017.

**Academic Freedom and Cultural Events**
There were government restrictions on academic freedom, and many academics and researchers reported pressure to censor themselves.

UNAN fired more than 50 staff members without cause between August 13 and August 20. Many of those fired claimed the firings were in retaliation for expressing support for or otherwise agreeing with antigovernment protests.

Human rights NGOs and civil society groups reported authorities required students in elementary and secondary public schools to participate in progovernment rallies while schools were in session. Political propaganda for the ruling party was posted inside public schools. Teacher organizations and NGOs alleged continuing FSLN interference in the school system through the use of school facilities as FSLN campaign headquarters, favoritism shown to members of FSLN youth groups or to children of FSLN members, politicized issuance of scholarships, and the use of pro-FSLN education materials.

Combined NNP and parapolice forces shot live ammunition and forced their way into various public universities during student protests in violation of university autonomy.

b. Freedoms of Peaceful Assembly and Association

The government restricted freedoms of peaceful assembly and association.

Freedom of Peaceful Assembly

The government did not respect the legal right to public assembly, demonstration, and mobilization. Antigovernment marches and protests were allowed at times, but in several instances, the NNP and parapolice shot live ammunition at protesters. Police failed to protect peaceful protesters from attacks; they also committed attacks and provided logistical support to other attackers. Human rights organizations reported police stopped traffic for and otherwise protected progovernment demonstrations. On July 12-13, when student protesters sought refuge inside a Catholic church in Managua, NNP and parapolice shot live ammunition at the church.

Through various press releases and arrests, the NNP claimed protesters were responsible for destruction of public and private buildings, setting of fires, homicides, and looting. While the majority of protesters were peaceful, some
turned violent as they responded to NNP and parapolice provocations and use of force by throwing stones and employing homemade mortars and weapons to defend their positions. Protesters sometimes tore down “Trees of Life,” giant, illuminated, tree-like sculptures Vice President Murillo had ordered installed along major thoroughfares. The OHCHR August 29 report noted “abuses committed by individuals who took part in the protests, including the killing and injuring of police officers and members of the Sandinista party and the destruction of public infrastructure.”

On September 28, the NNP issued a press release stating: “The NNP reiterates that the people and organizations that call for these illegal movements from which criminal and destructive activity has been promoted will be found responsible and face justice for any alteration and/or threat to the tranquility, work, life, and rights of people, families, and communities.” Civil society took the statement as effectively outlawing peaceful protests.

**Freedom of Association**

The law provides for freedom of association, including the right to organize or affiliate with political parties; nevertheless, the Supreme Electoral Council and National Assembly used their accreditation powers for political purposes. National Assembly accreditation is mandatory for NGOs to receive funding, have bank accounts, or employ workers licitly. In late November and early December, the FSLN wielded its supermajority in the National Assembly to strip legal status from nine civil society organizations that work on transparency, democracy, environmental issues, and human rights.

c. **Freedom of Religion**

For more information, see the Department of State’s *International Religious Freedom Report* at [www.state.gov/religiousfreedomreport/](http://www.state.gov/religiousfreedomreport/).

d. **Freedom of Movement**

The law provides for freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respected these rights. The government strictly controlled the entry of persons affiliated with some groups, specifically humanitarian and faith-based organizations. The government may prevent the departure of travelers with pending cases; authorities used this authority against individuals involved in the protest movement. The law requires
exit visas for minors. Beginning on April 19, there were periods in which demand for exit visas and other migration services overwhelmed the government’s capacity, in effect impeding the ability of families to leave the country.

Protection of Refugees

Access to Asylum: The law provides for the granting of asylum or refugee status, and the government has established a system for providing protection to refugees. Only the executive branch or the country’s embassies abroad may grant asylum for political persecution. The Nicaraguan National Commission for Refugees had not met since 2015.

Durable Solutions: The government recognized 61 persons for refugee status in 2015, the most recent year for which information was available.

Section 3. Freedom to Participate in the Political Process

While the law provides citizens the ability to choose their government in free and fair periodic elections based on universal and equal suffrage and conducted by secret ballot, restrictions on freedom of expression, peaceful assembly, and association, and institutional fraud, among other obstacles, precluded opportunities for meaningful choice.

Elections and Political Participation

Recent Elections: The November 2017 municipal elections were marred by widespread institutional fraud. Authorities did not provide domestic civil society organizations accreditation for electoral observation. Opposition party members reported government officials transported FSLN supporters to voting centers. Opposition party members and observers claimed the FSLN used its control over the Supreme Electoral Council (CSE) to commit fraud. There were reports of public-sector employees being pressured to vote and show proof the next day at work they had voted. Opposition representatives claimed opposition poll watchers were denied accreditation, FSLN-affiliated poll watchers posed as opposition poll workers, and votes were not counted in accordance with the law.

Several isolated and violent postelection clashes between supporters of competing political parties, and with security forces, left at least six dead in November 2017. A larger, sustained confrontation between supporters of the indigenous party YATAMA and the ruling FSLN left several buildings ransacked or torched, at least
one dead, and dozens injured. The NNP arrested approximately 55 opposition party members on charges associated with postelectoral violence but later released them.

Civil society groups expressed concerns over the lack of a transparent and fair electoral process leading up to the November 2017 elections for mayors and municipal council seats. Electoral experts, business leaders, representatives of the Catholic Church, and civil society organizations reported that a lack of accredited domestic observation, in addition to the ruling party’s control over official electoral structures and all branches of government, combined to impede holding a free and fair election.

Political Parties and Political Participation: The FSLN used state resources for political activities to enhance its electoral advantage in recent elections. Independent media, human rights groups, and opposition parties reported the government used public funds to provide subsidized food, housing, vaccinations, access to clinics, and other benefits directly through either FSLN-led “family cabinets” (community-based bodies that administer social government programs) or party-controlled Sandinista leadership committee (CLS) systems, which reportedly coerced citizens into FSLN membership while denying services to opposition members. The FSLN also made party membership mandatory for an increasing number of public-sector employees. Observers noted government employees continued to be pressured into affiliating with the FSLN and to participate in party activities.

The FSLN also used its authority to decide who could obtain national identity cards. Persons seeking to obtain or retain public-sector employment, national identity documents, or voter registration were obliged to obtain recommendation letters from CLS block captains. Persons without identity cards had difficulty participating in the legal economy, conducting bank transactions, or voting. Such persons also were subject to restrictions in employment, access to courts, and land ownership. Civil society organizations continued to express concern about the politicized distribution of identity cards, alleging this was how the FSLN manipulated past elections and that the CSE failed to provide identity cards to opposition members while widely distributing them to party loyalists.

Participation of Women and Minorities: No laws limit participation of women or members of minorities in the political process, and they did participate, although observers noted most women in elected positions at the municipal and national levels held limited power or influence in their respective bodies.
Section 4. Corruption and Lack of Transparency in Government

There was widespread corruption, including in the police, the CSE, CSJ, customs and tax authorities, and other government organs. The government did not effectively enforce criminal penalties for corruption, allowing officials to engage in corrupt practices with impunity. The CSJ and lower-level courts remained particularly susceptible to bribes, manipulation, and political influence, especially by the FSLN. Companies reported that bribery of public officials, unlawful seizures, and arbitrary assessments by customs and tax authorities were common.

Corruption: Corruption and impunity remained rampant among government officials, and a general state of permissiveness hindered the possibility of addressing the problem effectively. A lack of strong institutions, a system of checks and balances, and the overbearing political control of government institutions allowed for corruption to remain.

Financial Disclosure: Public officials rarely made their financial information public as required by law, and there was no public record of sanctions for noncompliance.

The Office of the Comptroller (CGR) is responsible for combating corruption within government agencies and offices. The CGR did not carry out a complete verification of the government’s full financial statements. The comptroller stated in 2015 that holding company Albanisa and associated revenue under the Venezuela oil cooperation agreement were not subject to audit because the National Assembly did not approve the agreement. In its report for 2016, the most recent available, the comptroller stated 100 percent of public officers had turned in their financial disclosure statements, although they were not made public. The comptroller general also reported corruption committed by 44 public officials in 2016 resulted in economic losses to the government of 3.05 million cordobas ($102,000), an amount observers considered unreasonably low.

Executive branch officials continued to be involved in businesses financed by economic and developmental assistance funds lent by the Venezuelan-led Bolivarian Alliance for the Peoples of Our America (ALBA), all of it outside the normal budgetary process controlled by the legislature. Media reported ALBA-funded contracts were awarded to companies with ties to the president’s family and noted the funds from Venezuela served as a separate budget tightly controlled by the FSLN, with little public oversight. Cases of mismanagement of these funds by
public officials were reportedly handled personally by FSLN members and President Ortega’s immediate family, rather than by the government entities in charge of public funds.

Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Abuses of Human Rights

A variety of domestic and international human rights groups operated in the country until December. On December 12, the FSLN majority in the National Assembly stripped CENIDH of its legal status, effectively hindering its ability to investigate human rights violations and abuses, particularly those committed since April. According to an August 4 press release, ANPDH was forced to close its offices due to increasing threats and harassment; its director and senior staff fled to Costa Rica after receiving death threats. Humanitarian organizations faced obstacles to operating or denial of entry, and government officials harassed and intimidated domestic and international NGOs critical of the government or the FSLN. Some NGOs reported government intimidation that created a climate of fear intended to suppress criticism.

The FSLN also used its supermajority in the National Assembly to cancel the legal status of eight other civil society organizations. The National Assembly acted at the behest of the Ministry of the Interior, which found legal challenges to the legal status of these organizations. The NNP ransacked the organizations’ offices a few days later with no warrant or announcement of an investigation against them.

The government continued to prevent non-FSLN-affiliated NGOs and civil society groups from participating in government social programs, such as Programa Amor and Hambre Cero, and it frequently used FSLN-controlled family cabinets and party-controlled Sandinista Leadership Councils (CLS) to administer these programs. Increased government restrictions on domestic NGOs’ ability to receive funding directly from international donors seriously hindered the NGOs’ ability to operate. Through an amendment passed on October 3 by the FSLN’s legislative supermajority, the government expanded the scope of information its Financial Analysis Unit could require from private businesses and NGOs, a move observers characterized as an overreach of authority for political persecution. In at least one instance, the government used the Financial Analysis Unit to block access of an NGO to its bank account. Additionally, increased control over the entry of foreign visitors or volunteer groups into the country hindered the work of humanitarian groups and human rights NGOs. Some groups reported difficulties in moving
donated goods through customs and said government officials were rarely cooperative or responsive to their complaints.

Domestic NGOs under government investigation reported problems accessing the justice system and delays in filing petitions, as well as pressure from state authorities. Many NGOs believed comptroller and tax authorities audited their accounts as a means of intimidation. While legally permitted, spot audits were a common form of harassment and often used selectively, according to NGOs. NGOs reported difficulties in scheduling meetings with authorities and in receiving official information due to a growing culture of secrecy. Local NGOs reported having to channel requests for meetings with ministry officials and for public information through the Ministry of Foreign Affairs. These requests were generally not processed. NGOs also reported government hostility or aggression when questioning or speaking with officials on subjects such as corruption and the rule of law. Groups opposing the construction of a proposed interoceanic canal also reported being harassed and placed under surveillance.

The United Nations or Other International Bodies: The government allowed the OHCHR and the IACHR to send working groups to monitor the human rights situation in the country within the context of the social uprising that began on April 19. The government did not cooperate with these groups, as noted in their reports.

The government allowed a visit from the OHCHR to observe the situation of human rights in the context of violence but revoked the permission on August 30, a day after the OHCHR released a report stating the government had used excessive force and violence resulting in more than 300 deaths and more than 2,000 injuries. The government claimed the revocation was because the reasons for the OHCHR’s visit, which according to the government was to oversee the dismantling of roadblocks, had ceased.

After several requests, the government allowed the IACHR to visit from May 17 to May 21 to observe the human rights situation. The government subsequently did not provide the necessary and required information for the Special Monitoring Mechanism for Nicaragua or the Interdisciplinary Group of Independent Experts, established by the IACHR following the May visit, to perform the duties to which both parties had agreed. On December 19, the government declared a temporary suspension of the Special Monitoring Mechanism and the end of the mandate of the Interdisciplinary Group of Independent Experts, effectively ending their human rights observation in country.
The OAS Permanent Council held a hearing to create a special working group on Nicaragua on August 2. At the hearing, the Nicaraguan Foreign Minister and Ambassador to the OAS said the Nicaraguan government did not recognize the working group, did not accept the actions taken by the Permanent Council, and that Nicaragua would not receive the working group in the country. Nicaragua did not send a representative to any of the 2018 IACHR hearings.

On July 5, the IACHR reported the government did not take action or respond to requests for further information on 64 precautionary measures it issued in favor of student protesters, journalists, academic leaders, and their family members. In several instances, protesters with IACHR precautionary measures were detained or continued to be harassed by progovernment supporters.

**Government Human Rights Bodies:** The Office of the Ombudsman for Human Rights was perceived as politicized and ineffective.

**Section 6. Discrimination, Societal Abuses, and Trafficking in Persons**

**Women**

**Rape and Domestic Violence:** The law criminalizes all forms of rape of men or women, regardless of the relationship between the victim and the accused. Sentences for those convicted of rape range from eight to 12 years’ imprisonment. The law criminalizes domestic violence and provides prison sentences ranging from one to 12 years.

The government failed to enforce rape and domestic violence laws, leading to widespread impunity and reports of increased violence from released offenders emboldened by their release. The government continued to use FSLN-led family cabinets and CLSs in mediation processes in cases of domestic violence. Both processes were politicized and did not operate according to rule of law. The government employed limited public education, shelters, hotlines, psychosocial services, and police training in nominal but unsuccessful attempts to address the problem.

Observers reported a general increase in sexual crimes and violence against women; however, data were unreliable. NGOs working on women’s issues reported violence against women increased and that police generally understated its severity.
Sexual Harassment: The law prohibits sexual harassment, and those convicted face one- to three-year sentences in prison, or three to five years if the victim is less than 18 years old. No data was available on government efforts to prevent or prosecute complaints of sexual harassment.

There were reports that members of the armed forces perpetrated violence against women, including rape and sexual abuse, especially in rural areas in the north, central, and Caribbean regions. Lack of publicly available, independent, and impartial investigations into such claims made it difficult to corroborate the extent and pervasiveness of the problem.

Coercion in Population Control: There were no reports of coerced abortion or involuntary sterilization.

Discrimination: The law provides for gender equality. Nevertheless, women often experienced discrimination in employment, credit, and pay equity for similar work, as well as in owning and managing businesses. While the government enforced the law effectively in the public sector, women in positions of power faced limitations, and their authority was limited compared to that of men. Enforcement was not effective in the private sector or the larger informal sector.

Children

Birth Registration: Citizenship is derived by birth within the country’s territory and from one’s parents. Local civil registries register births within 12 months; however, many persons, especially in rural areas, lacked birth certificates. Persons without citizenship documents were unable to obtain national identity cards and consequently had difficulty participating in the legal economy, conducting bank transactions, or voting. Such persons also were subject to restrictions in employment, access to courts, and land ownership.

Child Abuse: According to the criminal code, sentences for rape committed against minors range from 12 to 15 years, and for child abuse range from seven to 12 years. Government efforts were insufficient to combat child abuse and sexual violence against minors. High rates of sexual violence against teenage girls contributed to high rates of teenage pregnancy, according to local NGO Information Center for Health Services and Counsel.

Early and Forced Marriage: The minimum legal age for marriage is 18 years for men and women, or 16 with parental authorization. There were credible reports of
forced early marriages in some rural indigenous communities. UNICEF’s 2017 State of the World’s Children, the most recent data available, reported 41 percent of women 20 to 24 years of age were married or in a union by age 18, and 10 percent were married by age 15. No information was available on government efforts to address or prevent forced and early marriage.

Sexual Exploitation of Children: The law prohibits sexual exploitation in general and designates enticing children or adolescents to engage in sexual activity as an aggravating condition. The government generally enforced the law when pertaining to child sex trafficking. Penalties include 10 to 15 years in prison for a person who entices or forces any individual to engage in sexual activity, and 19 to 20 years in prison for the same acts involving children or adolescents. The law defines statutory rape as sexual relations with children age 14 or younger.

The law also prohibits child pornography, and the government generally enforced it. The penalty for an individual convicted of inducing, facilitating, promoting, or using a minor for sexual or erotic purposes is 10 to 15 years in prison.

The country was a destination for child sex tourism. The law imposes a penalty of five to seven years in prison for convicted child-sex tourists.


Anti-Semitism

The country has a very small Jewish population. There were no known reports of anti-Semitic acts.

Trafficking in Persons

See the Department of State’s Trafficking in Persons Report at www.state.gov/j/tip/rls/tiprpt/.

Persons with Disabilities
Discrimination against persons with physical, sensory, intellectual, and mental disabilities was widespread despite being prohibited by law. Laws related to persons with disabilities do not stipulate penalties for noncompliance, although penalties may be issued under the general labor inspection code. The Ministry of the Family, Ministry of Labor, and Human Rights Office are among government agencies responsible for the protection and advancement of rights of persons with disabilities. The government did not enforce the law effectively; did not mandate accessibility to buildings, information, and communications; and did not make information available on efforts to improve respect for the rights of persons with disabilities. Independent media reported persons with disabilities accounted for less than 1 percent of public-sector employees, despite the legally mandated minimum representation of 2 percent. Further reports indicated public institutions did not sufficiently coordinate with the Labor Ministry to accommodate persons with disabilities in the workplace.

Persons with disabilities faced severe problems accessing schools, public health facilities, and other public institutions. Children with disabilities attended schools with nondisabled peers; anecdotal evidence, however, suggested that children with disabilities completed secondary education at a significantly lower rate than other children. Public schools were rarely well equipped and teachers were poorly trained in providing appropriate attention to children with disabilities. Many voting facilities were not accessible. Complaints continued regarding the lack of accessible public transportation in Managua. Organizations of persons with disabilities claimed interpreters for the deaf were not accessible at schools and universities, making it difficult for these persons to obtain education. Government clinics and hospitals provided care for veterans and other persons with disabilities, but the quality of care generally was poor.

National/Racial/Ethnic Minorities

Exclusionary treatment based on race, skin color, and ethnicity was common, especially in higher-income urban areas. Darker-skinned persons of African descent from the RACN and the RACS, along with others assumed to be from those areas, experienced discrimination, such as extra security measures and illegal searches by police. Indigenous and other ethnic groups from the RACN and the RACS alleged that discriminatory attitudes toward ethnic and racial minorities were responsible for the lack of government resources devoted to the regions. The ruling party devoted attention and resources to keeping political control over decision-making bodies in the regions where most indigenous groups lived.
Indigenous People

Indigenous persons constituted approximately 5 percent of the population and lived primarily in the RACN and the RACS. Despite having autonomous governing bodies, decisions affecting their lands, cultures, traditions, or the exploitation of energy, minerals, timber, and other natural resources on their lands were largely made or approved by national government authorities or by FSLN representatives. Individuals from five major indigenous groups--the Miskito, Sumo/Mayangna, Garifuna (of Afro-Amerindian origin), Creole, and Rama--alleged government discrimination through underrepresentation in the legislative branch.

NGOs and indigenous rights groups claimed the government failed to protect the civil and political rights of indigenous communities. Some observers alleged government involvement in the violence against Miskito populations in the RACN along the Coco River, either by failing to defend indigenous populations or as accomplices to nonindigenous groups invading indigenous lands.

Indigenous groups continued to complain of rights violations in connection with plans to build an interoceanic canal. Indigenous persons from rural areas often lacked birth certificates, identity cards, and land titles. Most indigenous individuals in rural areas lacked access to public services, and deteriorating roads made medicine and health care almost unobtainable for many.

Indigenous women faced multiple levels of discrimination based on their ethnicity, gender, and lower economic status.

Representatives of autonomous regions and indigenous communities regularly noted the government’s failure to invest in infrastructure. Throughout the year indigenous leaders alleged regional and national governments granted logging concessions to private firms and to government-affiliated businesses, such as ALBA-Forestal, and that logging continued in violation of national autonomy laws in the RACS and the RACN.

Acts of Violence, Discrimination, and Other Abuses Based on Sexual Orientation and Gender Identity

Although it does not mention sexual orientation and gender identity specifically, the law states all persons are equal before the law and provides for the right to equal protection. No laws specifically criminalize consensual same-sex sexual conduct between adults. LGBTI persons, however, continued to face widespread
societal discrimination and abuse, particularly in housing, education, and employment, although studies showed most discrimination occurred at the family level. LGBTI groups reported lack of access to justice and discrimination and lack of response from the NNP. The government and FSLN supporters frequently targeted LGBTI participants in civil protests in particular, using online smear campaigns and physical attacks in some cases. Reliable data on the breadth of such discrimination was not available. No specific laws exist to punish hate crimes against LGBTI groups.

There were reports of attacks against transgender women, and the NNP reportedly failed to investigate these cases appropriately.

**HIV and AIDS Social Stigma**

The law provides specific protections for persons with HIV/AIDS against discrimination in employment and health services, but such persons continued to suffer societal discrimination. An administrative resolution issued by the Ministry of Health continued in effect, declaring that HIV/AIDS patients should not suffer discrimination and making available a complaints office.

**Section 7. Worker Rights**

**a. Freedom of Association and the Right to Collective Bargaining**

The law provides for the right of all workers in the public and private sectors, with the exception of those in the military and police, to form and join independent unions of their choice without prior authorization and to bargain collectively. The constitution recognizes the right to strike, although it places some restrictions on this right. The law prohibits antiunion discrimination. Burdensome and lengthy conciliation procedures impeded workers’ ability to call strikes. The government created parallel labor unions that it controlled to confuse and diffuse efforts to organize strikes or other labor actions. Additionally, if a strike continues for 30 days without resolution, the Ministry of Labor may suspend the strike and submit the matter to arbitration.

A collective bargaining agreement may not exceed two years and is renewed automatically if neither party requests its revision. Collective bargaining agreements in the Free Trade Zone regions, however, are for five-year periods. Companies in disputes with their employees must negotiate with the employees’ union, if one exists. By law several unions may coexist at any one enterprise, and
the law permits management to sign separate collective bargaining agreements with each union.

The government typically enforced applicable laws and often sought to foster resolution of labor conflicts through informal negotiations rather than formal administrative or judicial processes. The law does not establish specific fines, and observers claimed penalties were generally insufficient to deter violations. Although the law establishes a labor court arbitration process, it was subject to long wait times and lengthy and complicated procedures, and many labor disputes were resolved out of court. The government claimed the vast majority of labor disputes were resolved favorably to workers, but labor and human rights organizations continued to allege rulings were often unfavorable to workers.

Freedom of association and the right to collective bargaining were generally respected, but, as in other cases involving independent groups, the government often intervened for political reasons. Most labor unions were allied with political parties, and in recent years the government reportedly dissolved unions and fired workers not associated with the ruling FSLN.

Politically motivated firings continued to be a problem, and the government appeared to accelerate such firings during the protests. By August 22, the Nicaraguan Medical Association reported at least 240 doctors had been fired from the public health system without cause. Many of those affected stated they were fired for rejecting government orders not to provide medical attention to protesters. On August 20, authorities similarly fired more than 40 public university staff, who also claimed that firings were in retaliation for expressing support for protests or in favor of university students participating in protests. In other cases observers noted the firings were carried out for reasons such as the refusal of a worker to join the FSLN or participate in FSLN demonstrations. In some cases there were reports of persons being fired for speaking with the independent press. Moreover, party affiliation or letters of recommendation from party secretaries, family cabinet coordinators, or other party officials were allegedly required from applicants seeking public-sector jobs. Several sources highlighted similar instances of public-sector employees being fired without receiving severance pay.

There were no known high-profile documented instances of strikes being declared illegal. During a strike employers may not hire replacement workers, but unions alleged this practice was common. Wildcat strikes--those without union authorization--have historically been common.
Employers interfered in the functioning of workers’ organizations and committed other violations related to freedom of association and collective bargaining. Labor leaders noted employers routinely violated collective bargaining agreements and labor laws with impunity.

Many employers in the formal sector continued to blacklist or fire union members and did not reinstate them. Many of these cases did not reach the court system or a mediation process led by the Ministry of Labor. Employers often delayed severance payments to fired workers or omitted the payments altogether. Employers also avoided legal penalties by organizing employer-led unions lacking independence and by frequently using contract workers to replace striking employees. There were reports FSLN party dues were automatically deducted from paychecks.

b. Prohibition of Forced or Compulsory Labor

The law prohibits all forms of forced or compulsory labor. Penalties for violations were generally insufficient to deter violations. There was no information available regarding government enforcement of these laws. Despite reported political will to combat human trafficking, including labor trafficking, during the year the government prosecuted and convicted fewer traffickers than in the previous year and provided only limited information about its law enforcement efforts.

Observers noted reports of forced labor, including of men, women, and children in agriculture, construction, mining, and domestic servitude.

Also see the Department of State’s Trafficking in Persons Report at www.state.gov/j/tip/rls/tiprpt/.

c. Prohibition of Child Labor and Minimum Age for Employment

The law prohibits the worst forms of child labor. The law establishes the minimum age for employment at 14 and limits the workday for any individual between ages 14 and 18 to six hours and the workweek to 30 hours. Those between ages 14 and 16 must have parental approval to work or enter into a formal labor contract. The law prohibits teenage domestic workers from sleeping in the houses of their employers. It is illegal for minors to work in places the Ministry of Labor considers harmful to their health or safety, such as mines, garbage dumps, and night entertainment venues, and to undertake certain agricultural work. The government mostly enforced the law in the formal sector, which was significantly
smaller than the informal sector, in which child labor was more prevalent. Legal penalties for persons employing children in dangerous work were sufficient to deter violations. The government reported finding 27 child workers under the age of 14 during the year. These minors were separated from the workplace.

The government used its limited resources to concentrate on child labor violations in select sectors in narrow geographic areas, such as coffee-growing regions, and gave only limited attention to the large informal sector.

The government continued Programa Amor, which aimed to eradicate child labor by reintegrating abandoned children into society. Information on the program’s activities, funding, and effectiveness was unavailable.

Child labor remained widespread. According to organizations that worked on children’s rights, this likely increased to almost 320,000 children working in some form of child labor. A common feature of child labor was the prevalence of unpaid family work, and the National Institute of Development Information stated 80 percent of children and adolescents were unpaid workers.

Most child labor occurred in forestry, fishing, and the informal sector, including on coffee plantations and subsistence farms. Child labor also occurred in the production of dairy products, oranges, bananas, tobacco, palm products, coffee, rice, and sugarcane; cattle raising; street sales; garbage-dump scavenging; stone crushing; street performing; and transport.

Children working in agriculture suffered from sun exposure, extreme temperatures, and dangerous pesticides and other chemicals. Children working in the fishing industry were at risk from polluted water and dangerous ocean conditions.

Also see the Department of Labor’s Findings on the Worst Forms of Child Labor at www.dol.gov/ilab/reports/child-labor/findings/.

d. Discrimination with Respect to Employment and Occupation

The law and regulations prohibit discrimination regarding race, sex, gender, disability, language, sexual orientation or gender identity, HIV or other communicable disease status, or social status. The government did not deter such discrimination because it did not effectively enforce the law and regulations.
Discrimination in employment took many forms. Although women generally had equal access to employment, few women had senior positions in business; in the public sector or in elected positions, women’s independence and influence were limited. Additionally, women’s wages were generally lower when compared with those of male counterparts, even for the same position and work performed. Workplace challenges for persons with disabilities included inadequate infrastructure, lack of educational opportunities, and a generally low rate of public services positions, despite a legal requirement that a certain percentage be available to them. LGBTI organizations complained sexual orientation and gender identity continue to be a basis for discriminatory behavior.

e. Acceptable Conditions of Work

The law establishes a statutory minimum wage for 10 economic sectors. According to the Ministry of Labor, the average legal minimum wage covered only 35 percent of the cost of basic goods.

In general the minimum wage was enforced only in the formal sector, estimated to be approximately 20 percent of the economy, and contracting. The Ministry of Labor is the primary enforcement agency, but the government did not allocate adequate staff or other measures to enable the Office of Hygiene and Occupational Safety to enforce occupational safety and health (OSH) provisions. Established penalties were generally sufficient to deter violations.

The standard legal workweek is a maximum of 48 hours, with one day of rest. The law dictates an obligatory year-end bonus equivalent to one month’s pay, proportional to the number of months worked. The law mandates premium pay for overtime, prohibits compulsory overtime, and sets a maximum of three hours of overtime per day not to exceed nine hours per week.

The National Council of Labor Hygiene and Safety, including its departmental committees, is responsible for implementing worker safety legislation and collaborating with other government agencies and civil society organizations in developing assistance programs and promoting training and prevention activities. OSH standards did not deter violations in the formal sector because they were infrequently enforced. The government reported 19,622 labor accidents in the year, resulting in 32 labor-related deaths.

OSH standards also were not widely enforced in an expanding large informal sector, which represented 77 percent of employment and 88 percent of businesses,
according to 2016 reports from the Consultants for Business Development and the Nicaraguan Foundation for Economic and Social Development. The informal sector included the bulk of workers in street sales, agriculture and ranching, transportation, domestic labor, fishing, and minor construction. Legal limitations on hours worked often were ignored by employers, who claimed workers readily volunteered for extra hours for additional pay. Violations of wage and hour regulations in the informal sector were common and generally not investigated, particularly in street sales, domestic work, and agriculture. Compulsory overtime was reported in the private security sector, where guards often were required to work excessive shifts without relief.

By law workers may remove themselves from situations that endanger their health or safety without jeopardy to their employment. It was unclear if authorities effectively protected employees in all such cases.
Summary

Submitted pursuant to Human Rights Council resolution 40/2, the present report provides an overview of the human rights situation in Nicaragua from 19 August 2018 to 31 July 2019. It contains 14 recommendations to help address outstanding concerns.

* The present report was submitted after the deadline to reflect the most recent developments.
I. Introduction

1. In its resolution 40/2, the Human Rights Council requested the United Nations High Commissioner for Human Rights to prepare a comprehensive written report on the human rights situation in Nicaragua and to present it to its forty-second session.

2. The Office of the United Nations High Commissioner for Human Rights (OHCHR) intensified its monitoring of the human rights situation in Nicaragua in early April 2018, at the onset of the sociopolitical and human rights crisis. On 26 June, OHCHR deployed a team of human rights officers to Managua, at the invitation of the Government. On 29 August, OHCHR published a report entitled “Human rights violations and abuses in the context of protests in Nicaragua: 18 April–18 August 2018”. On 30 August, the Minister of Foreign Affairs of Nicaragua rescinded its invitation to OHCHR. The OHCHR Regional Office for Central America has since continued remotely monitoring the human rights situation in Nicaragua. On 14 December, the OHCHR Regional Representative in Central America met the Minister of Foreign Affairs in Managua to discuss possible cooperation and access to the country, in follow-up to a meeting between the High Commissioner and the Minister of Foreign Affairs held in Geneva on 17 September.

3. The present report focuses on the human rights situation in Nicaragua from 19 August 2018 to 31 July 2019. It is based on information collected by OHCHR in Nicaragua, as well as in Panama and Costa Rica, including through interviews with Nicaraguan refugees and migrants and remote interviews. During the period under review, OHCHR conducted 187 interviews with victims and witnesses of human rights violations and other sources, including lawyers, journalists and health professionals (96 men and 91 women). It interviewed 96 people remotely and 91 in person. OHCHR also held 128 meetings with various stakeholders, including government officials. Furthermore, OHCHR analysed documents from governmental and non-governmental sources, including videos, photographs and open source reports. It sent 37 communications to the Ministry of Foreign Affairs, requesting detailed information about allegations of human rights violations. The Government replied to six of them, including to a questionnaire sent by OHCHR with a view to the preparation of the present report. OHCHR is grateful to the Government for responding to its requests, but notes that most of the information provided lacked sufficient precision to allow proper analysis.

4. In line with its methodology on human rights monitoring, OHCHR cross-checked the information it collected with different sources and evaluated its credibility by applying due diligence. The information it analysed and verified provides reasonable grounds to believe that the events took place as described and that patterns outlined in the report constitute human rights violations. OHCHR assessed the information in the light of international human rights law applicable to Nicaragua and relevant domestic legislation, also taking into account standard-setting instruments complementary to international norms.

II. Context

5. In early April 2018, protests against the Government erupted throughout Nicaragua, turning into massive demonstrations, roadblocks and barricades that were violently dismantled by the police and pro-Government elements between mid-June to mid-July 2018. More than 300 people died in the context of the protests and their repression, while 2,000 were injured. The crisis prompted over 80,000 people to flee Nicaragua. OHCHR

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2 Ibid.
3 According to the Regional Office of the United Nations High Commissioner for Refugees in Panama, as of July 2019, 52,330 asylum applications of Nicaraguans had been registered in Europe, Central America and the Caribbean.
documented a large number of human rights violations committed between 18 April and 18 August 2018, including gross violations, such as disproportionate use of force by the police that resulted in some extrajudicial killings, and prevalent ill-treatment and instances of torture and sexual violence in detention centres. OHCHR was able to verify that pro-Government armed elements were involved in attacks against protesters and carried out detentions with the acquiescence of and, often, in a joint and coordinated manner with, State authorities, mainly law enforcement agents. OHCHR also reported abuses committed by individuals involved in the protests, including the killing and injuring of police officers and members of the Sandinista political party, as well as the destruction of public infrastructure.

6. Despite the resumption of negotiations between the Government and the Civic Alliance for Justice and Democracy in February 2019 and the release, by 11 June 2019, of 492 people (452 men and 40 women) who had been detained in the context of the 2018 protests, the repression of dissent by the Government and pro-Government elements persisted. The authorities consider that the repression of nationwide protests was a legitimate response to a failed coup d’état, denying any responsibility for human rights violations.

7. During the period under review, the National Assembly – which is dominated by the ruling party – adopted legislation proposed by the Government that is not in line with international human rights norms and standards (see sections IV and VIII below). The national human rights institution, namely, the Office of the Human Rights Advocate (Procuraduría para la Defensa de los Derechos Humanos), which also serves as the national mechanism for the prevention of torture, did not demonstrate any independence during this period. During the fortieth session of the Human Rights Council, the State delegation was represented by the Deputy Commissioner of the Office of the Human Rights Advocate, who repeated the Government’s justification of its actions in response to the failed coup d’état and indicated that his institution had not found any evidence of torture of protesters deprived of liberty. In March 2019 the status of the Office was downgraded from “A” to “B” because its independence could not be established.

8. On 19 December 2018, the Government suspended the visits of the Inter-American Commission on Human Rights and the presence of the Special Monitoring Mechanism for Nicaragua. It also considered that the mission of the Interdisciplinary Group of Experts had been accomplished, just before the presentation of the latter’s public report. These decisions ended any on-site international human rights monitoring in Nicaragua. In its

America and North America. According to the General Directorate of Migration and Foreign Nationals of Costa Rica, 30,258 additional people were waiting to file a request for asylum in Costa Rica.

4 OHCHR, “Human rights violations”.

5 According to official data, 22 police officers and 48 alleged members of the Sandinista party were killed.

6 A national dialogue between the Civic Alliance and the Government began on 16 May 2018 with the mediation of the National Episcopal Conference. Negotiations stopped in June 2018, following a fire, caused by arson, at a residence in the Carlo Marx neighbourhood in which six members of a family perished.

7 Between 27 February and 11 June 2019, the Ministry of the Interior issued eight press releases stating the number of people released. See www.migob.gob.ni/noticias/.

8 This included the decrees that cancelled the legal registration of nine civil society organizations; the Law for a Culture of Dialogue, Reconciliation, Security, Work and Peace; the Law on Comprehensive Care for Victims; and the Amnesty Law.


10 Established through an agreement between the General Secretariat of the Organization of American States, the Inter-American Commission on Human Rights and the Government of Nicaragua, the Interdisciplinary Group of Experts started its work in Nicaragua on 2 July 2018.
report the Group stated that the authorities had perpetrated actions amounting to crimes against humanity, including murder, arbitrary deprivation of liberty and persecution.\(^1\)

9. On 27 February 2019, negotiations between the Government and the Civic Alliance resumed, with representatives of the Organization of American States and the Holy See as international observers. Despite discrepancies between the parties, an agreement was reached on 27 March on the release of persons deprived of their liberty in the context of the 2018 protests, and another on 29 March on strengthening citizens’ rights and safeguards. On 20 May, the Civic Alliance left the negotiating table, considering that implementation of the two agreements was limited.\(^2\) By 11 June, according to official figures, the Government had released 492 people (452 men and 40 women) who had been detained in the context of the 2018 protests. At the time of writing, negotiations remained stalled despite attempts to resume them.

### III. Right of peaceful assembly

10. Restrictions on the right of peaceful assembly continued through an array of measures preventing protests. As of September 2018, the National Police began banning public demonstrations by any group critical of the Government, based on a restrictive application of Law 872 on the National Police,\(^3\) which empowers the police to issue authorizations to hold public events that could affect the free circulation of people and vehicles or other daily activities. When rejecting requests, the National Police repeatedly stated that applicants lacked formal requirements (e.g., legal personality) or had been involved in “serious breaches of public order”.\(^4\) However, authorities are to presume peaceful intentions on behalf of those requesting authorization, especially if they have not been tried for any crime.

11. At times, the National Police resorted to excessive force against those attempting to demonstrate, conducted arbitrary arrests of persons protesting peacefully (in some cases for waving Nicaraguan flags in the streets or for singing the national anthem) and used threats to discourage protests.

12. OHCHR considers such acts as incompatible with applicable international norms and standards, as they were disproportionate for policing peaceful gatherings of 100 people or fewer. The right of peaceful assembly should not be subjected to prior authorization and can only be restricted, in accordance with the principle of proportionality, to maintain and protect national security, public safety, public order, public health or morals, or the rights and freedoms of others.

13. In its intervention during the universal periodic review of Nicaragua in May 2019, the Government asserted that the right of peaceful assembly was “fully ensured” and that, since September 2018, the National Police had issued four press releases and five resolutions rejecting requests by civil society organizations critical of the Government to organize protests.

14. During the reporting period, OHCHR continued to document cases of pro-Government armed elements using firearms against protesters. In one incident in Managua, on 23 September 2018, a 16-year-old boy was killed and at least four men and a woman were injured. On 30 March 2019, also in Managua, an alleged member of the ruling party attacked demonstrators with a firearm around the Metrocentro shopping centre, injuring

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\(^{13}\) Law 872 on the organization, functions, career and special social security regime of the National Police, 26 June 2014, art. 7 (1) (p).

\(^{14}\) Communication from the Ministry of Foreign Affairs in response to the OHCHR questionnaire, 5 July 2019.
three men. On 30 March 2019, the National Police issued a press release indicating that, when the individual was assaulted, shots were fired which wounded three people. However, this statement differed from the videos of the incident, which showed an individual shooting at demonstrators before being neutralized; other images showed people beating the aggressor. During demonstrations that were generally carried out in a peaceful manner, a small number of protesters threw stones or fired homemade mortars at the police. OHCHR registered injuries by protesters to two police officers and a man in September 2018 and did not receive any reports about the use of firearms by protesters.

15. Some of the attacks perpetrated by pro-Government armed elements or mobs were conducted with the acquiescence of police officers. For example, on 15 June 2019, pro-Government elements intimidated, beat and threw stones at persons attending a Catholic religious service to commemorate the first anniversary of the death of a 15-year-old boy killed in the context of 2018 demonstrations. Deployed outside the cathedral, the police did not prevent the attack.

16. A massive deployment of police officers was often observed in urban areas, including in and around shopping malls, courthouses and Catholic churches. Such unusual, massive deployment had a deterrent effect on those wishing to protest. Crackdowns on demonstrations by the police, together with attacks by pro-Government armed elements, had a chilling effect, prompting the cancellation of many protests or to the decision to break them up into several smaller gatherings.

IV. Rights to the freedoms of expression and association

Freedom of expression

17. Media workers, journalists, human rights defenders, peasants, lesbian, gay, bisexual, transgender and intersex persons, students and members of the Catholic clergy continued to be subjected to attacks, criminalization, seizure of their assets, intimidation, threats, harassment and smear campaigns by authorities and/or pro-Government elements. Relevant authorities did not take measures to prevent, investigate, prosecute and sanction such acts. In some cases, State authorities publicly blamed human rights defenders for having been instrumental in the “coup attempt”. This situation had a deterrent effect on the exercise of their rights to freedom of expression and association.

18. Media workers and journalists who have expressed criticism of the Government, and the media outlets for which they work, were subjected to bans on publications or broadcasting, raids, cyberattacks and confiscation of printed materials, films or audio recordings, among others. On 21 December 2018, after the police searched the headquarters of the television station 100% Noticias, Miguel Mora, owner and director of the outlet – who had been previously threatened with death by police officers – and Lucía Pineda, the news director, were arrested and charged with incitement to hatred and terrorism-related crimes, without sufficient evidence. Both were released on 11 June 2019, after being detained for over five months under difficult conditions, including solitary confinement, and without due process of law. On 15 May 2019, during the universal periodic review of

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17 A civil society organization reported a drastic decrease in the number of demonstrations, from 56 in September 2018 alone to 43 during the period from October 2018 to February 2019. Fundación Nicaragüense para el Desarrollo Económico y Social (FUNIDES), Nicaragua en Crisis Política y Socioeconómica: Informe de Coyuntura, May 2019, p. 12.
19 Including, inter alia, 100% Noticias, Confidencial, La Prensa, Esta Noche, El Nuevo Diario, Radio Mi Voz, Radio Darío and Radio La Costeñísima.
Nicaragua, the Government stated that no journalist had been imprisoned for exercising the right to freedom of expression.

19. According to non-governmental sources, as of 8 July 2019, about 100 journalists (70 men and 30 women) had fled Nicaragua. The World Press Freedom Index reported that Nicaragua had lost 24 rankings in 2019 compared with 2018.\(^{20}\) Between 19 August 2018 and 30 June 2019, a civil society organization registered 237 acts of repression by the police and pro-Government elements against media workers and journalists (173 targeting men and 64 directed at women), including threats, insults, physical attacks, detentions, searches of premises, seizure of material and closure of media outlets.\(^{21}\) In June 2019, Canada and the United States of America imposed sanctions against the Director General of the Institute for Telecommunications and Mail for silencing news media.\(^{22}\)

**Freedom of association and targeted repression of dissenting voices**

20. The Government has taken de facto and de jure measures affecting the right to freedom of association. In November and December 2018, the National Assembly cancelled the legal registration of nine prominent civil society organizations,\(^{23}\) stating that they had conducted activities contrary to the purposes for which they were created and had supported “terrorist actions” during the 2018 protests. The closure of these organizations was preceded or followed by night searches by police without judicial warrants, seizure of assets, harassment and beating of staff. The director of one of these organizations was arrested and deported to Costa Rica.\(^{24}\) OHCHR was informed that the authorities had authorized pro-Government elements to occupy the facilities of one organization subjected to seizure of assets. The Government informed OHCHR that six of the nine organizations had challenged the decision of the National Assembly before the Supreme Court of Justice. The proceedings were still under way at the time of writing.

21. Civil society groups created after the sociopolitical crisis began were also targeted by attacks and intimidation,\(^{25}\) including the Blue and White National Unity,\(^{26}\) the Civic Alliance, the Committee for the Release of Political Prisoners, the 19 April Student Movement and Union of Political Prisoners of Nicaragua. Women human rights defenders were also targeted. An organization indicated to OHCHR that, from 19 August 2018 to June 2019, 299 women human rights defenders suffered attacks such as intimidation, psychological harassment, smear campaigns, unlawful detention and torture and ill-treatment, including sexual violence. According to the organization, 67 women human rights defenders had been forced into exile by July 2019. By April 2019, at least 15 men and eight women, including members of prominent organizations (including the Nicaraguan Centre for Human Rights and the Permanent Commission for Human Rights) who have been regularly sharing information with OHCHR, suffered harassment, attacks on their life and personal integrity and constant surveillance of their homes. These acts could be considered as reprisals. In addition, the Nicaraguan Medical Unit estimated that more than 200 doctors and health workers, out of a total of 405 cases registered since the outset of the

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\(^{21}\) In addition, 113 acts of repression against media outlets were reported. Violeta B. Chamorro Foundation, “Un año de crisis socio-política: tiempo de hostilidad y represión contra la prensa independiente”, April 2019.


\(^{23}\) Law 147 on non-profit organizations does not offer due process guarantees to organizations sanctioned with the cancellation of their legal status.

\(^{24}\) The person has dual Nicaraguan and Costa Rican nationality.

\(^{25}\) For instance, the police raided a property that belonged to the son of one of the negotiators of the Civic Alliance and publicly announced that they had seized firearms, allegedly used during 2018 protests. Civic Alliance, press release, 28 May 2019, available at [www.alianzacivicanicaragua.com/asedio-e-intimidacion-no-nos-detendran/](http://www.alianzacivicanicaragua.com/asedio-e-intimidacion-no-nos-detendran/).

\(^{26}\) A united front opposed to the Government, representing different civil society sectors, established in October 2018.
crisis, were arbitrarily dismissed between 19 August 2018 and 31 July 2019 in reprisal for having assisted people injured in the context of the protests. Similarly, more than 100 students were expelled from the National Autonomous University of Nicaragua after accusations of having allegedly damaged university properties.

V. Right to liberty

22. During the reporting period, OHCHR continued to receive reports of arrests and detentions, many of them arbitrary and unlawful. The total number of persons arrested since April 2018 is unclear. The Government indicated that, since April 2018, 923 people (776 men and 147 women) had been arrested, including 446 who were held in custody for public order disturbances and released within 48 hours. Non-governmental sources reported more than 2,200 arrests between August 2018 and July 2019, indicating that the majority of people were released within 48 hours.

23. Since September 2018, OHCHR has been receiving information indicating that the police had arrested people who participated in the 2018 protests by breaking into their homes at night and conducting searches without warrants. The Government informed OHCHR that, in these cases, judges had validated police actions a posteriori. In some cases, the police used excessive force during the arrest. In one instance, an individual was severely beaten on his right leg and spent over 50 days in the hospital before being transferred to a detention centre. Hundreds of people were arrested while attempting to protest peacefully (see sect. III above) although, according to the Government, the National Police have not arrested anyone for having participated in demonstrations.

24. In many cases documented by OHCHR, the police did not communicate the reasons for the arrest or the place where the persons deprived of their liberty would be detained. Families and lawyers therefore had to visit police stations, detention centres and courthouses seeking their relatives’ whereabouts but failing to obtain clear, or at times any, information. According to international norms and standards, denying information on the whereabouts of a detainee constitutes an enforced disappearance.

25. Many detainees were brought before a judge after the 48-hour limit established by law. While not denying that this was the case, the Government pointed out that it did not prevent judicial authorities from pursuing proceedings. In some cases documented by OHCHR, detainees were held in custody for weeks or months without being brought before a judge, charged, and/or being granted access to a lawyer. In many cases, police authorities issued detention warrants directly, as allowed by Nicaraguan law.

26. Habeas corpus remedies were often ineffective, especially because the officers entrusted with conducting the relevant proceedings refused or were afraid to perform their duties when the cases involved anti-Government protesters. In several cases, when these officers ordered prison authorities to present the detainees, the orders were ignored.

27. Patterns of arbitrary arrest have changed over time. Since March 2019, most of the individuals arrested to prevent them from staging protests remained in custody in police stations and other detention centres, usually for less than 48 hours, and were released without charges or being brought before a judge. In May 2019, the police started to hold people outside of police stations, including in patrol vehicles, for a few hours. Local human rights organizations indicated that individuals most recently arrested and who participated in the 2018 protests were charged with common crimes. The Government has claimed that such arrests were not linked to the protests and that the detainees were invoking political motives to be exonerated.

27 Communication from the Ministry of Foreign Affairs in response to the OHCHR questionnaire, pp. 22–23.
28 Ibid.
29 Ibid.
30 Ibid.
28. According to press releases issued by the Ministry of the Interior, between 27 February and 11 June 2019 the Government released 492 people (452 men and 40 women) who had been detained in the context of the 2018 protests. Of these, 106 people (100 men and 6 women) were released under the Amnesty Law, adopted on 8 June 2019, and 386 (352 men and 34 women) were initially placed under house arrest and then granted amnesty following the entry into force of the Law.

29. The International Committee of the Red Cross (ICRC) helped to reconcile different lists of persons detained in the context of the protests provided by the Government and civil society organizations. It also participated, as an observer, in the release of 256 people. On 18 June 2019, the Government announced that it had released all the people deprived of their liberty in the context of the protests. Civil society organizations refuted this claim and indicated that, as of 28 July 2019, 118 men and 2 women remained deprived of their liberty, including two individuals who had been released previously under the Amnesty Law.

VI. Rights to freedom from torture and to humane conditions of detention

30. OHCHR has reasonable grounds to believe that, after August 2018, a considerable number of women and men deprived of their liberty in the context of the protests and then facing criminal charges were subjected to torture and/or ill-treatment, both physical and psychological, including beatings, unlawful body searches, death threats and threats against their family. OHCHR also documented cases of sexual and gender-based violence against women, including inappropriate touching and rape threats.

31. Police and prison staff allegedly perpetrated torture and ill-treatment while arresting individuals perceived as political opponents, or during their detention at police stations and at the detention centre in Managua known as El Chipote. OHCHR documented the cases of several persons detained in El Chipote who were taken out of their cells at night, including several times a night, to be interrogated and, in numerous cases, beaten and threatened. In November 2018, seven special procedure mandate holders issued a press release expressing concern about allegations of torture and ill-treatment of detainees.

32. Since December 2018, OHCHR has documented seven occasions on which groups of women and men arrested in the context of the protests and detained at La Modelo prison and in the prison for women known as La Esperanza, both located in Tipitapa, were beaten by prison staff and police officers and subjected to prohibited forms of punishment. This included collective punishments in the form of beatings with batons, use of pepper spray on men’s genitals and arbitrary confiscation of women’s personal belongings. On 16 May 2019, amid protests inside La Modelo, a police officer shot an inmate, causing his death, while at least 11 other male detainees and 6 police officers were injured. According to the Government, the detainee was trying to take away a correctional officer’s weapon when he was shot; however, OHCHR collected corroborating accounts indicating that the victim was shot from a distance of approximately 4 metres.

33. Although Law 473 on the penitentiary regime and execution of the sentence does not explicitly authorize and regulate intrusive searches, the majority of the men and women deprived of liberty in the context of the protests interviewed by OHCHR indicated they were subjected to unjustified and degrading visual inspection of their body cavities during routine strip searches. They would undergo such searches almost every time they left their cells, in front of same-sex detainees and staff who sometimes verbally mocked them.

31 During that period, the Ministry of the Interior issued eight press releases, available at www.migob.gob.ni/noticias/.
34. As acknowledged by the Government, transgender women deprived of liberty were detained in the same cells as male detainees, as penitentiary legislation does not recognize transgender people in accordance with their gender identity. They were therefore subjected to visual inspection of their body cavities during routine strip searches in front of male detainees.

35. The Government states that there have been no investigations of allegations of torture and ill-treatment committed by correctional officers because the national penitentiary system “has not received [any] complaint of ill-treatment”. Article 12 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, however, obliges competent authorities to undertake prompt and impartial investigations wherever there is “reasonable ground to believe that an act of torture has been committed”, even in the absence of a complaint. The Government clarified that the Office of the Attorney-General had investigated four complaints of alleged ill-treatment committed by police officers of persons detained in the context of the protests, including one concerning a 14-year-old boy who allegedly had a forearm forcibly tattooed. This case was dismissed as not credible, while there has been no progress in the others, reportedly because “the complainants have not responded to the prosecutor’s summoning”. No other investigations against police officers were initiated in the absence of a complaint.

36. Some men and women detained in the context of the protests were subjected to solitary confinement, in some cases for months, in maximum-security cells of La Modelo and La Esperanza. Any imposition of solitary confinement beyond 15 consecutive days is prohibited under the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules) and may amount to torture or cruel, inhuman or degrading treatment or punishment, depending on the circumstances. According to corroborated sources, the conditions in solitary confinement were precarious, with cells infested with bugs, no access to sunlight or natural light and poor ventilation despite high temperatures during the day.

37. Many other persons detained in the context of the protests in other parts of La Modelo and La Esperanza faced similar substandard conditions of detention, with no access to sunlight except for 30 minutes a week and insufficient access to water, which was of poor quality. OHCHR also documented cases of lack of, or inadequate, access to medical attention and medication for some persons detained in the context of the protests. In addition, family visits, in principle allowed every 21 days, were not regular for these detainees and were sometimes cancelled or rescheduled at short notice.

38. Although former detainees interviewed by OHCHR mentioned visits by staff of the Office of the Human Rights Advocate to places of detention, detainees did not share any complaints with them because they perceived the institution as partial and not independent. In its capacity as the national mechanism for the prevention of torture, the Office stated that during the 12 visits it conducted in 2018 to La Modelo and La Esperanza prisons, it did not find any evidence of acts of torture or ill-treatment. It indicated that the right to food and contact with the external world were ensured at all times, and that access to drinking water was regularly ensured through pipes and taps.

VII. Right to a fair trial

39. A former justice of the Supreme Court, who resigned in January 2019, stated that charges against people in relation to the 2018 protests were politically motivated and that judges issued rulings following the Government’s narrative of the failed coup for fear of...
A/HRC/42/18

According to information collected by OHCHR, prosecutors and public defenders were not perceived as independent and impartial when acting in cases related to the sociopolitical crisis.  

OHCHR documented violations of the right to a fair trial in cases of persons prosecuted for their involvement in demonstrations, sometimes based on a distorted application of the criminal legislation, which is not in line with international human rights norms and standards. For example, judges repeatedly issued arrest, search or seizure warrants post factum, which, although allowed by the Criminal Procedural Code to render police actions lawful, contravenes international norms and standards. Judges have also imposed mandatory pretrial detention for particular crimes almost systematically and without proper reasoning, which is contrary to international norms and standards, according to which the imposition of such measures has to be exceptional and to take into consideration the defendant’s individual circumstances.  

Individuals who participated in the protests, took part in picket lines and roadblocks, collected money or supplies to support demonstrators or fired home-made mortars against security forces faced charges that were disproportionate to the seriousness of those acts. They were usually charged with terrorism, financing terrorism, kidnapping, organized crime or illegal possession of arms. Some judges have admitted inaccurate accusations, built on weak or contradictory evidence. In a number of cases, the prosecutors’ accusations included inconsistencies about persons, places, periods of time and objects allegedly found at the crime scene. Despite objections by the defence, the judges accepted those allegations.  

Numerous cases were investigated and prosecuted before courts in Managua, although the alleged criminal acts had occurred elsewhere. This was justified by the application of article 22 of the Criminal Procedure Code, as reformed by Law 952, which is vaguely worded. Some of these cases were transferred to courts in Managua, without complying, with legal procedures. Almost all hearings before district judges were closed to the public without valid justification. Other hearings held before pretrial judges were allegedly conducted in facilities that only judicial personnel – including public defenders – could access, without information on times and venues being communicated in advance to defence lawyers. The hearings would also occur at unusual times, for example at dawn and on weekends, to avoid public scrutiny. The minutes would indicate that the hearings had taken place during working hours.  

The authorities violated the right to presumption of innocence of most people detained in the context of the protests. After a person was arrested, they would be publicly accused of being a terrorist and then placed in mandatory pretrial detention, in contravention of international norms. Many were kept in prison for more than six months, others for almost a year, without any judicial review.

The Public Defenders’ Office comes under the authority of the Supreme Court of Justice.  

For instance, terrorism and organized crime (Law 735, art. 37 (b)).  

Human Rights Committee, general comment No. 35 (2014) on liberty and security of person, para. 38.  

Human Rights Committee, general comment No. 32 (2007) on the right to equality before courts and tribunals and to a fair trial, para. 30.  

Ibid.
44. On numerous occasions, defence lawyers were not allowed to review their clients’ case files, and many defendants were only able to communicate with their legal counsel at the hearings, as the majority were not allowed to be visited in prison.50 The Government has denied these claims.51 Moreover, some preliminary hearings were conducted in the absence of the lawyer chosen by the accused, who was assigned a public defender who allegedly did not act in an independent and diligent manner.52

45. OHCHR documented a general failure of judges to respect equality between the parties to the proceedings. For instance, part of exculpatory evidence was usually dismissed, while the whole body of evidence proposed by public prosecutors was usually accepted. Furthermore, most witnesses for the prosecution were civil servants or police officers, including undercover agents, who testified with their faces covered, without any assurance that judges had verified their identity during a previous special hearing, as required by domestic legislation.

46. In some cases, prison authorities ignored the release orders of judges, keeping defendants arbitrarily deprived of their liberty. Those convicted were usually given disproportionate sentences, in some cases over 200 years of imprisonment, although the Constitution limits prison sentences to 30 years.53 On 22 February 2019, the High Commissioner issued a press release expressing concern about the lack of due process and increasing criminalization of dissent, and calling for an independent review of convictions and sentences of opposition leaders and activists who had taken part in the protests.54

47. All convictions related to the demonstrations and sociopolitical crisis have so far been imposed on individuals involved in the protests, with the exception of a private security guard sentenced for the homicide of a Brazilian university student.55 On 15 July 2019, a court ordered the release of the security guard under the Amnesty Law.

VIII. Victims’ right to a remedy and reparation

48. Despite questions about its independence, impartiality and objectivity, the Truth, Justice and Peace Commission continued operating. The Commission was established by the National Assembly on 27 April 2018, without consulting victims and civil society. The resolution that created this body did not define its powers, nor the process or criteria for the selection of the commissioners.56 Besides, as illustrated by its report, the Commission considers members of the security forces and supporters of the ruling party as the primary victims of the crisis, to the detriment of people who were involved in the protests.57 Although the police used excessive force on different occasions, the Commission did not recognize that these constituted human rights violations. Most recently, it praised the controversial Law on Comprehensive Care for Victims and the Amnesty Law.

50 In a few cases, defence lawyers were able to interview their clients in prison after waiting from 6 a.m. to 3 p.m. The interviews would usually last 10 minutes, in the presence of a guard. Some older and sick detainees were exceptionally allowed to communicate more privately and for a longer time with their lawyers.

51 Communication from the Ministry of Foreign Affairs in response to the OHCHR questionnaire, p. 11.

52 According to domestic law, preliminary hearings may be held without the participation of a defence counsel, whether it is a lawyer chosen by the accused or appointed ex officio by the judge. According to international norms and standards, it is axiomatic that legal assistance be available at all stages of criminal proceedings.

53 This was the case of peasant leaders Medardo Mairena and Pedro Mena, sentenced to 216 and 210 years, respectively.


55 OHCHR requested from the Government information on the number of police officers investigated, prosecuted and/or punished for alleged excessive use of force. The Government failed to provide such information. Communication from the Ministry of Foreign Affairs in response to the OHCHR questionnaire pp. 3–4.

56 National Assembly resolution No. 01-2018 of 29 April 2018.

49. On 24 January 2019, the National Assembly adopted Law 985, aimed at “implementing the general legal framework to guarantee a culture of dialogue, reconciliation, security, work and peace.” The Law does not address the multiple human rights violations suffered by thousands of victims since April 2018. Its very general and vague provisions evoke the promotion of solidarity, values and behaviours to preserve peace, and of measures to safeguard peaceful coexistence among Nicaraguans. The Government indicated that pursuant to Law 985, 6,931 commissions of reconciliation, justice and peace were established, without providing further details on their members or their functioning.

50. Although the negotiation agenda adopted in March 2019 includes “truth, justice, reparation and non-recurrence”, no agreement had been reached on these matters at the time of writing. After the negotiations came to a standstill, the Government, with the support of the National Assembly, adopted unilateral measures purporting to address these issues, without consulting victims’ organizations.

51. On 29 May and 8 June 2019, the National Assembly adopted the Law on Comprehensive Care for Victims (Law 994) and the Amnesty Law (Law 996). The former focuses on granting victims priority access to health care, education, employment, housing and leisure, but does not provide for their right to remedy or other appropriate and proportionate measures of reparation, including compensation and guarantees of non-recurrence. Furthermore, the introduction of Law 994 refers to the willingness of the authorities to respond to the damage caused to victims the “failed coup d’État”, implying that opponents of the Government during the 2018 protests were perpetrators of the failed coup, rather than victims.

52. Law 996 can lead to impunity for gross human rights violations, in contradiction to international law. Article 1 of the Law provides for a broad amnesty that benefits all persons (without further identification) who participated in the events that have occurred in Nicaragua since 18 April 2018 and who have not been the subject of investigations; those who are being investigated or criminally prosecuted; and those whose sentences are in the execution phase. The Law also establishes that the authorities will not initiate investigations and will close criminal and administrative proceedings in progress. Article 2 provides that Law 996 applies to “all political crimes” (which are not defined in the Criminal Code) and to “related common crimes”, except for crimes regulated in international treaties to which Nicaragua is a party. The Law also contains a “non-recurrence” clause providing for the possible revocation of amnesty if the beneficiaries engage again in crimes listed in the Law. In July 2019, two civil society organizations filed legal motions before the Supreme Court to challenge the constitutionality of Law 996.

53. None of the unilateral measures undertaken by the Government has been designed for the purpose of establishing accountability which, coupled with the lack of independence in the administration of justice, entrenches impunity for human rights violations.

IX. Impact of the crisis on the enjoyment of economic, social and cultural rights

54. National authorities have implemented policies and measures which generated a reduction in the prevalence of general poverty from 42.5 to 24.9 per cent between 2009 and 2016, while extreme poverty fell from 14.6 to 6.9 per cent during the same period (E/C/12/NIC/5). Nicaragua was one of the first Latin American countries to meet the Millennium Development Goals of halving poverty and hunger between 1990 and 2015, as recognized by the Food and Agriculture Organization of the United Nations and the World Food Programme. It also met Millennium Development Goal 4 of reducing the under-five child mortality rate per 1,000 live births by two thirds by 2015 (A/HRC/WG.6/33/NIC/1).

55. Nevertheless, the persistent sociopolitical crisis has had an adverse impact on the enjoyment of economic and social rights. After a growth rate of more than 4.5 per cent in 2016 and 2017, Nicaragua’s economy experienced a 3.8 per cent contraction in 2018 which, according to the World Bank, is expected to worsen in 2019.\textsuperscript{60} Hotels, restaurants and retail business, where women are predominantly employed, have been among the most affected sectors.

56. According to the National Institute for Social Security, from March 2018 to February 2019, more than 140,000 formal jobs were lost, which account for 15.7 per cent of the total number of jobs. According to a civil society organization, 66 per cent of the affected people were men and 44 per cent were women. As of April 2019, annual inflation had reached 3.1 per cent and the Ministry of Finance indicated that prices of basic consumer goods had increased by 2 per cent on average, while the price of water and power utilities had increased by 8.9 and 3.7 per cent respectively.\textsuperscript{61} All these factors led to decreasing the purchasing power of households.

57. On 28 February 2019, in an attempt to compensate for these harmful effects, the National Assembly adopted, by a large majority, a tax reform – an amendment to Law 822 – to increase tax revenues in 2019.\textsuperscript{62} On 1 February 2019, Presidential Decree No. 06-19 came into effect, introducing reforms to the Social Security Law Regulations that increased employers’ contributions to social security and reduced future retirement pensions. According to the business sector, both reforms may lead to a further deterioration of “the national economy and the well-being of the Nicaraguan people”.\textsuperscript{63}

58. In this context, welfare programmes, including health and education services, may be affected and progress achieved could be reversed, particularly among people in situation of vulnerability, especially those living in rural areas, including women and girls, persons of African descent and indigenous peoples.

59. In addition, despite the adoption of an advanced legal framework that allowed the State to recognize more than 37,842 km\textsuperscript{2} of collective land tenure (A/HRC/42/G/2, para. 54), indigenous peoples and persons of African descent continued to be limited in the use of their land and territories due to the presence of settlers.

X. Conclusions

60. OHCHR, the Inter-American Commission on Human Rights and the Interdisciplinary Group of Experts have documented gross human rights violations committed since mid-April 2018 in the context of the protests. Yet, State authorities have so far denied any responsibility and have instead blamed social and opposition leaders, human rights defenders and demonstrators for what they call the “coup-related violence” and the negative impact on the country’s economy. With the exception of one sentence, the investigations and prosecutions carried out at the time of writing had targeted only individuals who participated in protests, provided support to those protesting or were critical of the Government. OHCHR is not aware of any other investigation into allegations of violations and abuses committed by police or pro-Government elements in the context of the protests. This situation reflects a lack of will to ensure accountability and entrenches impunity for human rights violations, denying victims’ rights to justice, truth, reparation and guarantees of non-recurrence. It also further erodes public trust in State institutions.

61. Institutional and legislative measures adopted with the stated purpose of reconciliation and guaranteeing reparation for all victims of the sociopolitical crisis

\textsuperscript{60} See www.worldbank.org/en/country/nicaragua/overview.
\textsuperscript{61} Communication from the Ministry of Foreign Affairs in response to the OHCHR questionnaire, p. 40.
\textsuperscript{62} Statement by the Government of Nicaragua published on 28 January 2019 in the newspaper \textit{El 19 Digital}. The tax increases were said to be necessary to compensate for serious damage to the Nicaraguan economy caused by “coup mongers”.
\textsuperscript{63} FUNIDES, \textit{Informe de Coyuntura}, p. 12.
were imposed without consultations and do not comply with relevant international principles. Independence from the Government and inclusion of all stakeholders, especially victims, are essential conditions for any initiative seeking justice and reparation.

62. The most recent phase of the repression against sectors critical of the Government has been marked by violations of the rights to freedom of expression, association and peaceful assembly. Moreover, government officials have resorted to rhetoric discrediting and attacking human rights defenders, journalists and persons critical of the Government. This situation has led to a continued and notable reduction of civic space.

63. Arbitrary arrests and detentions continued to be used as a means to repress the expression of dissent, and instances of torture and ill-treatment targeting persons deprived of liberty in relation to the protests persisted. The authorities have thus far failed to conduct prompt and impartial investigations into allegations of torture and ill-treatment in custody.

64. The justice system has been used to criminalize dissent and to ensure impunity for those responsible for human rights violations, demonstrating the lack of independence of the judiciary from the executive. The monitoring of some criminal proceedings against persons detained in the context of the protests has also unveiled notorious weaknesses and incompatibilities of application of the national criminal legislation with international norms and standards on fair trial.

XI. Recommendations

65. The High Commissioner calls on the State of Nicaragua to:

(a) Urgently resume a meaningful and inclusive dialogue, in line with its international human rights obligations, and fully implement the agreements reached with the Civic Alliance in March 2019;

(b) Guarantee the exercise of the freedoms of peaceful assembly, expression and association, and publicly condemn and sanction any attack or intimidation against, inter alia, human rights defenders, community leaders, journalists and media workers and any individual critical of the Government;

(c) Urgently restore the legal personality of civil society organizations and media outlets that were sanctioned and return all their seized assets, documents and equipment;

(d) With the support of OHCHR through the provision of technical cooperation as well as the assistance of regional human rights institutions, establish a comprehensive action plan towards accountability that is inclusive and victim-centred, which would include the following:

   (i) Prompt, thorough and transparent criminal investigations into and prosecutions of all allegations of human rights violations and abuses that have occurred since 18 April 2018, especially gross human rights violations such as extrajudicial killings, torture and sexual violence, in particular through the establishment of a special unit within the Prosecutor’s Office;
   
   (ii) Participatory and inclusive consultations to reform the judicial sector, including reappointments in line with international standards such as the Basic Principles on the Independence of the Judiciary and the Guidelines on the Role of Prosecutors;
   
   (iii) Following consultation with associations of victims of human rights violations in the context of the protests, development and implementation of a comprehensive package of measures that ensure access to justice and reparation (restitution, compensation, rehabilitation, satisfaction and
guarantees of non-recurrence) to all victims of human rights violations that have occurred since 18 April 2018, including the repeal of Laws 994 and 996;

(iv) Dismantlement and disarmament of pro-Government armed elements and comprehensive reform of the security sector, including human rights vetting, civilian supervision and oversight, and revision of Law 872 in conformity with human rights norms and standards;

(c) Take immediate measures to halt and effectively prevent acts of torture and ill-treatment in custody, including prolonged solitary confinement; carry out prompt, impartial and effective investigations into any allegation of torture and ill-treatment and into the violent events that followed the protest inside La Modelo prison on 16 May 2019; bring perpetrators to justice and ensure reparation to the victims;

(f) Put an end to arbitrary arrests and release all persons arbitrarily deprived of their liberty in the context of the protests or for expressing views critical of the Government;

(g) Amend the criminal law to ensure its full compatibility with international norms and standards, in particular to ensure that any deprivation of liberty is authorized by a judicial authority; that pretrial detention is imposed only if considered necessary and proportionate, taking into account the defendant’s individual circumstances; and that arrest, seizure and search warrants are issued by a judicial authority before being enforced;

(h) Promptly ensure the implementation of electoral and institutional reforms aimed at guaranteeing fair and transparent elections.

66. The High Commissioner calls on the national human rights institution to:

(a) Fully comply with its mandate, including as national mechanism for the prevention of torture, in line with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles) and the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, to effectively and independently promote and protect human rights in accordance with the country’s international obligations;

(b) Seek cooperation from OHCHR, the Global Alliance of National Human Rights Institutions and the Subcommittee for the Prevention of Torture to address issues that led to the downgrading of its status and to reinforce its mandate, including as national mechanism for the prevention of torture.

67. The High Commissioner calls on the Human Rights Council and international community to:

(a) Urge Nicaragua to abide by its international human rights obligations and to fulfill its voluntary commitments and pledges, including by scheduling visits of special procedure mandate holders, in line with the standing invitation extended on 26 April 2006;

(b) Urge Nicaragua to promptly resume cooperation with OHCHR and regional human rights mechanisms and to grant them access to the country;

(c) Reaffirm the commitment of the international community to support Nicaragua to find a solution to the sociopolitical crisis it faces, including efforts to establish a comprehensive action plan towards accountability;

(d) Request OHCHR to enhance its monitoring, documentation, analysis and public reporting on the human rights situation in Nicaragua, notably as a contribution to ensuring accountability, and to support the rule of law and security sector reforms.
TAB 4
HUMAN RIGHTS VIOLATIONS AND ABUSES IN THE CONTEXT OF PROTESTS IN NICARAGUA
18 April - 18 August 2018

Cover photo: Group of students march on the streets of Managua in July 2018. Photo by Artículo 66.
Human rights violations and abuses in the context of protests in Nicaragua

18 April – 18 August 2018

Report by the Office of the United Nations High Commissioner for Human Rights
“The violence and repression seen in Nicaragua since demonstrations began in April are products of the systematic erosion of human rights over the years, and highlight the overall fragility of institutions and the rule of law.”

Zeid Ra’ad Al Hussein
United Nations High Commissioner for Human Rights
5 July 2018
### Acronyms

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<thead>
<tr>
<th>Acronym</th>
<th>Full Form</th>
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<tr>
<td>ANPDH</td>
<td>National Association for Human Rights</td>
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<tr>
<td>CENIDH</td>
<td>Nicaraguan Human Rights Centre</td>
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<tr>
<td>CODENI</td>
<td>Nicaraguan Coordination of NGOs Working with Children and Adolescent</td>
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<td>COSEP</td>
<td>High Council of Private Enterprise</td>
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<td>CPDH</td>
<td>Permanent Commission for Human Rights</td>
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<td>CVS</td>
<td>Verification and Security Commission</td>
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<td>IACHR</td>
<td>Inter American Commission for Human Rights</td>
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<td>FSLN</td>
<td>Sandinista National Liberation Front</td>
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<td>FUNIDES</td>
<td>Nicaraguan Foundation for Social and Economic Development</td>
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<td>GIEI</td>
<td>Group of Independent Experts</td>
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<td>IMF</td>
<td>International Monetary Fund</td>
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<td>National Institute for Social Security</td>
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<td>Special Monitoring Mechanism for Nicaragua</td>
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<td>Sandinista Renovation Movement</td>
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<td>NGO</td>
<td>Non-governmental organization</td>
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<td>OHCHR</td>
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<td>PLC</td>
<td>Liberal Constitutional Party</td>
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<td>RACCS</td>
<td>South Caribbean Coast Autonomous Region</td>
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<td>Central American University</td>
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Executive Summary

The present report describes the patterns of human rights violations and abuses committed between 18 April and 18 August 2018 in relation to the social protests and ensuing political crisis in Nicaragua. The report is based on human rights monitoring conducted by the OHCHR Regional Office for Central America and, since 26 June, by an OHCHR team deployed in Managua. It is produced pursuant to the universal mandate of the High Commissioner for Human Rights under General Assembly resolution 48/141.

The serious human rights crisis in Nicaragua since the social protests began on April 2018 has been characterised by multiple forms of repression and other forms of violence that resulted in thousands of victims, including approximately 300 deaths and 2,000 persons injured. As noted by the High Commissioner for Human Rights on 5 July 2018, the repression and the violence “are products of the systematic erosion of human rights over the years, and highlight the overall fragility of institutions and the rule of law.” This crisis has deepened the polarization within Nicaraguan society.

In early April, demonstrations led by environmental groups, the rural peasant population and students erupted in different parts of Nicaragua to denounce the slow and insufficient response of the Government to forest fires in the Indio Maíz Biological Reserve. From 18 April, more massive protests spread across the country after the Government announced reform of the National Institute of Social Security and the reduction of pension payments. The crisis has taken several forms and experienced different phases. The initial phase was characterized by the State’s repressive reply to public demonstrations and by protests spreading across the country in different formats (including barricades and roadblocks). The second stage (mid-June to mid-July) saw the forcible removal of roadblocks and barricades by State authorities and pro-Government armed elements. The third and current stage, which followed the suppression of the protests, has seen the criminalisation and persecution of those who participated in the demonstrations or are otherwise perceived as Government opponents.

Based on analysis of information available to OHCHR, the overall response of the authorities to protests failed to meet applicable standards of the management of assemblies, in violation of international human rights law. Although some demonstrations turned violent, the majority of protesters were peaceful. In cases where protesters were violent, the use of lethal force by authorities against non-lethal threats and the reliance on pro-Government armed elements, also violated international human rights law. This response systematically repressed dissent against the Government.

Human rights violations documented by OHCHR include disproportionate use of force by the police that sometimes resulted in extrajudicial killings; enforced disappearances; obstructions to access to medical care; widespread arbitrary or illegal detentions; prevalent ill-treatment and instances of torture and sexual violence in detention centres; violations of freedoms of peaceful assembly and expression, including the criminalization of social leaders, human rights defenders, journalists and protesters considered critical of the Government. At the time of writing this report, the number of protests has decreased which indicates the chilling effect of repression.

Information obtained by OHCHR strongly indicates that pro-Government armed elements, including those known as “shock forces” (fuerzas de choque) or “mobs” (turbas), acted with the acquiescence of high-level State authorities and of the National Police, and often in a joint and
coordinated manner. These groups participated in raids and attacks against protesters and carried out illegal detentions. Although the Government no longer denies the existence of pro-Government armed elements, it condones their actions and allows them to operate with impunity.

The human rights crisis in Nicaragua is ongoing, and authorities continue to resort to smear campaigns, threats of prosecution, arbitrary dismissals of civil servants and other forms of harassment or intimidation against individuals perceived as critical of the Government. Leaders of rural movements (Movimiento Campesino) and of student movements have been particularly targeted. This pattern has created a climate of fear and mistrust amongst the population. The level of persecution is such that many of those who have participated in the protests, defended the rights of the protesters, or simply expressed dissenting opinion, have been forced to hide, have left Nicaragua or are trying to do so. According to UNHCR, 23,000 applications have been filed by Nicaraguans (from April to July) for refugee status in Costa Rica.

According to estimates made by non-governmental organizations, as of 18 August at least 300 individuals, including human rights defenders, were facing trials for serious crimes, including charges of terrorism and organized crime, for having participated or supported the protests. On 16 August, the National Assembly adopted legislation to include new crimes related to terrorism. The trials of people charged in relation to the protests have serious flaws and do not observe due process, including the impartiality of the courts.

The overall enjoyment of the rights to health, work, education and food has been severely impacted since the beginning of the crisis. The approval on 14 August by the National Assembly of cuts to the national budget will likely further undermine the enjoyment of these rights in the context of a deteriorating economic situation.

Rather than recognizing responsibility for any wrongdoing during the crisis, the Government has placed the blame on social and opposition leaders, human rights defenders and media outlets for what they have termed “coup-related violence”; as well as for the negative impact of the political crisis on the country’s economy. Moreover, the Government has attributed the responsibility for all violent actions to those who participated in the protests, including concerning the 197 deaths it had recognized as of 25 July. It has not acknowledged any disproportionate use of force or illegal action by police agents.

The repression of protests by the police and pro-Government armed elements led to violent clashes with protesters and outbursts of violence that have spread in urban and rural communities throughout the country. Serious abuses committed by individuals who took part in the protests, including the killing and injuring of police officers and members of the Sandinista party and the destruction of public infrastructure, should be duly investigated and those responsible should be penalized within fair trials. These abuses do not legitimize in any way a response by the State that is not in line with international human rights law.

The State’s lack of will to carry out prompt, impartial, thorough and independent investigations on alleged human rights violations and abuses seriously jeopardizes victims’ rights to justice, truth and an effective remedy. The lack of independence of the judiciary and reported irregularities of the Office of the Attorney-General and the Legal Medical Institute pose serious concerns in terms of accountability.

The OHCHR team in Nicaragua has faced obstacles to conduct monitoring. OHCHR continues to request full and unfettered access to the whole country, including to places of detention and stands ready to engage in dialogue with the Government, including on technical cooperation.
OHCHR offers recommendations to the authorities of Nicaragua, including to the national human rights institution, to the Human Rights Council and to the international community aimed at addressing the serious human rights violations documented in the report and at preventing further violations.
I. Introduction

1. This report presents patterns of human rights violations and abuses committed between 18 April and 18 August 2018 in relation to the social protests and the ensuing political crisis in Nicaragua. The report is based on human rights monitoring remotely conducted by the OHCHR Regional Office for Central America and, since 26 June, by an OHCHR team deployed in Managua, further to the invitation of the Government.\(^1\) In its invitation, the Government also requested OHCHR to support the work of the Verification and Security Commission (CVS by its Spanish acronym).\(^2\) The report is produced pursuant to the universal mandate of the High Commissioner under resolution 48/141 of the United Nations General Assembly.\(^3\)

2. Following the start of a fire in the biological reserve of Indio Maíz on 3 April, the OHCHR Regional Office for Central America started receiving information on restrictions on the rights to freedom of peaceful assembly and association, limitations of and attacks on independent media, and threats against human rights defenders. The Regional Office maintained regular contacts with different stakeholders and conducted remote interviews through internet-based technologies and face-to-face meetings with victims, witnesses and other sources. OHCHR also took into account communications sent by special procedures mandate holders\(^4\) and observations made to Nicaragua by treaty bodies since 2007.\(^5\)

3. The OHCHR team deployed in Managua has been meeting a broad range of stakeholders, including Government officials, police officers, victims and their families, witnesses, civil society organizations, journalists, lawyers, business sector representatives, students, medical doctors, and first responders. OHCHR examined available official documentation, including public statements, reports from different sources\(^6\), videos, photos, and media (including social media).

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\(^1\) On 19 June 2018, the Minister for Foreign Affairs of Nicaragua sent a letter to the OHCHR Regional Representative for Central America extending an invitation to visit the country.

\(^2\) CVS is one of the commissions set up by the National Dialogue involving Government officials and representatives from various sectors and mediated by the Catholic Church. The Government of Nicaragua invited the Inter-American Commission on Human Rights and OHCHR to participate in CVS as observers. Part of the information gathered by OHCHR through its monitoring was in the context of the joint visits and meetings held with the CVS.

\(^3\) Resolution 48/141 of the United Nations General Assembly *inter alia* mandates the High Commissioner for Human Rights "to promote and protect the effective enjoyment by all of all civil, cultural, economic, political and social rights" and "to play an active role in removing the current obstacles and in meeting the challenges to the full realization of all human rights and in preventing the continuation of human rights violations throughout the world".

\(^4\) Communications and responses received are available at: [https://www.ohchr.org/en/hrbodies/sp/pages/communicationsreportssp.aspx](https://www.ohchr.org/en/hrbodies/sp/pages/communicationsreportssp.aspx)


\(^6\) Issued by the State, international organizations and civil society, amongst others.
4. In line with the OHCHR methodology on human rights monitoring, the team exercised due diligence to assess the credibility and reliability of sources and cross-checked the information it gathered to confirm its validity. Wherever possible, findings used for this report are based on the primary accounts of victims and/or witnesses. OHCHR has taken all possible measures to protect the confidentiality of sources and to avoid exposing them to possible reprisals.7

5. The OHCHR team in Nicaragua has been in regular contact with the Ministry of Foreign Affairs, but has faced obstacles to conduct monitoring. The Government has not permitted OHCHR to directly engage with relevant State institutions.8 Every time OHCHR has informed the Government of its intention to undertake missions outside Managua, the Ministry for Foreign Affairs has prevented this on the grounds of security conditions. OHCHR has been unable to visit prisons except for the National Penitentiary System prison in Managua (known as La Modelo) on 17 July. Moreover, while OHCHR has sought to undertake trial monitoring on several occasions, judicial authorities have not provided access to hearings. The authorities have not replied to OHCHR’s written requests for specific information regarding alleged human rights violations, statistics and police operations. As of 18 August, a request for information sent to the Ombudsperson and to the Office of the Attorney-General on 15 May remain unanswered.

6. Since June, the Ministry of Foreign Affairs has however sent OHCHR 40 communications on alleged acts of violence related to the social protests imputed to protesters, requesting the Office to take note and speak out. Almost all of them refer to abuses committed against members of the Sandinista National Liberation Front (FSLN) activists and/or the National Police. Most of the communications (16) refer to cases of death by firearm and kidnappings (11) sometimes involving allegations of cruel inhuman or degrading treatment; some cases refer to various forms of threats, including through social media. There are also communications denouncing damage to public and private property (6), especially arson. The information shared by the Government on these cases is succinct and has not been followed by complementary information on ongoing investigations. The Government also provided press statements on police operations and public reports issued by the Truth, Justice and Peace Commission.

7. OHCHR has been coordinating actions with the Inter-American Commission on Human Rights, in particular with the Special Monitoring Mechanism for Nicaragua (MESENI, by its Spanish acronym) established to follow up on the recommendations of the Commission to Nicaragua and on precautionary measures.9

7 Several United Nations entities are engaged in responding to and reporting on intimidation and reprisals against individuals and groups seeking to cooperate with the United Nations. The Human Rights Council has reiterated that all United Nations State Members, particularly members of the Council, should fully cooperate with it and its mechanisms, and affirmed that failure to take steps to prevent, investigate and ensure accountability for acts of intimidation or reprisal may be inconsistent with this commitment: See https://www.ohchr.org/EN/Issues/Reprisals/Pages/ReprisalsIndex.aspx
8 Such as the National Police, the national human rights institution and the judiciary. The Government indicated that all OHCHR contacts with State authorities had to be undertaken through the Ministry of Foreign Affairs. See also press release Supreme Court, “CSJ aclara sobre participación del GIEI en las audiencias y juicios”, 14 August 2018, available at: https://www.poderjudicial.gob.ni/prensa/notas_prensa_detalle.asp?id_noticia=8947
II. Evolution of the crisis

1. Context before April 2018

- Given their scope and persistence, the wave of protests, which has been ongoing since April 2018, appears to be the result of deep-rooted grievances. Since the Presidential elections in 2006, the institutional framework has weakened, with a gradual concentration of the different State powers in the hands of the ruling party. This has contributed to reduced civic space, lack of independence of the judiciary and the national human rights institution, recurrent allegations of corruption and electoral fraud and media censorship, and high levels of impunity amongst other issues.\(^\text{10}\)

- In 2009, the Committee against Torture noted that Nicaragua “should adopt effective measures to combat and prevent acts of violence against members of the political opposition, their sympathizers and representatives of NGOs in connection with peaceful demonstrations and to provide proper protection for demonstrators.”\(^\text{11}\)

- More recently, there have been episodes of social and political discontent, manifested through numerous protests (in particular against Law 840 or “Ley Canalera” which foresaw the construction of an inter-oceanic canal in Nicaragua with foreign private funding), which were often repressed by the authorities and resulted in deaths, injuries, arrest and detention.\(^\text{12}\)

- In the Atlantic coast, the concession of indigenous lands to farmers “colonos” also led to increased violence, including deaths of indigenous peoples in defence of their territories.\(^\text{13}\)

- The presidential and municipal elections that took place in 2016 and 2017 were followed by violence. After the municipal elections in November 2017, five individuals, mainly indigenous and campesino leaders were assassinated. In its preliminary report on the November 2017 elections, the Electoral Observation Mission of the Organization of American States reiterated its “profound concern regarding the acts of violence registered after the elections.”\(^\text{14}\)

- To date, most of these human rights violations have not yet been investigated, failing to ensure that their perpetrators are held accountable, and thereby also failing to appease

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\(^{12}\) Transparency International’s Corruption Perceptions Index, 2017. Nicaragua is ranked 151 of 180 countries, available at: https://www.transparency.org/country/NIC

\(^{13}\) Concluding Observations of the Committee against Torture on Nicaragua, 2009, CAT/C/NIC/CO/1. Available at: https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CAT/C/NIC/CO/1&Lang=En


existing social and political grievances. This context is the backdrop for the human rights violations and abuses that will be addressed in this report.

2. The eruption of the protests and their repression

12. In early April peaceful demonstrations led by environmental groups, rural peasant population (campesinos) and students erupted in different parts of Nicaragua\textsuperscript{15} to denounce the slow and insufficient response of the Government to forest fires in the Indio Maíz Biological Reserve, Río San Juan Department, at the border with Costa Rica. From 18 April, more massive protests spread across the country after the Government announced, on 16 April\textsuperscript{16}, reforms to the National Institute for Social Security (INSS by its Spanish acronym).\textsuperscript{17} The reforms introduced higher contribution rates both for employers and employees and a reduction of five per cent of pensions to be received. The Government justified these reforms as a measure to reduce the mounting deficit of INSS and to implement recommendations made by the International Monetary Fund (IMF).\textsuperscript{18}

13. On 18 April, peaceful demonstrations took place in Managua\textsuperscript{19} and León, spearheaded by university students and pensioners. Protesters were denouncing corruption and mismanagement of resources as the main factors behind the near-bankruptcy of INSS. These protests were immediately met with violent attacks by organized pro-Government groups, known as “shock forces” (fuerzas de choque) or “mobs” (turbas).\textsuperscript{20} According to accounts available to OHCHR, these groups, reportedly recruited from the Sandinista Youths, were holding cudgels, sticks and stones and wearing helmets.\textsuperscript{21} Moreover, riot police beat peaceful demonstrators and journalists covering the events, fired tear gas at the crowds, and failed to intervene when pro-Government groups attacked peaceful protesters.

14. These attacks fuelled further student protests in the main university centres\textsuperscript{22} in Managua and in León\textsuperscript{23} the following day, on 19 April. These demonstrations were for the most part peaceful, with some exceptions where protesters threw stones at police officers.\textsuperscript{24} The police broke them up by using firearms, rubber bullets and tear gas. On 19 April, one individual and one police officer were killed by gunfire in Managua (close to UPOLI); a minor was killed in the town of Tipitapa.

15. During the following days, protests spread throughout the country, including in the cities of Masaya, Granada, Matagalpa, Rivas and Estelí. Clashes between protesters and the

\textsuperscript{15} Including in Managua, San Juan, León and Nueva Segovia.
\textsuperscript{16} El 19 Digital, “INSS da a conocer reformas de cara a mejorar el balance financiero del sistema de pensiones”, 16 April 2018, available at: https://www.el19digital.com/articulos/ver/titulo:75972-inss-da-a-conocer-reformas-de-cara-a-mejorar-el-balance-financiero-del-sistema-de-pensiones
\textsuperscript{17} Presidential decree 03-2018, published in La Gaceta on 18 April 2018.
\textsuperscript{19} Namely in the Universidad Centroamericana (UCA) de Nicaragua.
\textsuperscript{20} See paragraphs 97 to 103 on abuses by pro-Government armed elements.
\textsuperscript{21} As these groups often use helmets, they are colloquially also referred to as people on motorcycles (“motorizados”). See https://www.youtube.com/watch?v=HKCXn2OXsN4&feature=youtu.be
\textsuperscript{22} Universidad Nacional de Ingeniería (UNI), Universidad Agraria and Universidad Politécnica de Nicaragua (UPOLI).
\textsuperscript{23} Universidad Nacional Autónoma de León.
police, with the latter firing live ammunition at protesters, led to a rapid rise in the number of casualties. Reports indicate that pro-Government armed elements (including snipers) started operating against protests as of 19-20 April. One of the first reported victims of a sniper was 15 year-old Álvaro Conrado, who was shot in the neck while distributing water to student protesters in Managua, on 20 April. After being denied access to an INSS hospital, he died in another hospital several hours later.

16. On 19 April, transmission for four independent TV channels (Canal 12, Canal de Noticias de Nicaragua, Telenorte and Canal 51) was interrupted for several hours; the cable provider alleged technical difficulties. Canal 100% Noticias remained six days off air.

17. On 22 April, President Ortega announced the withdrawal of the proposed reforms of INSS. On 24 April, the Government agreed to enter into a National Dialogue with a group of protesters, known as the “Civic Alliance for Justice and Democracy,” composed of civil society organizations, students, campesino organizations and the business sector, with the Catholic Church acting as mediator. Participants in the National Dialogue did not, however, formally convene until 16 May. On 27 April, the National Assembly – which is dominated by the ruling party - decided to establish a Truth, Justice and Peace Commission to investigate the acts of violence committed since 18 April and appointed its five members. Student movements and civil society organizations rejected this body alleging its lack of independence from the Government.

18. By 27 April, 30 casualties had been reported, mostly university students, as well as a journalist and two police officers. In a joint statement issued that day, several special rapporteurs of the Human Rights Council concluded that the “high number of deaths of protesters [was] a clear indication that excessive force was used in violation of the principles of necessity and proportionality as required by international law and standards to make the use of force legal” and called for respect for the rights to freedoms of expression and peaceful protest.

19. These measures did little to quell the protests which had then morphed into a more general outrage and demands for broad political reforms. Organized demonstrations quickly evolved into other forms of protests, including neighbourhood rallies, roadblocks and barricades, including as a means of protection from reprisals and attacks by armed elements. Students started occupying university campuses and other public spaces. The National Autonomous University of Nicaragua (UNAN-Managua), the National Agrarian

27 See paragraphs 65 to 67.
30 Ibidem
University (UNAN), the Central American University (UCA)\footnote{UCA, “Comunicado de la Universidad Centroamericana al pueblo Nicaragüense”, 27 May 2018, available at: 
http://www.uca.edu.ni/index.php/comunicacion/noticias/2316-comunicado-de-la-universidad-centroamericana-al-pueblo-nicaragüense} and the UPOLI thus became centres of students’ mobilization and were subject to attacks by police and pro-Government armed elements.

20. By mid-May, roadblocks and barricades set up by protesters had spread across the neighbourhoods of Managua and in the 15 Departments of the country\footnote{Vos TV, “Zonas afectadas por tranques en Nicaragua”, 14 May 2018, https://www.vostv.com.ni/nacionales/7152-zonas-afectadas-por-tranques-en-nicaragua/}, with reports mentioning the existence of 180 barricades and roadblocks throughout the country at that time. While the protest movement overall remained peaceful, some protesters increasingly responded with violent means to deter or counter attacks, including homemade mortars and weapons, and conventional weapons.

21. The National Dialogue was unable to reach agreements to end the crisis. An initial agreement to a 48-hour truce was not respected as students occupying UNA were attacked by police.\footnote{On 19 May 2018.}

22. On 30 May, on Mothers’ Day, thousands of people took part in a march in Managua and other cities in support of mothers whose children had been killed during the protests. According to information available to OHCHR, the march in Managua was attacked by pro-Government armed elements located near the National Engineering University while similar attacks targeted marches across the country. According to official records, there were 15 death and 199 injured on 30 May.\footnote{La Voz del Sandinismo, “Acciones delincuenciales recientes dejaron 15 muertos y 199 heridos”, 31 May 2018, available at: http://www.lavozdelsandinismo.com/nicaragua/2018-05-31/acciones-delincuenciales-recientes-dejaron-15-muertos-y-199-heridos/} This marked a new peak of violence in the crisis and prompted a wave of condemnation by international entities.\footnote{Press statement by National Police No. 71 – 2018, 23 June 2018, available at: https://www.policia.gob.ni/?p=19649}

23. On 16 June, six members of a family, including a three-year old and a baby perished as a result of arson of their residence in the Carlos Marx neighbourhood in Managua. Reportedly, the house was set on fire because the owners did not allow the police and snipers to use the roof. On 23 June a 14-month old baby died of gunshot wounds (in the head) in Managua, close to UPOLI. The parents of the baby publicly stated that persons dressed in civilian clothes who they identified as police had shot at them.\footnote{See https://www.youtube.com/watch?v=XsHy3xO2xbU and El Nuevo Diario, “Matan a niño de un año”, 24 June 2018, available at: https://www.elnuevodiario.com.ni/nacionales/467876-matan-nino-ano/} On the same day the National Police issued a statement indicating that that morning “members of the police had been carrying out tasks to clear streets to ensure unrestricted circulation of persons and vehicles […] and they were attacked by criminals who roam the neighbourhoods close to the UPOLI, resulting in the death by gunshot of a one-year old”.\footnote{Press statement UN Secretary-General, “Secretary-General Condemns Ongoing Violence in Nicaragua,” SG/SM/19063, 1 June 2018, available at: https://www.un.org/press/en/2018/sgsm19063.doc.htm}
3. The “clean-up operation”

24. Starting mid-June, authorities started carrying out what was termed a “clean-up operation”, whereby anti-riot police and pro-Government armed elements and mobs jointly forcefully dismantled roadblocks and barricades. This led to violent clashes with protesters, escalating the level of violence on both sides.

25. OHCHR gathered information concerning the growing presence of pro-Government armed elements who would usually enter towns led by police and carry out both random and selective shootings in the streets, terrorizing local communities and causing loss of life. The “clean-up operation” intensified in the first two weeks of July, in anticipation of the 19 July national celebration (marking the anniversary of the triumph of the 1979 Sandinista Revolution), with forceful removal of roadblocks in the departments of Boaco, Carazo, Granada, Jinotepe, La Trinidad, León, Managua, Masaya, Matagalpa, RACCs and Rivas, amongst others.

26. Attacks against roadblocks and demonstrations led to violent clashes between security forces and demonstrators. One of the most violent incidents took place on 12 July in Morrito, Río San Juan Department, where, according to official sources, at least five people were killed, including four police officers. Violent attacks and clashes also took place in the campesino areas of San Pedro Lóvago, in Chontales, and in Muelle de los Bueyes, in the Southern Caribbean region.

27. On 12 July, despite an ongoing negotiation within CVS to peacefully dismantle the occupation of UNAN-Managua, the police and pro-Government armed elements attacked the barricades laid down at the entrance of the university. Students and other protesters were forced to abandon the university premises and seek shelter at the nearby church of Jesus of Divine Mercy, along with journalists and priests. The church was subject to shootings by police and pro-Government armed elements for several hours, which led to the killing of two individuals and injured at least 16.

28. From 15 to 17 July, most of the remaining roadblocks throughout the country were forcefully lifted by police and pro-Government armed elements after operations conducted in the departments in the municipalities of Diriá, Diriomo, Catarina, Niquinohomo and Masaya, including the urban indigenous community of Monimbó. The operation in the latter community led to an undetermined number of casualties, while many residents sought refuge in the forest near the Masaya lake. The operations that took place between 15 and 17 July also involved mass arrests of protesters. The last “clean-up operation” took place on 24 July in Barrio Sandino, Jinotega, Department of Carazo, which had been a main centre of protests. Three young men (including a minor) were killed in the course of an operation “to restore free transit,” according to the police.38

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38 This term was widely used by victims and witnesses in their interviews with OHCHR staff, as well as by national and international media.


4. Systematic repression and persecution of individuals and groups perceived as supportive of the protests or as opposed to the Government

“We are trapped in our own country. There are groups of armed hooded men at the border and even inside the universities. Every day some students are arrested and we don’t know what will happen after this.”

University student and leader of the protests
Interview conducted by OHCHR on 16 August 2018

29. As the roadblocks were being lifted, the crisis entered a new phase characterized by the persecution and criminalization of social and political leaders, human rights defenders and people who were involved in or associated with the protests. This new phase which, in general terms started in mid-July, continues to date. It should be however be noted that collective detentions of protesters started very early on in the crisis (reportedly by 20 April) and has continued throughout. On 9 August, a joint press statement signed by 11 special procedures mandate-holders of the Human Rights Council described the situation as a “witch hunt”, referring to “patterns of repression of dissent […] indicative of a policy implemented by the authorities to eradicate the structural conditions which support opposition voices and critics.”

30. The “clean-up operation” was followed by a wave of collective arrests and detentions of individuals who had reportedly participated in the protests, blockades or barricades or had provided some humanitarian support, such as medical assistance, food or shelter, to protesters.

31. Pro-Government armed elements, at times together with police, allegedly carried out and participated in many house raids and illegal arrests, often based on allegations by local informants. In some cases, several members of family (primarily young males) would be apprehended in such operations. In many cases, the whereabouts of these persons remained unknown for several days before their relatives would eventually learn they were being detained at a police station or at “El Chipote”, La Modelo or La Esperanza prisons.

32. While many of those deprived of liberty were released without charges, others have faced judicial procedures and many have been accused with disproportionate or unfounded offences amidst systematic breaches of minimum due process guarantees. There is serious concern about the lack of evidence to support such charges.

33. Reports by non-governmental organizations indicate that as of 18 August, at least 300 individuals were being prosecuted for involvement in protests - including at least nine women and 10 minors. Based on the information registered by one NGO, CENIDH, at least 85 individuals are being prosecuted for terrorism-related charges. Many are facing

43 See paragraph 72.
45 See paragraphs 69 to 71 on enforced disappearances.
46 Three NGOs (CENIDH, CPDH and Grito por Nicaragua) have provided OHCHR with lists with names of individuals currently detained and being prosecuted in relation to their involvement in protests (on file with OHCHR)
charges of organized crime and/or aggravated murder, all of which are all considered as “complex crimes” according to national legislation. This incurs longer timeframes for the judicial processes, no possibility of conditional release, and no alternative measures to pre-trial detention, except for minors.

34. On 16 July, the National Assembly adopted a law “against money laundering, terrorist financing and proliferation of mass destruction weapons” introducing a new definition of terrorism and the new crime of financing terrorism. The adoption of this law, in the midst of the crisis, has raised concerns that it will be used against individuals and organizations who have expressed dissenting views, including by controlling their finances. The State has argued that the adoption of this law was in response to its obligations under the Financial Action Task Force (FATF).

35. Prominent human rights defenders and leaders of the protests have been targeted as part of this pattern of criminalization. Leaders of rural movements (Movimiento Campesino) and of student movements, including those established in April, such as the Movimiento 19 de abril, have been particularly targeted. Thus, on 30 May, four human rights defenders working with the NGO Permanent Human Rights Commission (CPDH) were arrested by the Army close to the border with Costa Rica. One of them has been accused of murder and the others of causing bodily harm in relation to events which occurred at a roadblock. On 13 July, Medardo Mairena and Pedro Mena, leaders of the Campesino movement, were arrested at the Managua airport while about to travel to a meeting abroad. They have been charged with terrorism, murder, organized crime, kidnapping, theft, damages to public property, inter alia, in relation to events at a roadblock. Mr. Mairena is a member of the Civil Alliance and has been involved in the National Dialogue. On 18 July, Irlanda Jerez, a merchant of the Mercado Oriental in Managua, and leader of the women protest movement, was arrested at the Managua airport while about to travel to a meeting abroad. They have been charged with terrorism, murder, organized crime, kidnapping, theft, damages to public property, inter alia, in relation to events at a roadblock. Mr. Mairena is a member of the Civil Alliance and has been involved in the National Dialogue. On 18 July, Irlanda Jerez, a merchant of the Mercado Oriental in Managua, and leader of the women protest movement, was arrested in Managua. The judicial authorities have stated that her arrest was connected to a fraud-related prison sentence dating back to 2016. On 22 July, Christian Fajardo and María Adilia Peralta, leaders of the student movement in Masaya (Movimiento 19 de abril), were arrested while trying to cross the border with Costa Rica and have been charged with terrorism and financing terrorism, organized crime, murder, kidnapping and desecration of a human corpse, inter alia. They were subsequently granted precautionary measures by the Inter-American Commission on Human Rights. As of 18 August, all these individuals were being held in pre-trial detention.

47 Ley contra el lavado de activos, el financiamiento al terrorismo y el financiamiento a la proliferación de armas de destrucción masiva, Ley No. 977, adopted on 16 July 2018, La Gaceta Diario Oficial No. 138 (published on 20 July 2018).
49 William Ampié Picado, Julio Ampié Machado, Jaime Ampié Toledo and Reynaldo Lira Luqués.
51 The precautionary measures are urgent requests, directed by the Inter-American Commission on Human Rights to Member States of the Organization of American States, to take immediate action in serious cases when an imminent risk of irreparable harm to persons exists. The duty of adopt the necessary measures rest on the Member States.
detention. Human rights defenders Medardo Mairena, Pedro Mena, William Ampié, Julio Ampié, Jaime Ampié and Reynaldo Lira have all been placed in maximum security cells, with no rationale for this decision. This treatment could constitute a reprisal for their role as defenders.

“I am no longer able to work as a human rights defender. I became scared when I saw my photo hanging on the walls of the building of the Sandinista party in my city. Everyone knows that in that building they hang the photos of the people that they’re going to arrest”.

Human rights defender
Interview conducted by OHCHR on 4 August 2018

36. Threats of arrests, including allegedly on the basis of fabricated criminal dossiers and warrants, have also become a common instrument to instil fear among human rights defenders and opponents. On 5 June, Felix Maradiaga, an academic and human rights defender, was threatened by National Police with arrest for terrorism charges. While he has not been arrested, he was threatened by pro-Government armed elements on 7 July and physically attacked by them on 11 July. He was granted precautionary measures by the Inter-American Commission on Human Rights on 9 July. On 4 August, the president (Alvaro Leiva) and members of the National Association for Human Rights (ANPDH), one the Nicaragua’s main human rights NGOs, fled to Costa Rica. ANPDH announced the temporary closure of its offices due to increasing threats and harassment against them, including death threats. On 5 June, the Inter-American Commission on Human Rights had issued precautionary measures in favour of Mr. Leiva. On 3 August, Carlos Mejia Godoy, a singer who played a historical role in the anti-Somoza struggle, announced that he had sought refuge in Costa Rica for fear of persecution.

37. Harassment against individuals perceived as opposed to the Government include house tagging, death threats, mobbing and smear campaigns in social media. OHCHR has received accounts from individuals who allegedly were warned that their names appeared on “death lists”; these lists would allegedly be circulated by governmental authorities in order to instruct persons of who to harass, arrest or even deprive of their lives.

38. Opposition leaders, particularly of parties such as the Sandinista Renovation Movement (MRS) and of the Constitutionalist Liberal Party (PLC) have been targeted. On 24 July, the Mayor of the town of Mulukukú, Apolonio Fargas (member of PLC) was detained and subsequently charged with terrorism, organized crime and the murder of three policemen.

39. On 22 July, mothers and family members of detainees who had remained outside the El Chipote detention centre for up to weeks, waiting for news about and access to their relatives, were chased away. Pro-Government groups came with loudspeakers and chairs and occupied the space the women had been using. Such harassment towards the mothers compelled them to move to a different location, together with the NGOs providing legal assistance on site. Many families with detained relatives as well as their lawyers

54 See https://www.youtube.com/watch?v=gVB_gws-4-U
55 See https://www.youtube.com/watch?v=XdORBnkJRfw
have reported being subjected to threats and acts of intimidation by pro-Government armed elements.

40. Volunteer firefighters reported threats and intimidation against them for the humanitarian role they played during the protests. Many of them assisted the injured during the repression of protests. As many as 30 were forced to flee their homes due to the persecution they experienced.58

41. Public servants have also been subjected to reprisals or threats of reprisals for conducting their work. Medical doctors were arbitrarily dismissed from public hospitals and health centres in Santa Teresa, Jinotepe, Diriamba, San Marcos, León and other cities for attending to people injured during the protests.59 Other health care personnel, including nurses and administrative staff, have also been dismissed for the same reason.

42. Teachers and professors have also been affected by such measures. In August, at least two professors at the National Autonomous University (UNA-Managua) and school teachers in the departments of Estelí, Jinotega and Matagalpa, were dismissed for having supported the protests. Also in August, the Government cut State funding to UCA and UNA, which are considered to have played a key role during the protests.

43. With access to public employment strictly controlled by the Government, there is a general fear of speaking out in public institutions. Media reports indicate that since the beginning of the crisis, at least 15 agents of the Office of the Attorney-General have resigned which, according to media reports, might be related to differing opinions regarding the formulation of criminal accusations by the Attorney-General.60 Former Army and Police personnel who refused to join the ranks of armed pro-Government elements have also reported facing reprisals.

44. Government authorities, including President Ortega and Vice-President Murillo, and Government-controlled media, have increasingly stigmatized and discredited protesters, and human rights defenders, describing them as “terrorists,” “coup-mongers” or “plagues”. In a speech delivered on 19 July, President Ortega accused the Catholic bishops - the mediators in the National Dialogue of being part of a planned coup d’état.61 Nuns and priests who provided shelter to wounded persons are also regularly threatened.

45. The crisis has also been marked by an unprecedented wave of illegal occupation of private lands by pro-Government groups. According to estimates of the Union of National Agribusiness (UPANIC), as of 31 July, some 4,000 hectares had been illegally occupied since the beginning of the crisis in the seven departments in the Pacific and centre of the country.62 According to reports available to OHCHR, the Government authorities have

61 See https://youtu.be/xmC3-hbFoXk
actively promoted and supported such occupations, including by issuing illegal title deeds and supplying access to water and electricity in what some consider as a deliberate campaign to intimidate the private sector for their perceived opposition to the Government. The High Council of Private Property (COSEP) has denounced other forms of pressure from the Government, including attacks against individual companies and unjustified delays in clearing imported goods.

46. The systematic persecution and suppression of dissent or perceived opposition by Government authorities and pro-Government groups, compounded with the continuous intimidation by pro-Government armed elements, have resulted in a climate of widespread terror, frustration and despair within the population. There are currently no conditions for the free and safe exercise of the rights to freedoms of expression, peaceful assembly and association.

47. The National Dialogue is currently at a standstill and prospects of resuming a constructive and broad dialogue are unclear. While the Government has openly disqualified some members of the Bishops Conference, the Catholic Church has reiterated its intention to continue playing a mediating role. The United Nations Secretary-General has expressed support to the National Dialogue with the mediation of the Church.63

III. Patterns of prevailing human rights violations and abuses committed between 18 April and 18 August 2018

1. Main human rights violations by State authorities

a. Violations of Right to Freedom of Peaceful Assembly

48. The exercise of the right to freedom of peaceful assembly has been progressively undermined through an array of practices that have implied serious violations of other intertwined rights analyzed in sections of this report. OHCHR gathered consistent information that, from the earliest stage of the wake of protests, there was widespread use of excessive force, sometimes resulting in unlawful killings, along with attacks carried out by pro-Government armed elements.

49. While some of the protesters resorted to violent means,64 OHCHR observed that the majority of protesters were peaceful. According to international human rights law, individuals do not cease to enjoy the right to peaceful assembly as a result of sporadic violence or other punishable acts committed by others.65 States have the duty to protect participants in peaceful assemblies from groups of individuals, including agents provocateurs and counter-demonstrators, who aim at disrupting or dispersing public assemblies.66

64 See paragraphs 103 to 107 on abuses by anti-Government protesters
50. OHCHR observed at the end of June that the excessive use of force against demonstrators, as seen during the first phase of the crisis, had by then decreased as police officers had withdrawn from many of their functions. During this period, the government claimed that armed elements were infiltrating the protests, but according to information available to OHCHR, no measures were taken to protect the population or to conduct credible and independent investigations of the incidents.

51. Repression of protests through excessive use of force coupled with collective arbitrary arrests (especially of leaders of the social protests) continued until mid-July during mass demonstrations in the main cities. It culminated in the dismantling of roadblocks and barricades. This has led to very precarious conditions for the free and safe exercise of the rights to freedoms of expression, peaceful assembly and association. At the moment of writing this report, the number of protests has decreased indicating the chilling effect of repression.

52. Based on information available to OHCHR, it can conclude that the response of the authorities to peaceful protests failed to meet applicable standards of the management of assemblies, in violation of international human rights law. OHCHR can also conclude that in many cases where violence by protesters did occur, the use of lethal force against non-lethal threats and the reliance on pro-government armed elements also violated international human rights law.

b. Violations of the rights to life and physical integrity

53. One of the defining characteristics of this crisis is the very high number of deaths resulting from the repression of demonstrations and roadblocks and from clashes between the police, pro-government groups and protesters.

54. The estimates of protest-related deaths vary significantly depending on the sources and, in the absence of credible investigations thus far, the subject has become highly politicized. The fatalities estimates differ as follows:

   o According to the figures released on 7 August by the National Police, 197 individuals (191 men and 6 women) were killed between 19 April and 25 July in the context of protests. The police attributes all these fatalities to violent opposition groups;67

   o The Truth, Justice and Peace Commission reported 270 fatalities (257 men and 13 women) between 18 April and 2 August;68

   o The national human rights institution, the Procuraduría para la Defensa de los Derechos Humanos, recorded 192 fatalities between 18 and 21 June;69

   o According to the Inter-American Commission on Human Rights, 322 were reportedly killed between 18 April and 20 August, including 23 children;

68 Truth, Justice and Peace Commission, Informe fallecidos del 18 de abril al 2 de agosto., 4 August 2018 (on file with OHCHR)
69 National human rights institution, Informe preliminar de la Procuraduría para la Defensa de los Derechos Humanos de la República de Nicaragua en atención al contexto nacional a partir de abril del 2018, 21 June 2018, (on file with OHCHR)
o The NGO Nicaraguan Human Rights Centre (CENIDH), reported 302 fatalities between 18 April and 30 July;\(^{70}\)

o The NGO Permanent Human Rights Commission (CPDH), provided a preliminary figure of 300 fatalities that occurred between 18 April and 30 July (286 male and 14 female), including 30 children;\(^{71}\)

o The NGO Nicaraguan Association for Human Rights (ANPDH), provided a preliminary figure of 448 deaths from 18 April to 25 July (426 male and 22 female), including 21 children;\(^{72}\)

o The Nicaraguan Coordination of NGOs Working with Children and Adolescents (CODENI) reported that 28 children (25 boys and three girls) were killed from 18 April to 10 August during the protests.\(^{73}\)

55. Commenting on these divergent estimates, President Ortega criticized the higher figures provided by “activists and international organizations,” arguing that their “data has not been debugged nor verified” and that they had “invented deaths.”\(^{74}\) The Minister of Foreign Affairs, Dennis Moncada, stated that “human rights organizations, both national and international, continue to manipulate the number of dead persons from various causes…promoting a perception of greater instability and insecurity at the detriment of our Government….”\(^{75}\) In response to these allegations, Cardinal Brenes, who led the mediation in the National Dialogue, has called upon the Government to cooperate with the Truth, Justice and Peace Commission and human rights organizations to reach a consensus on a list of protest-related casualties.\(^{76}\)

56. Despite repeated requests, OHCHR has not been granted access to official data and documentation regarding the number and circumstances of the killings, including from the Ministry of Health, the forensic institute (Legal Medicine Institute) and the Supreme Court of Justice. Based on the analysis of data published by governmental and non-governmental sources, OHCHR is able to provide the following preliminary conclusions that are relevant for a human rights analysis.

57. The Government has stated that the high number of casualties reported by other sources is inflated by including common deaths. According to the National Police, between 19 April and 25 July, 253 people died as a result of common criminal activities, traffic accidents


\(^{71}\) Comisión Permanente de Derechos Humanos, Informe Preliminar Derechos Humanos bajo ataque, 31 July 2018 (on file with OHCHR)

\(^{72}\) Asociación Nacional Pro Derechos Humanos, Informe preliminar de ciudadanos nicaragüenses muertos en protesta cívica como un derecho humano y ejecutados por grupos armados no autorizados (parapoliciacas o fuerzas de choque) del periodo 19/04/2018 al 25/07/2018, 27 July 2018 (on file with OHCHR)

\(^{73}\) CODENI, Niñas, niños y adolescentes asesinados producto la crisis sociopolítica que vive el país. Resumen estadístico, reporte del 19 de abril al 10 de agosto, 10 August 2018 (on file with OHCHR)


\(^{75}\) National Police, “Policía Nacional presenta cifras de fallecidos en intento de golpe suave”, 7 August 2018, available at: https://www.policia.gob.ni/?p=20995

and other causes; they claim that these deaths were “manipulated by the coup-mongers and their like-minded organizations to discredit, slander and damage the image of the Government.”\(^7\) The figure put forward by the National Police represents over the double of the number of homicides reported in the months of April to July 2017 (105),\(^7\) which suggests that the official figure of crisis-related facilities is incomplete significantly diverging from estimates by the Truth, Justice and Peace Commission and several independent sources.

58. A comparative analysis of the available sources seems to confirm a number of common characteristics related to the incidents of violent deaths. Most of the victims were young men, under 30 (up to 46 per cent, according to CPDH), which coincides with the average profile of the protesters, including university students and young professionals. An analysis of the latest disaggregated data up to 2 August published by the Truth, Justice and Peace Commission leads to the conclusion that approximately 76 per cent of the victims were killed in or around demonstrations, roadblocks or occupation of university premises. The other deaths were associated to other contexts, including crossfire between pro-government and anti-government (15 per cent) attacks against, and destruction of State institutions, public and private property and infrastructure (nine per cent), and other causes.

59. The peaks of violent deaths seem to coincide with the period of massive protests, with major peaks in late April, on 30 May (during the attacks against the Mother’s Day march), and in mid-June, at the beginning of the Government’s “clean-up operation” to forcefully remove roadblocks across the country.

60. The majority of casualties (62 per cent) took place in Managua and in the neighbouring departments of Masaya and Carazo, which were the epicentre of the protest movement. According to the findings of the Truth, Justice and Peace Commission, 50 per cent of the casualties occurred in proximity of roadblocks (“tranques”).\(^7\)

61. ANPDH estimates that 80 per cent of the deaths were caused by firearms. Out of the autopsies practiced on 82 individuals reportedly conducted by the Institute for Legal Medicine, 76 died of gunshot wounds.\(^8\) In the majority of these cases (71 per cent), the wounds were inflicted to the head and thorax.\(^8\) According to CODENI, 86 per cent of the minors killed during the protests were victims of gunfire.\(^\)\(^8\)

62. Pending a case-by-case analysis, the above information about fatalities indicates a pattern of excessive or disproportionate use of force that may be related to the use of lethal ammunition by the police and/or to the intervention of armed elements in the repression

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\(^7\) National Police, “Policía Nacional presenta cifras de fallecidos en intento de golpe suave”, 7 August 2018, available at: [https://www.policia.gob.ni/?p=20995](https://www.policia.gob.ni/?p=20995)

\(^7\) World Health Organization (WHO) /Pan-American Health Organization (PAHO), *Mortalidad por Homicidios: Nicaragua, 2017* (on file with OHCHR)


and Comisión Permanente de Derechos Humanos, Informe Preliminar Derechos Humanos bajo ataque, 31 July 2018, p. 15 (on file with OHCHR)

\(^8\) Truth, Justice and Peace Commission, Informe fallecidos del 18 de abril al 2 de agosto, 4 August 2018 (on file with OHCHR)

\(^8\) Ibidem

\(^8\) CODENI, Niñas, niños y adolescentes asesinados producto la crisis sociopolítica que vive el país. Resumen estadístico, reporte del 19 de abril al 10 de agosto, 10 August 2018 (on file with OHCHR)
of protests, notably by firing against protesters participating in marches, roadblocks and barricades. OHCHR can also conclude that in many cases where violence by protesters did occur, police used lethal force against non-lethal threats. These acts would amount to violations of the right to life enshrined in the International Covenant on Civil and Political Rights. This is consistent with the findings of Inter-American Commission on Human Rights.83

63. The Truth, Justice and Peace Commission arguably provides the most complete analysis to date on the number of injured persons during the protests, based on access to the files of the Ministry of Health, INSS and the Nicaraguan Red Cross. According to the Commission, as of 4 July, 1,325 people (1,206 male and 119 female) had reportedly been injured in the context of the protests. An important proportion (68 per cent) are aged between 15 and 35 years, which seem to be consistent with the age of the average participants in the protests. The figure does not include injuries resulting from the removal of roadblocks and is likely to represent only a portion of the actual number of people wounded during the protests as many injured persons did not seek assistance in public hospitals for fear of being reported to the police. The Inter-American Commission on Human Rights has estimated the number of wounded individuals at 2,000 people.84

c. Violations of the right to health

“I never imagined that I would be considered a political opponent of the Government. And only because I did something so inherent to our responsibility as doctors as providing medical assistance to injured persons who were part of the protests. (...) A couple of days ago a colleague from the institution where I work alerted me that my name was on a list that was being circulated by the neighbourhood Sandinista organization. My name was there as I had provided medical assistance to demonstrators and now I am considered a terrorist. (...) I had no choice, but to leave the country.”

Medical doctor
Interview conducted by OHCHR on 17 July 2018

64. The enjoyment of the right to health has generally been significantly impacted by the crisis. The total number of wounded persons is estimated to be 2,000 people.85 Health services have been disrupted, in particular in those areas where there were protests.

65. OHCHR has received extensive information on hospitals being closed down or cordoned off by authorities, police and/or pro-Government armed elements in different parts of the country during and in the aftermath of the protests, affecting the right to access medical care without discrimination. In public hospitals, medical staff were reportedly ordered by the Ministry of Health to deny services to those participating in protests and/or barricades. Doctors and medical staff who refused to follow these instructions have been subjected to intimidation and reprisals by their superiors. In some hospitals, members of the police reportedly requested the administration to provide personal information on the patients,

85 Ibidem
including the names of those injured. Many wounded did not go to public hospitals for fear of being handed over to the police. On 25 May, the Nicaraguan Medical Association publicly denounced the manipulation of the public health system to deny medical attention to people injured during the protests.\textsuperscript{86}

66. In several locations where a “clean-up operation” took place (such as at UNAN University\textsuperscript{87} and in Masaya), authorities did not provide guarantees for the rapid and safe evacuation of the wounded. OHCHR received several accounts of wounded people who had been injured during a “clean-up operation” and who could not leave the rural areas they live in to seek adequate medical assistance for fear of being recognized and arrested.

67. In its preliminary report, the Truth, Justice and Peace Commission stated that the Ministry of Health and INSS had given express orders to provide medical care to people wounded in the context of demonstrations who would arrive at hospitals and medical centres. It reported only one case of a hospital not providing service (Hospital Cruz Azul in Managua\textsuperscript{88}), reportedly due to “verbal aggressions by people protesting outside the hospital”. The Commission also stated that no one had been handed over to the police for receiving medical care in relation to protest-related wounds.\textsuperscript{89}

68. Starting end of July, doctors and other medical personnel working in public hospitals have been dismissed. According to the Nicaraguan Medical Association, at least 200 medical doctors were arbitrarily dismissed from public hospitals in León, Managua, Masaya (including Monimbó), Jinotepe and other cities for their alleged assistance to persons injured in the protests or their perceived involvement in the anti-Government protests.\textsuperscript{90} Most are specialized doctors. This measure will affect the quality of the health sector and access to basic and specialized health services. OHCHR has been able to examine the letters of dismissal of several doctors; no justification was provided by employers in doing so.

d. Enforced disappearances

69. Since the beginning of the crisis, OHCHR has received a number of allegations of enforced disappearances of people detained by police and pro-Government armed elements and whose whereabouts remain unknown or who were temporarily enforced disappeared.

70. OHCHR has been able to ascertain that Medardo Mairena, Pedro Mena, Christian Fajardo and Maria Adilia Peralta\textsuperscript{91} were victims of an enforced disappearance for a period of


\textsuperscript{87}Centro Nicaragüense de Derechos Humanos, Report No. 5 on the human rights situation in Nicaragua, 25 July 2018, p. 4, available at: https://www.cenidh.org/recursos/63/

\textsuperscript{88}See paragraph 15 above.


\textsuperscript{91}Christian Fajardo and Maria Adilia Peralta were detained on 22 July by the Army and were placed before judicial authorities on 28 July, six days after they had been detained. See https://twitter.com/OACNUDH/status/1023347864582467584
time. Medardo Mairena and Pedro Mena were arrested on 13 July by police and brought before judicial authorities four days later. Christian Fajardo and María Adilia Peralta were arrested on 22 July by the Army and brought before judicial authorities on 28 July. After being detained by police and the Army respectively, relevant authorities refused to provide information to their families or lawyers as to their whereabouts; habeas corpus and information requests were presented to no avail. All four were brought before judicial authorities beyond the 48-hour period foreseen in national law. Their whereabouts have now been established.

71. The Truth, Justice and Peace Commission indicated that despite its efforts to confirm the number of disappearances, it has not been able to do so. National NGOs have documented cases of disappearances from mid-April. In a report issued on 4 May, the Centro Nicaragüense de Derechos Humanos (CENIDH) indicated that more than 60 persons were reported to be disappeared. Another NGO, CPDH had registered 120 complaints of disappearances by 31 July. In many of these cases, the whereabouts of the victims have now been established. Some were found by their relatives in detention centres; some have fled to other cities or countries. Others were killed and their bodies were identified at the Legal Medical Institute. OHCHR has received reports that forensic authorities had been disposing of bodies without proper identification or due notice to family members, which it has been unable to verify.

e. Violations of the rights to liberty and security of the person

“Since my father and my sister were released from jail, we cannot sleep at night because we are afraid that the paramilitaries will come back. My father did not tell me what they did to him, he says that I will be safer if I don’t know.”

Family member
Interview conducted by OHCHR on 19 August 2018

72. Since the very first days of the crisis, the security forces have extensively resorted to arrests and detentions as a way to repress those participating in protests and

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92 See Working Group on Enforced or Involuntary Disappearances, General Comment on Enforced Disappearance as a Continuous Crime, para. 1, “Enforced disappearances are prototypical continuous acts. The act begins at the time of the abduction and extends for the whole period of time that the crime is not complete, that is to say until the State acknowledges the detention or releases information pertaining to the fate or whereabouts of the individual.” Available at: https://www.ohchr.org/Documents/Issues/Disappearances/GC-EDCC.pdf

93 Medardo Mairena and Pedro Mena were detained on 13 July 2018 by the police. See press statement of the National Police 83-2018, 13 July 2018, available at: https://www.policia.gob.ni/?p=19929

94 Article 33 (2.2) of the Constitution of Nicaragua.


96 Centro Nicaragüense de Derechos Humanos, Report No. 1 on the human rights situation in Nicaragua, 4 May 2018, p. 16 (on file with OHCHR)

97 According to CENIDH, more than 350 individuals are reported to be detained in different cities throughout Nicaragua. These detentions would have started taking place as of 21 April. See, Centro Nicaragüense de Derechos Humanos, Report No. 1 on the human rights situation in Nicaragua, 4 May 2018, p. 16 (on file with OHCHR).
demonstrations. To date, the number of people who have been arrested and/or detained in relation to the protests is unclear as no official public registries exist and the information provided by the relevant authorities has been very scarce. The Truth, Justice and Peace Commission stated that from 18 April until 2 June, 620 people were detained in relation to the protests (480 male and 25 women, including 64 minors). According to the NGO CENIDH, 1,900 people had been detained from the beginning of the crisis to 25 July.

73. The majority of those detained in relation to the protests are young men. As of 6 July, the Inter-American Commission of Human Rights had registered eight minors in detention in relation to the protests. On 14 August, a 15-year old was arrested by the National Police in Estelí, reportedly after questioning why a group of young people was being arrested.

74. Based on OHCHR monitoring of the human rights situation and documentation of cases, the following patterns have emerged regarding detention:

- Detention is usually carried out by police and/or pro-Government armed elements, exceptionally by the armed forces;
- No arrest or search warrants are presented;
- No information is provided on the grounds for the detention or the persons’ rights;
- No public registry exists of the names and places of detention of persons deprived of their liberty;
- Incommunicado detention (without access to family members and lawyers) is common during the initial period of the detention;
- Official confirmation of the detention to family members is usually given only several days after the arrest;
- Cases of collective detentions are common, including of family members;
- Detention usually targets those who participated in some sort of activity opposing the Government or perceived as such;
- Most of the persons detained are young men;
- Cruel, inhuman or degrading treatment is regularly reported in the context of detentions, with allegations of torture during the arrest and the first days of the detention.

75. In none of the cases documented by OHCHR, was a search or arrest warrant presented by the authorities. In none of the cases reported was the person arrested allegedly caught in flagrante delicto.

99 OHCHR has requested this information in writing to the State on several occasions but had not received any reply as of 18 August 2018.
104 See paragraphs 96 to 102 on pro-Government armed elements.
76. When people are deprived of their liberty by police they are taken either to police stations or to the prisons “El Chipote”, La Modelo and La Esperanza. OHCHR has received reports that all prisons in the country and many police stations are facing a situation of overcrowding in relation to the crisis. Information from several sources also point to the existence of illegal detention centres (e.g. public buildings in disuse) which reportedly operated for a few days only. OHCHR has however not been able to confirm such information.

77. Due to the lack of official information regarding the number and identity of people detained as well as their place of detention, many family members have camped outside “El Chipote” detention centre (the main pre-trial detention centre in the country Nicaragua) for days or weeks. During visits conducted in July, OHCHR observed that on a daily basis, there were at least 100 people (mostly family members) outside the gates of the prison, with photos and signs bearing the names of their relatives, waiting to receive informal confirmation from prison guards as to whether their relatives were being held there. This information is often not provided and many relatives mentioned to OHCHR how the only information that they sometimes have of their relative being detained in that prison is when guards accept the meals the family bring them.

78. In light of the above, OHCHR considers that there is sufficient information that indicates that these detentions were arbitrary, including because in many of these cases due process was not guaranteed. Furthermore, these detentions have been perceived as punishment for the legitimate exercise of human rights, in particular freedom of opinion and expression and freedom of peaceful assembly.105

f. Torture and ill-treatment

“A group of hooded men detained my husband at our house, beat him and took him away naked. A few days later, when I find out where he was, I was able to see him during 15 minutes. He had his fingers and ribs bruised. He told me not to say anything and said to me ‘It is better that you don’t come back and just leave me here to die’.”

Spouse of a detainee in the La Modelo prison
Interview conducted by OHCHR on 13 August 2018

79. OHCHR has received numerous accounts alleging acts of torture and ill-treatment perpetrated by police or prison authorities during arrest or in the days following the arrest. The majority of the allegations point to “El Chipote” detention centre as the main place where such acts are committed, although other cases have been reported in police stations or at the moment of the arrest.

80. Accounts received by OHCHR indicate that some detainees have been subjected to physical torture -including through burnings with Taser guns and/or cigarettes, use of barbed wires, beatings with fists and tubes and attempted strangulation – as well as psychological torture, including death threats. Both men and women who have been detained have provided OHCHR with accounts of the sexual violence they suffered while deprived of their liberty. Some women have been subject to sexual violence, including rape, and described threats of sexual abuse as common. Male detainees also mentioned

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105 Human Rights Committee, General Comment No. 35 on Article 9 (Liberty and security of person), CCPR/C/CG/35, available at: https://www.ohchr.org/EN/HRBodies/CCPR/Pages/GC35-Article9LibertyandSecurityofperson.aspx
cases of rape, including rape with rifles and other objects. Allegations have been received that Medardo Mairena and Pedro Mena (members of the Campesino movement) have suffered acts of ill-treatment and/or torture while in prison.

81. Former detainees, in particular those who were subjected to collective detentions, reported to OHCHR that upon arrival to “El Chipote” detention centre, male detainees would be systematically forced to remove their clothes and to remain in their underwear. Some relatives of detainees informed OHCHR that “El Chipote” prison guards would not accept the clothes they would bring reportedly because detainees were forced to be partially undressed in that detention centre.

82. Based on documentation of numerous cases, OHCHR has observed that violations of due process have been rampant in judicial proceedings against those accused of having committed crimes in the context of the protests. These proceedings do not satisfy basic standards of fair trial and equality of arms.

83. Detained persons are often presented before a judge after the 48-hour period established by the Constitution. For instance, two young men involved in protests, Glen Abrahm Slate and Brandon Lovo Taylor, and accused of murdering journalist Angel Gahona, were detained on 2 and 5 May respectively, but were presented before a judge on 8 May. When analyzing the legality of some detentions that took place from 18 April until 2 June, the Truth, Justice and Peace Commission found that out of the 505 cases of detentions (480 men and 25 women) it had information on, the 48-hour rule was exceeded in 204 cases. All were eventually released.

84. Relatives of people whose whereabouts are unknown usually file habeas corpus petitions. OHCHR documented that in some cases, judges who were appointed to issue a resolution on the habeas corpus were dead. This has been perceived as a tactic to delay the resolution by a competent judge. With a few exceptions, habeas corpus petitions have not succeeded.

85. Access to legal assistance of one’s own choosing appears to have been restricted in several ways for people detained in relation to the protests. Some were imposed public defenders in initial hearings despite attempts by human rights organizations to provide them with private lawyers. Accounts provided to OHCHR indicate that in certain cases public defenders have advised accused persons to confess arguing their sentences would then be reduced.

86. Some lawyers defending individuals arrested in relation to the protests have reportedly been regularly threatened by persons close to the Government. In certain cases, this has led to repeated changes in the defence teams. Moreover, lawyers are not being granted access to meet privately with their clients before the hearings, which affects the quality of the defence. OHCHR received accounts as to how detained individuals, including some

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106 See article 33 (2.2) of the Constitution of Nicaragua.
107 See paragraph 92. Ver párrafo 92
109 Recursos de exhibición personal
who have spent more than two months in prison, had not been authorized to have a meeting with their lawyer.

87. Lawyers and family members of individuals detained in relation with the protests are not properly notified of the schedule of hearings through the existing online system for judicial notifications. Hearings for these cases are all held in private without the judges clarifying the circumstances that would justify such a decision. This contravenes international norms and standards as well as national legislation. Indeed, article 13 of the Criminal Procedural Code establishes that hearings that are not public are void. On 20 July, the Supreme Court dismissed judge Indiana Gallardo Fonseca who, on the previous day, had insisted on holding a public hearing of three members of a student organization who had participated in the protests and who were being accused of organized crime. The Supreme Court alleged that the judge had committed “irregularities” relating to changes in the classification of crimes presented by the Office of the Attorney-General.

88. Family members and defence lawyers are not always allowed to be present during hearings, and international observers (including OHCHR, the Inter-American Commission on Human Rights and the Group of Independent Experts) have been denied authorization to conduct monitoring of hearings. Official media outlets are regularly allowed into the courtroom, and have tended to present those accused in relation to the protests as criminals “manipulated by right wing parties” and as “instigators of a coup d’état”, thus violating the presumption of innocence. Images of many of these trials have been broadcast widely.

89. To date, courts have based mostly on testimonies to charge individuals with serious crimes in relation to the protests, including terrorism, organized crime and murder. In some cases, the Office of the Attorney-General has accepted testimonies of alleged “covert agents” as the only evidence to accuse those being prosecuted. These “covert agents” appear in court wearing hoods not to be identified. Their testimonies, in particular for terrorism charges, tend to present similar allegations and repeat facts from one case to another.

90. The above-mentioned irregularities point to violations of the right to an adequate defence and due process for individuals charged with crimes due to their involvement in social protests. It also underscores the absence of the essential guarantees of judicial independence and impartiality.

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110 See for example article 14 of the International Covenant on Civil and Political Rights, General Comment No. 32 of the Human Rights Committee (para. 28) and article 34 of the Constitution of Nicaragua.

111 The three accused individuals are Roberto José Cruz Altamirano, Eduardo Manuel Tijerino and Francisco Antonio Castro Jarquin. They were detained together with Solange Centeno and Nelly Marily Roque.


And See:
https://twitter.com/OACNUDH/status/1023719798306496517
https://twitter.com/OACNUDH/status/1023666860148024456
https://twitter.com/OACNUDH/status/1023347864582467584
https://twitter.com/CIDH/status/1018596169671499776
https://twitter.com/OACNUDH/status/1023347548080275457
https://twitter.com/OACNUDH/status/1029831549624172544
h. Violations of the right to freedom of expression

91. Freedom of expression has been restricted in systematic and varied ways throughout the crisis. Such limitations need to be considered in the light of a pre-existing environment characterized by a progressive erosion of media freedom: a high concentration of media outlets in the hands of the governing party and relatives of the president and vice-president; the absence of an independent media regulator; the use of Governmental advertisement to promote official media and indirectly censor independent media; the lack of effective policies to promote and protect access to information.

92. Since the beginning of the protests, journalists have been threatened and attacked. On 21 April, journalist Miguel Ángel Gahona was killed by gunfire while broadcasting on social media in Bluefields, in the South Caribbean Coast Autonomous Region (RACCS, by its Spanish acronym). Several media workers have been arbitrarily detained. Journalists covering the protests have had their equipment frequently stolen. The Truth, Justice and Peace Commission received reports of physical attacks against journalists and “unlawful seizure of equipment.”

93. In its preliminary report, the Truth, Justice and Peace Commission referred to the destruction of several premises of independent media outlets. One TV channel (100% Noticias) was technically unable to transmit its programmes during six days in mid-April after refusing a request by the Government to change its editorial line on the social protests; its signal was subsequently interrupted on several occasions without any notification. The Truth, Justice and Peace Commission stated that the “initial censorship of some media outlets was a wrong decision taken by the authorities” and violated freedom of expression, noting the signal was later re-established.

94. Many directors, editors and journalists of independent media have received death threats; some have had their names, addresses and other private information placed on social media by pro-Government supporters. The Government has blamed independent

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115 See case of Roberto Antonio Collado, correspondent of Channel 10 in Granada, who according to reports, was deprived of his liberty and beaten by alleged pro-Government armed elements who told him that he was responsible for spreading lies. He was reportedly later handed over to the police. See Press release: “IACHR Confirms Reports of Criminalization and Legal Persecution in Nicaragua”, 2 August 2018, available at: http://www.oas.org/en/iachr/media_center/PReleases/2018/169.asp
journalists for the production of “fake news” and for supporting terrorism. On 24 July, the premises of a local radio in Jinotepe (Radio Stereo Romance) were vandalized with graffiti labelling it as “media terrorists” and calling for its journalists to be killed. Independent organizations have registered approximately 250 cases of aggression/attacks against media outlets, with female journalists being particularly targeted. Cyberattacks against independent media were also reported.

95. Threats, including of dismissal, were reported against journalists working for pro-Government media outlets in case they would not follow the editorial line imposed by their editors. Media outlets have also expressed concern that they might be legally accused of funding terrorism based on the recently amended legislation on financing of terrorism and money laundering.

2. Abuses by pro-Government armed elements

96. Since the first days of the crisis, a pattern of involvement of pro-Government armed elements started to emerge. Soon after the first protests erupted in April in relation to the fire in the Indio Maíz biological reserve and the reform of INSS, individuals associated with the ruling Sandinista party were mobilized to oppose the demonstrations, organize parallel rallies, and harass and intimidate protesters. These groups, known as "shock forces" (fuerzas de choque), "mobs" (turbas) or "motorizados", were on the front line of physical attacks against peaceful protesters. These mobs were holding cudgels, sticks and stones and wearing helmets. On 20 April, Radio Darío, in the city of León, was burned, allegedly by pro-Government armed elements. They were involved in the mobbing of Church authorities (including the Holy See Representative) on 9 July, in Diríamba. They have also reportedly been involved in attacks against independent media and private property, including arson attacks of houses and private business, and lootings.

97. The Sandinista party has allegedly played an active role in the mobilization of such groups, including through local Government structures and the so-called Family, Community, and Life Boards (previously known and Citizen Power Councils), active at the community level, and seen by the local population as a main source of intelligence-gathering for the Government. The role in these groups in supressing anti-Government protests is


“Shame to them, how corrosive of them who think that they can hurt the Nicaraguan soul because they mobilize international media platforms that are of use to the empire, they are filled with lies, slanders, intentional misgivings…false news, alas! Like the publication one of these days by an international media outlet on the multitudinous demonstrations of the Sandinista people, trying to pass them as marches of those other ones, those who are so little! All of Nicaragua repudiates you, rejects you…and the slander, the fake news, who believes it?”

122 Information provided by the Violeta Barrios Chamorro Foundation, as of 20 July 2018 (on file with OHCHR)


124 See https://www.youtube.com/watch?v=HKCxm2OXsN4&feature=youtu.be

125 At the moment of the fire (20 April), 13 staff members of the radio were in the premises. All were able to evacuate safely. Two of the persons who spread the fuel were reported to have died as a result of the flames.

126 See https://www.youtube.com/watch?v=KngVZuV2d08
reportedly not new, and similar patterns were seen in the past, for instance, in relation to
election-related protests and in the protests against the Trans-oceanic Canal in 2016.

98. According to numerous accounts received by OHCHR, pro-Government armed elements
were involved in attacks against protests, roadblocks and barricades. For example, they
are said to have been active in the armed attacks against the demonstrations held in
Managua on Mother’s Day (30 May), where snipers positioned in the Dennis Martinez
National Stadium reportedly shot at the demonstrators. They were especially active and
visible in the context of the so-called “clean-up operation”. In a typical operation, pro-
Government armed elements would appear in pick-up trucks, often in full daylight and
escorted by the police, sometimes all dressed in the same colour (blue or green) and
covered with balaclavas, and would fire randomly or target protesters.

99. A number of accounts have also been gathered by OHCHR indicating that such armed
elements have been carrying out arbitrary arrests of persons throughout the country; at
times this is done together with police. OHCHR received accounts as to cases of persons
being detained by pro-Government armed elements who would then be taken to police
stations and handed overs. The elements routinely perform activities of surveillance and
intimidation in local communities.

100. These armed elements are reportedly well trained and equipped with vehicles, military
equipment and weapons, including with high calibre arms such as the AK-47 and Dragunov
sniper rifles. There are allegations that these groups have been at least partially integrated
and trained by retired police and military personnel. Young persons, reportedly former gang
members, would also have been recruited for this purpose.

101. Although the government initially denied the involvement of such groups in the repression
of protests and in performing police functions, in an interview with an international TV
channel broadcast on 20 July, president Ortega claimed that these groups were “voluntary
police” on “special missions,” and justified their operating undercover for security
reasons.

102. OHCHR has gathered ample information (from confidential and open sources) that pro-
Government groups acted with the acquiescence (and often in a joint and coordinated
manner) of high-level State authorities and of the National Police, and that they act with
total impunity.

3. Abuses by anti-Government protesters

“I was beaten and thrown into the back part of a pick-up truck. They put a hood on my head and
they told I would pay a high price for being Sandinista. They put a gun against my head and told
me I could send two messages on my phone. I thought I was a dead man”.

Employee of the National Institute for Social Security (INSS)
Interview conducted by OHCHR on 7 July 2018

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https://www.el19digital.com/articulos/ver/titulo:77613-rosario-en-multinoticias-31-de-mayo-del-2018
128 Euronews, "Euronews interviews Nicaragua’s president Daniel Ortega on country’s deadly crisis", 20 July 2018,
available at: https://www.youtube.com/watch?v=_vC9DwOL5mA
103. OHCHR observed that a large number of anti-Government protests were peaceful according to international standards and jurisprudence. However, the repression of demonstrations and harassment and attacks by pro-Government groups in response to the April demonstrations generated a violent response by certain anti-Government protesters. As the crisis unfolded, the level of violence against protesters by the police and armed civilians further increased, and so did the level of resistance of some individuals participating in roadblocks and occupations. There is ample data on the use of violent means by some protesters, including stones, homemade mortars and weapons, and firearms (mostly rifles). However, OHCHR found no evidence that these violent acts were coordinated or responded to a pre-existing plan. The Catholic Church has on several occasions urged protesters to abstain from using violence.

104. The anger and frustration vis-à-vis the Government’s response and the extreme polarization of the population set off outbursts of violence that exceeded the crisis. This gave grounds to episodes of violence between different groups, retaliation and settlement of old scores, and attacks against members of the Sandinista party, Government officials and members of the security forces (in particular the National Police), buildings of public institutions and private property. The levels of brutality in some of these episodes, including burning, amputations and desecration of corpses illustrates the serious degeneration of the crisis. Moreover, the roadblocks gave occasionally rise to criminal practices, such as kidnappings, harassment, robbery and collection illegal tolls. OHCHR met with over 100 members of the police and Sandinista party affiliates who shared their accounts of acts of violence they experienced.

105. State authorities have provided detailed data on the killing and injuries of members of the police and Sandinista party militants. The National Police reported that 22 police officers were killed in the context of protests from 19 April to 25 July, including seven in the attacks against police stations in Mulukukú, North Caribbean Coast Autonomous Region, and Morritos, Rio San Juan; many others were injured while performing their duties.

106. The Commission on Truth, Reconciliation and Justice estimated that, as of 4 July, the destruction, burning, and looting of vehicles, equipment, buildings, and other infrastructure of State institutions during the crisis had amounted to USD 922,320,780. 64 ambulances of the Ministry of Public Health and 16 units of the Red Cross were destroyed, according to the Commission. In its preliminary report, the national human rights institution (Procuraduría de Derechos Humanos) referred to the effects of the barricades and roadblocks on the enjoyment of human rights, including right to health and freedom of

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129 According to the jurisprudence of international human rights mechanisms, the protection of the right to freedom of peaceful assembly “extends only to those assemblies that are peaceful.” However, the “peacefulness of an assembly should be presumed,” and the terms should be subject to “broad interpretation.” Moreover, “regard must be given to the manner in which the assembly is held and to the intentions of the participants.” See Joint report of the Special Rapporteur on the rights to peaceful assembly and of association and the Special Rapporteur on extrajudicial, summary or arbitrary executions on the proper management of assemblies, A/HRC/31/66, para. 18, 4 February 2016, available at: https://www.ohchr.org/SP/Issues/AssemblyAssociation/Pages/AnnualReports.aspx


133 Ibidem
movement. The report refers to the case of a pregnant woman who died as the ambulance taking her to the hospital was not allowed to pass through a roadblock.\textsuperscript{134}

107. In a context marked by polarisation and social conflict, and in the absence of credible and impartial investigations, the extent to which abuses are to be attributed to anti-Government protesters needs to be elucidated on a case-by-case basis, following procedures that respect due process guarantees and the principles of criminal liability.

“I belong to a Sandinista family. I felt very insecure walking around in my city as I might be attacked by those who control the barricades. They attack us only because we are Sandinista Youth”.

Individual from the city of Rivas
Interview conducted by OHCHR on 7 July 2018

4. Other human rights consequences of the ongoing crisis

108. On 31 July, the United Nations High Commissioner for Refugees (UNHCR) reported an exponential growth of asylum seekers from Nicaragua in Costa Rica and other countries; an average of 200 applications per day are being lodged by Nicaraguans in Costa Rica, and 23,000 applications were reportedly filed from April to July.\textsuperscript{135} In addition to Nicaraguans fleeing the country on protection grounds, the number of economic migrants to Costa Rica and other countries is expected to rise as the economic situation continues to deteriorate.

109. On 28 June, the independent Nicaraguan Foundation for Social and Economic Development (FUNIDES) estimated that since the beginning of the crisis, 215,000 people had lost their jobs and 131,000 had fallen under the poverty line. According to FUNIDES, the Gross Domestic Product may decrease by up to 5.6 per cent compared to 2017 which would lead to a negative growth of minus 0.7 per cent and an estimate loss of USD 1,400 million. FUNIDES indicates that if these figures were to be confirmed, Nicaragua would return to the same levels of poverty as in the mid-1990s.\textsuperscript{136} On 15 August, the Chairperson of the Parliamentary Commission on Productivity, Economy and Budget indicated that, as of August, the Gross Domestic Product has decreased up to 2.2 per cent, 119,597 persons had lost their jobs and that 8,708 businesses were forced to shut down.\textsuperscript{137}

110. In this context, on 14 August the National Assembly passed a law cutting public spending down to nearly USD 185 million (approximately 7 per cent of the annual budget). These measures will affect governmental projects regarding health, housing, justice and education sectors, among others, and may further jeopardize the enjoyment of the right to

\textsuperscript{134} National human rights institution, Informe preliminar de la Procuraduría para la Defensa de los Derechos Humanos de la República de Nicaragua en atención al contexto nacional a partir de abril del 2018, 21 June 2018 (on file with OHCHR)
work, health, education and food of the population at large that have been already experiencing adverse impacts over the last months.\textsuperscript{138}

IV. Investigations and judicial response

111. The High Commissioner for Human Rights has called upon Nicaraguan authorities to guarantee that “there will be effective, independent, impartial and prompt investigations to establish the truth and ensure accountability for the violations and abuses committed since April.”\textsuperscript{139}

112. On 26 April, the Office of the Attorney-General issued a press release stating that following a chain of events initiated on 18 April, it had opened investigations regarding “the loss of life and injuries suffered by students, members of the Police and civilians as well as the theft (…) and damages to public and private property”.\textsuperscript{140} According to information available to OHCHR, the accusations made to date by the Office of the Attorney-General in this regard have only been against persons who participated in protests or provided support to those protesting (involving at least 300 individuals).\textsuperscript{141}

113. Based on information available to OHCHR, no prosecutions have been initiated against State officials for alleged responsibility for human rights violations. OHCHR has made several requests in writing concerning the status of investigations into human rights violations committed since the beginning of the crisis. Information has not been provided yet.

114. To date, and based on information available to OHCHR, State authorities have failed to properly investigate the facts surrounding the death of people in the context of protests, and to identify, prosecute and adequately penalize those alleged to be responsible. The lack of independence of the judiciary and reported irregularities of the Office of the Attorney-General and the Legal Medical Institute pose serious concerns in terms of accountability. Regarding the latter, the Truth, Justice and Peace Commission, in its preliminary report, indicated that it had had access to the files of the autopsies conducted by the Legal Medicine Institute, and informed that 82 autopsies had been conducted by the Institute during the crisis, in relation to only 30 per cent of the casualties reported by the Truth, Justice and Peace Commission.\textsuperscript{142} During its mission to Nicaragua, the Inter-American Commission on Human Rights documented that the registers of casualties, hospitals and the Legal Medicine Institute fell short of forensic standards.\textsuperscript{143}

\textsuperscript{141} See paragraph 33.
115. On 30 April, the National Assembly established the Truth, Justice and Peace Commission with a mandate to gather information, analyze and establish the events which took place starting 18 April. Its preliminary report covered events that took place until 4 July and focused on violations of the rights to life and personal security, amongst others as well as damage to public and private property. These findings are mentioned throughout this report.

116. The national human rights institution (Procuraduría para la Defensa de los Derechos Humanos) created a Committee of Victims to receive complaints after 18 April which as of 21 June had verified 65 out of 192 killings reported to it and documented that 1,616 people had received medical treatment in the public health system. It issued a preliminary report on 21 June and a second one is expected by the end of August.

117. On 30 May, the Inter-American Commission on Human Rights and the Secretary General of the Organization of American States obtained the consent of the Government of Nicaragua to create an international mechanism to investigate violent events that have occurred in the country since 18 April. On 2 July, the Inter-American Commission on Human Rights announced the establishment of the Interdisciplinary Group of Independent Experts for Nicaragua (GIEI, by its Spanish acronym). Its aim is to contribute to and support the investigations of the violent acts committed in the context of the protests between 18 April and 30 May. To date, no provisions have been made for GIEI to cover events beyond 30 May. On 16 August, GIEI publicly informed that so far the Attorney General office had not shared with them any documents on the ongoing criminal investigations. The experts also remarked that although they had had meetings with victims’ relatives and authorities, they could not fulfil their mandate without examining case files.

118. OHCHR observed that the political discourse from high-level authorities during the period covered by the report has been characterized by recurrent statements discrediting and criminalizing those opposing the Government or leading the protests. The authorities have not acknowledged any responsibility for any wrongdoing during the crisis, rather placing the blame on human rights defenders, media outlets and opposition and social leaders for what they refer to as “coup-related violence”.

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144 Resolution A.N.N. 01-2018 of the National Assembly, published in La Gaceta on 30 April 2018. Its mandate was extended for another three-month period on 20 July 2018.

145 National human rights institution, Informe preliminar de la Procuraduría para la Defensa de los Derechos Humanos de la República de Nicaragua en atención al contexto nacional a partir de abril del 2018, 21 June 2018 (on file with OHCHR).


and see statement of President Ortega, 19 July 2018, available at https://www.youtube.com/watch?v=ge1nt_D9Jfo
V. RECOMMENDATIONS

119. Based on the findings of this report, the High Commissioner for Human Rights makes the following recommendations:

To the Government of Nicaragua:

1. Put an immediate end to harassment, intimidation, stigmatization, criminalization (including through the use of counter-terrorism legislation) and other types of reprisals in relation to participation in the protests, including against demonstrators, human rights defenders, political opponents, journalists and others.

2. Immediately dismantle and disarm pro-Government armed elements and protect the population from attacks and other illegal and violent actions from such groups.

3. Ensure that independent, impartial, effective, thorough and transparent investigations be promptly conducted into all allegations of serious human rights violations and abuses that have occurred since 18 April, especially extrajudicial killings, torture, enforced disappearances and arbitrary or unlawful arrests and detentions; ensure that criminal investigations comprise all those who perpetrated, directly or indirectly, ordered, supported or tolerated such acts, including the chain of command of relevant authorities. These acts should not remain without sanction.

4. Halt all unlawful arrests and release all persons who have been arbitrarily detained; ensure that the due process rights of all persons being prosecuted are respected and that any criminal charges brought against them are in line with the principles of legality, proportionality and individual liability.

5. Ensure that accurate and up-to-date information on individuals deprived of their liberty and on the location of detention is publicly available; that people are promptly informed of the reasons for their arrest, have access to a lawyer of their choice, are brought promptly before a judge and are guaranteed their right to a fair trial.

6. Ensure the right to freedoms of peaceful assembly is fully respected through the proper management of public gatherings, in line with applicable international human rights norms and standards.

7. Take urgent measures to guarantee the independence and impartiality of the judiciary, refraining from any undue interference, pressure or influence.

8. Resume the National Dialogue in a meaningful and inclusive way to reach agreements based on human rights and democratic principles.


10. Grant OHCHR direct and unfettered access to the whole country, including to places of detention, in accordance with the High Commissioner’s mandate and standard practices of engagement and technical cooperation with authorities and civil society.
11. Ensure effective cooperation with the Inter-America Commission on Human Rights’ Special Monitoring Mechanism for Nicaragua and the Interdisciplinary Group of Independent Experts.

12. Allow access to the country to the Special Procedures of the Human Rights Council that have requested to conduct an official visit, in line with Nicaragua’s standing invitation extended in 2006.

**To the national human rights institution (Procuraduría para la Defensa de los Derechos Humanos):**

13. Implement its mandate, including as national preventive mechanism for the prevention of torture, in full compliance with the Paris Principles reinforcing the rule of law and human rights, including by monitoring the human rights situation, publicly reporting on its findings, and making recommendations to authorities.

14. Cooperate fully with the Global Alliance for National Human Rights Institutions; seek technical assistance from OHCHR, with a view to strengthening its operating practices and institutional framework to promote and protect human rights independently from the Government.

**To the Human Rights Council and the broader international community:**

15. Monitor the developments in Nicaragua, consider taking measures to prevent a further deterioration of the human rights situation and encourage the General Assembly to do the same. Such measures could include the creation of an International Commission of Inquiry or a hybrid (national – international) Truth Commission to ensure access to truth, justice and reparation for victims.

16. Call on Nicaragua to abide by its international human rights obligations and to fulfil its voluntary commitments and pledges, including in the context of the Universal Periodic Review mechanism of the Human Rights Council, and to fully cooperate with human rights bodies and mechanisms.

OHCHR stands ready to provide additional information in a regular manner to the Human Rights Council as appropriate.
ANNEX I: Applicable legal framework and voluntary pledges and commitments

1. In assessing the situation of human rights violations in the context of demonstrations in Nicaragua, OHCHR relied on the binding legal obligations and voluntary commitments that the country has assumed as a Member State of the United Nations and as a State Party to eight of the nine core international human rights treaties, including the Optional Protocol of the Convention against Torture. Nicaragua has not ratified the Convention for the Protection of All Persons from Enforced Disappearance, the Optional Protocol to the Convention on the Rights of the Child on a communications procedure, nor the Optional Protocols to the Convention on the Elimination of all Forms of Discrimination Against Women or to the International Covenant on Economic, Social and Cultural Rights.

2. OHCHR reviewed the voluntary pledges and commitments made by Nicaragua in the context of its candidature and election as a member of the Human Rights Council for 2007-2010 and 2011-2014, pursuant to General Assembly resolution 60/251. OHCHR also examined the voluntary pledges and commitments made by Nicaragua in the context of its first and second universal periodic review process before the Human Rights Council, in 2010 and 2014 respectively. OHCHR notes that in 2006, Nicaragua extended a standing invitation to all thematic special procedures.

3. In accordance with the international human rights law, the State of Nicaragua has the obligation to respect, protect and fulfil the human rights and fundamental freedoms enshrined in binding norms, and to take all necessary measures to prevent and remedy violations of these rights. This requires taking appropriate steps to prevent, investigate, punish and redress such abuses through effective policies, legislation, regulations and adjudication. The obligation to protect requires States also to exercise due diligence against human rights abuses within their territory and/or jurisdiction by non-State actors, including armed groups and private companies. States can thus be held liable for human rights abuses committed by non-State actors “because of the lack of due diligence to prevent the violation [committed by non-State actors] or to respond to it.”

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154 Ibidem

155 See [https://spinternet.ohchr.org/_Layouts/SpecialProceduresInternet/StandingInvitations.aspx](https://spinternet.ohchr.org/_Layouts/SpecialProceduresInternet/StandingInvitations.aspx)

TAB 5
Gross Human Rights Violations in the Context of Social Protests in Nicaragua
INTER-AMERICAN COMMISSION ON HUMAN RIGHTS

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Approved by the Inter-American Commission on Human Rights on June 21, 2018
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1. The instant report is about the human rights situation in Nicaragua as observed by the Inter-American Commission on Human Rights (IACHR) during its working visit to the country from May 17 to 21, 2018, in relation to the violent events that have been taking place since the State repressed the protests on April 18, 2018, and subsequent events over the following weeks. According to figures gathered by the IACHR, the State’s repressive action has led to at least 212 deaths, 1,337 persons wounded as of June 19, and 507 persons deprived of liberty as of June 6, and hundreds of persons at risk of becoming victims of attacks, harassment, threats and other forms of intimidation.

2. The findings of the working visit suggest that the violence perpetrated by the State has been aimed at deterring participation in the demonstrations and putting down this expression of political dissent and that it follows a common pattern, marked by: (a) the excessive and arbitrary use of police force, (b) the use of parapolice forces or shock groups with the acquiescence and tolerance of State authorities, (c) obstacles in accessing emergency medical care for the wounded, as a form of retaliation for their participation in the demonstrations, (d) a pattern of arbitrary arrests of young people and adolescents who were participating in protests, (e) the dissemination of propaganda and stigmatization campaigns, measures of direct and indirect censorship, (f) intimidation and threats against leaders of social movements, and (g) lack of diligence in opening investigations into the killings and bodily injuries taking place in this context.

3. The demonstrators, including university students who took refuge on university campuses, the persons guarding the roadblocks known as tranques in different parts of the country, human rights defenders, journalists, victims and members of religious orders, comprise the groups most affected by the different forms of repression to which the Nicaraguan State has resorted.

4. The Nicaraguan authorities have cited maintaining public order and social peace as justification for their actions. Nonetheless, the IACHR notes that, in view of the scope of the State’s violence and the type of strategies implemented by the State, it is obvious that there is coordinated action to control public spaces and repress social protest and not just a few illegal acts perpetrated by a few members of the security forces. In fact, the information received describes a pattern of state agents, mainly members of the National Police of Nicaragua and its anti-riot brigades, parapolice forces, as well as strike groups or mobs, acting in concert with the Police, setting into motion a repressive response aimed at deterring society from participating in the demonstrations.

5. The IACHR notes that this pattern has been implemented with the excessive and arbitrary use of force, including the use of lethal force, deliberately and systematically, by the above-mentioned actors. The IACHR notices that the State responded to the demonstrations in different stages and with different levels of intensity and that different tactics and methods of repression have been deployed against the demonstrators, as well as against the civilian
Gross Human Rights Violations in the Context of Social Protests in Nicaragua

Based on the information gathered by the IACHR, on April 18, 2018, the first day of the protests, the State response was characterized by the excessive use of force, mostly, through the use of firearms and excessive use of less lethal weapons, such as tear gas, rubber bullets and buckshot, by the National Police and anti-riot squad, in order to break up protests and demonstrations in different cities of the country. Because the protests continued, from April 19 to 22 the State adopted a more aggressive repressive strategy against the demonstrators and even against individuals who were not taking part in the protests.

According to the testimonies received during the visit, snipers were deployed as another means of repression and evidence suggests a link of the snipers to State agents. The information received by the IACHR from staff members of public hospitals suggests that in the period referenced above numerous victims were treated for bullet wounds in the head, eyes, neck and the thorax, as well as in the back. The mechanics and trajectory of the shots would indicate arbitrary use of lethal force, or extrajudicial executions. According to the autopsy reports examined by the IACHR, projectile entry orifices, in many instances, were located in highly lethal areas of the body, which points to lethal intent of the shots.

Furthermore, the IACHR received extensive information and complaints of irregularities and denial of medical care and the blocking of humanitarian efforts to assist injured and wounded persons in the context of the violent events and repression occurring in the country on April 18, 2018. The restrictions reported on health care during the protests included not only obstacles within hospitals, but there were also reports about orders to restrict the departure and circulation of ambulances and humanitarian aid workers, such as firemen, Red Cross staff, as well as medical staff, paramedics, medical students and volunteers.

Additionally, a number of cases were identified where people did not go to State health care facilities out of mistrust or fear of being subjected to retaliation, and consequently they remained without any medical assistance or resorted to private hospitals, improvised health facilities or volunteer doctors, firemen and medical students, among others. According to testimonies received and public information, even schools, private homes and parishes were outfitted to tend to the wounded.

The IACHR views with concern that the mental health and emotional wellbeing of the population is being seriously jeopardized by the context of violence, harassment, threats and repression, in particular, those who report being victims of human rights violations, their family members, as well as students and residents who demonstrate against the government.

Additionally, the IACHR documented the existence of a pattern of arbitrary detentions occurring over the first days of the protests, mostly of individuals who were peacefully demonstrating, or were traveling on public roads in the area of the incidents. According to statistics, thus far, as of the date of the instant report, at least 507 individuals were arrested, 421 of which are young people and adolescents. These detentions were carried out through the arbitrary and disproportional use of force, and were not based on the grounds provided for under the law, nor did they fulfill formal statutory requirements, but instead amounted to a punishment.

The IACHR also received many testimonies suggesting that most of the individuals detained in the context of the protests, that began on April 18, were subjected to different forms of cruel, inhuman and degrading treatment, with some of the treatment described beyond the
threshold of torture, at the time of their apprehension and while they were deprived of liberty. In particular, according to information that was made available to the Commission, during their deprivation of liberty at the respective detention facilities mainly, “El Chipote” and “La Modelo”, as well as when they were transferred to those facilities, the detainees were subjected to beatings and threats. According to the testimonies, the security agents threatened the detainees with death, as well as with assaulting them, their family members, and friends. The IACHR received complaints of the detainees being held incommunicado, inasmuch as they were not allowed to have any contact with their family members or legal representation.

12. Moreover, several testimonies taken by the IACHR cite attacks, acts of intimidation, threats, including death threats, and smear campaigns against young demonstrators, student leaders, human rights defenders, family members of the victims and members of religious orders in the country. In this regard, the Commission notes that several human rights defenders have been identified and assaulted in the context of the protests, in addition to accused and singled out for supporting the demonstrations. This has all led the Commission to reach the conclusion that in Nicaragua human rights defenders, the victims’ family members and witnesses to human rights violations are at serious risk. Accordingly, the IACHR has requested the Nicaraguan State to immediately adopt precautionary measures to protect the lives and integrity of several individuals.

13. The Commission also received testimonies about state workers from different institutions, who reported being coerced into participating in pro-government acts, either under threat of being terminated or who actually have been terminated, under “orders from higher up” because they supported the protests. Some workers noted that the government has ordered the social media accounts of workers to be monitored in order to report who is sending messages or information perceived as running counter to the interests of the government.

14. The IACHR noticed that the State’s response also included the dissemination of propaganda and stigmatization campaigns. Since the start of the protests, information has been disseminated which fails to recognize the grievances of the protests, any information about police repression is left out and the protesters, especially young people who block roads, are accused of being “delinquents” or “vandals” who are committing “acts of terrorism and of organized crime” and causing “chaos, pain and death” in the country and of violating the right to work of Nicaraguan families.

15. Additionally, during the visit and subsequent to it, the IACHR has noted that the State has adopted measures of direct and indirect censorship restricting the widest range of public information about what is happening in the country. Some media outlets or their journalists are being prevented from doing their job, especially the independent media. During the demonstrations some media outlets were taken off the air, one journalist was murdered and others were wounded.

16. There were also reported cases of homes being attacked and burned by State actors and armed third parties, which has forced people to be displaced from their homes in search of safety and refuge.

17. The Commission has also observed several serious violations of access to justice and the right to the truth of victims and their family members, which is reflected mostly in the lack of diligence of the State to investigate the deaths and injuries occurring in the context of the
protests, as well as serious irregularities in the recording of fundamental information for the elucidation of the facts, such as failure to conduct autopsies or conducting them based on documents (without any inspection of the bodies), untimely investigations and expert analysis, and shifting the burden of proof onto the victims or their family members. The IACHR ascertained with great concern the fact that the family members of the victims who died were instructed to sign waivers of transfer of the bodies to the Medical Examiner and to waive their right to file complaints as a requirement for receiving death certificates.

18. In particular, the IACHR underscores a climate of widespread distrust it has observed among victims, family members and representatives in filing complaints with the institutions in charge of investigating the crimes committed in the context of the protests. Victims and family members repeatedly cited a lack of trust in the National Police and the Office of the Public Prosecutor because these institutions would not offer any assurance of independence or impartiality. Additionally, the Commission notes that the victims’ family members were afraid of filing complaints with the National Police because they felt intimidated by potential retaliation from this institution.

19. The IACHR identifies that there is growing violence in the country. The tension and reaction to the atmosphere of injustice and the failure of State actors to provide protection is leading to actions that fall outside the scope of peaceful protest. Social sectors sympathetic to the government and State agents in turn have been the targets of retaliation and harassment. According to figures provided by the State, from April 18 to June 6, 2018, at least 5 policemen have lost their lives and 65 have been injured in the context of the protests. The Commission also disapproves of these actions, which jeopardize the lives and safety of persons, and must be investigated and punished.

20. The IACHR condemns the escalation of State-perpetrated violence observed over the past weeks and reissues its call for the immediate cessation of repression. Likewise, it urges the Nicaraguan State to reach a constitutional, democratic and peaceful solution to this human rights crisis. The acts of violence must be investigated immediately, autonomously, independently and impartially, and with strict adherence to international norms and standards on seriousness, thoroughness and due diligence, in order to ensure the right to the truth and justice. In this context, the IACHR reiterates to the State the recommendations issued in its Preliminary Observations on the working visit and issues further recommendations.

21. In addition to providing a detailed analysis about the human rights situation in Nicaragua in the context of the protests that began in April, this report serves as a basis for the work of the GIEI in order to make a technical decision about the lines of investigation as well as issuing recommendations of actions at the different levels of legal responsibility. Likewise, the instant report serves as guidance for the creation of the Special Follow-Up Mechanism of Nicaragua (MESENI), the purpose of which is to follow up on compliance with the recommendations issued in the reports produced in this context and the precautionary measures granted in the context of this document, as well as to continue to monitor the human rights situation of the country.
CHAPTER 1: INTRODUCTION

22. In keeping with its mandate, the Commission has been monitoring the human rights situation in Nicaragua, particularly, since the violence broke out on April 18, 2018 in the context of the State’s crackdown on protests in Nicaragua. In this regard, on April 26, 2018, the IACHR officially requested permission from the State to conduct a working visit to Nicaragua.1 On May 3, 2018, the IACHR announced the creation of a Rapid and Integrated Response Coordination Unit (SACROI, its Spanish language acronym), in order to closely follow the human rights situation in Nicaragua through its different mechanisms.2

23. In a communication dated May 13, 2018, the State of Nicaragua gave its approval so that “as soon as possible the Commission may carry out said working visit, in order to observe in loco the human rights situation in Nicaragua, in the context of the events of April 18, 2018 to the present date.”3

24. The IACHR carried out the working visit to Nicaragua from May 17 to 21, 2018. The purpose was to observe the human rights situation in the country on the ground in relation to the violent events cited above, document these events and issue preliminary recommendations to the State.

25. The visiting delegation was headed by Commissioner Antonia Urrejola, IACHR Rapporteur for Nicaragua, supported by Commissioner Joel Hernández, Rapporteur on the Rights of Persons Deprived of Liberty; and Commissioner Francisco Eguiguren, Rapporteur on Human Rights Defenders. She was also assisted by Paulo Abrão, Executive Secretary; María Claudia Pulido, Assistant Executive Secretary for Monitoring, Promotion and Technical Cooperation on Human Rights; the Special Rapporteurs for Freedom of Expression, Edison Lanza, and for ESCER, Soledad García Muñoz; and by specialists of the Executive Secretariat.

26. The Inter-American Commission met with government authorities and representatives of civil society and of the Catholic Church, international organizations and journalists. Additionally, testimony was taken from groups, witnesses, victims of human rights violation and their family members. The IACHR visited the cities of Managua, Masaya, Matagalpa and León, and conducted visits to the countryside at detention facilities and hospitals.

27. The Commission is grateful to the State of Nicaragua for the invitation to carry out this visit, as well as to civil society for the support in bringing it about. It also appreciates all of the information provided by the State authorities and the logistical facilities it provided. The Commission thanks all actors it met with during the visit. Likewise, it expresses special recognition to hundreds of victims, witnesses, family members, groups and organizations that shared their testimonies, complaints and detailed information about events with the

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1 IACHR, CIDH expresa preocupación por muertes en el contexto de protestas en Nicaragua, [‘IACHR Expresses Concern over Deaths in the Context of Nicaraguan Protests’], April 24, 2018.
2 IACHR, IACHR to Set Up a Coordination Unit to Monitor Events in Nicaragua, May 3, 2018.
3 Pursuant to Article 18, subsection ‘g’ of the Statute. Communication from the State of Nicaragua, Note MRE-DM-DMC/DGAJST/00202/05/18, May 13, 2018.
delegation, in a complex environment that demanded great courage from them and commitment to justice.

28. When the working visit concluded, the IACHR issued its Preliminary Observations, listing 15 initial recommendations to be implemented by the State of Nicaragua. On May 30, 2018, the IACHR and the General Secretariat of the Organization of American States (OAS) obtained the approval of the Nicaraguan State to create an international investigation mechanism regarding the violent events that have been taking place since April 18 in the country.4 The IACHR submitted a proposal to create an Interdisciplinary Group of Independent Experts (GIEI), with assurances of autonomy and independence, to assist and support the investigations into the violence in accordance with recommendation number 3 of the IACR’s Preliminary Observations and also a proposal for a follow-up mechanism (MESENI) in conjunction with the IACHR, to verify implementation of the recommendations issued in the instant report, pursuant to recommendation 15.

29. The GIEI for Nicaragua will be made up of four highly qualified individuals in the technical fields with a proven track record in human rights protection. The attributions of the group will include the following: technically analyze lines of investigation and issue recommendations for action at the different levels of legal responsibility; analyze whether all lines of investigation are being exhausted and whether the appropriate charges are being used to encompass the potential crimes and those responsible for them and, when applicable, recommend actions to implement in order to ensure that these objectives are achieved. The IACHR will follow-up on the recommendations issued by the GIEI.5

30. On June 18, 2018, the IACHR forwarded to the State of Nicaragua a copy of the preliminary draft of the instant report in accordance with its Rules of Procedure, and asked for it to submit its observations. On June 19, 2018, the State of Nicaragua requested an extension, which was granted by the IACHR for a period of 24 additional hours. On June 21, the State submitted its observations, which, in the relevant portions, were incorporated into this final version approved by the IACHR on June 21, 2018.6

31. For the purposes of drafting this report, the IACHR has systematized and analyzed the information received prior to, during and subsequent to the working visit. The IACHR gathered 1007 testimonies of victims and family members; a total of 135 petitions were received; and a total of 188 requests for precautionary measures were received mostly in the context of the working visit.

32. The instant report is also based on input from the different mechanisms the IACHR has been using to monitor the recent situation, including precautionary measures; ex officio investigations; press reports, the recommendations of specialized international agencies,

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4 Acuerdo entre la Secretaría General de la Organización de los Estados Americanos, la Comisión Interamericana de Derechos Humanos (CIDH) y el Gobierno de Nicaragua para apoyar la investigación de los hechos de violencia acaecidos en el periodo del 18 de abril de 2018 hasta la fecha en Nicaragua, [‘Agreement between the OAS General Secretariat, the Inter-American Commission on Human Rights and the Government of Nicaragua to support the investigation into the violent events, which occurred over the period of April 18, 2018 until the present date in Nicaragua’], May 30, 2018.

5 IACHR, CIDH anuncia la creación de Grupo Interdisciplinario de Expertos Independientes para coadyuvar las investigaciones de los hechos recientes de violencia en Nicaragua, [‘IACHR to Create Interdisciplinary Group of Independent Experts to Help Investigate Recent Violence in Nicaragua’], May 30, 2018.

among other ones. The instant report is divided into five chapters. Firstly, Chapter II describes the context and main findings of the working visit. Chapter III examines specific infringements of the rights to life and personal integrity; health and medical care; liberty and personal integrity in the context of detentions; freedom of expression; free movement and residence; and the right to the truth and access to justice. Then, Chapter IV lays out the special situation of risk faced by human rights defenders, student leaders, members of religious orders and journalists. Lastly, the Commission lists conclusions and recommendations to assist the State of Nicaragua in complying with its international human rights obligations.
CHAPTER 2: CONTEXT AND MAIN FINDINGS

A. Start of the Protests in April 2018

33. Several sources identify the forest fire in Indio Maiz biological reserve as one of the main triggers of the protests. Said forest fire broke out in late March-early April, 2018, in one of the largest protected forest reserves of the country and was not properly extinguished. The fire was finally brought under control. According to the information we received, in protest of the weak State response, young people carried out mobilizations that were put down by the State.

34. Days after the forest fire, without having been submitted to a process of prior public debate, the government published in the official gazette a reform of social security increasing workers and employers contributions and establishing a 5% deduction to the pensions of retirees, to be allocated to cover the medical assistance guaranteed in Article 3 of the Social Security Law. This triggered peaceful protests, which were convened by university students and older adults themselves.

35. According to information available to the public, on April 18, in Managua, groups of armed third party individuals, also known as strike forces or groups, parapolice groups or mobs (turbas), broke into the campus of Central American University in Managua to assault the students, workers and professors that were peacefully protesting. The demonstrators, who included older adults, headed toward the road known as Camino de Oriente, on the highway to Masaya, where they were heavily attacked by the national police forces and parapolice groups. In response, the protests spread to the National Engineering University (UNI), the National Autonomous University of Leon, the Agrarian University and the Polytechnic University of Nicaragua (UPOLI).

36. In Leon, Radio Darío was set ablaze by groups of armed third parties who, according to the information received, were allegedly members of the so-called Sandinista turbas (mobs), with 11 broadcasters inside, who managed to escape the flames. As a result, two of the perpetrators died allegedly because the fuel cans they were handling caught fire. During the working visit, the Commission witnessed the totally destroyed facilities of the radio station.

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7 Confidencial, Tres escenarios tras la insurrección de abril en Nicaragua, [‘Three scenarios after the April insurrection in Nicaragua’], Analysis of the Center for Communications Research (CINCO), May 8, 2018.

8 Confidencial, Tres escenarios tras la insurrección de abril en Nicaragua, [‘Three scenarios after the April insurrection in Nicaragua’] , Analysis of the Centro de Investigación de la Comunicación (CINCO), May 8, 2018; La Prensa, Así te contamos la marcha de los jóvenes que exigen una respuesta al incendio en Indio Maíz, [‘This is how we report to you the march of youths who demand a response to the Indio Maíz fire’], April 12, 2018; Hoy! Marchas y contramarchas en Managua, y el incendio sigue en reserva Indio Maíz, [‘Marches and counter-marches in Managua, and fire continues on Indio Maiz reserve’], April 13, 2018.

9 Resolution 1-317, Gaceta No. 72, published April 18, 2018.

10 CENIDH, CENIDH denounces systematic violations of the human rights of Nicaraguans by the dictatorial regime of Daniel Ortega and Rosario Murillo.
The University Center of the National University (CUUN) was also set on fire, and one body was found inside; however, no details were provided with regard to the circumstances.\footnote{Q’hubo, Encuentran cuerpo calcinado, ['Burned body found'], April 22, 2018.}

37. Over the following days, the protests in Nicaragua spread to several locations in the country such as León, Masaya, Granada, Matagalpa, Estelí, Carazo, Rivas, Bluefields, Ocotal and Camoapa and to other cities.\footnote{CENIDH, CENIDH denounces systematic violations of the human rights of Nicaraguans by the dictatorial regime of Daniel Ortega and Rosario Murillo, April 22, 2018; Estrategias y negocios, Nicaragua: los “árboles de la vida: símbolos caídos del poder de Ortega”, ['Nicaragua: trees of life: fallen symbols of Ortega’s power'], April 23, 2018; France24, Los “árboles de la vida”, símbolos del poder de Ortega destruidos en Nicaragua, ['“Trees of Life,” symbols of Ortega’s power destroyed in Nicaragua'], April 24, 2018.} In Managua, the protests grew at different locations in the city.

38. The State response through the police forces, anti-riot squads and parapolice groups, using firearms, teargas and rubber bullets, was disproportionate. Furthermore, the government’s failure to recognize and condemn the repression also led to greater outrage. The Commission observed during the visit that acts of violence also were perpetrated by unidentified persons.

39. In the context of the protests, 29 of the works known as “trees of life” were destroyed. These sculptures are metal structures, which were placed by the government throughout Managua over the past years and are considered by citizens to be a symbol of the current government.\footnote{Univisión, Per qué los manifestantes en Managua derrinan árboles metálicos de colores al grito de “hay libertad?” ['Why are demonstrators in Managua knocking down the colorful metal trees while crying out “there is freedom”?’], April 22, 2018; Estrategias y negocios, Nicaragua: los “árboles de la vida: símbolos caídos del poder de Ortega”, ['Nicaragua: trees of life: fallen symbols of Ortega’s power'], April 23, 2018; France24, Los “árboles de la vida”, símbolos del poder de Ortega destruidos en Nicaragua, ['“Trees of Life,” symbols of Ortega’s power destroyed in Nicaragua'], April 24, 2018.}

40. As a consequence of the State response, the protests spread throughout the country and to sectors of workers, peasants, environmentalists and citizens in general.

41. In its observations on the draft of the instant report, the State noted that as of April 18, 2018, several events unfolded in the country, aimed at creating a situation of chaos and social, economic and political instability and disrupting citizen security, the lives and safety of people, public and private property, the tranquility of families, the normal functioning of government and its institutions, private institutions and entities, and the right to free movement of all Nicaraguan people, thus seeking to undermine the legitimacy of the Government of Nicaragua, citizen security and Constitutional order.\footnote{Observations of the Nicaraguan State with respect to the draft report of the Inter-American Commission on Human Rights, June 21, 2018.}

42. The Commission was able to determine through approximately 200 testimonies, that on April 20, in Managua, widespread repression was unleashed. On the one hand, police forces and parapolice groups entered through a back door of the UNI, opening fire and setting the facilities of the Postgraduate building of the National Engineering University on fire. According to the information received, there was a massive exit of students, but many were trapped in the premises and several lost their lives or sustained serious injury. While adolescent Alvaro Conrado was bringing water into the building, he was mortally wounded in his neck and face; several witnesses claim that snipers posted in the Denis Martinez National Stadium fired the shots. A few blocks from there, hundreds of students were stockpiling foodstuff and materials to support the occupation of the universities and, according to several testimonies received by the IACHR, at approximately 4 p.m., they were attacked on the...
esplanade of the Cathedral by dozens of anti-riot agents, who were allegedly working in coordination with irregular mobs.15

43. In the context of this crisis, the IACHR also received testimony and information about damages to personal and real property of individuals, burning of properties, robberies, looting, usurpation of residences, harassment and threats of damage to property, among other ones.

44. Even though the government withdrew the social security reform on April 22, 2018, the protests continued, and extended to other complaints against the government.16 In a press release dated April 24, 2018, the IACHR condemned the deaths of at least 25 individuals, dozens of people wounded, injuries to journalists, and taking off the air four television stations that were reporting on the protests, under orders of the government. Official government media reported that an official investigation was ordered into the repression of the demonstrations and the deaths of at least 25 people, including one member of the police. The government justified the actions of the police forces as legitimate self-defense against some groups that were promoting violence.17

45. The IACHR conducted the working visit to Nicaragua from May 17 to 21, 2018. At the end of its working visit on May 21, it noted that in the context of the protests, the death toll stood at 76 and the number of wounded people, at 868. Out of the total number of wounded, five remained in the hospital in serious condition. Additionally, 438 individuals were arbitrarily detained. The preliminary observations of the visit were published in a press release on that same date.18

46. In its observations on the draft of the instant report, the State noted the following: “aware that the solution to this situation must be of constitutional order, we are working to restore social order, so that the truth and justice prevail in response to the events [that] transpired, for the preeminence of full respect for human rights.”19

B. Events Subsequent to the Working Visit

47. Following the working visit and the observations issued, the IACHR issued a press release condemning renewed acts of violence, which transpired in Managua, León, and Chinandega. According to the information it received, private groups, known in Nicaragua as “strike groups” (grupos de choque), who allegedly act with the acquiescence of State’s agents, attacked demonstrators, who were maintaining barricades in León. Similar events were reported in Chinandega.20

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15 The Commission will explain in detail the events involved in the incident of the Cathedral in the section on “Arbitrary deprivation of life and/or infringement of personal integrity by third parties.”
16 El Nuevo Diario, Ortega retira reforma al INSS y rechaza condiciones del COSEP, [‘Ortega withdraws reform of INSS and rejects the conditions of COSEP’], April 23, 2018.
17 IACHR, CIDH expresa preocupación por muertes en el contexto de protestas en Nicaragua, [‘IACHR Expresses Concern over Deaths in the Context of Nicaragua Protests’], April 24, 2018.
18 IACHR, Observaciones preliminares de la visita de trabajo de la CIDH a Nicaragua, [‘Preliminary Observations on the IACHR working visit to Nicaragua’], May 21, 2018.
48. Then, on June 1, 2018, the IACHR issued another press release condemning the deaths and renewed violence in the country.\textsuperscript{21} In particular, the IACHR recounted that during a peaceful march on May 30, 2018, in support of the Mothers of April, which was held on Mothers’ Day in Nicaragua, strike groups and armed third parties put down the marchers by shooting firearms at them. According to official figures, 15 people were killed and 199, wounded, in Managua, Estelí and Masaya. Additionally, according to a release of the Central American University (UCA), thousands of people entered the premises of UCA to seek refuge from the attacks and the wounded were treated on the campus. Elsewhere, according to publicly available information, strike forces attacked the facilities of broadcast channel 100%Noticias with rocks and mortar shells.\textsuperscript{22}

49. Also, on May 26, the municipal building of the Sandinista Front, located in the municipality of Altagracia, Ometepe, was set on fire by unidentified third parties. In addition, during the early morning hours of May 27, hooded individuals fired mortar shells at two watchmen, who were guarding the main gate of Central American University in Managua.

50. Furthermore, on May 28, it was reported that students took over the Simon Bolivar Campus of the National Engineering University (UNI) in Managua. According to the information received, parapolice groups and anti-riot forces of the State attacked the students, who were present at said location, using bullets, tear gas and mortar shells. On that same date, the IACHR received a report about confrontations between demonstrators and the National Police in the traffic circle of Metrocentro of the same city, where it was reported that 20 people were wounded and several, detained. That same day, there were also attacks on journalists and media outlets in Managua.\textsuperscript{23}

51. Violence and repression have escalated in recent days. In a press release of June 13, 2018, the IACHR voiced its alarm and deep concern over the persistence and worsening of the violence in Nicaragua, which as of that date, had taken the lives of 143 people, and constitutes a serious human rights crisis, that must be addressed by the Nicaraguan State with the utmost urgency. The IACHR also forcefully condemned a rise in the use of excessive force and continued attacks by parapolice and armed third parties, which the State has the obligation to dismantle. The IACHR urged the State of Nicaragua once again to immediately cease the repression of the demonstrators and opposition, and to investigate and punish all incidents of violence that have taken place. The Commission condemned every type of practice of humiliation and harassment that may be used, inasmuch as it amounts to disgraceful conduct in violation of human rights, which are valid for everyone without distinction. Lastly, the Commission urges the State to seek a peaceful, constitutional and democratic solution to the current crisis and commends the efforts of the Episcopal Conference of Nicaragua for resuming the national dialogue.\textsuperscript{24}

\textsuperscript{21} IACHR, CIDH urge a Nicaragua a desmantelar grupos parapoliciales y proteger derecho a protesta pacífica, ['IACHR Urges Nicaragua to Dismantle Parapolice Groups and Protect Right to Peaceful Protest'], June 1, 2018.

\textsuperscript{22} IACHR, CIDH urge a Nicaragua a desmantelar grupos parapoliciales y proteger derecho a protesta pacífica, ['IACHR Urges Nicaragua to Dismantle Parapolice Groups and Protect Right to Peaceful Protest'], June 1, 2018.

\textsuperscript{23} IACHR, CIDH urge a Nicaragua a desmantelar grupos parapoliciales y proteger derecho a protesta pacífica, ['IACHR Urges Nicaragua to Dismantle Parapolice Groups and Protect Right to Peaceful Protest'], June 1, 2018.

\textsuperscript{24} IACHR, CIDH condena el recrudecimiento de la violencia en Nicaragua, ['IACHR Condemns Increased Violence in Nicaragua'], June 13, 2018.
52. In its observations on the draft of the instant report, the State noted the following:

   It fully rejects the report submitted by the IACHR, inasmuch as it regards it as subjective, biased, prejudiced and blatantly partial, written under the influence of sectors linked to the opposition [...].  

53. The State asserted that the events analyzed by the IACHR are not taking place in the context of the social protests but “are taking place in the context of an attempt at constitutional and institutional rupture in order to remove the legitimately elected authorities and oust the government” (see, Coup d’état).

C. State Response to the Social Protests

54. The Inter-American Commission has recognized that public protest is one of the usual ways of exercising the right of assembly and the right to freedom of expression, as well as a mechanism of political participation of defense of human rights, which has an essential social interest in guaranteeing the proper functioning of the democratic system and the defense of human rights. In this regard, it has held that public demonstrations and other forms of protest against government plans or policies, far from being a provocation of violence, are common to any pluralistic democracy and deserve maximum protection.

55. Likewise, the Inter-American Court has held that the relationship between the rights of assembly, freedom of expression and political participation, taken as a whole, make the democratic process possible and “it is even clearer, especially when they are all exercised at the same time in order to protest against actions by the public authorities that are contrary to the constitutional order, and to reclaim the return to democracy.”

56. The compelling social interest overlaying the right to participate in public demonstrations, triggers a general presumption in support of the exercise thereof and of the State’s obligation to promote a safe and favorable setting for individuals and groups to be able to use public space to express their opinions and make demands, in accordance with, international norms and standards on the subject matter. The excessive use of force, criminalization and other inappropriate responses of the State to social protests not only undermine rights to

freedom of expression and assembly, but also cause serious violations of other fundamental rights such as the right to life, integrity and personal liberty and due process of law and can seriously impact the exercise of social rights.

57. As is described in this report, the State of Nicaragua has not fulfilled its international obligations to respect, protect and ensure human rights in the context of the social protests that began on April 18. On the contrary, the IACHR ascertained that the State response has been marked by repression and criminalization of the demonstrators and the social movement that they represent, which has resulted in gross human rights violations. According to statistics documented by the IACHR, as of June 19, 2018, the repressive action of the State has led to at least 212 deaths, 1,337 wounded persons and 507 persons deprived of liberty reported as of June 6, 2018, and hundreds of persons at risk of being victims of attacks, harassment, threats and other forms of intimidation. In its observations on the draft of the instant report, the State noted that as of June 6 it reported to the IACHR 98 deaths linked to the current state of affairs “among whom there are also policemen, Sandinistas and the population in general,” and therefore it suggests that the figures reported by the IACHR have not been properly verified.\(^{33}\)

58. The findings of the working visit suggest that State-perpetrated violence has been aimed at deterring participation in the demonstrations and putting down this expression of political dissent and that it follows a common pattern, marked by (a) the excessive and arbitrary use of police force, (b) the use of parapolice forces or shock groups with the acquiescence and tolerance of State authorities, (c) intimidation and threats against leaders of social movements, (d) a pattern of arbitrary arrests of young people and adolescents who were participating in protests, (e) irregularities in opening investigations into the killings and bodily injuries taking place in this context, (f) obstacles in accessing emergency medical care for the wounded, as a form of retaliation for their participation in the demonstrations, (g) the dissemination of propaganda and stigmatization campaigns, measures of direct and indirect censorship. The IACHR notes that based on the magnitude of the State violence and the strategies implemented, it is obvious that there is coordinated action to control the public space and repress social demands and it is not just the illegal acts of a few members of the security forces. In its observations on the draft of the instant report, the State asserted that repression of social protests, much less the excessive and arbitrary use of force by the National Police, is not a State policy.\(^{34}\)

59. The IACHR has viewed with concern how the State response of repression has escalated tension among the demonstrators, the security forces and strike groups; in addition, polarization has become sharper in the country, causing heavy disturbances and attacks in several cities of the country. According to the information available to the Inter-American Commission, some demonstrators have begun to employ violent means.

60. In fact, it has come to the attention of the IACHR that private individuals and groups of civilians have attacked the public security forces, strike groups and individuals and media outlets sympathetic to the government. According to figures provided by the State, from April 18 to June 6, 2018, at least 5 police officers have lost their lives and 65 have been injured in the context of the protests.


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In particular, the State has denounced to the IACHR increased violence against the public
security forces, the strike groups, government sympathizers, as well as acts of vandalism.35
Most of these acts allegedly involved “armed” and “hooded” groups, and were mostly
concentrated in the departments of Managua, León, Carazo and Jinotega.

The more than 100 acts of violence reported by the State include 40 burning incidents or
damages to the facilities on government or FSLN property; 29 kidnappings, mostly of
members of the police forces or personnel working for local government entities; 33
robberies of government property, mostly vehicles such as vans and motorcycles; 17 murders
or violent deaths of individuals linked to the government and the FSLN, most of which were
caused by firearm wounds; and 13 attacks on public officials.

State of Nicaragua. Communications received from June 10 to June 20, 2018. Press reports of the National Police: No.12 of April 19,
Information Bulletins from the Office of the Public Prosecutor: 001-2018 of May 28, 2018, 002-2018 of May 28. 2018 and 003-2018 of
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For its part, the IACHR notices that in six of the reported cases of kidnapping, evidence of torture is alleged. In particular, in a video provided by the State there appears a woman, who is interrogated blindfolded, surrounded by people whose faces are covered, and is threatened with a blade weapon. The interrogation is focused on extracting from her the names and locations of different people. Likewise, the State of Nicaragua reports threats and intimidation of local and departmental government agency workers and their family members. The State also submits information about physical assaults on the next of kin of FSLN members and government employees, roadblocks on public thoroughfares, and vehicles being held up for several hours. The State submits reports of desecration of a cadaver, which was burned and left on a public road. Additionally, in its observations on the draft of the instant report, the State reported that third parties located at roadblocks in different parts of the country, are financed by organized crime and drug trafficking.

In the same vein, the State submitted press reports from the Truth, Justice and Peace Commission voicing its concern over several acts committed by third parties. In particular, in its press reports of June 18, 2018, said Truth Commission reports killings taking place throughout the north of the country and the capital, as well as alleged kidnappings, arson, threats and “exposures of persons to danger” for sympathizing with the FSLN. It also highlights the seriousness of the attacks against the National Police of Matagalpa, Masaya and Jinotepe.

Furthermore, according to local media reports, there have been incidents of anti-government groups acting with violence and intimidation. In this regard, there are reports of fuel robbery, looting of public institutions and businesses, and assaults on passersby at the scenes of the events. In addition, there are press reports claiming that individuals allegedly belonging to parapolice groups or who are government sympathizers have been arrested, were forced to remove their clothing and walk naked in public.

In this context, the Commission reiterates its appeal to cease acts of violence committed by third parties, and recalls that respect for human rights is for everyone. In this regard, the IACHR stresses that Article 15 of the American Convention applies only to peaceful assembly, without arms, in other words, assemblies of a non-violent nature. When violent incidents break out at peaceful gatherings, authorities have the duty to differentiate between peaceful and non-peaceful demonstrations, investigate acts of violence committed and take measures to manage the conflict and dissipate tensions. Notwithstanding the foregoing, the Commission is emphatic in asserting that although a group of demonstrators acts with violence and thereby, exceeds the bounds of its right to peaceful assembly, it does not justify police abuse. The State is still obliged to respect and ensure all of the other rights of the non-peaceful demonstrators, especially their right to life and personal integrity.

As the Commission has asserted on other occasions, it is the obligation of the State to ensure proper handling of the demands and social and political conflicts at the root of protests in order to channel the grievances of the demonstrators. “When a demonstration or protest leads to situations of violence it should be understood that the state was not capable of guaranteeing the exercise of this right.” The situation described above reflects the
seriousness of the political crisis the country is going through and the high levels of violence therein, which imposes special obligations on the State to resolve the conflicts and facilitate dialogue. The existence of these violent incidents does not justify the State’s repressive response to the extent and with the characteristics documented by the Commission. Repression and violence cannot be the response of a democratic State to the demands of its people.

D. About National Dialogue

In this context of alarming levels of violence and repression, and considering the dire urgency to find a peaceful solution to this crisis, the need to open a National Dialogue has been established. In this regard, on April 21, the president of the country expressed his receptiveness to a National Dialogue, in which the Catholic Church would take part as mediator. The Church set the visit by the IACHR as one of the main conditions to move forward at the table in the talks. Because the State announced on May 14 that it was giving its consent for the IACHR to visit Nicaragua, the Episcopal Conference announced that the talks would begin on May 16. Sitting at the table in the talks are representatives of the government, private business, universities, students, social organizations and indigenous and Afro Nicaraguan communities, along with the Episcopal Conference as mediator and witness.

On May 16, the students requested immediate cessation of the attacks taking place throughout the country and for the government to step down. The national dialogue session of May 18 was attended by the delegation of the Inter-American Commission on Human Rights. This stemmed from a request by the Episcopal Conference for the Commission to attend in order to report on the purpose of its visit. At said meeting, which took place on May 19 and 20, the government pledged to “call the Police back to its barracks, withdraw the strike groups, and government sympathizers.” For its part, civil society pledged on May 21 to join efforts to make conditions ripe for dialogue, bring traffic movement back to normal and “continue in a better climate.” On May 23, 2018, the National Dialogue indefinitely suspended its plenary sessions due to a lack of consensus between the government and civil society.

On May 28, 2018, the Joint National Dialogue Commission, made up of three members of the Nicaraguan Government and three members of Civic Alliance for Justice and Democracy, agreed to resume the National Dialogue of Nicaragua. On that same date, in a press release of the National Dialogue Mediation and Witness Commission, it was reported that the Joint National Dialogue Commission agreed to issue a call for the immediate cessation of all forms of violence and compliance with recommendations 1, 2, and 3 of the IACHR, which are:

39 Diario Las Américas, Gobierno de Nicaragua acuerda detener actos de violencia y tregua de dos días, [‘Government of Nicaragua agrees to stop acts of violence and to a two-day truce’], May 18, 2018; La Prensa, Diálogo en Nicaragua acuerda un fin de semana en paz, [‘Talks in Nicaragua agree on a weekend of peace’], May 18, 2018.

40 According to an official communiqué of the Mediation and Witness Commission, the Dialogue Commission (Mesa de Diálogo) submitted two proposals to a vote, which did not obtain a consensus. The government’s proposal consisted of 1) immediate suspension of the roadblocks in the country to enable free movement of the Nicaraguan family and normalization and tranquility; 2) immediate cessation of all acts of violence regardless of where they come from and 3) guarantee the jobs of all Nicaraguans. For its part, the proposal of the Civic Alliance for Justice and Democracy consisted of 1) That the delegation of the Government accept the discussion of items 1,2 and 3 and B-11 of the agenda of May 23, 2018 in accordance with the reflections of the working groups. Mediation and Witness Commission, National Dialogue, Official Communiqué, May 23, 2018. Also see: Diario Las Américas, Suspenden el diálogo nacional en Nicaragua ante falta de consenso, [‘National dialogue suspended in Nicaragua after lack of consensus’], May 23, 2018; El Nuevo Diario, Diálogo en Nicaragua: Sin consenso para adelantar elecciones y suspender tranques, [‘Dialogue in Nicaragua: No consensus on holding early elections and suspending roadblocks’], May 23, 2018.
immediately cease repressing demonstrators and arbitrarily detaining those who participate in protests; respect and guarantee the full enjoyment of the right of the population to protest, to freedom of expression, to peaceful assembly and to political participation and to create an international investigative mechanism on the acts of violence that occurred, with guarantees of autonomy and independence to ensure the right to the truth and to duly identify the persons responsible. Additionally, they expressed their willingness “to resume the national dialogue at the full table to get back to the topic of democratization on the agenda.”

71. Nonetheless, considering the continuous repression by the State on the streets, despite the talks between the members of the Joint Commission, particularly the repression used on the Mothers of April march, the bishops of the Episcopal Conference of Nicaragua announced that the dialogue would not resume because “national dialogue cannot resume while the people's right to freely demonstrate continues to be denied and it [the people] continues to be repressed and murdered.”

72. On June 6, 2018, the Episcopal Conference of Nicaragua announced that it would hold a meeting with the President of the Republic. At the meeting, which was held the next day, the Episcopal Conference proposed the agenda reached by consensus at the Full Table of the National Dialogue regarding democratization of the country and the formal response of the Presidency of the Republic for continuation of the National Dialogue. On June 12, after the president’s response, the Full Table National Dialogue was convened for June 15.

73. On June 15, the National Dialogue resumed after have been suspended for lack of consensus. The Mediation and Witness Commission chaired the meeting, which was attended by the representatives of the different segments involved. At this meeting, progress was made on the agenda item pertaining to “Human Rights.” In particular, the following agreements were reached: 1. Encourage the presence of the IACHR and urge it to announce the members of the GIEI and to put it into operation, as well as the follow-up mechanism (MESENI); 2. Immediate invitation from the Government to the United Nations High Commissioner for Human Rights and to the European Union; 3. The importance of the presence of the OAS General Secretariat; 4. A call for the cessation of all forms of violence and threats, regardless of where they come from; 5. The Verification and Security Commission is created, made up of representatives of the National Dialogue, having the Church as a witness and the aforementioned international agencies as observers, in order to make sure that there is an atmosphere of peace and security for all Nicaraguans; 6. The cessation of all forms of violence and threats throughout the national territory and a plan for the removal of the roadblocks [drawn up] by the Verification and Security Commission and the Mediation and Witness Commission.

74. On June 16, the following agreements were reached: a) the establishment of the Verification and Security Commission, made up of 12 members—six from the Government and six from the

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43 El Nuevo Diario, Obispos de Nicaragua dicen que no reanudarán diálogo tras ataque armado, ['Bishops of Nicaragua say that they will not resume dialogue following armed attack'], May 31, 2018; El Comercio, Conferencia Episcopal no reanudará el diálogo con el Gobierno, ['Episcopal Conference will not resume the dialogue with the government'], May 31, 2018; CNN, Nicaragua: Al menos 11 muertos y 79 heridos en protestas del Día de la Madre, ['Nicaragua: At least 11 deaths and 79 wounded in Mothers’ Day protests'], May 31, 2018.
44 Episcopal Conference of Nicaragua, Comunicado, June 07, 2018.
Civic Alliance for Justice and Democracy— with the appointment of its members and of the mediator and witness; b) the creation of the Electoral Table, made up of six members—three from the Government and three from Civic Alliance for Justice and Democracy—, with the appointment of its members and of the mediator and witness and “the agenda of the electoral table, according to a road map to operationalize the agreements;” and c) the formation of the Judicial Table, made up of six members—three from the Government and three from Civic Alliance for Justice and Democracy—, with the appointment of its members and of the mediator and witness.47

75. In a release of the Episcopal Conference of Nicaragua on June 18, and in the context of the National Dialogue, a summary is provided on the agreements reached between the Civic Alliance for Justice and Democracy and the Government Commission on the Verification and Security Commission, on the Electoral Table and on the Judicial Table. Additionally, through said release, the Church issues a request to the Government to extend an urgent invitation to the United Nations High Commissioner and the European Union, as well as a request to the IACHR, to dispatch technical advisory teams for the Verification and Security Commission.48

76. The IACHR hopes that the conditions for continuing the National Dialogue are fulfilled and that progress can be made in building a peaceful, democratic and constitutional solution to overcome the serious political and human rights crisis that the country is experiencing.

48 Episcopal Conference of Nicaragua, Comunicado, [Communiqué], June 18, 2018.
CHAPTER 3 GRAVE HUMAN RIGHTS VIOLATIONS

A. Rights to Life and Humane Treatment

77. The IACHR considers that the right to life constitutes the essential basis for the exercise of all other rights. In the same vein, the Inter-American Court of Human Rights has held that the right to life plays a fundamental role in the American Convention, as it is the condition *sine qua non* for the exercise of all other rights. When the right to life is not respected, all other rights lack meaning.49

78. The fundamental rights to life and humane treatment/personal integrity upheld in Articles 4 and 5, respectively, of the American Convention on Human Rights include not just the State’s negative obligation not to deprive persons under its jurisdiction of their life and not to inflict suffering on them, but also the positive obligation to protect and preserve those rights. Thus, the Commission deems it necessary to reaffirm the Inter-American Court's finding that the rights to life and humane treatment are central to the American Convention and form part of its non-derogable core of rights that, pursuant to Article 27.2 of that Convention may not be suspended in time of war, public danger, or other threats or emergencies.50 It follows from the above that, to fulfill its functions of providing security and public order, the State must minimize any threat to those rights by exercising careful scrutiny abiding strictly by the international principles and standards described below.

79. This pro-active protection of the right to life by the State is embedded in its duty to guarantee the full and free exercise of the rights of all persons under its jurisdiction,51 including the right to take part in meetings and public demonstrations; and it encompasses all state institutions and those responsible for providing security, be they its police forces or the armed forces. In light of the above, States must take all necessary precautions not just to prevent, try, and punish those responsible for depriving others of their lives as a result of criminal acts, in general, but also to prevent arbitrary executions by their own security agents.

80. In this regard, the IACHR considers it necessary to underscore that violation of the rights to life and humane treatment through failure to comply with the duties to respect and guarantee them render the State internationally responsible for acts or omissions by agents of any State branch or organ, irrespective of their rank, committed by virtue of their official status, even if they act beyond their sphere of competence, that violate the American Convention.52 Indeed,

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any situation that impairs the human rights recognized in the American Convention that can be attributed, under international law, to an action or omission committed by a public authority constitutes a deed that can be ascribed to the State and for which it is internationally responsible under the provisions of the Convention itself and of general international law. That being so, in order to establish whether a violation of the human rights established in the Convention has occurred, it is not necessary to determine, as it is in domestic criminal law, the guilt of the authors or their intention; nor is it necessary to identify individually the agents to whom the acts that violate the human rights embodied in the Convention are attributed. It is sufficient that a State obligation exists and that the State failed to comply with it.\(^{53}\)

81. Likewise, given that many of the human rights violations addressed in this report are attributed to unofficial or "parapolice" groups, the IACHR deems it necessary to point out that, as the I/A Court H.R. has ruled, assigning responsibility to the State for acts committed by private individuals may be legitimate in cases in which the State, through acts or omissions of its agents that are supposed to be acting as guarantors, fails to comply with the obligations set forth in Articles 1.1 and 2 of the American Convention.\(^{54}\) Therefore, States are duty-bound to investigate and punish all acts of violence that occur, punish their perpetrators, and make appropriate reparation to the victims.

82. As regards the right to demonstrate, it is a core part of the right to participate in any democratic body or system.\(^{55}\) Social tools, such as protests and demonstrations, have developed into important channels for public denunciation of abuse or human rights violations,\(^{56}\) and have even led to the incorporation of numerous rights in the progressive development of international human rights law.\(^{57}\)

83. In that regard, this Commission has previously pointed out that "[p]olitical and social participation through the exercise of freedom of assembly is critical to the consolidation of democratic life in societies and thus contains a keen social interest."\(^{58}\) This means that States should act on the basis that protests are legitimate and assume that they do not pose a threat to public order.\(^{59}\)

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84. With regard to the above, it has repeatedly been pointed out that breaking up a demonstration may only be justified by the duty to protect people, and that any kind of decision concerning the use of force in such contexts must consider the risks involved that could contribute to an escalation of tensions, the idea being to favor facilitation rather than containment or confrontation.

85. The IACHR has previously established that, based on the general principles of necessity and proportionality, there are no grounds authorizing the use of lethal forces to break up a protest or demonstration, of for firing indiscriminately at the crowd. Here, the IACHR has maintained that prohibiting the bearing of arms and the use of lead shot as ammunition by agents who could come into contact with demonstrators is the best way to prevent lethal violence and deaths during protests.

86. As mentioned in the foregoing section, as of the date this report was adopted, the Commission had received information regarding 212 deaths between April 18, 2018 and June 19, 2018, and documented reports of 1,337 people wounded through June 6, 2018, in the context of the suppression of social protests in Nicaragua. With respect to the wounded, the IACHR estimates that the number is larger than that registered by the State, given that the latter is based on reports from the country's public and private hospitals. It does not, however, include the large numbers of injured people who were reportedly denied care in hospitals or who sought care from improvised medical teams set up in universities and religious centers for fear of being arrested in hospitals, a pointed out in hundreds of testimonies received during the IACHR visit.

87. Based on information provided by the State, the IACHR was also told of the deaths of 5 policemen and of 65 officers wounded between the start of the protests and June 6, 2018. The IACHR was also told about situations in which persons identified as being government supporters had been detained and then tied to posts or trees and threatened with firearms when they were released. The IACHR also took note of acts of harassment and other forms of
maltreatment of mayors, policemen, and government supporters during that same period of time.

88. The IACHR notes that, since protests began, most of these violations of the rights to life and humane treatment were the result of the excessive and arbitrary use of force by state agents or by third parties with the acquiescence and tolerance of state authorities. In the context of the widespread violence in numerous parts of the country, massive human rights violations, and serious disruptions of public order in Nicaragua since April 18, 2018, the IACHR has also received information regarding violent acts by armed third parties not associated with the State and regarding accidental deaths.

1. Arbitrary Deprivation of Life and/or Inhumane Treatment as a Result of the Arbitrary and Disproportionate Use of Force by State Agents

89. The IACHR has been able to ascertain the use of various forms of violence by the Nicaraguan State against its population, thanks to more than 1,000 witnesses’ statements and abundant documentation provided by state institutions and civil society organizations, in the form of videos, photographs, recordings, and ballistic evidence that the IACHR received during its visit to Nicaragua, apart from information received since the visit.

90. The information provided reveals a pattern in which state agents -- mainly police officers pertaining to the Nicaraguan National Police and its anti-riot squads, parapolice groups acting in connivance with the police, and pro-government mayors and political secretaries -- have orchestrated a response designed to suppress, dissuade, and punish participation in demonstrations and stifle this expression of political dissent. In its observations on the draft version of this Report, the State said that, pursuant to relevant legislation, the National Police does not resort to civilian personnel, third parties, or civilian organizations to restore legitimately constituted order.

91. Demonstrators, including university students who took refuge inside universities; persons guarding the so-called barriers (tranques) put up in various parts of the country; journalists; and human rights defenders have borne the brunt of the various types of repression to which the Nicaraguan State has resorted.

92. The IACHR notes that this pattern developed through the excessive and arbitrary use of force, including the use of lethal force, which, judging by the testimonies received and the information available, appears to have been systematic. This pattern was observed since the initial responses to the protests as of April 18, 2018 and became more marked up to the date this report was adopted.

93. According to official information provided in connection with the IACHR visit, between April 18 and May 19, 2018, the violence generated in the context of the protests and subsequently
led to the deaths of 76 people and left 868 people injured.\textsuperscript{71} Those numbers increased in the weeks thereafter owing to the scaling up of the acts of violence and repression by State security forces and armed civilian third parties against the demonstrators.\textsuperscript{72} According to information furnished by the State, through June 6, the total number of people who died during the protests and thereafter was 96\textsuperscript{73} and the number of wounded increased to 1,337.\textsuperscript{74} For its part, the list drawn up by the IACHR as it monitored the situation in Nicaragua showed 212 people murdered between April 18, 2018, the date on which the first deaths occurred as part of the State’s suppression of the protests, and June 19, 2018.\textsuperscript{75}

94. The IACHR notes that the State’s response to the demonstrations begun on April 18 appears to have gone through different stages and levels of intensity in its actions directed against the demonstrators, as well as against the civilian population on the streets. According to information in the public domain, on April 18, the first day of demonstrations, no deaths were reported. Nevertheless, one of the first acts of aggression was allegedly perpetrated by riot squads (\textit{grupos de choque}) supported and tolerated by the National Police.\textsuperscript{76} In Managua, according to various witnesses’ statements, riot squads on motorbikes and in pick-up trucks marked with the National Police logo drove to the "Camino de Oriente" district, escorted by state agents. There, anti-riot police reportedly made excessive and indiscriminate use of tear gas and rubber bullets in order to disperse the demonstrators. They were accompanied by parapolice groups armed with pipes, sticks, clubs, and stones and together they attacked and rounded up demonstrators in the presence of the police. Some witnesses’ accounts cite a refusal by the National Police to intervene when this happened.

\begin{quote}
"[...] in Camino de Oriente the march began at 4:00 p.m. and at 4:20 we were attacked by the Juventud Sandinista […]. At that point, I ran to a policeman to ask for help, but he didn’t do anything. Suddenly, 30 visibly armed men on motorbikes appeared. They parked right in front of the policeman, got off their bikes without removing their helmets, and began beating all the demonstrators. I ran off because they were coming after me."
\end{quote}

95. Bearing in mind the potentially irreversible consequences of the use of force, the IACHR considers that "[t]he use of force is a last resort that, qualitatively and quantitatively limited, is intended to prevent a more serious occurrence than that caused by the state’s reaction."\textsuperscript{78} Within that clearly exceptional framework, both the Commission and the I/A Court of H.R. concur that, for the use of force to be justified, it must meet the criteria of legality, absolute

\begin{footnotesize}
\begin{itemize}
\item \textsuperscript{71} IACHR, Press Release 113/18, - Preliminary observations on the IACHR working visit to Nicaragua Washington, D.C., May 2, 2018.
\item \textsuperscript{72} IACHR, Press Release 118/18 - IACHR Condemns Renewed Violence in Nicaragua , Washington, D.C., May 25, 2018.
\item \textsuperscript{73} In an earlier communication, the State reported that 104 people had died in connection with the protests. Some of the people excluded from its final communication are: Roberto García Paladino, Daniel Sánchez López, Erick William Espinoza Mendoza, Apolonio Delgadoillo, Jimmy Jaime Paiz Barahona, Richard Javier Bustamante López, Gilberto de los Ángeles Sánchez García, Eduardo Jessi Spiegler Szijem, and Liliam Jaquelin Martinez. Information provided by the State. Note from the Permanent Mission of Nicaragua to the OAS, MPN-OEA-0061,June 2, 2018.
\item \textsuperscript{74} Information provided by the State. Note from the Permanent Mission of Nicaragua to the OAS, MPN-OEA-0063,June 8, 2018.
\item \textsuperscript{75} La Vanguardia, "Número de muertos por crisis en Nicaragua se eleva a 135, según el CENIDH", June 8, 2018; Agencia EFE, "Nicaragua aún en expectativa por el diálogo mientras sube la cifra de muertos", June 8, 2018.
\item \textsuperscript{76} La Prensa, "Así te contamos las agresiones orteguistas a la resistencia ciudadana en Managua", April 18, 2018.
\item \textsuperscript{77} Testimony by a person who took part in the demonstration in Managua on April 18, received by the IACHR in Managua, on May 20, 2018.
\item \textsuperscript{78} IACHR, Report on the Situation of Human Rights Defenders in the Americas OEA/Ser.L/V/II.124. Doc. 5 rev. 1, adopted on March 7, 2006, par. 64.
\end{itemize}
\end{footnotesize}
necessity, and proportionality. Broadly speaking, this would imply that it is backed by law and pursues a legitimate purpose; that an assessment is made to verify the existence and availability of less harmful measures; and that the level of force used is proportional to the real risk posed by the person and his or her degree of resistance, which would entail a balance between the situation the officer faces and his response, considering the potential harm that could be done. The above is based on the international human rights obligations incurred by States in such international instruments as the United Nations Basic Principles on the Use of Force and Firearms by Law Enforcement Officials and the Code of Conduct for Law Enforcement Officials, which have helped shape those obligations.

Thus, and in keeping with the above-mentioned exceptionality principle, States should, to the extent possible, use nonviolent methods rather than resorting to the use of force and firearms. As one might suppose, this restriction on the use of forces does not refer only to lethal weapons. Restricted-use measures also include those considered "non-lethal" or "less lethal." This category could encompass a whole range of devices from rubber and rubber-coated bullets, tear gas, electric shock dart guns (tasers), water cannons, plastic bullets, to high sound and heat devices, and others. For the IACHR, almost all use of force may cause serious injury or even the death of a person. This means that, under certain circumstances, the lethal nature of a weapon may depend on how it is used and controlled.

Some examples of this have to do with firing rubber bullets at short range and pointing to the upper part of a person's body; the use of tear gas fired directly at people or used against children or older persons, as was observed in the State's suppression of protests in Nicaragua.

The Commission has stressed that the breaking up of a demonstration can only be justified by the duty to protect people. Therefore, the Commission considers that the breaking up of a protest demonstration does not in itself constitute a legitimate purpose justifying the use of force by the security forces; much less, the use of lethal or potentially lethal force. Moreover, the Commission observes with concern that the actions taken by the security forces in connection with the protests in Nicaragua, fail to abide by the principles of necessity and proportionality.

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85 The OSCE Office for Democratic Institutions and Human Rights (ODIHR) and the Council of Europe’s Commission for Democracy through Law (Venice Commission), Guidelines on Freedom of Peaceful Assembly, second edition (Warsaw/Strasbourg, 2010). Section B, “Explanatory Notes” points out that the inherent imprecision of the term “public order” must not be exploited to justify the prohibition or dispersal of peaceful assemblies (par. 71) and that the dispersal of assemblies should be a measure of last resort and should be governed by prospective rules informed expressed in domestic law-enforcement guidelines. Guidelines should specify the circumstances that warrant dispersal and who is entitled to issue dispersal orders. Par. 165.
proportionality in the use of force. What is more, the "keen social interest" associated with the right to take part in public demonstrations implies a widespread presumption in favor of the exercise of that right.

2. Deprivation of Life and/or Inhumane Treatment/Impairments of Personal Integrity through the Use of Lethal Weapons

According to information garnered by the IACHR, on April 18, 2018, the first day of the protests, the State's response began to be characterized by excessive use of force, mainly through the use of firearms and excessive use of less lethal weapons, such as tear gas and rubber bullets and pellets, by the police and by anti-riot squads to break up protests and demonstrations in various cities. As the protests continued, between April 19 and 22 the State activated a more aggressive strategy to put them down, attacking demonstrators and even people who were not demonstrating. According to numerous witnesses' accounts received during the visit, another tactic used to quell the protests was the deployment of snipers in such places as the "Denis Martínez" National Stadium. The Commission observed with deep concern that during those four days the intensity of the State's repressive actions against the protests had resulted in at least 49 deaths, more than half the total number recorded by the State for the period from the beginning of the protests through May 20, 2018. During that same period, two policemen died as a result of attacks using firearms.

In its comments on the draft version of this report, the State asserted that the police use neutralizing non-lethal weapons, firearms with non-lethal ammunition, and dissuasive weapons (stun guns, tear gas) in order to minimize the risk of death or injury, in keeping with

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86 The first principle means that for the degree of force exercised by State officials to be considered in line with international parameters, it must not exceed what is absolutely necessary, while the second principle means that force must be exercised in moderation and to an extent proportionate to the legitimate objective sought, as well as with care to reduce to a minimum injuries to people and the loss of human lives (IACHR, Democracy and Human Rights in Venezuela, OEA/SER.L/V/II, Doc. 54, December 30, 2009, par. 133).

87 Accordingly, the United Nations Human Rights Council called upon States to "promote a safe and enabling environment for individuals and groups to exercise their rights to freedom of peaceful assembly, of expression and of association, including by ensuring that their domestic legislation and procedures relating to the rights to freedom of peaceful assembly, of expression and of association are in conformity with their international human rights obligations and commitments, clearly and explicitly establish a presumption in favour of the exercise of these rights, and that they are effectively implemented." Resolution A/HRC/25/L.20, March 2014, Article 3. Emphasis added.


90 On April 19, deputy police inspector Hilton Rafael Manzanares Alvarado was reportedly murdered by "groups of hooligans coming out of the Universidad Politécnica and disturbing the peace," and, on April 21, while she was on patrol doing surveillance work, police inspector Juana Francisca Aguilar Cano was shot and wounded. Information provided by the State. Report entitled “Actuación de la Policía Nacional ante graves alteraciones al orden público” (Actions by the National Police during grave disturbances of the peace) (April 19 to May 17, 2018), pp. 9 and 10.
the high levels of armed violence and the principles of coherence, timeliness, and proportionality.91

101. In that context of suppression of social protest, the Commission resolutely condemns the indiscriminate attacks with lethal weapons by members of the National Police and anti-riot squads against both reportedly unarmed demonstrators and against persons who were not taking part in the demonstrations. According to the information available, the IACHR noted that between April 19 and 22, the disproportionate use of force by the police resulted in the deaths of at least 35 men, aged between 15 and 45, who were killed with one or two bullets to the head, throat, and chest, in a way that indicates that the aim was to exterminate the demonstrators, which clearly rules out any legitimate purpose.

102. Following is a Table, giving the date of the events, the name, age, and cause of death of the victims recorded between April 19 and 22, 2018, who, according to the information received, allegedly died in the kind of circumstances described above. In addition, Appendix I lists the deaths recorded by the IACHR.

<table>
<thead>
<tr>
<th>Date</th>
<th>Name</th>
<th>Age</th>
<th>Cause of death reported to the IACHR</th>
</tr>
</thead>
<tbody>
<tr>
<td>April 19</td>
<td>Darwin Manuel Urbina Urbina</td>
<td>31</td>
<td>The official version indicates that he died from a gunshot wound. Family members say that he was shot.</td>
</tr>
<tr>
<td></td>
<td>Richard Eduardo Pavón Bermúdez</td>
<td>17</td>
<td>Shot in the chest</td>
</tr>
<tr>
<td></td>
<td>José Amador Abraham</td>
<td>16</td>
<td>Shot in the chest</td>
</tr>
<tr>
<td></td>
<td>Carlos Alberto Bonilla Lopez</td>
<td>17</td>
<td>Shot in the forehead</td>
</tr>
<tr>
<td></td>
<td>Michael Humberto Cruz Sánchez</td>
<td>30</td>
<td>Shot in the chest</td>
</tr>
<tr>
<td></td>
<td>Erick Andrés Cubillo Salís</td>
<td>36</td>
<td>Died from a shot in the chest</td>
</tr>
<tr>
<td></td>
<td>Orlando Francisco Pérez Corrales</td>
<td>23</td>
<td>Shot in the chest</td>
</tr>
<tr>
<td></td>
<td>Franco Alexander Valdivia Machado</td>
<td>24</td>
<td>Shot in the head</td>
</tr>
<tr>
<td></td>
<td>Gerardo Antonio Castillo Mendoza</td>
<td>41</td>
<td>Shot in the chest</td>
</tr>
<tr>
<td></td>
<td>Hammer Jhoel García Salina</td>
<td>19</td>
<td>Shot</td>
</tr>
<tr>
<td></td>
<td>Harlinton Raúl López García</td>
<td>18</td>
<td>Shot near the UNI. Died in hospital.</td>
</tr>
<tr>
<td></td>
<td>Jairo Mauricio Sandino Hernández</td>
<td>24</td>
<td>Severe brain damage The x-ray shows a bullet in the brain.</td>
</tr>
<tr>
<td></td>
<td>Jimmy José Parajón Gutiérrez</td>
<td>35</td>
<td>Shot in the chest</td>
</tr>
<tr>
<td></td>
<td>Juan Carlos López Martínez</td>
<td>23</td>
<td>Shot</td>
</tr>
<tr>
<td></td>
<td>Alvis Yamil Molina Hodgson</td>
<td>35</td>
<td>Died from a bullet wound on the left side of his chest</td>
</tr>
<tr>
<td></td>
<td>Moroni Jacob Lópe García</td>
<td>23</td>
<td>Shot</td>
</tr>
<tr>
<td></td>
<td>Marlon Manases Martínez Ramírez</td>
<td>28</td>
<td>Shot in the head</td>
</tr>
<tr>
<td></td>
<td>Francisco Giovanny Sobalvarro Altamirano</td>
<td>24</td>
<td>Shot</td>
</tr>
<tr>
<td>April 20</td>
<td>Ángel Eduardo Gahona López</td>
<td>42</td>
<td>Shot in the back of the head</td>
</tr>
<tr>
<td></td>
<td>LesterJosé Flores Bracamonte</td>
<td>18</td>
<td>Shot in the chest</td>
</tr>
<tr>
<td></td>
<td>Marcos Antonio Zamorío Anderson</td>
<td>30</td>
<td>Shot in the chest</td>
</tr>
<tr>
<td></td>
<td>Carlos Manuel Sandino Hernández</td>
<td>40</td>
<td>Shot in the chest</td>
</tr>
<tr>
<td></td>
<td>Lester Adan Vindel Picado</td>
<td>37</td>
<td>Shot in the chest</td>
</tr>
<tr>
<td>April 21</td>
<td>Bismarck Antonio Cuadra Castro</td>
<td>27</td>
<td>Shot in the chest and abdomen</td>
</tr>
<tr>
<td></td>
<td>Ismael Josué Pérez Vilchez</td>
<td>32</td>
<td>Shot in the face and chest</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Name</th>
<th>Age</th>
<th>Injury</th>
</tr>
</thead>
<tbody>
<tr>
<td>Celso José Díaz Sevilla</td>
<td>19</td>
<td>Shot</td>
</tr>
<tr>
<td>José David Morales Pérez</td>
<td>35</td>
<td>Shot</td>
</tr>
<tr>
<td>Jerson Alexander Flores Medrano</td>
<td>26</td>
<td>Shot in the head</td>
</tr>
<tr>
<td>Ramón Antonio Rodríguez</td>
<td>45</td>
<td>Shot in the forehead</td>
</tr>
<tr>
<td>Richard Javier Bustamante López</td>
<td>31</td>
<td>Shot in the abdomen</td>
</tr>
<tr>
<td>Josué Rivas Yesner</td>
<td>16</td>
<td>Shot in the neck</td>
</tr>
<tr>
<td>Dany Stalin Rivas</td>
<td>26</td>
<td>Shot in the abdomen</td>
</tr>
<tr>
<td>Eduardo Antonio Sánchez Flores</td>
<td>30</td>
<td>Shot in the chest</td>
</tr>
<tr>
<td>Jonathan Steven Valerio</td>
<td>20</td>
<td>Shot</td>
</tr>
<tr>
<td>Nesker Eliezer Velasquez</td>
<td>27</td>
<td>Shot in the head</td>
</tr>
</tbody>
</table>

103. Typical of this pattern is the murder of Michael Humberto Cruz Sánchez, who was reportedly killed on April 20 in the vicinity of the technical college (UPOLI). According to the complaint filed by family members, "he was shot in the chest, next to his heart, by one the policemen using an AK-47 rifle." Also murdered on April 20 was Moroni Jacob López, who was in the vicinity of the National Engineering University (UNI) helping take care of students in the health posts, when he was hit by two shots fired by National Police officers from the National Stadium. Likewise on April 20, Nelson Enrique Téllez Huete was shot while driving a taxi in Ciudad Sandino. According to his wife, the victim said that the attacker had been "a man on a motorbike dressed in civilian clothes, but who in fact was a policeman, because he had recognized him."

104. In Estelí, on April 20, Orlando Francisco Pérez Corrales and Franco Alexander Valdivia Machado reportedly died in the central park from gunshot wounds, while they were taking part in one of the protests. According to witnesses’ accounts garnered by the Commission and press accounts, Orlando Pérez had been shot in the chest and Franco Alexander Valdivia Machado in the head. Neither one had been armed at the time and the shots had allegedly been fired by state agents in the Mayor’s Office in Estelí.

105. The IACHR also received abundant information about the murder of journalist Ángel Eduardo Gahona López in Bluefields on April 21. He was shot in the head while broadcasting live on Facebook Live. According to several sources, at the time he was shot there were no clashes going on nearby, so that reportedly there are indications that it was an attack perpetrated by a sniper because he was doing his job as a reporter.

106. According to testimony received by the Commission from members of the medical staff at public hospitals, numerous victims had been treated at the time for bullet wounds to the head, eyes, neck and chest, as well as in the back. The mechanics and flight paths taken by the...
bullets would suggest a pattern of extrajudicial executions.97 Judging by the autopsies analyzed by the IACHR, in numerous cases the bullets had entered the body at its most lethal spots, which would suggest that the shots had been intended to kill. In eight cases documented by the same organization, the wounds were to the head, neck, or upper chest. In at least four cases, the path flight of the bullet had been from above, which suggests the possibility of snipers or persons shooting from an advantageous position.98 Likewise, a news report based on the study of several CAT scans of persons with bullet wounds to the head points out that the nature of the wounds and downward flight path of the bullets from higher ground would constitute circumstantial evidence of the use of snipers by the National Police.99

107. In addition to the denunciation regarding the use of snipers, the IACHR received hundreds of witnesses’ accounts alleging that National Police officers and their anti-riot squads had shot at short range with firearms and rubber bullets at persons taking part in the protests or who were in the vicinity of universities or the Cathedral in Managua.100 Once again, in those instances, State agents were firing shots aimed at the head, throat, and chest of the demonstrators. One such case is that of 18-year-old Jimmy de Jesús Sánchez, who received 60 pellet wounds all over his body on May 12. One pellet is still lodged in his left eye. Two other cases were Franklin Nemesio Gutiérrez and José Antonio Gondoya, who were shot point blank with pellets, even though neither was taking part in the protests. David Mayorga Díaz, aged 16, was another person hit by a rubber bullet fired at short range.101 A 19-year-old youth injured in the protests on April 20 at the National Engineering University (UNI) told how:

They wounded me around 4:50 or 5:00 p.m. That day I was taking part in a protest inside the UNI. After a while, we left the precincts and went to the street leading to the Cathedral behind the UNI campus. We were protesting about the [Tr. social security law] amendments and they were suppressing the protests, with anti-riot squads firing to kill. Things turned very ugly. We took up the whole street, but I moved off. That is to say, I went to the main university gate. The ones firing were the anti-riot squads. When I moved, along the path next to the university, heading for the main entrance, I was coming from the part behind. There were snipers above the Dennis Martínez National Stadium. I continue walking and get inside. When I got to the back gate into the university, the Juventud Sandinista, the Police and the anti-riot squads break open the lock on the back gate of the university and enter the precincts.

See also, Amnesty International, Disparar a matar: estrategias de la represión de la protesta en Nicaragua, 2018. p.32.
Confidencial, [Disparaban con precisión: a matar], May 26 – June 2, pp. 9 and 10.

“Ernesto Téllez was running as fast a he could to take shelter at the National Engineering University (UNI). A sniper was firing at the demonstrators from the National Stadium. It was 11:00 a.m. on the morning of Friday, April 20. He managed to cross the street, then the parking lot and the football field and reached one of the UNI buildings. A group of students were trying to revive a youth lying on the pavement. Ernesto, a volunteer for the Managua fire brigades and trained in first aid, joined in to help. Suddenly I saw a policeman yelling at us to leave the wounded youth. He began shooting at us. We ran off. Several police officers took the boy away: we don’t know where to. The clashes died down for a while. After a while, they shouted that another person had been wounded and he ran to help. The young man was lying on the ground, holding a molotov cocktail in one hand. Ernesto took it away from him n order to try and lift him up. At that moment, another policeman appeared, pointing his gun at him. Maybe it was the same policeman, who knows? He didn’t give me time to react and suddenly I heard a shot. First, I thought he had hit the molotov cocktail, but I looked and it was still intact on the pavement. Then I felt pain in my arm. The bullet had gone through his arm above the left elbow. He collapsed on to the ground, next to the other wounded youth. Seconds later, the same sound. Another shot, another bullet. This one entered the right side and came out through the left one.” See: Revista 5W, Marta del Vado, “Ortega devora a sus hijos”, May 29, 2018.

Testimony received by the IACHR in Managua on May 19, 2018.
When we were in the back part of the university, opposite the Stadium, before they all came in, a bus arrived carrying small arms and began handing them out to certain people with hoods marked with the symbols of the National Police, wearing Juventud Sandinista tea shirts, jeans, and tennis shoes. It was at the back, where they gave them small arms. The bus drove off and the people with the small arms entered the university. As they did, I begin to hear shouts of "here they come, here they come" [...] As they run, the anti-riot squad officer hands an AK to one of the Juventud Sandinistas wearing a hood. He grabbed the AK-47 rifle and began shooting at the people running away. The anti-riot squad officer also took out his weapon and began shooting at anyone he could. In the rush, I didn't feel the bullet penetrate; I just felt its impact as it hit me. In my mind I thought I had been hit by a rubber bullet. I ran half a block more and my leg went stiff and I couldn't keep running. Then the pains in my stomach began. When I fall, my friends ahead came back, but had to use sheets of zinc to protect themselves from bullets because they were still shooting. We didn't know where to go but a woman living in the block where we were helped me and opened the door to her house. I was calm and then I felt the heat in my pants, in my leg, and realized. I pulled down my pants and found I had been hit by a bullet and the blood kept coming out. I tried to stay calm, took off my shirt, and tried to put pressure on the wound to stop the bleeding, but the blood just kept coming out anyway. The woman who had taken us in called an ambulance. They shot at the face of the house and at the ambulance while the paramedics were trying to give me emergency aid. When they did that, one of the paramedics got into the ambulance and went off with the driver to try and distract or mislead the attackers, while the other one stayed with me inside the lady's house to try and stop the hemorrhage, because I was losing blood fast. When they start taking me out of the house, they began shooting at the ambulance and the door of the house to prevent them from taking me out. That was when the ambulance came back. They managed to get me out of the house and were just closing the last door of the ambulance when I was hit by another bullet here, from the left side toward the right. Another shot from the back to the front of the ambulance wounded the paramedic.

After all that we arrived at a hospital and they did not want to take care of me. From there they took me to the Manolo Morales Hospital, where four anti-riot squad officers were restricting entry and preventing those with bullet wounds from receiving medical care. Despite that, some doctors rebelled against the ban on helping and began caring for those who needed it. The anti-riot police threatened the doctors, pointing their rifles at them. Even so, the doctors managed to get the officers to leave the emergency rooms, but they stayed at the entrance to the hospital. They interrogated those arriving with bullet wounds, asking them where they had been shot, and began separating them off. After that some doctors arrived and protested, saying that they had sworn an oath to help and they had to attend to us. They said that the demonstrators had also been fighting for their rights and for our country as well. The anti-riot police tried to isolate those with bullet wounds, but the doctors did not let them do so. While this was going on, someone in civilian clothes and a Juventud Sandinista tea shirt, and wearing a medical mask, began labeling people by the place where they had been injured. They stuck a label on me saying "UNI". Another got a label
saying "Cathedral", because he had been there when he was shot. I removed the label just in case. [...] My operation took about 9 hours, from 6:00 p.m. to around 2:30 a.m. and they had to keep me hospitalized from April 20 to May 9, when I was released. The medical certificate just says "bullet wound to the abdomen plus grade III damage to the small intestine and Grade II damage to the colon." The bullet is still lodged in my body. As the doctors explained to me, this is because the bullet is lodged in the perineal sigmoid colon, an area difficult to operate on without causing internal bleeding that could endanger my life. Moreover, the bullet is very close to the fifth lumbar vertebra, which could cause me problems if the bullet is displaced. For that reason, the doctors have told me that I will have to undergo two more surgeries to make sure that the bullet does not move. They also performed an ileostomy, which is why I have part of my intestine in a bag outside my body. [...] The Forensic Medicine Institute never examined my wounds. Nor did I file a complaint. Currently, the law is not on our side.102

108. Another pattern identified with regard to the infliction of severe injuries by state agents has to do with the shooting of rubber bullets by anti-riot squad personnel straight at young demonstrators, sometimes aiming for their eyes, during the first days of the protests. In connection with its visit to Nicaragua, the IACHR received abundant information regarding this modus operandi and heard testimony from nine young people who had lost one of their eyes after being shot with rubber bullets and pellets by anti-riot squad personnel. A young university student told the IACHR:

On Thursday, April 19 we were at the National Agrarian University march. The Police arrived around 8: a.m. Then the anti-riot squads arrived and began firing tear gas, rubber bullets, and mortars. At that point, we moved inside the university. From the outside, they continued firing at us inside the university. I was sitting next to a friend and suddenly I felt something hit me in the face. I began bleeding a lot and then we saw that they had truck me with a rubber bullet. I told a teacher that they had taken out my eye. That was around 8:50 in the morning. The anti-riot squads would not let us leave. I had to walk about two kilometers and jump down from a wall, and a university pick-up truck took me to a hospital. There they gave me injections against tetanus and the pain and then they took me to the Nicaraguan Ophthalmology Center (CENAO). There I underwent the first surgical operation at 11:50 and a second one on Saturday. I was left with 16 stitches in the eye and lost all vision in that eye.103

109. The IACHR also took testimony from a doctor at a hospital in Managua who had treated many of the wounded. He stated that:

"On Thursday, April 19, when I was treating people coming with injuries from the Agrarian University, I was struck to see two patients with rubber bullet wounds straight to the right eye. [...] On Friday, April 20, at 2:00 p.m. we were told that the Police were attacking the technical university (UPOLI) and 15 to 20 minutes later we started to receive people with rubber bullet wounds: 6 patients

102 Testimony by a university student who took part in the demonstration in Managua on April 20, received by the IACHR in Managua, on May 19, 2018.
103 Testimony by a university student who took part in the demonstration in Managua on April 19, received by the IACHR in Managua, on May 19, 2018.
in all. I was struck by the fact that the rubber bullet wounds were not above or below, or to the right or left of the eye, but straight in it: that was the work of an expert sniper. All in all, there were about eight people shot in the right eye. But that day, I treated four. We had received two the previous day."\(^{104}\)

110. The Commission once again points out that the United Nations’ Basic Principles on the Use of Force and Firearms allow law enforcement officials to use firearms “to arrest a person presenting such a danger and resisting their authority.”\(^{105}\) That notwithstanding, as part of the requirements for use of force to be permissible under that hypothetical circumstance, the Principles say that: (i) [use of] it may be made only when less extreme means are insufficient to achieve these objectives; (ii) it “may only be made when strictly unavoidable in order to protect life”; (iii) law enforcement officials must give a “clear warning of their intent to use firearms”; and (iv) said warning must be given with sufficient time, unless to do so would endanger the law enforcement officials or other persons.\(^{106}\)

111. Regarding the principle of absolute necessity, the Inter-American Court has pointed out that, in keeping the circumstances of the case, it is “must be verified whether other means are available to protect the life and safety of the person or situation that it is sought to protect."\(^{107}\) It has also specifically established that such a required circumstance cannot be alleged when the persons involved do not pose a direct danger, "even if a failure to use lethal force might have resulted in the opportunity to arrest the fugitive being lost."\(^{108}\)

112. At the same time, the Commission is of the view that the proportionality principle requires moderation on the part of security agents and an effort to minimize the damage and injuries that could result from their intervention, while guaranteeing immediate assistance for persons injured and striving to inform family members and associates of what happened as quickly as possible.\(^{109}\) Circumstances such as “the level of intensity and danger of the threat; the attitude of the individual; the conditions of the surrounding area, and the means available to the agent to deal with the specific situation”\(^{110}\) are determinants when it comes to evaluating the proportionality of the interventions by the authorities. Agents who may legitimately make use of force should “apply a standard of differentiated use of force, determining the level of cooperation, resistance, or aggressiveness of the person involved and, on this basis, use tactics of negotiation, control or use of force, as appropriate,” \(^{111}\) for the

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\(^{104}\) Testimony by a doctor at a hospital in Managua, received by the IACHR on May 19, 2018.


principle of proportionality requires law enforcement officials deploying force “to reduce to a minimum the harm or injuries caused to anyone... at all times.”112

113. The Commission has pointed out that moderation in the use of force must be adjusted constantly during an operation in accordance with changes in the specific circumstances and to abide by the criteria of necessity and proportionality. Thus, the use of force against persons who no longer pose a danger cannot be considered authorized.113 With regard to this obligation to protect the right to life, the European Court of Human Rights has held that it is necessary to examine “not only whether the use of potentially lethal force against the applicant was legitimate but also whether the operation was regulated and organized in such a way as to minimize to the greatest extent possible any risk to his life.” 114

114. In line with international standards, for law enforcement officials in Nicaragua, the National Police Act115 establishes a series of core principles to govern actions by the police and, in particular, the use of force and of firearms. Numbered paragraph 1 of Article 7.5 of that Act establishes that police officers shall "only use the force needed to avoid serious immediate and irreparable harm; and in so doing should abide by the principles of coherence, timeliness, and proportionality in using the means at its disposal, when other means turn out to be ineffective." As for firearms, numbered paragraph 2 of the same provision establishes that police officers:

"shall only make use of them when there is serious risk to their lives, bodily integrity, or to those of third parties; or in order to prevent the commission of a particularly serious crime that poses a threat to life, or in order to detain a person who poses that danger, who resists the authorities, or to prevent his escape, and only when less extreme measures are unable to achieve those objectives; or in circumstances that pose a grave risk to public order, and in keeping with the principles enunciated in the foregoing paragraph."

115. The Commission observes that none of the demonstrations, which were conducted peacefully, meets the legal requirements authorizing the police to use firearms against the demonstrators; and yet they were suppressed by the State in a disproportionate manner, including even firing directly at the demonstrators’ vital organs.

116. As the United Nations Special Rapporteur on the rights to freedom of peaceful assembly and of association and the Special Rapporteur on extrajudicial, summary or arbitrary executions pointed out in their Joint Report on the proper management of assemblies, “[t]he protection of the right to freedom of peaceful assembly extends only to those assemblies that are peaceful." To determine whether a meeting qualifies for protection of that right, the peacefulness of an assembly should be presumed, and a broad interpretation of the term “peaceful” should be afforded. “Regard must be given to the manner in which the assembly is held and to the intentions of the participants.”116 The rapporteurs also asserted that “Acts of

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sporadic violence or offences by some should not be attributed to others whose intentions
and behaviour remain peaceful in nature.” 117 Nevertheless, they pointed out that “[e]ven if
participants in an assembly are not peaceful and as a result forfeit their right to peaceful
assembly, they retain all the other rights, subject to the normal limitations. No assembly
should thus be considered unprotected.” (Tr.:paragraph 9)

117. In short, the Commission considers that the acts of violence aimed directly at the vital organs
of people who did not pose an imminent threat to the lives of the State security agents
constitute arbitrary use of force and, where they resulted in deaths, extrajudicial executions.
All of the above violates the rights to life and humane treatment recognized in the American
Convention on Human Rights, as well as international and inter-American standards.

3. Use of Lethal Weapons against Children and Adolescents

118. The IACHR voices its profound concern at the particular impact that the excessive use of force
has had on the rights of children and adolescents, owing, to a large extent, to the major part
played by the student movement in the demonstrations. The information and witnesses’
accounts received by the IACHR reveal that young people and children were especially
vulnerable victims of the repressive violence used by the State during and after the protests.
According to information documented by the Commission, by June 20, 16 children and
adolescents had died violent deaths associated with the State’s suppression of the
demonstrations. Moreover, according to information provided by civil society organizations,
by May 17, five of them had bullets wounds to the head, neck, and chest. 118

119. The IACHR was deeply disturbed to hear the testimony of family members of a 15 year-old
boy, Álvaro Manuel Conrado Dávila, who, on April 20, was shot in the neck while carrying
"water to help the UPOLI students" and when he arrived at the Cruz Azul (public) hospital
reportedly was at first denied medical care. 119

120. The Commission was also told that, on April 19, Richard Bermúdez Pavón, aged 17, was hit by
bullets in the chest opposite the Mayor’s Office in Tipitapa. 120 The following day, two 17 year-
olds, Carlos Alberto Bonilla López and José Abraham Amador, were shot dead. The death of
Juan Rivas, aged 16, was reported on April 22, after he had been shot in the chest. 121

121. In this context, the Commission has pointed out that when the State is in the presence of a
child, in addition to the duties specified for every person, there are the additional duties
under both Article 19 of the American Convention and Article VII of the American Declaration.
That being so, the State must assume its special status as guarantor with greater care and
responsibility because a child is involved, and must adopt special measures guided by the

assembly and of association and the Special Rapporteur on extrajudicial, summary or arbitrary executions on the proper management
of assemblies, A/HRC/31/66, 4 February 2016, par. 20.
118 CODENI, Informe sobre violaciones de Derechos Humanos contra la Niñez y la Adolescencia Nicaragüense, May 18, 2018; Movimiento
Mundial por la Infancia, Visibilizando la situación de niñas, niños, adolescentes y jóvenes durante la crisis social en Nicaragua – April
119 Testimony received by the IACHR in Managua on May 20, 2018.
120 Univiisión, “Les dije ‘soy el pueblo’ y se me tiraron encima”: suman cuatro muertos y decenas de heridos al tercer día de protestas en
principle of the child’s best interest. In light of the above, the IACHR underscores that the Nicaraguan State has a duty to take all necessary steps to prevent any abuse or excesses against the rights of the child by its agents or third parties. In particular, the Commission condemns and repudiates the use of lethal force against children and adolescents by state agents and armed third parties.

4. **Arbitrary Deprivation of Life and/or Inhumane Treatment/Impairment of Personal Integrity by Third Parties**

122. Analysis of witnesses’ accounts, a variety of information sources, and photographs received by the Commission all show that, from the start of the protests, groups of armed third parties and parapolice groups intervened, taking part with the National Police or with its acquiescence in violent acts designed to intimidate, keep an eye on, and quell demonstrators opposed to the government. Based on the information available to the Commission, it transpires that in many cases those groups act on instructions from the National Police, or else are organized and armed, and act on instructions from local mayors or district political secretaries.

123. The Commission received dozens of accounts denouncing the attack on Managua Cathedral on April 20, 2018 as one of the events best illustrating the severity of the repression and the coordination between armed civilian third parties and state agents, that left so many people wounded.

124. According to the information available, on April 20 hundreds of people went to the Cathedral terrace to support the students and demonstrators with food, provisions, and medical supplies. Doctors, paramedics, medical students and other volunteers likewise organized medical teams and improvised health posts to receive medicines and care for the wounded.

125. Even though the Cathedral had been set up as an assistance and humanitarian aid center for the wounded and others seeking protection, around 2:00 p.m. police officers, their anti-riot squads, and parapolice groups began carrying out indiscriminate attacks against the volunteers inside and in the vicinity of the Cathedral. For several hours shots were fired and rubber bullets and tear gas used by the anti-riot squads as groups of thugs tried to get into the building. Testimonies from persons sheltering in the Cathedral tell how at nightfall, the National Police stepped up its attacks and even cut off the electricity. According to those witnesses’ accounts, they were surrounded and, given the intensity of the attacks by the police they decided to put their names on their arms so that their bodies could be identified if they were murdered.

“I took part by delivering provisions to the people in the UNI on April 20, 2018. When we were done, the anti-riot police arrived tossing tear gas at us to disperse us and get to where we were. Several police dressed in blue and light blue arrived on motorbikes with rifles and behind them was a pick-up truck full of police. Those policemen began firing both rifles and rubber bullets, all at the same time. [...] Around 4:40 p.m. there were policemen and the Juventud Sandinista (JS) near the National Stadium trying to make their way from there to the UNI and they began tossing mortars and stones toward the UNI and at those

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123 *La Prensa*, *Juventud Sandinista mantuvo bajo asedio a jóvenes en la Catedral de Managua*, April 21, 2018.
of us who were near the Cathedral. [...] The priest in the Cathedral asked us to go inside so as to protect ourselves from the JS and the police. The JS got to the Cathedral and broke the lock on the West gate. They then fired at two vehicles there and set fire to two motorbikes. After that both the priest and the nuns came out to put a stop to the attack. By then they had already cut off the electricity in the Cathedral. [...] Inside the Cathedral many people were crying and marking their arms so that they could be identified, because we were thinking by then that they were going to set fire to the Cathedral with us inside. The parish priest was trying to calm us down, telling us to pray.” 124.

126. The IACHR was also told about the cases involving Eduardo Antonio Sánchez Flores, who was attacked by parapolice groups near the Cristo Rey traffic circle, who fired four bullets at him at point-blank range;125 and Kevin Joel Valle Aguilar, murdered near the UPOLI university by individuals shooting from a vehicle:126

“My son was playing on the block with some friends when a white pick-up truck passed by with armed individuals dressed in civilian clothes, firing their guns. A bullet hit him in the pelvis and he was taken to the German-Nicaraguan Hospital where surgeons opened him up to extract the bullet [...]. Eye witnesses said it was a government pick-up truck and that those inside it were Sandinista Youths, better known as pro-Ortega mobs.”127

127. The IACHR notes that as civilian resistance continued following the initial protests in April, parapolice groups have engaged in new forms of violence, leaving demonstrators and even students and civilians not taking part in the protest or putting up any form of resistance, either dead or with both physical and psychological injuries. Thus, some dozen testimonies received by the IACHR told how, in various cities in Nicaragua, groups of thugs (grupos de choque) went about intimidating demonstrators and tearing down barricades by firing off bursts of gunfire at short range from moving vehicles at people manning the barricades and civilians near universities and public squares. The Commission was told:

"In the last few days, we have been receiving people with bullet wounds every day, but there’s a difference now; these victims are not protesters, they are the victims of delinquents who move around in groups of four and shoot to kill [...]. This is a new development. Now the shots are bursts of gunfire, typically from handguns, they are no longer mostly bullets aimed at the head.”128

128. The IACHR also received abundant information regarding the events of May 30, 2018, during the Mother’s Day march in Nicaragua. In Managua that march was brutally put down by parapolice groups using firearms to shoot indiscriminately at hundreds of demonstrators.129 There is plenty of video material documenting these facts. According to official data, as a

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124 Testimony received by the IACHR in Managua in May 2018.
125 Testimony from a family member received by the IACHR in Managua in May 2018.
126 Testimony from a family member of a young man murdered, received by the IACHR in Managua, on May 20, 2018.
127 Testimony from a doctor at a hospital in Managua, received by the IACHR on June 6, 2018.
consequence of those events, 15 people lost their lives and 199 were wounded in Managua, Estelí, and Masaya.\(^{130}\)

129. The IACHR also received information regarding the events of June 16, 2018, when the Velásquez Pavón family’s home was set fire to in the Carlos Marx district in Managua, leaving six people dead: four adults and two children: Oscar Velásquez Pavón (the father), Maritza Muñoz (the mother), Alfredo Velásquez (son), Mercedes Raudez (Alfredo’s wife), Daryelis Velásquez Muñoz (daughter, aged two and a half), and Matías Velásquez Muñoz (a five-month old baby son), who had reportedly been prevented from getting out of the house, and whose neighbors were allegedly prevented from helping them. According to testimony in the public domain, the fire had been started by parapolice groups. In its observations to the draft version of this report, the State indicated that it was investigating these lamentable facts to ascertain who was responsible.\(^{131}\)

130. Regarding the participation of third parties in domestic security operations, the IACHR has already stated that “citizens must not be incorporated into any kind of domestic security strategy” and that, on the contrary, the State has an obligation to adopt all necessary measures to prevent them, as well as to investigate, try, and punish those responsible, when such acts do occur.\(^{132}\) The State must abstain from any form of acquiescence, collaboration, or joint actions with such groups, in addition to taking steps to dissolve them. For its part, the Inter-American Court of Human Rights has established that the State is directly responsible, either as a result of its acts or omissions, for all the activities undertaken by these private individuals who collaborate with or take part in the exercise of certain functions that generally pertain exclusively to the sphere of competence of the State and where the State takes on the role of guarantor, such as the functions relating to the preservation of public order, “particularly if it is taken into consideration that private individuals are not subject to the strict control exercised over public officials regarding the performance of their duties.”\(^{133}\)

131. Accordingly, the IACHR reiterates that the State of Nicaragua has an obligation not to permit the existence of groups of third parties for suppressing protests; to investigate the actions they have taken part in, and to identify and punish those who, within the State apparatus, have been coordinating their modus operandi; and to restore the legitimate and proportional use of force within a constitutional state governed by the rule of law.\(^{134}\)

132. In the same vein, the Commission issues a reminder that States are obliged, through their security forces, to guarantee security and preserve public order.\(^{134}\) From this general obligation arises the power of states to make use of force, a power that is limited by the observance of human rights, for: “While state agents may have recourse to the use of force, and in some circumstances this might require even the use of lethal force, the state’s power is

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\(^{130}\) IACHR, Press Release 124/18 - IACHR Urges Nicaragua to Dismantle Parapolice Groups and Protect Right to Peaceful Protest, Washington, D.C., June 1, 2018


\(^{132}\) IACHR, Democratic Institutions, the Rule of Law and Human Rights in Venezuela, December 31, 2018, par. 359.


not unlimited so as to attain its aims independent of the seriousness of certain actions and the culpability of their perpetrators.\textsuperscript{135}

133. Given the irreversible nature of the possible consequences of the use of force, the IACHR conceives of it as “a last resort that, qualitatively and quantitatively limited, is intended to prevent a more serious occurrence than that caused by the state’s reaction.” \textsuperscript{136} For the exceptional use of force to be justified, the principles of legality, absolute necessity, and proportionality\textsuperscript{137} must be met and there must be a legitimate purpose.\textsuperscript{138}

134. The Commission notes with concern that a large number of the deaths that occurred during the protests were perpetrated directly by agents of the State or by groups of third parties acting with its acquiescence. Moreover, under international human rights law, the circumstances surrounding the events described in this section exhibit features proper to extrajudicial executions, against young people in particular.

135. In light of all that has been described in this section, the Commission concludes that the State of Nicaragua is failing to comply with its duties to respect and guarantee the right to life and humane treatment. In particular, the existence of dozens of people killed and wounded by fire arms, stun guns and the like in the context of demonstrations; the gravity and ongoing nature of attacks perpetrated by anti-riot squads, the national police and groups of thugs; and the absence of effective actions to dismantle those groups and stop the disproportionate use of force, including lethal force, all violate international human rights law.

136. The Inter-American Commission likewise condemns the fact that the policy of repression via the use of lethal force has become more widespread even in the weeks following its visit to the country, at a very high cost in terms of the loss of human lives and the number of people injured. The Commission urges the Nicaraguan State, once again to cease all forms of violence against the population, to abide by its international obligations, and protect and respect the lives and personal integrity of those under its jurisdiction; to conduct prompt, impartial, and effective investigations aimed at prosecuting and punishing its agents and civilian third parties guilty of human rights violations; and to make full reparation to victims and their family members. In that connection, the IACHR underscores the importance of the establishment of the Interdisciplinary Group of Independent Experts (GIEI) to assist and support investigations into what happened.

137. Finally, as it pointed out above, civilians (both individuals and groups) have also committed acts of violence against the security forces, and pro-government individuals and media. Those acts have included damaging and setting fire to government facilities, the kidnapping of policemen or personnel working for local government entities, and the robbing and pillaging

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of government property. As a result of those acts, 5 policemen have lost their lives, and 65 people have been wounded. In that context, the IACHR calls for the cessation of hostilities and reminds the State of its obligation to investigate and punish all acts of violence.

138. As the Commission has pointed out on other occasions, the State’s obligation is to ensure the processing of the demands and the underlying social and political conflicts so as to channel and resolve the claims of demonstrators. “When a demonstration or protest leads to situations of violence it should be understood that the state was not capable of guaranteeing the exercise of this right.” The situation described above reflects the gravity of the political crisis in Nicaragua and the high levels of violence in the country. That makes it even more imperative that the State resolve the conflict and channel demands through dialogue. In a democratic State, repression and violence are no way to respond to the demands of its citizens.

B. Right to Health and Health Care

139. The IACHR received abundant information and complaints about irregularities, denial of medical care, and obstruction of humanitarian efforts to help the wounded and injured in connection with the acts of violence and repression in Nicaragua since April 18, 2018. The IACHR has recorded complaints against at least the following hospitals: Cruz Azul, which is part of the Nicaraguan Social Security Institute; and Antonio Lenin Fonseca, Alemán Nicaragüense, Manolo Morales, Roberto Calderón, Hospital Escuela Oscar Danilo Rosales Argüello, and San Juan de Dios de Estelí, all of which are Ministry of Health hospitals. Numerous cases have also been identified of people who did not go to state health centers out of mistrust or fear of reprisals and therefore either went without medical care or else resorted to private hospitals, improvised health posts, medical volunteers, fire brigade volunteers, medical students, and so on. According to testimonies received and information in the public domain, even schools, private homes, and parishes were turned into centers for receiving the wounded.

140. More than 800 testimonies and complaints regarding the wounded were received by the Commission during its visit. However, given that the acts of violence in different parts of the country have continued, information provided by the State of Nicaragua lists 1,337 people wounded through June 5, 2018. For its part, the Nicaraguan Red Cross reported approximately 1,081 outpatient care visits, 554 of whom needed to be transferred to a medical center.

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139 IACHR, Annual Report, Chapter IV A. “Use of Force”, 2015, par. 68.
140 Testimonies by the wounded, demonstrators, and family members received by the IACHR in Managua and León, in May 2018.
144 La Prensa: Cruz Roja pide que denuncien a ambulancias que sirvan a paramilitares. June 13, 2018.
1. Irregularities and Denial of Medical Care

141. In light of the seriousness of the wounds and state of health of the injured, during its visit the IACHR was able to corroborate information regarding frequent instances of failure to provide medical care, unwarranted delays in providing it, and inappropriate care for patients, as a form of reprisal for demonstrating against the government.145 In its observations on the draft version of this report, the State, for its part, denied the existence of the irregularities and refusal to provide medical care cited by the IACHR. According to the State, the Ministry of Health furnished proof to the IACHR that patients were and are being looked after in its various health units and that follow-up is being provided in hospitals’ outpatient departments. State hospitals had received patients from private hospitals and had continued to provide them with medical care. No patient had ever been denied care. The State reported that on June 6, it had provided the IACHR with detailed information on the 1,337 injured persons, with details of the health unit that had treated them, the state in which they had arrived, and the care they received.146 The State further pointed out that the statements [that the IACHR had received] "are designed to maintain a permanent campaign to discredit the care provided by health units."147

142. One of the most serious cases has to do with Alvaro Conrado, aged 15, who, according to his parents, died from a bullet wound after not being treated by staff at the Cruz Azul hospital, when he was still alive. "My child would still be alive if they had stabilized his condition [...]. It’s a pity that some people exist who deny help for someone wounded, especially a child," said the father of the victim.148 When that happened, several citizens protested in the vicinity of that hospital.149

143. Following are a few extracts from testimonies describing this situation:

"Essentially, the boy had fainted from loss of blood and they took us to the Antonio Lenin Fonseca Hospital, where, around 6:00 to 6:20 p.m., they refused to treat him. There were several people not being treated because the President had issued an order not to help them. No State hospital was treating them."150

"I received a shot in the arm from an AK-47 rifle and was taken to the Hospital Alemán. The X-ray showed a broken bone. They gave me a splint, which filled with blood in a matter of minutes. I told the doctors that it hurt a lot, but they ignored me. I spent several days without them cleaning the wound. It got infected. The splint was green, looked like fungus. They told me there was no plaster in the hospital."151

150 Testimony from a student received by the IACHR in Managua in May 2018.
151 Testimony from a wounded person received by the IACHR in Managua on May 20, 2018.
"I was shot in the hip, and still have the bullet lodged in my right buttock. I can't walk normally, I cannot remain standing, and I'm vulnerable to an infection. I was received at the Manolo Morales Hospital and had to walk into the emergency room. Five different doctors asked for my data. When they saw that it was a bullet wound, they kept me waiting. Nobody changed the bandage full of blood. At 11 p.m. they called to tell me that an order had been given to take the wounded out of hospital, especially those with bullet wounds.”152

144. For the Commission, the complaints stating that the Government had given orders not to treat the wounded in State hospitals are especially worrisome.153 According to testimony from medical student, teaching staff, and doctors at the Escuela Óscar Danilo Rosales Argüello Hospital, the health authorities had helped make arrangements to ensure that demonstrating students attacked in the vicinity of the hospital and wounded would not be treated, by preventing access to hospital facilities and driving medical students out of them.154 It was pointed out that:

‘The students seeking shelter in the HEODR (Hospital Escuela Óscar Danilo Rosales) were physically assaulted […] Given the refusal to treat victims of repression by the police and mobs, medical students, hospital interns, with the help of four resident doctors and some of their teaching staff went out into the streets, to look for and treat the wounded.”155

145. Despite the allegations of denial of medical care, the IACHR did also ascertain that several wounded persons were treated in public hospitals, which received those in very serious condition. In its preliminary observations, the IACHR drew attention to the very delicate health condition of René Martín Torres Montenegro and Jaime José Reyes Téllez, in the Antonio Lenin Fonseca Hospital; of Néstor Sotelo Ortega and Eddy Javier Hernández, in the Alemán-Nicaragüense Hospital; of David Lizano Altamirano, in the Manolo Morales Peralta Hospital; and of Wilner Josué Rivas, Santa Fe de Matagalpa Health Clinic.156 Subsequently, it transpired that Jaime José Reyes Téllez had died.157

146. On the other hand, information received by the IACHR during its visit indicates that several patients who were operated on were released prematurely; in some cases they had to go back or look for other forms of medical treatment given their precarious state of health.158 According to complaints filed with local human rights organizations, some hospitals authorized the release of still seriously wounded patients. That would appear to be the case, for instance, of Mr. Cesar Castillo Castillo, who died on May 12, 2018, after being treated at the Escuela Regional San Juan de Dios de Estelí Hospital.159 Some testimonies from wounded people culled by the IACHR read as follows:

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152 Testimony from a wounded person received by the IACHR in Managua in May 2018.
155 CENIDH. Informe No 2, May 17, 2018, pp. 15-17.
156 IACHR, Press Release 113/18, - Preliminary observations on the IACHR working visit to Nicaragua Washington, D.C., May 2, 2018.
158 Testimonies received by the IACHR in May 2018.
159 CENIDH. Informe No 2, May 17, 2018, pp. 6 and 7.
"I heard 'target, target' and then just remember an impact to the head. I don’t remember what happened after that; just that I was at the Hospital Alemán. They then transferred me to the Lenin Fonseca Hospital. They took me there, where I spent three days in a coma. They released me the next day after just treating the pain and infection. I left with nose plugs; they told me I should come to have them taken out four days later. My family took me to another doctor, who looked after me properly.160

"The National Police attacked those of who were inside the University. The Police and Juventud Sandinista came in shooting. I was hit by two bullets. The Red Cross took me to a hospital where I was released in an hour. The medical treatment was very poor and they released me very quickly."161

147. In this context, the IACHR heard about a communiqué issued by the Nicaraguan Medical Association condemning the denial of emergency medical care for persons wounded in the demonstrations.162 The World Medical Association also condemned the attacks on health personnel and the restrictions on medical care for the wounded.163 The IACHR is likewise aware that, faced with the crisis and conflict in the country, health personnel came out in favor of attending to all the wounded, without distinctions; many of those health professionals provided humanitarian aid to all the wounded and called for the hospitals to attend to emergencies effectively and at no charge.164 For example, health personnel at the Bertha Calderón Hospital in Managua lamented the events surrounding the protests and announced publicly that: ‘as a medical body we reiterate our commitment to continue treating the population, without distinction as to race, social class, sexual [orientation], religion, or political affiliation [...] We stand ready to provide first aid to any citizen who needs it.”165

148. Information transmitted by civil society organizations indicates that the restriction on medical treatment included lack of access to serum, blood transfusions, the timely and appropriate cleaning and stitching of wounds.166 Civil society organizations also pointed out that in many cases the wounded are not receiving proper medical care because they do not go to health centers for fear of being identified and attacked by groups of thugs.

149. Most of the injuries reported have to do with traumas, burns, and cuts or wounds caused by explosions, sulfuric acid, tear gas, bullets, blunt objects, and beatings.167 People interviewed by the delegation from the Commission said that there had been people infiltrated into the protests to hand out adulterated water and bananas, which had triggered stomach aches and vomiting among many of the youths protesting.168

160 Testimony from a wounded person received by the IACHR in Managua on May 19, 2018.
161 Testimony from a wounded student received by the IACHR in Managua on May 20, 2018.
165 La Prensa. Médicos del hospital Bertha Calderón aseguran que atenderán a todo el que necesite ayuda. June 12, 2018.
166 CENIDH, Informe sobre represión y violencia contra manifestantes, Nicaragua, May 4, p. 15.
167 Testimonies by the wounded and demonstrators received by the IACHR in Managua, Masaya, and León, in May 2018. See also: Confidencial. Atacan con ácido sulfúrico a manifestantes de Boaco. June 14, 2018.
168 Testimony from demonstrators received by the IACHR in Managua in May 2018.
150. The IACHR likewise received information from family members of the deceased complaining that in the hospitals where the bodies were they had had to sign a document to be able to withdraw the corpse. In those documents, they had been pressed into waiving their right to file a complaint and to desist from taking the bodies to a forensic medicine institute for the autopsy or to hold the authorities responsible. In other cases, there were complaints of manipulation of clinical files and false medical certificates. In its observations on the draft version of this report, the State rejects that claim.

151. The IACHR points out that the wounded are particularly vulnerable to the risks of impairment of their rights to health, personal integrity, and even, in some cases, their life. Under certain circumstances, denying medical treatment to these people may constitute cruel, inhuman, or degrading treatment, and even torture, if the required criteria are met. Here, the IACHR stresses that the State’s obligation to prohibit torture applies not only to law enforcement officials, but also to health professionals and social workers, including those working in private hospitals.

152. Pursuant to the right to health, States have an obligation to safeguard the right to access to health facilities, assets, and services. When individuals are unable to assert this right themselves, as may be the case with the sick or wounded, States must adopt the measures needed to facilitate that access, which may include looking for and taking in such persons, as well as providing them with immediate treatment.

153. As established by the organs of the Inter-American Human Rights system, the rights to life and humane treatment are closely related to the right to health, so that failure to provide appropriate medical care may violate those rights. Accordingly, health services must be adequate, immediate, and non-discriminatory, and they must be ready to address emergency situations, which may include the contexts surrounding social protests and widespread violence, above all the guarantee the rights of the wounded, the injured, and persons at high risk of losing their life. To that end, law enforcement officers and health personnel have an obligation to facilitate and make arrangements to ensure prompt assistance and medical services for such persons and to quickly notify next of kin and close friends of persons wounded.

2. Obstruction of the Work of Humanitarian Personnel

154. The complaints about restrictions on health care during the protests did not just encompass obstacles inside hospitals. Information was also received regarding orders to restrict ambulances from leaving hospitals or circulating and the work of humanitarian personnel.
such a firefighters, Red Cross workers, as well as medical and paramedical personnel, medical students, and volunteers. In its observations to the draft version of this report, the State reported that those who had limited the free circulation of ambulances and of humanitarian assistance had been "groups of vandals", who had hindered the free transportation of patients. Accordingly, the IACHR observes with special concern the denunciations regarding the entry into and capture of the Santiago Regional Hospital in Jinotepe by para-statal groups in the early hours of June 12, 2018, with a view to preventing and obstructing the entry of wounded people. 176

155. The Commission also had access to information about threats to persons who were facilitating the provision of medical care to wounded people in the San Cristobal parish in Managua 177, and about the kidnapping of 15 medical students who had been caring in a house for persons wounded during the clashes in León 178, and of another three students helping to get provisions to a health post in Tipitapa 179.

156. For their part, emergency medical personnel, who also testified before the Commission, stated that:

"As paramedic volunteers we went out with the medical students to care for the wounded in the street in the middle of the firing by the police at the unarmed civilian population. Many of the doctors and paramedical staff helping the wounded were attacked by the police and a lot were arrested. The Ministry of Health ambulances did not help with the transfers. Only the Red Cross units were available." 180

157. A woman studying medicine likewise testified as follows:

"They didn’t say anything, they answered that this was what we deserved for going out in the protests. That we were ungrateful to the Government and were going to learn a lesson. When the pick-up truck stopped and they took us out, I realized that we were in the departmental house of the Front [...] I remember that they went in, searched everything and broke things. When they were piling us into the truck, we opened our rucksacks to show them that all we were carrying were gauze and bandages." 181

158. The IACHR underscores that States must not prevent health personnel from providing medical care to persons needing it. Detaining or harassing health personnel for providing medical treatment must not be permitted. Nor should health personnel be punished for activities compatible with medical ethics or forced to commit acts that contravene those standards. The IACHR also stresses that States are duty-bound to provide humanitarian

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180 Testimony from medical emergency personnel received by the IACHR in Managua on May 20, 2018.

organizations and personnel with all the facilities they need to conduct their activities and perform their functions and have access to the population in need of help. The State must refrain from obstructing such work and protect humanitarian assistance personnel, their installations and vehicles.

3. Impairment of Mental Health and Emotional Wellbeing

Based on the hundreds of testimonies it received during its official visit, the IACHR notes that the mental health and emotional wellbeing of the population is being gravely undermined by the current environment of violence, harassment, threats, and repression. This situation is particularly serious in respect of the people who denounce having been victims of human rights violations, their family members, and students and members of the general public demonstrating against the government. Some of the testimonies gathered by the IACHR mentioned the following:

"It has affected me psychologically. I find it hard to sleep. I remember how my fellow student died and how we were kidnapped. At times, I get deeply depressed, thinking of everything that is happening in the country."\(^{182}\)

"I was suffering from depression and a frustrated state of mind because I could not seek help because the people supposed to provide it, like the police and the hospitals, were not helping."\(^{183}\)

"I feel damaged psychologically. I get up at midnight, thinking how my fellow student died. I’m a wreck and feel followed and persecuted."\(^{184}\)

"I'm suffering from the aftermath of the demonstrations. The sounds of shells exploding and demonstration prevent me from living in calm."\(^{185}\)

"Most general practitioners told us angrily that my child was going to die. Talking among themselves they commented that what was happening to our children was right because they were just going around throwing stones."\(^{186}\)

In light of the above, the Commission emphasizes that the short and long-term sequels of serious human rights violations and situations posing threats to life and personal integrity involve traumas that usually translate into intense stress, extreme suffering, anxiety, humiliation, and radical changes in the lives of victims who survive and their next of kin. These effects also impact society and the community because of the collective and widespread nature of the violations committed and the traumas that go with them.\(^{187}\)

\(^{182}\) Testimony from a student received by the IACHR in Managua on May 20, 2018.

\(^{183}\) Testimony from a demonstrator received by the IACHR in Managua on May 20, 2018.

\(^{184}\) Testimony from a student received by the IACHR in Managua on May 20, 2018.

\(^{185}\) Testimony from a demonstrator received by the IACHR in Masaya on May 19, 2018.

\(^{186}\) Testimony from a family member of someone killed, received by the IACHR in Managua, on May 18, 2018.

\(^{187}\) Here it is worth stressing that the Inter-American Court has been mindful of the suffering endured by family members of victims because of the particular circumstances of the acts of violence committed and the deeds and omissions of States in reacting to them and to the collective and community impacts they produce, as it has sought to obtain appropriate reparation for persons affected. Cf. I/A Court H.R. Case of Landaeta Mejías Brothers et al v. Venezuela. Preliminary Objections, Merits, Reparations, and Costs. Judgment of August 27, 2014. Series C No. 281, paras. 279 and 303; I/A Court H.R. Case of the Massacres of El Mozote and Nearby Places v. El Salvador. Merits, Reparations, and Costs. Judgment of October 25, 2012. Series C No. 252. Paras. 197 and 352.
In conclusion, from information in the public domain, the hundreds of testimonies gathered, and verification of the facts during the working visit by the IACHR, it is evident that irregularities were committed and actions taken to obstruct medical care and that no guarantees were in place for exercise of the right to physical and mental health in connection with the protests that began on April 18, 2018. This situation contravenes not just the international obligations of the State but its own legislation as well, because the law in Nicaragua states that users of health services have the right “to a record in their clinical file of all care received, in each and every health sector facility" and to "receive, in any public or private health establishment, emergency medical or surgical care [...] while any grave risk to their life or health subsists.”

The Commission underscores the urgent need for the State to take steps to ensure that appropriate, immediate, and high quality emergency medical care is provided in public and private hospitals and health centers in the country, without any kind of discrimination under the circumstances described above. In the same vein, the State must not only refrain from obstructing the humanitarian work of health personnel, but also protect them from possible attacks or acts of aggression. In particular, the Nicaraguan State needs to keep prompt track of the medical care needed by persons treated in connection with the protests and, if necessary, facilitate and seek international cooperation in order to guarantee those persons' right to health and access to medicines.

As for mental health and emotional wellbeing, given the facts described, the Commission deems it necessary to implement a program to ensure multidisciplinary treatment of the traumas resulting from the events described in this report. Such a program should be based on a human rights approach and include a gender perspective. In particular, it needs to address the needs of the most severely affected, such as persons wounded and kidnapped and those who are harassed and threatened, as well as the family members of those murdered.

The IACHR also reiterates the call made in its preliminary observations regarding the importance of the State ensuring impartial, diligent, and timely investigation of complaints regarding the denial, obstruction, or poor quality of medical care in public hospitals, and regarding alleged act of aggression and obstruction of humanitarian aid workers. Those investigations should bear in mind the any factors pointing to the crimes of torture or of cruel, inhuman, or degrading treatment and determine whether such crimes were committed in a context of denial of medical care or the provision of inadequate care. They also need to throw light on the facts that gave rise to complaints about the manipulation of medical files and false certificates and address possible sanctions.

Finally, the Commission points once again to the importance of systematizing and updating the information about persons treated in public and private hospitals in connection with the social protests throughout the country, as well as to the importance of the State respecting the privacy, identity, and consent of the patients. The Commission acknowledges the valuable part played by all those persons and institutions that, despite the circumstances and the risks they were exposed to, placed the right to health above any political considerations, even at a risk to their own safety, or using their own financial resources, or, as in the case of private hospital, waiving the profit motive so as to be able to help.

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4. Impacts on other Social Rights

166. The Commission also draws attention to the information garnered about the negative impacts on other social rights, especially labor, education, and food rights.\textsuperscript{189} During its working visit, the IACHR discerned an atmosphere of tension and possible workplace persecution in various State institutions; in particular, it heard complaints of dismissals and threats against government personnel who had supported the protests.\textsuperscript{190} That information complemented media reports of dismissal in the National Ports Enterprise, the Ministry of Transport, the Ministry of Health, the Ministry of Education, and even in the National Police. In many cases, the grounds adduced for dismissal were said to be “orders from above.”\textsuperscript{191} Some workers said that there were government officials in charge of investigating workers’ social networks with a view to reporting any anti-government postings.

167. According to another testimony gathered during the visit by the IACHR, a State worker reported that:

"They asked me to sign a letter of commitment to defending the Government in response to the demonstrations and to engage in pro-Government activities. I refused, saying that I had not been trained to stand at traffic circles (estar en redondas), nor for politics. They fired me, from one day to the next. I was suited to the job as I had no political backing from the party. Only party sympathizers or persons who agree to those terms are eligible to work in government and in many private companies owned by the governing family; those who are prepared to attack peaceful protest marches, keep watch at traffic circles, or double or triple votes. You also have to consent to donating 10% of your salary to the party.”\textsuperscript{192}

168. The IACHR issues a reminder that States have a duty to provide due guarantees to protect workers from unwarranted or arbitrary dismissals.\textsuperscript{193} Workers must exercise their rights, including freedom of expression and the right to peaceful assembly, without fear of possible reprisals or threat, hostile acts, harassment, defamation or workplace violence. In light of the above, the IACHR notes with concern the complaints about workers being dismissed because of their views regarding the acts of violence and social and political crisis besetting the Nicaraguan population. Given this situation, the State needs to take steps to ensure that the government refrains from arbitrary dismissals and from maltreating, harassing, or threatening State workers with a critical stance toward the government or who supported the protests. It also needs to investigate the complaints filed.

169. The Commission was also told that, due to the political and social crisis in the country, student attendance in schools is low.\textsuperscript{194} There are reports of several schools suspending classes for the safety of pupils, especially at the secondary school level. Many of the pupils

\textsuperscript{189} Like the right to health, labor, education, and food rights form part of the inter-American body of law and are expressly recognized in Articles 6, 7, 12, and 13 of the Protocol of San Salvador and Articles XI, XII, and XIV of the American Declaration.

\textsuperscript{190} La Prensa. Despidos ilegales a trabajadores del Estado de Nicaragua. April 28, 2018.

\textsuperscript{191} La Prensa. Desatan persecución policial y laboral a estudiantes y empleados públicos que participaron en protestas. May 6, 2018; La Prensa. Trabajadores del Estado asediados y corridos por oponerse al régimen. May 22, 2018.

\textsuperscript{192} Testimony from a woman who had worked in government received by the IACHR in Managua on May 19, 2018.


\textsuperscript{194} La Prensa. Mined tendrá que ajustar el calendario escolar para recuperar las clases perdidas. June 7, 2018.
show signs of stress and anxiety because of the constantly violent and unstable environment. A similar situation can be found in various universities in Nicaragua, where classes have either been suspended or are conducted only intermittently. For instance, there have been public complaints of several students being evicted from their classroom at the National Autonomous University of Nicaragua in León, at the start of the protests in April, for having refused to go and attack the homes of persons demonstrating in the city. Students reported that university authorities and some pro-government student leaders had demanded that they take part in acts against citizens protesting and had threatened to take away their scholarships or other benefits.

170. The IACHR once again points out that the right to education is the epitome of the indivisibility and interdependence of all human rights, as it serves as a catalyst for generating critically minded, participatory citizenship and shaping the development of individuals and society. In higher education, especially, the academic liberty of teachers and students and the autonomy of academic institutions are fundamental pillars for strengthening democratic structures and avoiding political pressures or interference. The Commission also underscores the fact that the right to education helps mitigate the psychosocial impacts of emergency or conflict situations, reinforces capacity to help those affected by the crisis, and provides tools for restoring stability and for social reconstruction.

171. Given the negative impacts triggered by the aforementioned context on the right to education, especially at the secondary and tertiary levels, characterized by instability and underlying risks posed for students, the IACHR deems it necessary that the State take steps to investigate the complaints by students of instigation by university authorities or pro-government student leaders and to guarantee the autonomy of universities as forums for academic freedom and freedom of thought for their students. Prompt steps are likewise needed to facilitate and guarantee a propitious environment for recovering lost classes, while according priority to the safety and protection of students. If necessary, the State must make whatever adjustments are needed, bearing in mind the essential features of availability, accessibility, acceptability, and adaptability.

172. Finally, the IACHR also draws attention to the impact that current crisis is having on access to food in several parts of the country. At the time of the IACHR visit to Nicaragua, information had already come out warning of the scarcity of food. Despite those warnings, the resurgence of acts of violence is said to exacerbating foodstuff supply shortages in storage centers and markets and pushing up the prices of several items. In its comments on the draft version of this report, the State claimed that the food supply shortages in some parts of

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195 Testimony received by the IACHR in Managua on May 19, 2018; El Nuevo Diario. *Estudiantes de secundaria, los más perjudicados por la crisis.* May 27, 2018.


201 ALnavío. *La escasez de alimentos se extiende en Nicaragua por las protestas.* May 18, 2018.

202 La Prensa. *Comercio de Masaya sufre con la represión.* June 12, 2018; La Nación. *Comercio con Nicaragua está prácticamente paralizado.* June 12, 2018; La Nación. *Nicaragua sigue bloqueada por protestas que amenazan su frágil economía.* June 8, 2018.
the country were due to barricades put up by protesters in several departments. The IACHR stresses that the availability of -- and access to -- food of sufficient quality and quantity are core features of the right to food. It also notes that in emergency or disaster situations, not only is there usually reduced access to food; there may also be weakening or destabilization of governance structures, food markets, and the means of subsistence. In that context, the Commission points to the importance of the State watching out for and securing guarantees and respect for this right, particularly for the more vulnerable segments of the population, such as children and adolescents, persons living in poverty, older adults, persons living with HIV, the sick, persons with disabilities, and so on.

C. Right to Freedom and Personal Integrity in Detention Contexts

1. General Considerations

173. According to data provided by the State, between April 20 and June 5, 507 people were deprived of their liberty. According to those data, 421 of the persons detained, that is to say 83% of the total, were either adolescents (aged between 14 and 17) or young people (aged between 18 and 35). Of those 421 detentions, 65 involved adolescents and 356 were of young people.

174. Despite the fact that both during and after its visit the IACHR asked the State of Nicaragua for the specific places of detention, as of the publication of this report, those data had not been provided. Such information is, however, particularly important, seeing that 65 of the total number of people detained, as reported by the State, are adolescents aged between 14 and 17, and 24 are women. Such detentions would have required special detention centers for those specific segments of the population. However, according to information passed to the Commission by senior police officers, most of the persons detained were taken to the Judicial Support Directorate (DAJ) of the National Police ("El Chipote") in Managua. As of May 20, 2018, almost half the people detained had subsequently been transferred to the "Model" prison in Tipitapa. Both detention centers were designed to accommodate only men over 18 years of age, not adolescents or women.

175. In this context, and with respect to the adolescents, the Commission issues a reminder that depriving adolescents of their liberty is governed by the principle of exceptionality, whereby their detention may only be a measure of last resort and for the shortest time allowed. In the event that they are deprived of their liberty, and in order to protect their personal integrity and in the higher interest of the child, adolescents must be kept separate from

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206 during its visit, the IACHR was told that as of May 20, 2018, all in all, 438 were deprived of their liberty, most of whom had been placed in "El Chipote" in Managua. Of them 209 had been transferred to "La Modelo," the rest were allegedly released. Specifically, senior police commanders reported that at that moment only three people in connection with the protests were being held in "La Modelo": the two boys accused of the death of journalist Ángel Gafona in Bluefields and a man who had been carrying a weapon he had bought on the black market and was arrested outside his home after a row with his wife and who was later accused of shooting during the demonstrations.
adults. As regards women, given the special risk they face when deprived of their liberty, States must adopt whatever measures are required to enable them to be held in separate establishments or in separate wings of the same establishment.

176. In its comments on the draft version of this report, the State reported that the National Police arrested 438 people for grave disturbances of the peace. It also said that detention and registration procedure were followed according to law, and that those involved had been released by the legal deadline of 48 hours and returned to their family members.

177. The IACHR underscores, in particular, that during the testimonies gathered during its visit to "El Chipote," it heard accounts from Glen Slate and Brandon Lovo, two young Afrodescendants from Bluefields, who had been accused of murdering journalist Ángel Gahona, on April 22, 2018. According to information received by this Commission, Glenn and Brandon are being held in conditions incompatible with human dignity. The Commission is especially concerned that said persons are being held in solitary confinement. That regime involves almost total segregation, without proper ventilation, with just two opportunities per week to come out of their cells. The Commission is also worried by the difficulties these two people face for conducting their defense and receiving visits, given the distance between the DAJ and their place of origin. The IACHR requested information from the State on this specific situation on May 30, 2018. As of the date of issue of this report, the IACHR had not been given the information requested.

2. Excessive Use of Force and Arbitrary Detentions

178. During its visit to Nicaragua, the Inter-American Commission visited "El Chipote" and the "La Modelo" prison, the two detentions centers where most of the people arrested during the protests were detained. The IACHR received numerous testimonies from people who had been released and their family members, as well as from other inmates deprived of liberty who had no connections to the protests that began on April 18. In the course of its documentation work, the Commission notes the existence of a pattern of arbitrary arrests -- especially during the first days of protest -- to the detriment mainly of young people in the vicinity of the incidents that occurred. In particular, the IACHR received information regarding numerous cases in which people were arrested violently, with disproportionate and arbitrary use of force and without any crime having been committed that merited deprivation of liberty. Thus, most of the people arrested in connection with the protests appear to have been arrested while they were demonstrating peacefully or walking on the streets.

179. Specifically, the Commission received numerous testimonies stating that when they were arrested these people had been beaten, insulted, and threatened by members of the National Police.

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210 The State also said that, all in all, 507 detentions had been reported. State of Nicaragua. Observations of the State of Nicaragua on the draft report of the Inter-American Commission on Human Rights, June 21, 2018, p. 51.
Police. One 24-year-old young man being held in "El Chipote" told the Commission that: "Police from two patrol cars hit me with their rifles and weapons. They put me in one of the cars and took me to "El Chipote." I was hit numerous times and tortured." Another young said: "the blows started as soon as I was arrested. One of them hit me in the eye with the butt of one of the long rifles they [the police] were carrying. They made me get onto a motorbike and drove me to District VI. I can still feel the fear and can barely open my eye."

180. Regarding the specific reasons for detention, which did not necessarily have anything to do with legal grounds for deprivation of liberty, the Commission was told that the police and prison officers informed the detainees that their deprivation of liberty was for a variety of reasons, such as their anti-government attitudes, taking part in demonstrations, walking in the streets, or supporting students, especially UPOLI students. These accounts indicate that the main intention behind the deprivation of liberty was to punish or suppress opposition to the current regime in Nicaragua and had nothing to do with legal grounds established in domestic laws. Under these circumstances, it is especially worrisome that, even though, the IACHR requested information -- during and after its visit -- on the grounds for the detention of persons arrested in connection with the protests, as of the date this report came out, the ICHR had not received the data requested. In light of the above, the IACHR notes that there was no legal basis for the arrests carried out during the protests.

181. Article 7 of the Convention includes protection against arbitrary arrest or imprisonment by strictly regulating the grounds for both, in accordance with law. Thus, a detention is arbitrary and illegal when not carried out for the reasons, and according to the formalities, established by law; when carried out without adherence to the procedural formalities that judicial and police authorities are required to follow; and when it involves misuse of the authority to arrest--in other words, when carried out for purposes other than those envisaged and stipulated by law.

182. In this context, the Commission issues a reminder that arrests made by security forces in connection with social protests must comply strictly with all the requirements imposed by international standards in this field. Accordingly, the Commission stresses that States have an obligation to guarantee that, in making the arrest, general principles regarding the use of force are respected. The force use by police officers to arrest someone, particularly in a demonstration, must be strictly proportional to the established objective and applied only to the extent required by any resistance offered by the person against whom there is a need to use force. States must likewise refrain from the practice of mass, collective, or indiscriminate arrests. An arrest based solely on the act of participating in a protest or public
demonstration is in itself arbitrary and incompatible with the international obligations of the State.

183. In light of the above considerations, the IACHR concludes that the pattern of arrests involved the arbitrary and disproportionate use of force; had no grounds and followed no formalities required by law, and pursued unlawful purposes, thereby inflicting a punishment that amounts to a kind of sentence handed down without a trial or judgment outside the bounds of law. Accordingly, the Commission condemns the arbitrary and illegal arrests carried out in connection with the protests and urges the State to take all steps needed to immediately put a stop to these practices.218

3. Cruelty (*Malos tratos*)

184. The IACHR received numerous testimonies alleging that most of those detained in connection with the initial protests since April 18 were subjected to various kind of cruel, inhuman or degrading treatment during their arrest and while they were deprived of their liberty.219 From those allegations it transpires that some of that treatment, because of the forms it took, crossed the threshold to torture.

185. Specifically, information made available to the Commission indicates that while they were deprived of liberty in their respective detention centers -- mainly "El Chipote" and "La Modelo" -- and during their transfers, detainees were beaten and threatened. Psychological violence was practiced principally through various kinds of threats. Thus, State agents threatened to rape detainees and burn them alive, or else to kill them, their next of kin, and their friends.

186. Likewise, the Commission took note of certain particularities, such as robbing the detainees of their belongings, including their clothes, obliging the detainees to wear only their underwear. Detainees were also deprived of water and food. When they were sent to La Modelo, persons arrested in connection with the protests had their hair shaved off. Regarding this, during its visit to that detention center, the IACHR was told by the authorities that that was a normal practice for hygienic reasons. However, other inmates told the Commission that that was not a routine practice and that it was only to further intimidate those who had been arrested because of the protests.

187. The cruelty against persons detained in connection with the protests was also confirmed by other inmates still being held in both El Chipote and "La Modelo". They told the IACHR delegation in particular about the mistreatment of those who had been imprisoned during the protests. One of the inmates said: "The boys brought in during the protests came all beaten up from the treatment they had received in this prison." In the same vein, other inmates told the Commission about the reprisals they, too, had suffered for providing food, water, and clothes to people arrested during the protests. One of the inmates in La Modelo stated: "They took it out on us afterwards. All because of our help and protests against the treatment meted out to

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219 On this, see IACHR, Press Release 113/18, - Preliminary observations on the IACHR working visit to Nicaragua Washington, D.C., May 2, 2018.
these young people. There was everything from physical maltreatment to the withholding of food and water.”

188. Following are some extracts that the Commission wishes to underscore from the many testimonies received:

"They put me in a punishment cell and made me undress. I took off my clothes. They made me do 100 squats. They threatened me with rape by an officer. They did me a lot of psychological damage.” Young man held in "El Chipote.”

"When we got [to La Modelo] they put us in a line of 120 prisoners. The officers there --one after the other-- started beating us. We were on our knees with our heads facing downwards." Young man held in "La Modelo".

I was arrested on April 20. When they arrested me, the Police struck me in the ribs. They threatened to blow up a bomb in my chest. Once I was inside the truck they started hitting me on the knees with a metal pipe. They took me to the Chipote [...]. There was no bathroom, just concrete beds. All the prisoners were in their underwear." Person held in "El Chipote.".

"[...] I was intercepted by a National Police patrol car with three officers inside. Without an arrest warrant, they made me get into the patrol car and took me to the Ticuantepe police station. With two women police officers present, they made me take off my clothes until I was completely naked. Then, misusing their authority, they made me do squats while I was naked.” Woman detained in the Ticuantepe police station.

189. At the same time, based on the testimonies it received, the Commission notes with particular concern the intense suffering and pain caused to detainees by police authorities especially keen to elicit information about other people connected with the protests and movements against the current government. Thus, a person who had been released from "El Chipote" told the Commission:

"[...] They took off my shoes, grabbed me, and hit me in the head with a pistol. They took me to the Chipote. [...] The officer threw me to the ground hitting me with some pincers. He wanted to pull out the nails from one of my hands. He asked me [about students from the UPOLI University. Then a policeman said to me '[...] you're going to kill a guy from your district who's living in San Juan del Norte [...]. You're going to stab him twice. If you want to live, I'll give you till Friday.”

190. Bearing in mind that international human rights law requires States to guarantee the rights of persons in their custody, the IACHR reaffirms that one of the most important duties in that

220 Testimony from an inmate of "La Modelo" prison, received by the Commission in Tipitapa on May 19, 2018.
221 Testimony from a person released from "El Chipote," received by the IACHR in Managua, in May 2018.
222 Testimony from a person released from "El Chipote," received by the IACHR in Managua, in May 2018.
223 Testimony from a person released from "La Modelo," received by the IACHR in Managua, in May 2018.
224 Testimony from a person released from "El Chipote," received by the IACHR in Managua, in May 2018.
225 Testimony from a woman detainee at a police station, received by the IACHR in Managua, on May 19, 2018.
226 Testimony from people released from "El Chipote," received by the IACHR on May 20, 2018.
regard is to safeguard the life and integrity of persons deprived of their liberty.\footnote{IACHR; Report on the Human Rights of Persons Deprived of Liberty in the Americas, OEA/Ser.L/V/II. Doc. 64, December 31, 2011, par. 30.} Even though the right to humane treatment/personal integrity pertains to everyone under all circumstances, the Commission considers that the absolute ban on torture and on cruel, inhuman, and degrading treatment is particularly relevant when it comes to protecting person deprived of their liberty, who are, moreover, totally defenseless vis-à-vis state agents.\footnote{In this connection, see ACHR; Report on the Human Rights of Persons Deprived of Liberty in the Americas, OEA/Ser.L/V/II. Doc. 64, December 31, 2011, par. 343. See also, United Nations Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Report presented to the Commission on Human Rights (today Council), E/CN.4/2006/6, adopted on 16 December 2005, par. 40.}

191. Based on the facts described above, the Commission notes that the arrest and deprivation of liberty of persons detained in connection with the protests was frequently accompanied by beatings, threats and insults against the detainees, that involved subjecting them to humiliating and degrading conditions or cruelty; hence actions that violated inter-American human rights standards. In particular, the Commission voices its special concern regarding accounts testifying to the existence of such practices as threats of torture or death, beatings, and threats to harm family members, committed with the intention of eliciting information about others involved in the protests and movements against the current government. The IACHR observes that the aforementioned acts, evaluated in each case in the light of the circumstances in which they were perpetrated, could constitute torture. In that sense, the treatments meted out have been regarded by the inter-American system and other protection mechanisms as forms of torture.\footnote{IACHR; Report on the Human Rights of Persons Deprived of Liberty in the Americas, OEA/Ser.L/V/II. Doc. 64, December 31, 2011, par. 342; IACHR, Report on Terrorism and Human Rights, paras. 161-163.}

192. With respect to the above, the Commission resolutely condemns any form of torture or cruelty that may have been committed against detainees and it reiterates the obligation of the State to immediately initiate ex officio -- and irrespective of the presentation of complaints -- effective investigations to identify, try, and punish those responsible.\footnote{IACHR; Report on the Human Rights of Persons Deprived of Liberty in the Americas, OEA/Ser.L/V/II. Doc. 64, December 31, 2011, par. 334. I/A Court H.R., Case of Tibi v. Ecuador. Judgment of September 7, 2004. Series C No. 114, par. 159. The Inter-American Court has adopted a very unbureaucratic stance with regard to the concept of denunciation (or "complaint") as a prerequisite for the State's obligation to conduct a prompt and impartial investigation into possible cases of torture and, in the Vélez Loor case, even considered that it suffices that the victim or a third party notify the authorities. I/A Court H.R., Case of Vélez Loor v. Panama. Preliminary Objections, Merits, Reparations, and Costs. Judgment of November 23, 2010. Series C. No. 218 par. 240.} In particular, the Commission urges the State to conduct this investigation using all legal means available and to make sure that it is designed to determine the truth of what happened within a reasonable period of time.\footnote{IACHR; Report on the Human Rights of Persons Deprived of Liberty in the Americas, OEA/Ser.L/V/II. Doc. 64, December 31, 2011, par. 345; I/A Court H.R., Case of García-Prieto et al. v. El Salvador. Preliminary Objection, Merits, Reparations and Costs. Judgment of November 20, 2007. Series C No. 168, par. 101 and I/A Court H.R., Case of Bulacio v. Argentina. Judgment of September 18, 2003. Series C No. 100, par. 114.} That investigation must also be guided by the principles of independence, impartiality, competence, diligence and meticulousness (acusiosidad).\footnote{IACHR; Report on the Human Rights of Persons Deprived of Liberty in the Americas, OEA/Ser.L/V/II. Doc. 64, December 31, 2011, par. 345; I/A Court H.R., Case of Bueno-Alves v. Argentina. Judgment of May 11, 2007. Series C. No. 164 par. 108.}
4. Isolation and lack of Judicial Oversight

193. One of the main complaints lodged with the Commission concerned the isolation in which detainees were kept, as they were not allowed contact with their family members. Likewise, the IACHR was told that detained were never informed of the legal grounds for their detention, had no contact with defense counsel, and were never brought before a judicial authority. Thus, a young man in detention in "La Modelo" prison stated: "I was not informed of [the reason for] my arrest. I was not interviewed. I was not allowed to contact my family. I was repeatedly beaten. Without saying anything, they just left me stranded on the road to Tipitapa."\(^{233}\)

194. Here, the Commission stresses that States have an obligation to immediately inform the detainee, his family members and representatives of the grounds and reasons for the detention. They also have a duty to disclose the place in which a person is being deprived of liberty. That duty "constitutes a mechanism to avoid illegal or arbitrary detentions from the very moment of imprisonment and, at the same time, ensures the individual's right to defense,"\(^ {234}\) Likewise, Article 7 of the Convention requires prompt and effective judicial supervision of the entities involved in the detention in order to protect the integrity of detainees.\(^ {235}\)

195. Based on the information provided, the Commission concludes that the isolation of persons detained during the protests -- albeit for a few days -- in a context, like today's, of widespread violence and lack of judicial oversight constitutes a violation of their right to humane treatment and a failure by the State to fulfill its enhanced duty to act as the guarantor of the rights of detainees. Moreover, the lack of access to defense and judicial oversight constitutes a failure by the State of Nicaragua to comply with its duty to take the necessary steps to guarantee the right to due process and access to justice of detainees pursuant to international standards in this field.

D. Right to Freedom of Expression

196. The IACHR ascertained that from the very beginning of the protests the State opted for direct and indirect forms of censorship. The Commission was able to confirm that some audiovisual media are openly biased, or else their journalists are obstructed in their work. For their part, the independent media have suffered from interference by State agents and by violent acts perpetrated by third parties.

197. The Commission notes that such acts are taking place in a context of restrictions on the exercise of journalism and on the freedom of the media in Nicaragua that has been denounced.

\(^{233}\) Testimony from a person released from "La Modelo," received by the IACHR in Managua, in May 2018.


\(^{235}\) IACHR, Honduras: Human Rights and the Coup d'Etat. OEA/Ser.L/V/II. Doc. 55, December 30, 2009, par. 339. Thus, as the Court has pointed out on several occasions, "Inasmuch as it is responsible for detention facilities, the State is the guarantor of the rights of detainees." I/A Court H.R., Case of Neira Alegria et al. v. Peru. Judgment of January 19, 1995. Series C No. 20, par. 60; Cantoral Benavides Case v. Peru. Judgment of August 18, 2000. Series C No. 69, par. 87.
by civil society organizations and representatives of the press and documented by the IACHR in its annual reports.

An independent and critical press is vital for the exercise of the other freedoms inherent in the democratic system. Indeed, inter-American case law has consistently reaffirmed that, as a cornerstone of a democratic society, freedom of expression is a sine qua non for society to be well informed; that the greatest possible degree of information is a requirement for the common good and it is the full exercise of freedom of information that guarantees such maximum circulation; and that the free circulation of ideas and news is possible only through a plurality of sources of information and respect for the communications media.

1. Political Oversight and Improper Interference in the Media

The IACHR noted that during the protests, State-run media did not report appropriately about them or the demonstrators’ demands. What it ascertained was the dissemination of information stigmatizing the demonstrators. That prevented Nicaraguan society from having access, through State media, to the broadest and most diversified information regarding what is happening in the country.

That decision by the State impairs the right of Nicaraguan society to be informed. The IACHR has emphasized that for public media truly to perform their function, they have to be independent of the Executive Branch, genuinely pluralist, and universally accessible. Thus, public radio and television cannot be used to broadcast government propaganda; they need to be autonomous informative and cultural forums serving the interests of society as a whole. These media have a responsibility to report on matters of public interest and to reflect the political, social, geographic, religious, cultural, linguistic and ethnic pluralism of society. The use of State media to stigmatize and criminalize segments of the population as a punishment or in reprisal for the exercise of their human rights must be prohibited.

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IACHR, 161st period of sessions, Thematic hearing on “Situation of the right to freedom of expression in Nicaragua”, held on March 18, 2017.


Canal 6, “Así quedaron los comercios que fueron saqueados por grupos de vándalos”, April 22, 2018; Canal 6, “Vándalos atacan medios del poder ciudadano e instituciones del gobierno”, April 20, 2018; Canal 6, “Grupos delincuenciales de la derecha disparan en la cabeza a una oficial de la Policía Nacional”, April 22, 2018; Radio Nicaragua, “Gobierno laments deaths and injuries by groups that promote evil”, April 20, 2018; Radio Nicaragua, “Grupos criminales de la derecha asesinan a periodista en Bluefields”, April 22, 2018.


201. At the same time, according to testimony received during the visit, private radio stations are subjected to improper interference by the government, as a result of which the independence of the reporting during the protests has been severely questioned. The IACHR noted with concern that ownership of most of the audio visual media is concentrated in two commercial groups. According to the information available, one family is the owner of the business group that operates three major television channels (channels 4, 8, and 13 in VHF) and twelve radio stations that also get the bulk of government advertisement. One businessman owns 8 television channels (2, 7, 9, 10, and 11 in VHF and 17, 19, and 23 in UHF) and several radio stations.

202. As documented earlier, during the first days of protest several journalists from these media received orders to restrict dissemination of information about what was happening. At least 15 journalists working three of the main television channels in the country resigned out of protest against the censorship.

203. Testimony received during the visit indicated that the main opened signal television channel in Nicaragua (channel 10), Suspended its news casts for the first 48 hours of the protests on the pretext of security concerns. The news cast returned to the air when the journalist took team demanded to be able to report on the protest without restrictions. One journalist told the IACHR that he had resigned from channel 10 because “He funded impossible to do his job with freedom. He complained that his press directors told him that he could not report on matters relating to the protest and, moreover, canceled his television program for two days, on the grounds that, since it was an independent channel, it could be the victim of attacks by “Sandinista mobs”.

204. Such measures undermined the freedom and independence of the media. IACHR notes with concern that private media have taken steps, presumably under state pressure, to prevent the Nicaraguan population from receiving important and pluralist information about the current situation in the country. Principal six of the Declaration of Principles states that: “Journalistic activities must be guided by ethical conduct, which should in no case be imposed by the state.”

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245 IACHR, 161st period of sessions, Thematic hearing on “Situation of the right to freedom of expression in Nicaragua”, held on March 18, 2017; Onda Local, “Los medios de la familia presidencial nicaragüense”, October 10, 2017.
246 La Prensa, “Periodistas de Nicaragua cierran filas por haberse censurado a 100% Noticias”, April 20, 2018; Confidencial, “Libertad teñida de sangre, golpes y cárcel” May 3. 2018.
247 According to information obtained by the IACHR, the following journalists resigned: 1) Francisco Espinoza, correspondent for Canal 8 in Jinotega; 2) Jaime Ibarra, presenter of Churro Aventuras in Canal 8; 3) Stefania Alemán, presenter of the Channel 8 Crónica TN8 newscast; 4) Dino Andino, Canal 2 TV Noticias; 5) Sandra Ardón, presenter of Canal 8’s Nuestro Hogar program; 6) Cindy Bustamente of Revista Los Mañaneros in Canal 8; 7) Junior Chef Sofia, presenter of the Aventuras Culinarias segment in Canal 8; 8) Michelle Lacayo, presenter of Primera Hora in Canal 2, TV Noticias; 9) Eveling Lambert, presenter of Revista Mañaneros in Canal 8; 10) Mario Medrano of Canal 10; 11) Joseling Medrano of Canal 10; 12) Mizzle Mejia, presenter of the Emprendedores segment in Canal 8; 13) Frida Montes of Canal 2, TV Noticias; Arnulfo Peralta of Canal 2, TV Noticias; 14) Mariza Rivas of Canal 8; and 15) Irazema Soza of Revista Los Mañaneros in Canal 8 (La Prensa, “Los 15 periodistas y presentadores de medios oficiales que renunciaron por solidaridad”, April 24, 2018; Metro, “¿Quiénes son los periodistas que han renunciado durante las protestas en Nicaragua?”, April 23, 2018; Maje, “Varios periodistas y presentadores de TV renunciaron en los medios de comunicación”,April 22, 2018).
248 Testimony of journalists, Managua, Nicaragua, May 2018.
249 Testimony of journalist, Washington, United States, June 2018.
2. **Blocking of Signals and Interruptions of Transmissions**

205. During its visit, the IACHR was informed that on April 18th, the Nicaraguan Institute of Telecommunications and Mail (TELCOR) arbitrarily ordered old cable stations to suspend life transmission by audio-visual media covering the protests. The IACHR ascertained that transmissions by channel 12, Canal de noticias de Nicaragua (CDNN23), Telenorte and Channel 51 (The Episcopal Conference channel), was suspended for 24 hours. The 100% Noticias channel was unable to transmit for 6 days after refused to accept TELCOR pressures to drop programs considered to be pro-opposition.

206. According to testimony received during the visit, on April 19th cable companies established in the country were also ordered to drop the channel 12 signal for television subscribers. “We were without a signal until 6:30pm (from 11:30am) when they gave us the video signal but without audio, which didn’t come back until 11:00pm.”

207. For his part the director of the 100% noticias channel told the IACHR that TELCOR asked him to stop covering the protests and to suspend “en la nación” and “café con voz” because the were dimmed to be “inciting violence.” The director rejected that request and as a result was taken off the air. Jaime Arellano, journalist and presenter of the “En la Nación” program on channel 100% Noticias told the IACHR that:

> The worst censorship came when the entity responsible for regulating communication in Nicaragua, TELCOR, threatened the director of the channel, Mr. Miguel Mora, with closure of the channel if he didn’t close my program and that of Mr. Luis Galeano, which was called “Cafe con voz”. Just then the peaceful protest by the population were beginning and were transmitted by 100% Noticias and presented by programs, which analyzed the root causes for the protest and denounced excesses in the use of force against the population by the National Police and groups of government thugs. That caused us closure of the channel. The censorship was imposed via a direct threat to the Director of the channel and by using the power of the regulator TELCOR over cable companies operating in the country. The censorship lasted for 5 days, during which we broadcast via Internet, proclaiming to the world our right to inform and be informed. Thanks only to the demands by the population and private sector, and the international furore, the government allowed us to go on the air once again. Censorship has continued, with limitations on video and audio signals, both of which are manipulated by TELCOR.

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250. During the visit, various representatives of the independent press stated in a pronouncement that "Telcor should operate as an institution separate from the interests of the leader, so that it ceases to be used as a club with which to hammer media critical of the Government. The Directorate General of Revenue (DGI), the Directorate General of Customs (DGA), and the Nicaraguan Social Security Institute (INSS) must stop being tools with which to coerce the media." In that connection, see: La prensa, "Periodismo independiente condena masacre y pide respeto a derecho a informar", May 9, 2018; El Faro, "Pronunciamiento de la prensa independiente de Nicaragua", May 9, 2018.

251. Violeta B. Chamorro, Fundación Violeta B. Chamorro solidaria con el Programa Onda Local, April 3, 2017; Testimony of Manuel Mariano Valle Peters, President of the Board of Directors and Legal Representative of Nicavision S.A., received by the IACHR during its visit to Managua, Nicaragua, from May 17 to 21, 2018.

252. CEIDH, "CEIDH denuncia violaciones sistemáticas a los derechos humanos de los nicaragüenses por el régimen dictatorial de Daniel Ortega y Rosario Murillo", p.19.

253. CEIDH, "CEIDH denuncia violaciones sistemáticas a los derechos humanos de los nicaragüenses por el régimen dictatorial de Daniel Ortega y Rosario Murillo", p.19.
208. The IACHR was also informed that on April 23 the digital edition of the weekly magazine Confidential was hacked and could not be used for seven hours. An investigation carried out by the magazine's technical staff ascertained that the website had been hit by a denial of service attack at a peak time in Nicaragua and abroad. As reported, the main news at the time of the attack was the list of 19 people killed whom the journalistic team at Confidential had listed one by one and which had been widely broadcast both abroad and in Nicaragua. On the same date the website of La Prensa was also hacked.

209. The IACHR notes that these very serious measures arise in a context in which pressure on private media is habitual, so that freely reporting and informing the public is no easy task and is currently threatened. According to the information gathered, there are discriminatory practices with the allocation of government advertising and task audits are used to exert economic pressure. The IACHR also heard testimony that the lack of clear procedures and legal guarantees for allocating radio licenses are used by State authorities to put pressure on the media to drop journalistic programs with slots contracted in those media because of the editorial line.

210. Article 13 of the American convention on Human Rights states that: “everyone has the right to freedom of thought and expression. This right includes freedom to seek, receive, and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing, in print, in the form of art, or through any other medium of one’s choice”. Article 13 also points out that “The right of expression may not be restricted by indirect methods or means, such as the abuse of government or private controls over newsprint, radio broadcasting frequencies, or equipment used in the dissemination of information, or by other means tending to impede the communication and circulation of ideas and opinions.”

211. The Declaration of Principles on Freedom of Expression, adopted by IACHR in 2000 states in Principle 5 that “Prior censorship, direct or indirect interference in or pressure exerted upon any expression, opinion or information transmitted through any means of oral, written, artistic, visual or electronic communication must be prohibited by law. Restrictions to the free circulation of ideas and opinions, as well as the arbitrary imposition of information and the imposition of obstacles to the free flow of information violate the right to freedom of expression.”. Principle 13 states that “The means of communication have the right to carry out their role in an independent manner. Direct or indirect pressures exerted upon journalists or other social communicators to stifle the dissemination of information are incompatible with freedom of expression.”. In the same vein, it is essential for Nicaragua to have a genuinely independent regulatory body with sufficient institutional guarantees built in to avoid the allocation, withdrawal, or non-renewal on licenses for discriminatory or arbitrary reasons. The Declaration of Principles on Freedom of Expression, adopted by IACHR in 2000 states in Principle 5 that “Prior censorship, direct or indirect interference in or pressure exerted upon any expression, opinion or information transmitted through any means of oral, written, artistic, visual or electronic communication must be prohibited by law. Restrictions to the free circulation of ideas and opinions, as well as the arbitrary imposition of information and the imposition of obstacles to the free flow of information violate the right to freedom of expression.”. Principle 13 states that “The means of communication have the right to carry out their role in an independent manner. Direct or indirect pressures exerted upon journalists or

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254 CENIDH, “CENDIH denuncia violaciones sistemáticas a los derechos humanos de los nicaragüenses por el régimen dictatorial de Daniel Ortega y Rosario Murillo”, p.19.
255 Testimony received by the IACHR in Managua, Nicaragua in May 2018.
other social communicators to stifle the dissemination of information are incompatible with freedom of expression.”. In the same vein, it is essential for Nicaragua to have a genuinely independent regulatory body with sufficient institutional guaranties built in to avoid the allocation, withdrawal, or non-renewal on licenses for discriminatory or arbitrary reasons.256

3. Violence and Attacks against Journalists and the Media

212. The IACHR reiterates its condemnation of the murder of journalist Angel Gahona on April 21, 2018 while he was transmitting live the destruction of a BANPRO ATM machine and the presence of anti-riot squads of the Chief of Police in the city of Bluefields. The murder of journalists constitutes the most extreme form of censorship257 and the State has an obligation to investigate such serious acts with all due diligence and speed and to punish those responsible. Although two young men taking part on the protests are being held for judicial proceedings for this crime, the IACHR is concerned at the complaints it has received regarding grave irregularities in the investigation and about the family of the journalist being threatened because of his work in the pursuit of justice. On June 12, 2018 the IACHR granted a precautionary measure on behalf of Migueliuth Sandoval Cruz and family member of the journalist Angel Gahona258, when it’s considered that they were in grave risk in connection with the murder of the journalist.

213. The IACHR documented the cases of at least 11 reporters attacked during the protests. There were reports of journalists being hit in the head while transmitting live and of several people chasing a journalist who was covering the protests, as well as repression by police, the snatching of a camera and the destruction of equipment, and other attacks259 On April 18th, camera man Rene Cuadra and journalist Leticia Gaitan of 100% Noticias were assaulted and had the equipment stolen260. Julio César López, a journalist for “Onda Local” was hit in the head during a demonstration and, as a result, suffered temporary memory loss.261
Nestor Arce of Confidencial was beaten and had a camera stolen. For his part La Prensa journalist Emiliano Chamorro, complained that he and his team who had been covering the student protest. Since the IACHR visit, there have been attacks on journalists working for Agencia EFE. Here were also reports of theft of equipment from a CNN camera man and threats and beating of journalist Josué Garay. In addition, according to the information available, on May 18 journalists Karen Erazo and Cristian Medina, from channel 6 and Radio ya, were threatened and attacked by demonstrators opposite the headquarters of the Our Lady of Fatima National Seminar, where the National Dialogue meetings were being held.

The commission also received complaints about threats to journalists. Ileana Lacayo, a journalist and activist from Bluefields complained that her house had been raided on April 23 and her belongings searched and that she had also received death threats. Likewise, American journalist Tim Rogers felt obliged to leave Nicaragua on Friday, April 27 because he felt threatened by individuals who had falsely singled him out in social networks as a member of the Central Intelligence Agency (CIA) of the United States. Journalist Alvaro Lucio Montalván complained to the IACHR that he had been the victim of death threats and threats to burn down his workplace (Radio mi voz), which had forced him to move. Alvaro Navarro, a journalist and director of the multimedia site Artículo 66 complained to the IACHR that he had been the victims of threats and defamation campaigns. On May 31, the director of channel 100% reported on his twitter account that the government had issued a death threat against one of his journalist who had decided to resign to avoid possible reprisals. Civil society organizations told the IACHR that threats to critically-minded journalists was a practice that predated the current crisis, without there having been any investigation of such practices by the organs responsible for administering justice.

In the same vein, the IACHR observed violent attacks against media and their installations. On the night of April 20, radio Darío was set fire to in León by a group of armed third parties while eleven media workers who were inside, managed to escape the flames, including the director Anibal Toruño. Two of the perpetrators died presumably due to the explosion they had triggered as a result set fire to the fuel containers they were carrying, according to videos filmed by neighbors and by the journalists being attacked. During his visit to the city of León,

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262 CENIDH, “CENIDH denuncia violaciones sistemáticas a los derechos humanos de los nicaragüenses por el régimen dictatorial de Daniel Ortega y Rosario Murillo”, p.19.
263 CENIDH, “CENIDH denuncia violaciones sistemáticas a los derechos humanos de los nicaragüenses por el régimen dictatorial de Daniel Ortega y Rosario Murillo”, p.19.
267 La Prensa, “Periodistas independientes son hostigados y amenazados”, May 14, 2018; La Prensa, “Asedio y agresión a periodismo critico”, June 12, 2018; La Prensa, “Acojo a periodistas no para en departamentos”, May 12, 2018; Hoy, “Ambiente de tensión se vive en la ciudad de León”, May 1, 2018.
268 La prensa, “Periodista estadounidense Tim Rogers sale de Nicaragua por amenazas”, April 28, 2018; Hoy, “Periodista Tim Rogers sale de Nicaragua por amenazas”, April 29, 2018;
269 Alvaro Lucio Montalván, e-mail received by the Office of the Special Rapporteur for Freedom of Expression on May 22, 2018.
270 Testimony of Álvaro Navarro, journalist and Director of the multimedia site Artículo 66, received by the IACHR during its visit to Managua, Nicaragua, from May 17 to 21, 2018.
271 “Gobierno amenaza de muerte al colega Jonathan Castro y a su familia por lo que decidió renunciar a 100% NOTICIAS. Que Dios te guarde Jonathan recuerda siempre que Jehova de los Ejércitos es un Dios de la verdad, la justicia y La Paz verdadera”. Twitter account of Miguel Mora @MiguelCanal15. May 31, 2018.
the commission went to the radio station facilities and were able to see that both the equipment and the building were totally destroyed. Other television media complained to IACHR that their transmission equipment had been attacked and that fiber optic cables had been broken. According to the information available, on May 30, the office on channel 100% was stoned and the glass windows of the front broken. 272

216. The radio station Radio YA was set fire to, when a group of students announced that it had taken over the National Engineering University (UNI) in protest and the State owned Radio Nicaragua facilities were burned down by unidentified individuals. 274

217. The IACHR stresses that "[t]he murder, kidnapping, intimidation of and/or threats to social communicators, as well as the material destruction of communications media violate the fundamental rights of individuals and strongly restrict freedom of expression. It is the duty of the state to prevent and investigate such occurrences, to punish their perpetrators and to ensure that victims receive due compensation". The IACHR has stated that violence against journalists not only violates the freedom of thought and expression of the person concerned, but also affects the collective dimension of this right. The acts of violence committed against journalists (in the broad sense of the term, from a functional perspective) and people working in the media, which are linked to their professional activity, violate the right of these people to express and impart ideas, opinions and information. It also violates the rights of citizens and society in general to seek and receive information and ideas of any kind." 275

218. Thus, the IACHR reiterates that in the context of demonstrations and tense social conflicts, the work of journalists and media workers and the free flow of information though alternative media such as social networks, is vital for keeping the population informed about what is happening, while at the same time it performs an important function of reporting on the state’s and security forces’ reactions to the demonstrations. In that way, it can help discourage disproportionate use of force or misuse of authority. 276 The State has a duty to guarantee that journalists and media workers doing the job of reporting on a public demonstration are not detained threatened, attacked or subject to any curtailment of their right for practicing their profession. 277

219. The IACHR notes that the State has not met its obligation of guaranteeing the exercise of journalism free of violence on the context of social demonstrations. This duty is not limited to guaranteeing that its agents refrain from committing acts of violence against journalists. It also includes the obligation to create the conditions needed to mitigate the risk of practicing

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272 La Prensa, “Turbas sandinistas atacan las instalaciones del canal 100% Noticias”, May 30, 2018; 100% Noticias, “Así atacaron las turbas del Gobierno a 100% Noticias”, May 31, 2018.


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their profession in such situations. Likewise, the State must embark on an independent swift and effective investigation so as to be able to try both those who committed these acts of violence and the instigators before impartial and independent courts.

E. **Right to Freedom of Movement and Residence and the Ban on Arbitrary Displacement**

220. As a result of the atmosphere of violence generated since April 18, 2018, numerous people have been forced to leave their homes to take shelter in the homes of relatives, friends or in safe houses. The IACHR also received information about many people being forced into intra-urban displacement within the municipality in which they live or else to move to Managua or other cities. In connection with his visit the IACHR received the following testimony from a woman who was forced to move with her family and is considering leaving the country to seek asylum in another country:

> “They killed my husband, we buried him, and then, for fear of government reprisals we —my husband’s parents, his two kids, his elder brother and I-- decided to leave everything and flee to the capital. When we reached the capital, all we had were the clothes we were wearing and the thirst for justice. In the capital, we received threats, telephone calls late at night and, by day we were followed by motorbikes, a with pick-up truck without a license plate and a yellow taxi also without a license plate. They cut off electricity so that we had no lights in our home and blow up transformers. They want to intimidate us, put fear into us, but we are still here. It is very sad to leave Nicaragua, but I know that if we do so, one day my daughter and I are going to return as a family. For the moment it is best to get out of here because I am afraid they are going to kill us and that we will lose the voice of all those mothers who are also victims”.

221. In the most serious cases, the IACHR was also informed about people emigrating to other countries to seek protection. Along the same lines, it also received information about cases of Nicaraguan student leaders and human right defenders who alleged that they are suffering prosecution and are currently seeking protection in neighboring countries.

222. The resurgence and prolongation of the violence is causing a considerable number of Nicaraguan individuals and families to apply for travel documents to emigrate to neighboring countries in Central America. Here, the IACHR notes that the offices of the Directorate General of Migration and Alien Affairs have recorded an increase of almost 50% in the number of people doing paperwork to be able to leave the country, in most cases for children and adolescence. In recent weeks there has been a notable increase in the number of applications for passports with the offices of the Directorate General of Migration and Alien Affairs. According to the information available, many of these, mostly young people are getting ready to emigrate or seek asylum is Costa Rica, the main destination country for Nicaraguans since the last civil war in that country in the 1980s.

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279 Testimony of woman victim of forced displacement received by the IACHR in Managua on May 20, 2018.

280 Canal 10 Noticias, *Aumentan las personas que buscan migrar del país por la crisis*, June 7, 2018.
223. In addition to the people being forced to emigrate as a result of the violence, another aspect to take into account is that, according to the Nicaraguan Foundation for Economic and Social Development (FUNIDES), the serious crisis Nicaragua is undergoing has jeopardize between 20000 and 150000 jobs. That being so, it is likely that many people had to opt to migrate as a survival strategy and to look for work or better living conditions.281

224. As regards the possible impact of the crisis in Nicaragua, the State of Costa Rica reported in early June 2018 that it had established inter agency coordination committee to keep constant track of migrants and ensure that migration flows between Costa Rica and Nicaragua remain manageable. In the short time since it was established the Inter Agency Coordination Committee has already observed a slight increase in the number of people crossing the Peñas Blancas border post, as well as an increase in the application for asylum by Nicaraguans fleeing the violence.282

225. As regards the situation of those forced to move, the IACHR deems it necessary to reiterate that the State has an obligation to respect and guarantee the freedom of movement and residence for all persons under its jurisdiction and that includes a ban on arbitrary displacement. On this, Article 22.1 of the American Convention on human rights establishes that “Every person lawfully in the territory of a State Party has the right to move about in it and to reside in it subject to the provisions of the law.” The inter-American Court of Human Rights has considered that this provision protects the right not to be forcibly displaced within a state and not to be force to leave the territory of the State in which a person is residing legally, so that guarantee should be provided to ensure that people can move around and reside freely in their places of origin.283

226. Both the IACHR and the I/A Court of H.R. have considered that the Guiding Principles for internal displacements are especially important for determining the meaning and scope of the right not to be internally displaced.284 Accordingly, the Guiding Principles establish that internally displaced persons shall be understood to mean individuals or groups of persons that have found themselves forced or obliged to escape or flee from their home or habitual place of residence, especially as a result of, or to avoid, the effects of or armed conflict, widespread violence, human rights violations, or catastrophes whether natural or provoked by human beings, and that have not crossed an internationally recognized State border.285

227. The organs of the Inter-American system of human rights have considered that internal displacement represents a multiple and ongoing violation of human rights, a situation that subsists until those persons can return to their places of origin in a voluntary, dignified, and safe manner or are voluntarily resettled in another part of the country.286 Internal displacement not only triggers violation of the right to move freely about the territory of the State and the right to freely choose one’s place of residence; it also entails violation of

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281  AFP, Miles de nicaraguenses buscan emigrar por ola de violencia. June 14, 2018; Diario Metro, María Martínez Mur, Nicaragüenses actualizan sus pasaportes para salir de forma urgente, June 15, 2018.
multiple other human right, such as the right to and adequate standard of living, the right to personal integrity, the right to private and family life, the rights of the child, the right to work, the right to health, the right to education, the right to property, the right to identity, and political rights as well as others.287

228. Accordingly States have four principal obligation with respect to internally displaced persons: (I) the obligation to prevent displacement; (II) the obligation to protect and provide assistance to the displaced during displacement; (III) the obligation to land and facilitate humanitarian assistance; (IV) the obligation to facilitate the return, resettlement, and reintegration of internally displaced persons under safe conditions.288

229. In this context, the IACHR considers it important to stress a decision taken recently by the Inter-American Court of Human Rights in a case regarding Nicaragua, when it established that the right to freedom of movement and residence may be violated when a person is a victim of threats or harassment, and the State fails to provide the necessary guarantees for him or her to move around and freely reside in the territory concerned, even when the threats and harassment come from non-state actors. Likewise, the lack of an effective investigation into violent deeds, and the situation of impunity, may undermined the trust of victims in the justice system and exacerbate insecurity. Moreover, that situation of impunity may propitiate or perpetuate an exile or force displacement.289

230. The IACHR urges the Nicaraguan State to guarantee may freely leave Nicaraguan territory and that his or her right to seek and receive asylum in a foreign country is respected, pursuant to article 22.290 and 22.791 of the American Convention on Human Rights. Likewise, the IACHR urges States in the region to guarantee entry into the territory and to asylum procedures for Nicaraguans as well as lend protection to persons who request it.

F. Right to Independence and Autonomy

1. General Considerations

231. During its visit, the IACHR met with the Public Prosecutors’ Office, which told it that investigations had been started into both cases in which complaints had been filed and ex officio. The Commission notes several violations with respect to access to justice and the right to truth of victims and family members that reflect a lack of due diligence regarding a comprehensive investigation into the deaths and injuries that occurred in connection with the protests. There are doubts as to whether a proper determination has been reached as to the facts. In particular, the IACHR ascertained serious irregularities with respect to documentation of key information needed to throw light on the facts, such as the failure to

287 I/A Court H.R., Case of the Ituango Massacres v. Colombia, Judgment of July 1, 2006, par. 212.
290 American Convention on Human Rights, Article 22.2.: Every person has the right to leave any country freely, including his own.
291 American Convention on Human Rights, Article 22.7.: Every person has the right to seek and be granted asylum in a foreign territory, in accordance with the legislation of the state and international conventions, in the event he is being pursued for political offenses or related common crimes.
conduct proper autopsies, or conducting them on the basis of documents (without examining the corpses), investigations or examinations conducted too late, and the placing of the burden of proof on the victims and next-of-kin. The IACHR ascertained with considerable concern the fact that family members of victims killed were instructed to sign papers waiving the right to have the bodies taken for a forensic medical exam and waiving the right to file complaints, as a condition for receiving death certificates.  

232. The IACHR wishes, in particular, to stress the widespread mistrust among victims, family members, and representatives and their reluctance to file complaints with the institutions responsible for investigating crimes committed in connection with the protests. Victims and family members repeatedly pointed to the lack of credibility of the National Police and the Public Prosecutors’ office because allegedly those institutions could not be relied upon to be independent. Likewise, the Commission notes that family members of the victims were afraid to file complaints with the National Police because they were frightened of police reprisals. During its visit to Nicaragua, for instance, the Commission received the testimony of a family member who was arrested by the police while he was attending the funeral service of a family member who died in connection with the protests. Civil society organizations also told of situations in which National Police officers had attended funeral services in order to ask family members and others questions. In its comments on the draft version of this report, the State of Nicaragua rejected “the supposed mistrust of filing complaints.” The State said that the Public Prosecutors’ Office had received more than 60 complaints from the next-of-kin of those who had died, as well as numerous denunciations of damage to public and private property that demonstrated the population’s trust in the institution. 

233. In this context, the Commission underscores that, to the extent that these facts obstruct access to justice for victims and their family members, they have a strong bearing on the right to truth, as it is understood and interpreted by the inter-American human rights system. Thus, the right to truth is subsumed in the right of the victim and his or her next-of-kin to elicit from competent organs of the State correct information regarding the subject matter of the violations and the responsibilities incurred derived from the investigation and trial envisaged under the rights to judicial guarantees and judicial protection established in Articles 8 and 25 of the American Convention. 

2. Lack of Appropriate Investigation

234. The Commission observes that victims, family members, and civil society are complaining about the lack of proper investigation by the State into the various serious acts of violence and other matters that, under domestic law, constitute crimes. The complaints received by the Commission during its visit indicate that in some cases neither the National Police nor the Public Prosecutors’ Office is diligently initiating ex officio investigations into alleged crimes. The Nicaraguan State has an obligation to conduct appropriate, effective, and timely investigations into such crimes.

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293  IACHR, Press Release 113/18, - Preliminary observations on the IACHR working visit to Nicaragua, May 21, 2018.
294  Testimony received by the IACHR in Managua on May 19, 2018.
investigations into possible human rights violations as one of the positive measures it is required to adopt to guarantee the rights recognized in the Convention.\textsuperscript{298} In light of that duty, as soon as the Nicaraguan authorities are aware of the facts, they must promptly and ex officio embark on serious, impartial, and effective investigations.\textsuperscript{299} The State cannot excuse its failure to conduct an investigation by arguing that the competent organ was not informed of the facts as envisaged in domestic legislation.\textsuperscript{300}

235. Furthermore, the bodies responsible for investigating the facts are allegedly asking the family members of the victims to take the initiative with respect to investigation. Civil society organizations have come across several instances of family members of victims complaining that the Public Prosecutor had left the initiative and the burden of investigation to them. In these cases, the only evidence the Public Prosecutor had was that provided by the next-of-kind.\textsuperscript{301} In one of those cases, the Public Prosecutor involved reportedly required the family members of a victim to find and convince witnesses to make statements and to identify photographs and videos of what had happened. In its comments on the draft version of this report, the State rejected this claim.\textsuperscript{302}

236. The IACHR condemns the fact that in certain cases the victims themselves or their family members should have had to take the initiative of gathering evidence due to the State’s failure to do so. The Commission stresses that the Nicaraguan State must assume investigation of the facts as a legal duty of its own and not just as a mere formality destined to be fruitless from the start or dependent upon the victims or their families initiating proceedings or upon the private submission of evidence.\textsuperscript{303} These investigations must be pursued using all legal means possible and be designed to determine the truth. The State’s obligation to investigate must be diligently complied with so as to prevent impunity and a repetition of these kinds of acts. Moreover, this obligation subsists, regardless of the agent who might ultimately be found guilty, even private agents because if the facts are not seriously investigated they would, to some extent, be abetted by the authorities, which would make the State internationally responsible.\textsuperscript{304}

\begin{thebibliography}{99}
\item[I/A Court H.R. Case of the “Mapiripán Massacre” v. Colombia. Merits, Reparations and Costs. Judgment of September 15, 2005. Series C No. 134, paras. 219, 222, and 223; IACHR, Report 36/13 (Admissibility), Petition 403-02, José Delfín Acosta Martínez, Argentina, July 11, 2013, par. 35.]
\item[Amnesty International, Shoot To Kill: Nicaragua’s Strategy To Repress Protest, 2018, p. 25.]
\item[State of Nicaragua. Observations of the State of Nicaragua on the draft report of the Inter-American Commission on Human Rights, June 21, 2018.]
\end{thebibliography}
3. Irregularities in Determination of the Facts

237. During its visit to the country, the IACHR received multiple testimonies pointing to serious irregularities in data gathering, determination of what actually happened (the facts), and preservation of the evidence by a number of State institutions and public bodies, such as the National Police, public hospitals, and the Forensic Medicine Institute. Among the most egregious irregularities are the failure to remit corpses to the Forensic Medicine Institute and the writing of document-based autopsy reports without examining the bodies, tardy investigations and examinations with no guarantees for the chain of custody of the scene of the crime, or placing the burden of proof to the victims or next-of-kin.

238. The IACHR received abundant testimony of several State hospitals receiving the bodies of persons who had died in connection with the protests to confirm death and then not remitting the corpses to the Forensic Medicine Institute for the required autopsy. In addition, some family members of victims told the IACHR that they did not allow autopsies to be carried out on their deceased family member due to fear and mistrust of the authorities. In its comments on the draft version of this report, the State acknowledged that some family members desisted from filing complaints with the National Police or Public Prosecutors' Office and in some cases signed papers waiving the right to a forensic medicine autopsy.

239. The Commission voices its concern at the fact that in many cases, in return for handing over a death certificate, hospitals demanded the presentation of a “certificate of waiver of complaint.” That document meant that the family expressly waived the need to send the body to the Forensic Medicine Institute for autopsy and also desisted from their right to demand a formal investigation by the competent authority. This, the Commission received, for example, a copy of the following waiver:

I, [first and family names], with I.D [number], [...] hereby desist from initiating judicial proceedings and from having my son’s body remitted to the Forensic Medicine Institute. My son died from a bullet wound on the night of May 6. He was in the Lenin Fonseca Hospital since April 21, 2018. He was supporting the student protests near the UPOLI and died for Nicaragua. This document is being signed of my own free will and at the request of the National Police and Hospital Authorities.

240. The Commission notes that in multiple cases, these waiver documents were drafted in police stations in which family members of victims were expressly instructed to release the National Police from all responsibility for what happened and to desist from filing a complaint as a quid pro quo for receiving the letter certifying decease. Thus one of the certificates drawn up in police stations reads as follows:

Police Station Commanding Officer [first and family names]

We hereby address you to inform you that we, the family members of the now deceased [name of the deceased victim] release the police authorities from all

305  IACHR, Press Release 113/18, Preliminary observations on the IACHR working visit to Nicaragua, May 21, 2018.
307  Testimony received by the IACHR in Managua in May 2018.
responsibility and act in representation of the family to withdraw the body of the new deceased.308

241. On this matter, the IACHR recalls that the State has an obligation to conduct all the examinations and autopsies needed for a thorough investigation of acts of violence that in addition may constitute grave human rights violations. Thus, the case law of the Inter-American Court has established that efficient determination of the truth in connection with the duty to investigate a death must be demonstrated meticulously from the very first procedures. Accordingly, jurisprudence has specified that it is necessary for competent professionals, using the most appropriate procedures, to conduct exhaustive investigations, perform autopsies, and rigorously analyze human remains.309 With regard to the papers waiving the right to file complaints, the IACHR reiterates that the State’s obligation to investigate must be fulfilled with all due diligence in order to prevent impunity and that that obligation subsists regardless of the agent who might be accused of the violation.310

242. At the same time, based on the information received during its visit to the country and, in particular, its visit to the Forensic Medicine Institute, the IACHR ascertained the existence of serious irregularities with respect to the performance of autopsies on the bodies of those who died in connection with the protests. Thus, based on information furnished by the State, of the 52 bodies admitted to the Institute of persons who had died from acts of violence between April 19 and June 6, at least eight autopsies were written up on the basis of documents, that is to say, without the corpses having been examined by personnel of the Forensic Medicine Institute. In 13 of the cases reviewed, the place of death is omitted/unknown, and in two cases autopsies were performed after the bodies were exhumed 13 days after the death of the victims.311

243. The IACHR recalls that document-based autopsies without examination of the bodies do not meet the minimum standards established by the inter-American human rights system. Autopsies must, at a minimum, include adequate photographs of the body, x-rays of the corpse, documentation of all injuries, notes on the position of the body and the condition it is in, and so on. Moreover, due diligence in a forensic medical investigation of a death demands maintenance of the chain of custody of any forensic evidence material. It consists of keeping a precise written record, supplemented, as applicable, with photographs and other graphic materials to document the history of the evidentiary material as it passes from one to another of various investigators in charge of the case.312 The IACHR stresses that the State of Nicaragua may be held liable for failing to order, practice, orvaluate evidence that would have been very important in throwing light on the homicides.313

244. The Commission notes that both the absence of autopsies because bodies were not remitted to the Forensic Medicine Institute and the performing of autopsies based on documents,

308  Testimony from family member of a person who died, received by the IACHR in Managua on May 18, 2018.
311  Information provided by the State. Note from the Permanent Mission of Nicaragua to the OAS, MPN-OEA-0063, June 8, 2018.
without examining the bodies, impede credible documentation of the circumstances under which demonstrators were killed and wounded and hence make it impossible for the records to throw light on the acts of violence in a manner that is both thorough and effective.\textsuperscript{314} The IACHR points out that autopsies may record circumstances different from those that an expert appraisal would confirm. For instance, the IACHR received the following testimony:

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Even though my son died from a bullet, the death certificate issued by the Manolo Morales hospital states that the death was due to stabbing (arma blanca). We complained about that to Dr [name]. However, he refused to correct the certificate, saying that, not being a forensic doctor, it was not up to him to specify such matters. For me, the certificate is an attempt to falsify the circumstances of the death with a view to ensuring impunity.\textsuperscript{315}
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\textsuperscript{314} IACHR, Press Release 113/18, \textit{Preliminary observations on the IACHR working visit to Nicaragua}, May 21, 2018.

\textsuperscript{315} Testimony received by the IACHR in Managua in May 2018.


\textsuperscript{318} Information provided by the State. Note from the Permanent Mission of Nicaragua to the OAS, MPN-OEA-0063, June 8, 2018.


\textsuperscript{320} Testimony received by the IACHR in Managua in May 2018.

competent professionals using the most appropriate procedures.\(^{322}\) Thus the Court has established that inadequate protection of the crime scene may impair the investigation, because it is a vital ingredient for a useful outcome.\(^{323}\) Investigators must, at a minimum, photograph the scene and any other physical evidence; all samples of blood, hair, fibers, threads or other leads must be gathered up and kept; the area must be searched for shoe prints or any other traces that could serve as evidence; and a detailed report needs to be drawn describing the scene, the actions taken by investigators, and the availability of all the evidence collected.\(^{324}\)

4. **Truth Commission**

248. As regards the State’s efforts to throw light on the truth of what happened, the Inter-American Commission notes that on April 29, the National Assembly approved the establishment of a Truth Commission, commissioned to come up with its findings in three months, including identification of those responsible for the acts of violence that occurred during the protests in Nicaragua. On May 6, Parliament appointed the five members of the Truth Commission who will investigate the deaths that occurred during the protests.

249. During its visit to Nicaragua, the Commission noted questioning of the effectiveness of the aforementioned Commission, due to the lack of participation of civil society and of family members of the victims in either its establishment or in the appointment of its members.\(^{325}\) On this, several civil society organizations and movements expressed their disagreement with the establishment and composition of this Truth Commission because of the lack of clarity as to its mandate and functions, and because of the selection of its members, but above all because not all social sectors can participate.\(^{326}\) Here the Commission has established that the right to truth has two dimensions. First, it recognizes the right of victims and their next-of-kin to know the truth about the facts that gave rise to human rights violations, as well as the right to know the identity of those who took part in them. Second, there has been increasing agreement that this right applies not only to the victims and their family members, but also to society as a whole.

250. The Inter-American Court has established repeatedly that although truth commissions do not replace the State’s obligation to establish the truth through judicial proceedings,\(^{327}\) they are determinations of the truth that complement one another, because each has its own rationale


\(^{325}\) IACHR, Press Release 113/18, *Preliminary observations on the IACHR working visit to Nicaragua*, May 21, 2018.


and scope, as well its own special possibilities and limitations, depending on the context in which they arise and the cases and concrete circumstances they analyze.328

251. The IACHR considers that in order to guarantee the legitimacy of a truth commission, the Government of Nicaragua must ensure that certain minimum conditions are given, such as: guaranteeing transparency from the start (when it is established), as well as a mandate and functions in which all social sectors and the victims can participate; taking steps to ensure its independence and impartiality; and clearly establishing investigative procedures. Likewise, the selection of members of the highest moral standing and professional reputation must be subject to the scrutiny and participation of all sectors involved.

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CHAPTER 4: SITUATION OF HUMAN RIGHTS DEFENDERS IN NICARAGUA

252. The Commission states its concern over the special situation of risk faced by human rights defenders, student leaders, religious figures, and journalists, as of April 18, 2018. This is the result of the assaults, threats, acts of harassment, criminalization, trailing, and surveillance against them. In this regard the IACHR received a large number of complaints of threats, including death threats, by state agents and third persons against demonstrators, youths, victims’ family members, witnesses, religious figures, and groups opposed to the government. In addition, the Commission was informed of the surveillance to which these persons are subjected, through police patrols and private vehicles and harassment on social networks. In addition, the Commission received testimony from many persons regarding state officials from different institutions said to have been forced to participate in activities in support of the government under the threat of dismissal.329

1. Acts of Aggression, Attacks, and Threats

253. In this respect, the IACHR warns that civil society organizations have documented various attacks and threats against human rights defenders in the course of the protests committed both by state agents and armed third persons.

254. As regards the acts of aggression and attacks, the Commission takes note of the attack on Ana Quirós, Director of the Centro de Información y Servicios de Asesoría en Salud (CISAS), who was assaulted by the so-called pro-government “shock forces” (“fuerzas de choque”) when she was participating in the April 18, 2018 protests in Managua.330 In an interview with Amnesty International Ms. Quirós, a human rights defender, said that she sought the help of the Police when a group of men on motorcycles began to attack the demonstrators and journalists with sticks and iron rods. At that moment, another person who had identified her as a human rights defender attacked her with a metal rod, causing a head injury and injury to her hands.331

255. In addition, the CENIDH received a complaint from Sara Henríquez, a women’s rights defender, who denounced that after having been assaulted during the April 18 protests in León by pro-government youths and the National Police, a group of youths transported in a microbus of the main campus (Centro Universitario) of the Universidad Nacional (considered by some sectors to be pro-government) and in two pickup trucks reached her house and threw stones at it while shouting “Sara Henríquez traídora, Sara Henríquez vende patria” (“Sara Henríquez traitor, Sara Henríquez sells out her country”).332 That same day, Gonzalo Carrión and Salvador Marenco, two human rights defenders with the CENIDH, were said to have been assaulted by pro-government groups when they were at Camino de Oriente in

329 IACHR, Press Release No. 113/18, Preliminary observations on the IACHR working visit to Nicaragua, May 21, 2018.
330 La Prensa, Así te contamos las agresiones orteguistas a la resistencia ciudadana en Managua, April 18, 2018.
332 Centro Nicaragüense de Derechos Humanos (CENIDH), CENIDH denuncia violaciones sistemáticas a los derechos humanos de los nicaragüense por el régimen dictatorial de Daniel Ortega y Rosario Murillo, May 4, 2018, p. 19.
Managua accompanying a group of students. Similarly, Francisca Ramírez, a leader of the peasant movement and a beneficiary of precautionary measures of the IACHR, was reportedly assaulted on April 20 during a peasant mobilization rejecting the social security reforms. In particular, a man reportedly lunged at her with a knife, intending to cause her harm, which resulted in one of the persons who was with her suffering a wound.

256. In the context of its visit to the country, the Commission received testimony from several persons on joint actions by state actors and armed third persons against human rights defenders. Among the testimonies received, the IACHR makes special note of the following:

I am a young gay activist; I staged a small peaceful demonstration placing myself at the gate of San Juan Jinotega ... with a sign that said “#SOSINSS, for the elderly, for the workers, we want peace, peace, peace.” Not five minutes went by when a worker ... from the mayor’s office approached me intending to take my sign from me. While the police officer video-recorded my activity at the same time ... three members of the Sandinista Youth emerged from the park who approached me from the right. When they were less than two meters away I ran inside the cathedral, and they followed me, saying they were going to take me apart [calling me] “cursed faggot” (“cochón maldito”), they were going to disappear me because I didn’t know who I had become involved with. I ran until I was on the chorus stands.... Outside there were more than 200 persons waiting for me to emerge from the mass, so the priests took me out through the back. At the request of family members, friends, and even persons with the Sandinista National Liberation Front (FSLN) who are close to the mayor I had to leave the city because I was informed that they might take heavy-handed actions against me. All that night vehicles passed by my house shouting and frightening my family. I spent one week moving among different safe houses until I went back to my city. I was informed by two persons close to the mayor of plans to kill me after everything returns to normal. I want to state for the record that I have not promoted or engaged in any act of vandalism, I am a promoter of human rights from sexual diversity and I do not engage in acts that are against my principles. I know that my life is at risk and that it may be taken from me, but I’m not afraid of that [but] yes that it might be one more death rendered invisible and that justice would not be done. – *Young defender of the rights of LGTBI persons*  

257. In this respect, the State has the obligation to adopt measures to promote and protect the human rights of all persons, ensuring the right to diversity, preventing and combatting acts of discrimination, violence, and intolerance.

258. As regards threats, as noted above, the IACHR received complaints of threats made by state agents and third persons. In this respect, the Commission heard, among others, the testimony of a woman attorney who is defense counsel for an adolescent male who was accused of the crime of murder and illegal possession of arms. As a result of that legal representation, she became the victim of death threats outside the courts of Managua, where she was intercepted.

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334 Centro Nicaraguense de Derechos Humanos (CENIDH), *CENIDH denuncia violaciones sistemáticas a los derechos humanos de los nicaragüense por el régimen dictatorial de Daniel Ortega y Rosario Murillo*, May 4, 2018, p. 20.

335 Testimony received by the IACHR in Managua, May 20, 2018.
by “citizens in motor vehicles” ("ciudadanos motorizados") who warned that if she did not drop the case she or a member of her family would show up dead.336

259. The IACHR expresses special concern over the fact that in some cases the threats are made directly by state agents. Along these lines, the IACHR received, as one example, the following testimony:

On Friday, May 11, ... accompanied by another member of the self-convened “Sasha Castillo” [Caribbean] coast movement, we went to the radio station [“La Costeñísima”] to invite the population of Bluefields to attend a gathering in front of the Office of the Public Prosecutor of Bluefields ... for the purpose of demanding ... justice and clarification of the facts in the death of journalist Ángel Gahona and the release of Brandon Lovo and Glen Slate, [who] were being unjustly accused by the prosecutorial authorities in the death of the journalist ... assassinated on April 21. After the participation the delegate of the Ministry of Interior for the South Caribbean Coast Autonomous Region of Nicaragua called the radio station and said that “we we’re shit” ("éramos unas mierdas") and then threatened us saying, “I don’t know what else those women want. First it was the matter of Indio Maíz [indigenous reserve] and it was resolved. Then the matter of the Nicaraguan Social Security Institute and it was resolved. Why do they continue to insist on inciting people?” Wasn’t it enough with the death of Ángel Gahona? Do they want more blood? We have been patient, but everything has a limit and they are tiring us. The bucket is thrown into the well so many times, that in the end it breaks.337

260. The organs for the protection of human rights of the inter-American system have noted repeatedly that human rights defenders, from different sectors of civil society and in some cases from the state institutions, make fundamental contributions for maintaining and strengthening democratic societies. Hence respect for human rights in a democratic state depends in large measure on effective and adequate guarantees for human rights defenders to freely pursue their activities.338

261. The Commission recalls that attacks on the lives of human rights defenders have a multiplier effect that goes beyond the impact on the human rights defender himself or herself; when the attack is committed in retaliation for their activity it produces a chilling effect that extends to those who defend similar causes.339 The Inter-American Court has indicated that the fear provoked by acts against life may directly diminish the possibilities of human rights defenders “exercising their right to perform their work.”340

262. As the Commission has indicated previously, acts of violence and other attacks on human rights defenders not only affect the guarantees that pertain to all human beings, but also

336  Testimony received by the IACHR in Managua, May 19, 2018.
337  Testimony of human rights defender and women’s rights activist, received by the IACHR in Managua, May 19, 2018.
attack the fundamental role they play in society, rendering all those persons for whom they work defenseless. The Commission also recalls that the work of human rights defenders is essential for building a solid and lasting democratic society and plays a leading role in fully securing the rule of law and strengthening democracy.

263. The State of Nicaragua should protect human rights defenders when their lives and integrity are at risk, adopting an effective and exhaustive prevention policy to prevent attacks.

2. Campaign of Harassment and Stigmatization

264. The IACHR notes the constant use of the social networks and other media for the purpose of putting out stigmatizing and delegitimizing information against human rights defenders. Since the protests began human rights defenders, student leaders, and religious figures have suffered accusations by the state authorities and non-state actors in which they are harassed, denigrated, and stigmatized, both for denouncing the human rights violations that have taken place in the context of state repression of the protests and for allegedly encouraging the participation of the population in the demonstrations. In their observations on the draft of this report the State denied that there is any policy of persecuting human rights defenders.341

265. The Commission observes that from the highest levels of the government human rights defenders are being accused and individually identified for the purpose of associating them with criminal activities. In particular, the IACHR notes the defamatory statements made to the detriment of well-known human rights defenders and a well-known journalist and social activist. In this connection, with respect to human rights defender Vilma Núñez, a beneficiary of precautionary measures issued by the IACHR and founder and president of the CENIDH, on May 9, 2018 an article was published on the Internet entitled “La CIDH vendría a acuerpar a los golpistas” (“the IACHR said to be coming to shore up coup-mongers”) with the photograph of Vilma Núñez.342 Haydéé Castillo, of the Iniciativa de Defensoras de Nicaragua, denounced that statements painted on the walls in Ocotal call her a murderer and vandal.343 Human rights defender Haydéé Castillo has also reported being the victim of a campaign in which she is accused “of being the instigator, encourager, and person to blame for the violence that has broken out in recent days,” referring to the protests in which she has participated along with other persons.344 On April 23, the home of Ileana Lacayo, a journalist and social activist, was broken into and her belongings were cast about without anything being taken. She has received threats and stigmatizing accusations through social networks in which she is accused of being an “assassin” because of her work as a journalist, and especially as a result of the information she has given concerning the assassination of Ángel Gahona, which calls into question the official version.”345

342 World Organization Against Torture (OMCT), Nicaragua: Difamación en contra de Vilma Núñez de Escorcia, fundadora y presidenta del CENIDH, May 16, 2018. See also, Nicoleaks, La CIDH vendría a acuerpar a los golpistas, May 9, 2018.
343 La Prensa, Defensora de mujeres de Las Segovias denuncia hostigamiento, May 25, 2018.
344 Centro Nicaragüense de Derechos Humanos (CENIDH), CENIDH denuncia violaciones sistemáticas a los derechos humanos de los nicaragüenses por el régimen dictatorial de Daniel Ortega y Rosario Murillo, May 4, 2018, p. 19.
345 La Prensa, Extraños ingresan a casa de periodista activista de autoconvocados en Bluefields, April 24, 2018; Iniciativa Mesoamericana de Mujeres Defensoras de Derechos Humanos, #AlertaDefensoras NARCARAGUA / Agresiones generalizadas contra mujeres defensoras de DDHH y estudiantes, April 28, 2018.
266. During its visit to the country the Commission received the testimony of UCA communications student Madelaine Jerusalem, who read the list of students who have been killed during the “National Dialogue” negotiations. In her testimony she said she had received several threats of death, rape, and kidnapping. Pro-government media outlets, such as La Nueva Radio Ya, were said to have distributed a photo of her face, accusing her of being the one “Causing the Chaos,” along with her national ID number and her parents’ full names. The Commission also observes that according to the information recently disseminated by the Nicaraguan Bishops Conference, Monsignor Silvio José Báez – presumably as a result of his mediation efforts in the national dialogue – has been the target of actions aimed at “discrediting” him, “death threats,” as well as alleged “attacks by the government orchestrated through journalists and pro-government media outlets and anonymous social network accounts.”

267. In this context, the Commission underscores that public officials should refrain from making statements that stigmatize human rights defenders or that suggest that their organizations operate improperly or unlawfully, merely because they are engaged in activities to promote and defend human rights. The Commission has also indicated that the repetition of stigmatizing statements can exacerbate the climate of hostility and intolerance on the part of different sectors of the population, which could entail a negative impact on the life and integrity of the human rights defender in question, increasing his or her vulnerability. This is because public authorities or sectors of society could interpret them as instructions, instigations, authorizations, or support for committing acts against their lives, personal security, or other rights.

268. In light of the foregoing, the IACHR expresses its concern over the fact that high-level authorities and other officials of the State of Nicaragua have carried out or participated in smear campaigns aimed at discrediting human rights defenders in the country. Accordingly, the State has breached its duty to protect the life and integrity of the human rights defenders in question. On this basis, the Commission urges the State to give precise instructions to officials to refrain from making statements that stigmatize human rights defenders, and thereby aggravate their situation of risk.

3. Criminalization

269. The Commission observes with concern that human rights defenders are at constant risk due to the reprisals by way of the criminal justice system that are being used against them. The information received by the IACHR notes that the use of ambiguous criminal statutes such as “inciting rebellion” (“incitación a la rebelión”), “terrorism” (“terrorismo”), “sabotage” (“sabotaje”), “instigating criminal conduct” (“instigación a la delincuencia”), and “attacks
against or resisting the public authorities” to criminalize the work of human rights defenders in Nicaragua.351

270. Since the outset of the protests the Commission has received information on the alleged arbitrary detention and criminal prosecution of Jaime Ramón Ampié Toledo, Julio José Ampié Machado, William Efrain Picado Duarte, and Reynaldo Antonio Lira Luquez, respectively, coordinator and members of the Comisión Permanente de Derechos Humanos (CPDH), in the department of Boaco. According to the information received, on May 30, 2018, these human rights defenders travelled to the municipality of Rivas to verify allegations being made at the border post with Costa Rica. While engaged in these activities they were detained by the Army and turned over to the National Police in Rivas. According to the criminal charges, the three human rights defenders were at the place where Jorge Gastón Palacios was assassinated; he was part of a group of Sandinista demonstrators, and he was said to have died from a gunshot wound to the thorax in at a roadblock where the highway turns off for the city of Boaco on May 25. These human rights defenders allege that they do not know the person accused by the Office of the Public Prosecutor as the perpetrator of said crime.352 In a hearing held June 5, 2018, the Tenth Criminal Court of Managua accepted the charges drawn up by the Office of the Public Prosecutor and ordered the pretrial detention of Jaime Ramón Ampié Toledo, Julio José Ampié Machado, and William Efrain Picado Duarte for “grievous injury” (“lesiones graves”) and “exposure of persons to danger” (“exposición de personas al peligro”).

271. The IACHR also received information on the National Police’s accusations against Félix Maradiaga Blandón, Executive Director of the Instituto de Estudios Estratégicos y Políticas Públicas (IEEP) in Nicaragua.353 At a press conference the National Police accused him of being the leader of a terrorist and organized crime network, and of having supposed ties to a criminal structure led by Cristian Josué Mendoza, alias the “Viper,” who is said to be responsible for several killings.354 In press statements, the human rights defender noted that the accusation is “an act of intimidation, calculating that I have been with the civil society and human rights delegation in Washington; they are sending a clear message – don’t go back.”355

272. Based on the facts described above, the Commission warns that stigmatizing statements against human rights defenders may result in harm to the right to integrity, the right to honor and dignity, and the principle of the presumption of innocence. In particular, the Commission has determined that when the authorities give statements or issue releases that publicly incriminate a human rights defender for facts that have not been judicially found to have occurred, it is an attack on their dignity and honor. This is due to the delegitimizing impact on their work in the eyes of society at large, impairing their activities in defense of human rights.356 In addition, the IACHR reminds the State of Nicaragua that the statements of the public authorities who publicly incriminate human rights defenders accusing them of

351 IACHR, 153rd regular period of sessions, Hearing held at the IACHR’s initiative on the “Improper use of the criminal law to criminalize human rights defenders,” held October 31, 2014.
353 That institute is a think tank specialized in promoting public policies for transparency, good governance, poverty reduction, and social inclusion.
354 National Police of Nicaragua, Presentación agrupación delincuencial “VIPER”, June 7, 2018, p. 3.
356 IACHR, Democracy and Human Rights in Venezuela, para. 616. See also, IACHR, Report No. 43/96, Case 11,430, Merits, José Francisco Gallardo, Mexico, October 15, 1996, para. 76.
supposed crimes that have not been judicially found may violate the principle of the presumption of innocence, as such statements generally assert such persons’ guilt.\footnote{IACHR, \textit{Second Report on the Situation of Human Rights Defenders in the Americas}, OEA/Ser.L/V/II. Doc. 66, December 31, 2011, recommendation No. 13.}

4. \textbf{Granting Precautionary Measures}

273. During its working visit the IACHR adopted an initial set of precautionary measures resolutions to protect the life and integrity of students, persons at risk of suffering reprisals as a result of the acts of violence against their family members, or in their capacity as survivors, witnesses, or human rights defenders. Accordingly, on May 21, 2018, the IACHR decided to ask that precautionary measures be adopted on behalf of several persons who are part of the student movement and their immediate family members. The request for precautionary measures alleges that the beneficiaries are at present being subjected to threats, harassment, and violence in the context of the events that have taken place in Nicaragua since April 18, 2018.\footnote{IACHR, Resolution 35/18 Precautionary Measures 472-18, Bosco René Bermúdez et al. with respect to Nicaragua (Members of the student movement), May 21, 2018, and IACHR, Resolution 35/18, Precautionary Measures 476-18, J. A. M. R. et al., May 21.}

274. Subsequently, on May 29, 2018, the Commission asked the State to adopt a precautionary measure to protect the rights to life and integrity of the auxiliary bishop of Managua, Silvio José Báez Ortega, who is participating in the “National Dialogue” (“Mesa de Diálogo”) established with the involvement of several sectors with a view to achieving a peaceful solution to the current situation in Nicaragua. After analyzing the information available in light of the Commission’s direct findings in its working visit to Nicaragua, the IACHR considered that the rights to life and integrity of Silvio José Báez Ortega and his family members are at serious risk. On arriving at this determination, the Commission considered that presumably as a result of his work mediating in the National Dialogue, Monsignor Silvio José Báez was said to be the target of attacks, threats, and smear campaigns. In addition, the Commission received information that indicates that Silvio José Báez and his family members are on a list of persons to be “eliminated” and suspicious persons have had his family home under constant surveillance.\footnote{IACHR, Press Release No. 122/18, IACHR Adopts Precautionary Measure to Protect Monsignor Silvio José Báez Ortega in Nicaragua, May 31, 2018.}

275. Similarly, on June 5 the IACHR requested that a precautionary measure be adopted for priest Edwin Heriberto Roman Calderón, a priest in Masaya, and human rights defender Álvaro Leiva Sánchez, Secretary of the Asociación Nicaragüense Pro-Derechos Humanos (ANPDH). On making this decision the Commission observed that Edwin Heriberto Roman Calderón and Álvaro Leiva Sánchez, in their capacity as priest and human rights defender respectively, participated actively in protecting the rights of the persons who have been assassinated, wounded, or detained in the context of the events of June 2 in Masaya.\footnote{IACHR, Press Release No. 127/18, IACHR Grants Precautionary Measure in Favor of Priest Edwin Heriberto Roman Calderón and Human Rights Defender Álvaro Leiva Sánchez in Nicaragua, June 7, 2018; IACHR, Resolution 38/2018, Precautionary Measures No. 660-18, Edwin Heriberto Román Calderón and Álvaro Leiva Sánchez with respect to Nicaragua, June 5, 2018.} In particular, Mr. Álvaro Leiva has informed the Commission on various occasions of the “profound human rights crisis” in the city of Masaya due to the attacks perpetrated by police, antiriot forces, and retired military personnel. These attacks were said to have resulted in dozens of persons killed, injured, and detained. In this context and considering his work as a human rights
defender – focused primarily on accompanying the victims of this crisis – both he and his family members are at special risk of violation of their right to life.

276. On June 10, the IACHR issued a precautionary measures resolution on behalf of José Alberto Idiáquez Guevara, a priest in Managua and president of the UCA. In particular, the Commission considered the situation of risk of the beneficiary as the result of the role he has played as president of the university and in light of his active participation in the National Dialogue, performing work and maintaining a position critical of the government, which is said to explain the threats that he has received.361

CHAPTER 5: CONCLUSIONS AND RECOMMENDATIONS

277. The IACHR values the fact that the Government of Nicaragua invited it to visit the country. In addition, it appreciates the assistance of the State during the visit, facilitating access to public facilities and authorities. The Commission notes the Agreement signed on May 30, 2018, to establish an Interdisciplinary Group of Independent Experts to help in the investigations, identify persons responsible for the acts of violence, and contribute to development a Plan for Attention to the Victims. The IACHR also notes the invitation of the Government and National Dialogue for the IACHR to return to the country to set up a Special Follow-up Mechanism for Nicaragua (recommendation No. 15 of the Preliminary Observations) and also to advise the Commission on Verification and Security established at the National Dialogue on June 15 and 16. These objective measures demonstrate an effort to have an opening and a willingness to be open to international scrutiny and face the current crisis.

278. The repression on the part of the Government of Nicaragua in response to the protests has resulted in a serious human rights crisis. In particular, the IACHR finds excessive use of force by the police, para-police forces, and groups of armed third persons. This is reflected in more than 212 persons losing their lives as of June 20, as well as in the number of persons wounded and detained arbitrarily, which as of June 6 came to 1,337 and 507 persons respectively, according to the records of the IACHR. Despite the Commission’s call for an immediate cessation of the state repression, it has not stopped. To the contrary, the repressive response has worsened in recent weeks, further accentuating the crisis.

279. The Commission concludes that the State of Nicaragua violated the rights to life, humane treatment, health, personal liberty, assembly, freedom of expression, and access to justice. The Commission finds especially worrisome the assassinations, extrajudicial executions, abusive treatment, possible acts of torture and arbitrary detentions committed against the country’s majority young population. Similarly, the IACHR states its concern over the violation of the right to health and medical care, the reprisals against public servants for refusing to carrying out orders contrary to human rights, acts of press censorship and violence against the press, acts harassing human rights defenders, irregularities in beginning investigations with respect to the assassinations and injuries that have occurred in this context, as well as other serious events verified by the Commission.

280. Similarly, the IACHR condemns all acts of violence, harassment, and threats committed by private persons against state agents or other persons because they are recognized to support or sympathize with the government. It also condemns the attacks on public institutions and media outlets sympathetic to the government. The State should investigate and clarify the circumstances in which these facts occurred, as well as identify and punish the persons responsible.

281. The IACHR reiterates its call for an immediate end to the repression. It also urges the authorities to investigate immediately, with autonomy and independence, and strictly abiding by the relevant international provisions and standards to ensure the right to the truth. Similarly, it is under an obligation to adopt the measures needed to ensure adequate reparation for the victims and their family members, in keeping with the relevant standards.
282. In circumstances of political crisis and social conflict such as what Nicaragua is now experiencing it is essential to bring about the conditions needed for the unrestricted exercise of the rights to freedom of expression, assembly, and political participation. This implies ensuring that the state response to demonstrations and expressions of dissent, including blocking roads and taking over university buildings, is done from a management approach that accords priority to communication, cooperation, and sharing information over intensifying the use of police force and other coercive measures.

283. At the same time as the IACHR condemns the use of violent means by a group of demonstrators it urges the State to take the measures necessary to ensure that the actions taken by its authorities are in keeping with the relevant international provisions and standards, and always aimed at reducing social conflict and facilitating meaningful dialogue. Accordingly, the IACHR call for the continuation of the negotiations in the context of the National Dialogue with the aim of attaining a peaceful solution to this serious human rights crisis.

284. Finally, the IACHR reiterates that this report represents the starting point of the work of the Interdisciplinary Group of International Experts, focusing on the technical determination of the main lines of investigation and on establishing the recommendations of specific actions that should be taken at the different levels of legal responsibility. It also recalls that this report is the basis for establishing the Special Follow-Up Mechanism of Nicaragua (MESEN), the mechanism that will follow up on the implementation of the recommendations stemming from reports and the precautionary measures granted in this context, and that it will make it possible to continuing monitoring the human rights situation in Nicaragua.

285. In this context, the Commission goes back to the 15 recommendations directed to the State of Nicaragua that were set forth in the its Preliminary Observations on the working visit:

1. Immediately cease repressing demonstrators and arbitrarily detaining those who participate in the protests.

2. Immediately cease repressing demonstrators and arbitrarily detaining those who participate in the protests.

3. Create an international investigative mechanism on the acts of violence that occurred, with guarantees of autonomy and independence to ensure the right to truth and to duly identify the persons responsible.362

4. Guarantee the life, integrity, and security of all the persons who are demonstrating and exercising their rights and public liberties, and suffering the consequences of the repressive atmosphere, especially students, children, and adolescents.

5. Offer effective guarantees to protect the persons who gave testimony to the IACHR or who in some other way participated in its activities in the country;

362 The State expressly accepted this recommendation. See also, State of Nicaragua. Observations of the State of Nicaragua with respect to the draft report of the Inter-American Commission on Human Rights, June 21, 2018, p. 17.
and refrain from engaging in or from allowing others to engage in reprisals against them.

6. Adopt measures for the diligent investigation, prosecution, and punishment of those responsible for all the acts of violence committed during the protests. In addition, respect the due process guarantees for those persons still detained because of events related to the protests.

7. Ensure that the security operations with respect to the protests and demonstrations are carried out in line with protocols for action that are in keeping with the international standards on the use of force by law enforcement agents.

8. Dismantle the para-police groups and adopt measures to prevent the continued operations of groups of armed third persons who attack and harass the civilian population.

9. Ensure respect for the independence of the media and refrain from the use of prior censorship by any state body, as well as any prior conditioning that may entail censorship of the freedom of expression.

10. Urge the state authorities to refrain from making public statements that stigmatize demonstrators, human rights defenders, journalists, and refrain from using state media outlets to conduct public campaigns that may encourage violence against persons because of their opinions. And to effectively protect human rights defenders and journalists at risk.

11. Systematize the information on persons who received health services at the public and private hospitals as a result of the social protests. The record should be specific indicating the day of admission, cause of the wounds, treatment provided, and, as applicable, causes of death; that information is to be public and broken down at least by age and sex.

12. Adopt measures to ensure the effective criminal and administrative investigation of crimes committed against persons injured and wounded, as well as measures directed against medical personnel. In addition, the complaints regarding obstructing access to health care in the hospitals and obstructing the humanitarian work of the Red Cross and the firefighters, should be investigated.


14. Stay open to international scrutiny and, in that regard, facilitate the visit of all those mechanisms for the protection of human rights of the inter-American system and the United Nations system, and of other relevant actors in the international community.
15. Commit to establishing a joint follow-up mechanism with the IACHR to verify implementation of the recommendations issued in the context of this visit, and of the report on the visit. Reach agreement with the IACHR on a specific timetable for new visits.

286. In addition, based on the information analyzed and included in this report, the IACHR makes the following recommendations:

a) Immediately cease the arbitrary detention of those who participate in the protests. If persons are deprived of liberty in the context of such protests, the State of Nicaragua should immediately inform the competent judicial authority for it to rule on the situation of the person detained. In the event that the detention does not answer to the causes expressly provided for in the law or that it has been carried out in a manner contrary to the procedures objectively provided for in the legislation, the judicial authority should immediately release the person.

b) Draw up and give notice of a public record that contains the following information: (a) number of persons who have been detained from the beginning of the protests on April 18; (b) causes of detention; (c) duration of the deprivation of liberty; (d) place of detention; (e) number of persons currently detained in the context of the protests that began April 18; and (f) the number of persons released. The information should include data on the persons' gender, age, and occupation.

c) Begin, at its own initiative and immediately, an effective investigation that makes it possible to identify, prosecute, and punish those persons responsible for abusive treatment and torture. That investigation should be carried out by the legal means available, be geared to determining the truth, and be conducted within a reasonable time. In addition, it should be governed by the principles of independence, impartiality, competence, diligence, and dedication.

d) Ensure the dignified treatment of the persons under the custody of the State authorities. In particular, ensure the right to legal defense from the moment of detention, and immediately inform the family members of where their loved ones are being held as well as the grounds for their detention.

e) Adopt the necessary measures so that, in keeping with the obligations of due diligence, the proper forensic medical reports are produced in all the cases of the victims of violence in the context of the protests. In addition, ensure that those expert reports meet inter-American standards and reliably document the circumstances in which demonstrators were killed and injured, and thoroughly and effectively clarify the acts of violence.

f) Ensure the victims' and their family members' right to know the truth. In particular, ensure that they learn the information as to the causes of the injuries and/or deaths, as well as the truth about the circumstances, the events, and the motives behind them.

g) Ensure that emergency medical care is provided for those persons who are injured in a manner that is adequate, immediate, and with quality in public and private hospitals and health centers nationwide without any discrimination. The State must provide specific follow-up to the medical treatments required and, if necessary, facilitate and
seek the support of international cooperation for the purpose of guaranteeing the right to health and access to medicines for these persons.

h) Protect the teams and staff engaged in humanitarian work and emergency medical assistance in the event of possible attacks or assaults.

i) Implement a multidisciplinary program with the aim of addressing the psychological impact of these events on the population, in particular for the victims of human rights violations and their family members. The actions should be based on a human rights approach and include a gender perspective.
TAB 6
CRACKDOWN IN NICARAGUA
Torture, Ill-Treatment, and Prosecutions of Protesters and Opponents

HUMAN RIGHTS WATCH
Crackdown in Nicaragua
Torture, Ill-Treatment, and Prosecutions of Protesters and Opponents
Human Rights Watch defends the rights of people worldwide. We scrupulously investigate abuses, expose the facts widely, and pressure those with power to respect rights and secure justice. Human Rights Watch is an independent, international organization that works as part of a vibrant movement to uphold human dignity and advance the cause of human rights for all.


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# Crackdown in Nicaragua

## Torture, Ill-Treatment, and Prosecutions of Protesters and Opponents

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Summary

In April 2018, Nicaraguans took to the streets in large numbers to protest the government of President Daniel Ortega. They were met with violence. A brutal crackdown by the National Police and heavily armed pro-government groups against protesters that lasted several months has left more than 300 people killed and more than 2,000 injured.

According to an independent group of experts, appointed by the Inter-American Commission on Human Rights (IACHR) with the support of the Nicaraguan government, police and armed pro-government groups committed widespread abuses against largely unarmed protesters, including extrajudicial executions, between April and July. By the end of the protests in August 2018, the Office of the High Commissioner for Human Rights (OHCHR) reported that 22 police officers died in the context of the protests and their repression.

This report examines what happened, after the crackdown in the streets, to many of the hundreds of people arrested by police or abducted by armed pro-government groups. It is based on research conducted in Nicaragua and Costa Rica and a review of official sources.

Many of the people detained during the crackdown on protests were subject to serious abuses that in some cases amounted to torture—including electric shocks, severe beatings, fingernail removal, asphyxiation, and rape. Many injured detainees were reportedly denied medical care in public health institutions and doctors who provided care said they suffered retaliation.

Hundreds of detainees have also been subject to prosecutions for alleged crimes in connection with their participation in anti-government protests or their role in social movements that challenged the government, sometimes even prior to the crackdown. Many have been accused by prosecutors of serious, violent crimes. These prosecutions have entailed serious violations of due process and other fundamental rights. Protestors have been held in incommunicado detention, subjected to closed door trials, and denied the right to confer privately with their defense lawyers. In a handful of cases in which Human Rights Watch was able to scrutinize the evidence against the accused, we found that the prosecutions appeared to be based on contradictory or insufficient evidence.
The Nicaraguan government has also targeted those who have reported on the crackdown in the streets and subsequent abuses. It has raided the offices of independent media outlets, filed criminal charges against two journalists, cancelled the legal registration of nine civil society organizations, and expelled foreign journalists and international human rights monitors from the country.

The cases documented by Human Rights Watch are consistent with a pattern of systematic abuse against anti-government protesters and opponents that has been reported by the IACHR and the OHCHR. Around 62,000 Nicaraguans have fled their country since the crackdown began in April 2018, according to the United Nations High Commissioner for Refugees (UNHCR).

The OHCHR has reported that, according to available information, just one sentence has been handed down against a member of an armed pro-government group and not a single investigation has been opened into members of security forces implicated in abuses. Human Rights Watch has been unable to confirm if the killing that led to the sentence occurred in the context of the anti-government protests. President Ortega, who under Nicaraguan law is the police’s “supreme chief,” has promoted top officials who bear responsibility for the abuses, instead of ensuring that they are brought to justice.

On March 20, 2019, the Nicaraguan government agreed to release all people who had been detained in the context of anti-government protests within 90 days and to drop the charges against them, in an effort to restart stalled talks with the opposition and to persuade the international community to lift sanctions. The IACHR estimates nearly 800 people have been detained since the protests started.

According to the Interior Ministry, between March 15 and June 10, 2019, the government released 392 people who were imprisoned for “committing crimes against public security and crimes against the public peace.” Of these, 286 were released to house arrest or under another restrictive regime; charges remained levied against them. The remaining 106 were released pursuant to an Amnesty Law (Law No. 996) that came into force on June 10. Meanwhile, police arrested and released over 100 people in March in the context of new demonstrations.
The international community has an essential role to play to pressure the Nicaraguan government into curbing these abuses. International organizations and foreign governments—in the Americas and Europe—should impose targeted sanctions, such as asset freezes and travel bans, against Nicaraguan officials who bear responsibility for serious human rights violations. They should also immediately suspend all funding and other support for Nicaragua’s National Police, including any transfers of weaponry and other equipment that risks being used to further the government’s violent abuses against opponents. They should work hard to keep up the pressure needed to force an end to abuses and promote real accountability for the officials most responsible for them.

**Torture and Abuses in Detention**

Police and armed pro-government groups subjected detainees to severe physical and psychological abuse, in some cases rising to the level of torture. These abuses include:

- Beating captured protestors at the time of arrest and during their detention, at times denying them urgent medical attention;
- Raping detainees, including with metal tubes and firearms, or threatening to rape them;
- Subjecting detainees to waterboarding, electric shocks, acid burns, mock executions, forced nudity, and removal of fingernails; and
- Forcing detainees to record self-incriminating confessions under duress.

Human Rights Watch interviewed a total of 12 former detainees, 11 of whom described being subjected to one or more of these forms of abuse. In addition, seven of these victims said they witnessed other detainees—a total of 39 others—being subjected to similar abuses.

Human Rights Watch also interviewed three doctors and a psychologist who treated some detainees and reported dozens who showed signs of physical harm consistent with physical abuse and torture similar to that described by the 12 detainees. Two of the doctors also coordinated the work of other medical professionals who reported similar cases to them.
The cases we documented are consistent with a pattern of systematic abuse against anti-government protesters and opponents that international human rights bodies have reported. The IACHR noted the “existence of a pattern of arbitrary arrests” whereby “the main intention behind the deprivation of liberty was to punish or suppress opposition to the current regime in Nicaragua.” The IACHR also found that “the arrest and deprivation of liberty of persons detained in connection with the protests was frequently accompanied by beatings, threats and insults against the detainees, that involved subjecting them to humiliating and degrading conditions or cruelty.” Threats used by state agents against persons incarcerated in El Chipote and La Modelo prisons included “rap[ing] detainees and burn[ing] them alive, or else kill[ing] them, their next of kin and their friends.” The IACHR also documented the case of one inmate in La Esperanza prison who had “visible signs of having received blows to her arms.”

Similarly, the OHCHR found that “cruel, inhuman or degrading treatment is regularly reported in the context of detentions, with allegations of torture during the arrest and the first days of the detention.” El Chipote detention center is allegedly “the main place” where police and prison authorities committed “acts of torture and ill-treatment.” These include “burnings with Taser guns and/or cigarettes, use of barbed wires, beatings with fists and tubes and attempted strangulation—as well as psychological torture, including death threats.” The OHCHR found that some men and women had been raped in detention, “including rape with rifles and other objects,” with women describing “threats of sexual abuse as common.”

Abuse-Ridden Prosecutions

Hundreds of detainees have been prosecuted for alleged crimes associated with their participation in anti-government protests or their role in social movements that challenged the government. Human Rights Watch documented 15 cases, which included high profile activists and ordinary people, aged 20 to 63 years old, who joined the protests in seven

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cities across Nicaragua, and all were marred by due process and other rights violations, including the following:

- Protestors were held incommunicado before being brought before a judge and, in 12 cases, spent more than two days in detention before being brought before a judge, violating the 48-hour deadline established by the Constitution. In five of the cases we documented, detainees’ families or attorneys said that they had no information about their whereabouts for periods ranging from four to 22 days;
- Police chiefs in Managua frequently organized press conferences in which they paraded people detained without charge in front of the press and labeled them as “terrorists,” even before presenting them before a judge. Smear campaigns by pro-government media outlets describing the detainees as “terrorists” and showing them in chains in prison garb usually followed, undermining their right to be presumed innocent;
- Detainees were deprived of their right to confer freely and privately with their legal counsel; and,
- Trial hearings were conducted behind closed doors.

In several cases where Human Rights Watch obtained access to judicial files, we found the charges brought by the prosecutor’s office were not supported by—and sometimes even contradicted—the evidence it presented.

Our findings are broadly consistent with violations identified by international human rights bodies. In January 2019, the IACHR found that:

[The hundreds of arbitrary detentions that have taken place; the targeted and mass criminalization of demonstrators, human rights defenders, journalists, students, social leaders, and government dissidents on unfounded and disproportionate charges; the systematic pattern of violations of due process guarantees; the ineffectiveness of the recourse to habeas corpus; the irregularities around access to legal defense and public hearings; the handling of trials for criminal offenses such as terrorism which are interpreted in a way that is incompatible with democracy; the failure to comply with release orders for those who took part in the recent]
protests; and the general manipulation of criminal law to prosecute any opposition to the current government; taken together, reveal the lack of independence of the Nicaraguan legal system as a whole.³

**Attacks on Free Press and Civil Society**

The government has also targeted those who expose its abuses, including independent journalists and human rights defenders. Several of the human rights defenders and journalists targeted during the crackdown had been longstanding critics of Ortega and had already been victims of harassment before the protests started.

Police and armed pro-government groups have harassed, intimidated, assaulted, and detained journalists. Two foreign journalists reporting on the crackdown were deported in August and October. The government has shut down critical news channels for days at a time, and independent online outlets have accused the government of subjecting them to cyber-attacks. In December, the Attorney General’s Office charged a prominent, independent news channel’s owner and its press chief with inciting terrorism. Police had raided the channel’s office and arrested them. They were released following the enactment of an amnesty law in June 2019. Three journalists working for the channel fled the country after their colleagues were jailed, two of which had also been indicted with “inciting terrorism.” The channel had consistently provided critical coverage of the government response to protests.

At the request of the Interior Ministry, between November and December, the National Assembly stripped nine non-governmental organizations of their legal registration. The National Police raided five of these organizations, confiscating documents and computers. Police also occupied some of these offices and denied entry to staff and accused—without presenting any evidence—some of the country’s most prominent human rights defenders of having committed crimes.

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Lack of Accountability and the Responsibility of High-Level Officials

Under international human rights law, Nicaragua’s government has an obligation to prevent or punish serious human rights violations. Senior government officials, particularly those who lead institutions implicated in human rights violations, must uphold this responsibility. The government also has an obligation to prevent and punish human rights abuses by private actors, including armed pro-government groups.

High-level Nicaraguan officials have not taken steps to prevent and punish human rights violations, including torture.

Human Rights Watch conducted an exhaustive review of press releases and public statements made by the National Police, the Human Rights Ombudsman, the Attorney General’s Office, and the Supreme Court as well as public statements made by President Ortega, Vice-President Rosario Murillo, and several of their cabinet members. We could not find publicly available information that indicates that any police officers or members of armed pro-government groups have been prosecuted for the abuses they committed during the protests. The OHCHR has reported that one sentence has been handed down against a member of an armed pro-government group, but Human Rights Watch has been unable to confirm if the killing that led to the sentence occurred in the context of the anti-government protests. Authorities have also made no public mention of any disciplinary proceedings against officers involved in human rights violations.

In March 2019, Human Rights Watch requested information from Nicaraguan authorities on the status of investigations into human rights abuses and crimes committed by the National Police and armed pro-government groups, as well as against members of the police. At time of writing, we had not received a response.

Similarly, the Interdisciplinary Group of Independent Experts (GIEI, by its Spanish acronym), an independent team of international experts appointed by the IACHR—initially with the support of the government of Nicaragua—to investigate “violent acts” that occurred between April 18 and May 30, reported in December 2018 that it did not have
knowledge of “any case where a member of the security forces has been indicted for the violent deaths that took place between April 18 and May 30, 2018.”\(^4\)

Instead of ensuring accountability, President Ortega has promoted top officials who bear responsibility for the abuses. He and other authorities have issued implausible blanket denials, often blaming demonstrators for the violence. President Ortega has said that the police force has been “the victim of a [smear] campaign.”\(^5\)

On June 8, the Nicaraguan National Assembly passed an amnesty law for crimes committed in the context of anti-government protests. The law indicates that crimes “regulated in international treaties ratified by Nicaragua” will be excluded from amnesties. Given the lack of judicial independence in the country, Human Rights Watch considers that there is a serious risk that the law will be used to consolidate the impunity for officers responsible for serious abuses in the country.

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Recommendations

To ensure accountability for, and to deter the repetition of the human rights abuses documented in this report, it is critically important to intensify international pressure on the Nicaraguan government. Specifically:

The US, Canadian, and Latin American governments and the European Union should:

- Impose targeted sanctions, including travel bans and asset freezes, on senior government officials who bear responsibility for gross human rights violations, including but not limited to:
  - President Daniel Ortega, who is supreme chief of the National Police and has sweeping powers, including to “command” the police at his will and dismiss police chiefs when they disobey his orders;
  - Retired General Aminta Granera, former chief of the National Police, who was the head of the force until he was replaced by General Francisco Díaz;
  - General Francisco Díaz, chief of the National Police, who is believed to have exercised significant control over the force first as deputy director and in his current position;
  - General Ramon Avellán, deputy chief of the National Police, who acted as the highest-ranking member of the National Police in Masaya, where police and armed pro-government gangs brutally repressed protesters;
  - General Jaime Vanegas, inspector general of the National Police, who is required under Nicaraguan law to investigate alleged rights violations by police officers and sanction those responsible;
  - General Luis Pérez Olivas, chief of the Direction of Judicial Assistance (DAJ, also known as El Chipote), which is the “main place” where authorities perpetrated egregious abuses against anti-government demonstrators, according to the OHCHR; and,
  - General Justo Pastor Urbina, chief of the Department of Special Operations (DOEP, by its Spanish acronym), which played a “central role” in the repression throughout the country, according to the Interdisciplinary Group of Independent Experts of the IACHR.
Refrain from any transfer to Nicaraguan security forces of weaponry, ammunition, or equipment that risks being used in the commission of violent abuses against government opponents; and,

Urge Nicaragua to create a special unit that—acting together with the Interdisciplinary Group of Independent Experts of the IACHR—will oversee investigating the most atrocious crimes that have occurred in the context of the protests.

The European Union and the Central American Bank for Economic Integration (CABEI) should:

- Suspend all financial support of the National Police of Nicaragua;
- Condition the reinstatement of police funding to the opening of credible, impartial, and exhaustive investigations by the Attorney General’s Office into the alleged responsibility of top police officials in grave human rights violations committed in the context of the 2018 crackdown; and
- Condition the reinstatement of police funding on verifiable efforts to dismantle and prosecute armed pro-government groups.

The signatory countries to the 1984 Convention against Torture and the Inter American Convention to Prevent and Punish Torture should:

- Exercise criminal jurisdiction, to the extent permitted under domestic law, over any Nicaraguan officials responsible for torture, in accordance with article 5 of the UN Convention Against Torture.

Members of the United Nations Human Rights Council should:

- Monitor compliance by the Nicaraguan government with the Council’s resolution A/HRC/40/L.8, which put in place monitoring and reporting by the UN High Commissioner for Human Rights on the human rights situation in Nicaragua, especially calling on Nicaraguan authorities to renew their collaboration with the Office of the High Commissioner for Human Rights and other regional human rights bodies and grant them unhindered access to the country; and,
- Carefully consider and respond to updates and reports by the OHCHR and ensure continued consideration of the human rights situation in Nicaragua, including
independent investigation of grave human rights violations perpetrated in Nicaragua since April 2018.

The UN special rapporteur on human rights and counterterrorism should:

- Review and report to the Human Rights Council on potential violations of international rights to freedom of association, assembly, and expression through Nicaragua’s prosecutions of protesters and other opposition figures under the 2018 counterterrorism amendments.
Methodology

This report is based largely on interviews conducted by Human Rights Watch researchers with a total of 75 people, including 17 alleged victims of human rights abuses, 21 relatives of victims of abuses, and 34 witnesses to alleged abuses by Nicaraguan police and armed pro-government groups. Witnesses included seven defense lawyers who assisted detainees, 10 medical professionals and first aid responders who attended to people injured during or near demonstrations or tortured while in detention, and three human rights defenders. We also interviewed six representatives of the Office of the High Commissioner on Human Rights (OHCHR), the Inter-American Commission on Human Rights (IACHR), the Special Monitoring Mechanism for Nicaragua (MESENI) and the International Cooperation Agency for Development of Andalucía. We received responses to information requests from the United Nations High Commissioner for Refugees (UNHCR) and the Central American Bank for Economic Integration (CABEI).

Human Rights Watch conducted field research in Nicaragua and Costa Rica in September 2018. In Nicaragua, Human Rights Watch visited the cities of Managua, Jinotepe, and Masaya; in Costa Rica we conducted interviews with Nicaraguans who had fled their country in the San José, Cartago, and Heredia provinces, and in a fourth location by the border with Nicaragua. Other interviews were conducted via telephone, email, Skype, or text messaging services prior to and following the fact-finding mission.

All those interviewed were informed of the purpose of the interview, its voluntary nature, and the ways in which the information would be used. Interviewees were told they could decline to answer questions or end the interview at any time. All provided oral consent to be interviewed. None received compensation, financial or in-kind, for the interviews. We covered transportation costs for some interviewees. Care was taken with victims of trauma to minimize the risk that recounting their experiences could further traumatize them. Where appropriate, Human Rights Watch provided contact information for organizations offering legal, counseling, health, or social services.

To protect the safety of some victims and family members who shared their stories with us, we have used pseudonyms to identify them in this report or we have deliberately avoided including details about the date or location in which the abuses occurred.
Human Rights Watch was unable to access all the evidence for the cases documented in this report to evaluate the merits of all accusations. Obtaining judicial files, hundreds of pages long and available only in hard copy, was difficult. Faced with a climate of pervasive intimidation and fear of retaliation, many witnesses, victims, and relatives of detainees declined to meet with Human Rights Watch in Nicaragua.

In most of the countries where Human Rights Watch works, the practice is to seek meetings with government officials. However, when conducting research for this report, Human Rights Watch chose not to establish contact with government officials or draw attention to our presence in the country. We made this decision out of concern for possible repercussions to victims and human rights defenders, the risk of compromising our ability to conduct the research, and the safety of our staff.

To seek an official perspective, in March 2019, Human Rights Watch requested information from Nicaraguan authorities on the status of investigations into human rights abuses and crimes committed by the National Police and armed pro-government groups, as well as against members of the police. At time of writing, we had not received a response. In addition, we reviewed press releases and/or public statements made by top officials from the National Police, the Human Rights Ombudsman, the Attorney General’s Office and the Supreme Court in relation to the 2018 protests. We also reviewed public statements made by President Daniel Ortega, Vice-President Rosario Murillo and several of their cabinet members, including the foreign affairs minister and the interior vice-minister. We also conducted an extensive review of news accounts in official media outlets, social media and other official sources to evaluate the government’s position. Finally, we looked at the government’s own public evaluation of the overall performance of the police and the acts committed by armed pro-government groups in the context of protests.

In most cases, Human Rights Watch could not contrast figures provided by international human rights bodies or local civil society organizations to official government statistics because, to date, the government has not published any detailed account of its response to the 2018 protests. We did, however, carefully review IACHR and OHCHR reports based on research conducted on the ground in Nicaragua, and the government’s official responses to those reports.
Cases
This report describes in detail the abuses suffered by 23 people in detention and arbitrary arrests or prosecutions. Many said they were subject to these violations alongside other people and were direct witnesses to abuses suffered by dozens of others. This includes abuses committed during arrests and while in detention facilities, as well as due process violations before or during judicial hearings.

In all of these cases, the facts described in this report are based on testimonies provided directly to researchers by the victims, or by eyewitnesses or relatives in cases where victims were still in detention or killed.

For 13 of the incidents we describe, we also reviewed additional evidence—such as photographs, footage, medical reports, or judicial files—that corroborated the accounts we received. In one of those cases, we observed first-hand and photographed physical injuries that the victims said had been inflicted by security forces. Two medical professionals also showed Human Rights Watch records that supported their accounts of similar abuses suffered by their patients in other cases not described in this report.

This report bases its assessments of the credibility of victims and witnesses on careful review of corroborating evidence when available, as well as on whether the detailed accounts provided by the victim, family members, eyewitnesses, or lawyers were consistent, both internally and with patterns and practices documented in other cases.
Background: Repression of Street Protests

On April 18, 2018, President Daniel Ortega’s government announced changes to Nicaragua’s pension system, prompting street protests in several cities that quickly grew in size and number, fueled by widespread discontent with his 12-year administration, including with the dismantling of institutional checks on presidential power.6

In Nicaragua, government institutions are inextricably linked to the government’s ruling political party, the Sandinista National Liberation Front (FSLN, by its Spanish acronym). Every agency, including the National Police and the Attorney General’s Office, has an employee who is also FSLN’s “political secretary,” a position of trust that serves as a liaison between that agency and the party.7 During the 2018 protests, political secretaries in the police and other agencies were told to collaborate with armed pro-government groups in responding to anti-government protests.8

The government’s response to the demonstrations was swift and brutal. Police officers fired live ammunition at largely unarmed protesters, as pro-government groups harassed and attacked journalists and others. Dozens of protesters were killed, and hundreds briefly detained in the first weeks.9

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In the following weeks, the protests spread across the country. They brought together university students, feminist activists, the farmers’ movement, and powerful private sector associations, among others. On May 16, representatives of this coalition met with Ortega, Murillo, and their cabinet for the first time, during a live television broadcast of a national dialogue mediated by Nicaragua’s cardinal and bishops.

On May 31, Mothers’ Day in Nicaragua, in possibly the largest demonstration, thousands of people marched in different cities in solidarity with the mothers whose children had been killed by police and armed pro-government groups since the protests began in April. According to the IACHR, armed pro-government groups fired live ammunition at participants in peaceful protests in several cities. Some protestors retaliated by throwing stones and firing homemade mortars (morteros). At least 15 people died and 199 were injured that day in Managua, Estelí, and Masaya, according to an official statement by the National Police.

In the days that followed the beginning of the national dialogue, demonstrators in many parts of the country erected hundreds of barricades, called tranques in Nicaragua, blocking traffic in important commerce arteries.

Civil society representatives at the national dialogue said the barricades were both a form of protest and self-defense from police and armed pro-government groups incursions into...
their neighborhoods. The government doubled down on its demand for protestors to dismantle the barricades, while the latter demanded guarantees of political reform and early elections; the negotiations quickly stalled.

In early June, the National Police began to dismantle barricades in Managua, acting on orders from President Ortega. Police chiefs declared that the plan, officially called “Operation for Peace” (Operación por la Paz), was intended to “ensure order, tranquility, and security for Nicaraguan families.” By mid-June, however, protesters had erected more than 100 large roadblocks around the country, according to local news accounts.

The operation entailed police and heavily armed pro-government groups forcibly driving out protestors and then dismantling their barricades. It came to be referred to by Nicaraguan media, and later on by international observers, as “Operation Clean-Up” (Operación Limpieza), a reference to similar operations carried out under the dictatorship of Anastasio Somoza Debayle in 1978.

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The efforts to dismantle the barricades accelerated in late June and early July, ahead of two dates commemorated every year by the governing party—the anniversary of when thousands of Sandinista guerillas pulled back from Managua to unify their forces in Masaya between June 27 and June 29 before launching the final assault on the capital, and the July 19 anniversary of the overthrow of the Somoza regime, both in 1979. Many Nicaraguans commemorate these anniversaries by recreating the march from Managua to the neighborhood of Monimbó, in Masaya—known as *El Repliege* (the withdrawal)—and holding massive gatherings in Managua.

Ortega was unable to commemorate *El Repliege* in Monimbó on July 13, as he had publicly announced he would, because of the barricades. Instead, he held a public demonstration in Managua, where he said he had ordered police in Masaya “not to shoot” protesters, while asserting that any other police in the world would have used force in responding to a similar situation. A few days later, on July 17, “Operation Clean-Up” ended with the dismantlement of all barricades in Masaya. In a declaration to the media that day that contradicted Ortega’s speech, the highest-ranking policeman in Masaya,

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General Ramón Avellán, said that “the order of our president and our vice-president [is] to go and clean these barricades throughout the nation (...), whatever the cost.”

Between June 18 and July 25, the Nicaraguan Center for Human Rights (CENIDH, by its Spanish acronym), reported that 107 people were killed during the “Operation Clean-Up” conducted by police and armed pro-government groups. The government asserts that during the same period, nine police officers were killed by protesters. Human Rights Watch interviewed one demonstrator who claimed he had killed a member of an armed pro-government group and reviewed one video showing police officers captured by demonstrators.

While the defense of the barricades was largely assumed by protesters equipped with stones, slingshots, Molotov cocktails, and homemade mortar launchers, 13 interviewees acknowledged that some of those defending the barricades carried firearms.

The Special Monitoring Mechanism for Nicaragua (MESENI, by its Spanish acronym), a body created by the Inter-American Commission on Human Rights that was on the ground during the operation, “observed a high degree of support and collaboration between...”

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30 Human Rights Watch interview with Jose Marco [pseudonym], Costa Rica, September 2018; “Nine police were detained by demonstrators to negotiate the exchange of their companions” (“Nueve policías fueron retenidos por los manifestantes para negociar el intercambio de sus compañeros”), video clip, La Prensa, YouTube, July 13, 2018, https://www.youtube.com/watch?v=ICOJp-okVAY (accessed June 5, 2019).
31 Molotov cocktails are glass bottles filled with combustible liquid and fitted with a flaming fuse. When the bottle is thrown and shatters, it erupts into flames. Homemade mortar launchers are metal tubes loaded with paper containers filled with gun powder. While the homemade mortars (morteros) detonate, their lack of hard shells makes them less lethal upon exploding. “Facing Gunfire, Nicaraguan Protesters Build Own Mortars”, France24, June 9, 2018, https://www.france24.com/en/20180609-facing-gunfire-nicaraguan-protesters-build-own-mortars (accessed June 5, 2019).
National Police forces and masked parapolice groups, who coordinate their actions to perpetrate violence, repress, harass and persecute civilians as well as to remove *tranques.*”\(^\text{32}\)

Once they forcibly dismantled the barricades, police and armed pro-government groups moved into various areas throughout the country to which they had been denied access by the barricades. According to CENIDH, they conducted scores of house-to-house searches, arresting and kidnapping hundreds of protestors and activists.\(^\text{33}\)


Torture and Abuses in Detention

I was shouting and asking for help, but no one could come to save me because those supposed to help me were the ones [doing it to me].
—Vivian Contreras (pseudonym), September 2018

Since the beginning of the protests in April 2018, Nicaragua’s police and armed pro-government groups have operated jointly to detain hundreds of demonstrators. Armed pro-government groups have also abducted many people, at times holding them in secret detention facilities. At other times, these gangs immediately handed detainees over to police.

Human Rights Watch interviewed 13 people who were detained. Nine said they were subjected to interrogations that involved beatings and severe mistreatment by multiple officers. In five cases, Human Rights Watch believes the victims were tortured. Some of the interviewees told Human Rights Watch that they were arrested and detained with other protesters—at least three dozen in total—whom they also saw being beaten, at times severely, by police or members or armed pro-government groups. In addition, several of the detainees whose cases are described in the next chapter on abuse-ridden prosecutions were also subject to abuse while in detention.

In one case, five policemen gang raped a woman while in detention. In another, two policemen gang raped a woman in front of her child, mother and siblings while they were detained at home for a few hours. In yet another case, police officers suspended one 16-year-old boy from a ceiling by his hands and poured acid on his hands and leg. In two

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other cases, police officers suspended two men from a ceiling and repeatedly beat them over the span of several hours. One man was forced to sit naked and blindfolded while officers touched his genitals with their firearms. Another was forced to parade naked while officers threatened to rape him.

In three cases documented by Human Rights Watch, police or paramilitaries threatened detainees into confessing to crimes and accusing others in front of video cameras. All nine former detainees interviewed by Human Rights Watch reported being initially held incommunicado for several days; in one case police held a demonstrator incommunicado for 22 days.

Former detainees interviewed by Human Rights Watch were detained in the prisons of La Modelo and El Chipote in Managua, police stations in Masaya and Granada, or a fifth unidentified clandestine detention facility located on a private ranch, allegedly in the surroundings of Matagalpa.

Human Rights Watch also interviewed three doctors who tended to people who were abused in detention or to demonstrators injured during Operation Clean-Up. Two of them who coordinated a network of other doctors and medical students who provided medical care. Although they did not treat the detainees whose cases are described in this chapter, the types of injuries they described and their patients’ testimonies, which they shared confidentially with Human Rights Watch, are consistent with our findings of torture. Those include severe physical and psychological trauma resulting from sexual abuse and beatings.

The three doctors interviewed by Human Rights Watch, who provided healthcare to patients despite threats by authorities not to do so and a directive to public hospitals not to tend to anti-government protesters, were subject to harassment by Nicaraguan authorities and had to flee the country. Nicaragua’s Medical Association reported that nearly 300 doctors, nurses and other health workers have been fired for treating protesters.37 One of them worked in a public hospital and said hospital authorities

37 Anneke Ball, “They denounce persecution of doctors for assisting the wounded in Nicaragua” (“Denuncian persecución a médicos en Nicaragua por asistir a heridos”), Telemundo, March 3, 2019,
threatened him with detention if he provided health care to anti-government demonstrations.\textsuperscript{38} The other two told Human Rights Watch many others were forced to leave the country.\textsuperscript{39}

These cases we documented are consistent with a pattern of systematic abuse against anti-government protesters and opponents that has been reported by international human rights bodies. The Inter-American Commission on Human Rights (IACHR) noted the “existence of a pattern of arbitrary arrests” whereby “the main intention behind the deprivation of liberty was to punish or suppress opposition to the current regime in Nicaragua.”\textsuperscript{40} The IACHR also found that “the arrest and deprivation of liberty of persons detained in connection with the protests was frequently accompanied by beatings, threats and insults against the detainees, that involved subjecting them to humiliating and degrading conditions or cruelty.”\textsuperscript{41} Threats used by state agents against persons incarcerated in El Chipote and La Modelo prisons included “rap[ing] detainees and burn[ing] them alive, or else kill[ing] them, their next of kin and their friends.”\textsuperscript{42} The IACHR also documented the case of one inmate in La Esperanza who had “visible signs of having received blows to her arms.”\textsuperscript{43}

Similarly, the Office of the High Commissioner on Human Rights (OHCHR) found “cruel, inhuman or degrading treatment is regularly reported in the context of detentions, with allegations of torture during the arrest and the first days of the detention.”\textsuperscript{44} El Chipote detention center is allegedly “the main place” where police and prison authorities committed “acts of torture and ill-treatment.”\textsuperscript{45} These include “burnings with Taser guns

\textsuperscript{38} Human Rights Watch interview with medical doctor, Los Angeles, June 6, 2019.
\textsuperscript{39} Human Rights Watch interview with Josmar Briones, Miami, November 7, 2018; Human Rights Watch interview with medical doctor, Miami, November 7, 2018; Human Rights Watch interview with medical doctor, Los Angeles, June 6, 2019.
\textsuperscript{41} Ibid., p. 61.
\textsuperscript{42} Ibid., p. 59.
\textsuperscript{45} Ibid., p. 29.
and/or cigarettes, use of barbed wires, beatings with fists and tubes and attempted strangulation – as well as psychological torture, including death threats.” The OHCHR found that some men and women had been raped in detention, “including rape with rifles and other objects,” with women describing “threats of sexual abuse as common.”

Cases Documented by Human Rights Watch

Vivian Contreras

The account below is based on an interview with Vivian Contreras (pseudonym), 32.

One night in early June, Contreras was walking around a neighborhood of Masaya with a dozen demonstrators. Suddenly, a white pick-up truck carrying police officers showed up and the policemen inside began to shoot at Contreras and the group. “We couldn’t run [very far], because we were cornered by police,” Contreras told Human Right Watch. The deputy chief of police, General Ramón Avellán, was among those who arrested her, she said, adding that he put his gun to her head and said: “You whore, I will kill you.” While Contreras said she was acting as a paramedic and was unarmed, she said that some of the men had homemade mortars (morteros).

When they arrived at the police station, a few hundred meters away, everyone, including the cooks, cleaners, and anti-riot police, hit them. “Someone took my head and hit it against the wall,” Contreras said. The police officers forced her and the others to sit on the floor and took pictures of them alongside the homemade mortars as well as weapons she said the police planted on them. The officers threatened to kill them and throw their bodies on the side of the road or in a nearby volcano.

In the early hours of the next morning, Contreras said, five policemen gang-raped her. The officers took her to a room in the station, sat her on a chair, and blindfolded her. “They all raped me. They did everything they wanted with me. They did many things to me that I can’t describe...They hurt me and beat me a lot,” she said. “I was shouting and asking for help, but no one could help me because they were the ones [doing it to me],” she added.

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46 Ibid., p. 19
47 Ibid., p. 29
Police officers later that day transferred Contreras and the men arrested with her to El Chipote prison. Policewomen threatened them throughout the drive, saying they were going to kill them or never let them out of jail. At El Chipote, a high-ranking police officer threw Contreras against the wall, and said: “Bitch, you are the head of the band, you are the terrorist crook who acts against the government. You won’t leave this place, son of a bitch, I will make sure of that,” according to Contreras.

The interrogation began that same day. “I asked for assistance from a lawyer but [the police] told me I had no right to this,” she said. Although she was in pain from the gang rape and beating, one male and two female police officers interrogated Contreras at least eight times, most of them while she was naked. The police officers threatened Contreras’ children and mother, calling them by name and promising to arrest and shoot them in the head if she did not denounce leaders of the April 19 Movement, a social movement that arose in protest of the brutal crackdown, and other opposition leaders. “When they spoke of my mother, I began to cry. I said that they should ask me whatever they want but leave my family alone,” she said. Between the interrogations, she was kept naked in a cell that she described as “freezing, completely dark, and with a fetid smell as though someone had died in there.”

Shortly before releasing her, police threatened Contreras into reading in front of a camera a confession they had drafted in which she had to accuse various opposition leaders. “They handcuffed me to a chair and a police officer was next to me, pointing his AK rifle at me. I [filmed the confession], but none of the videos came out okay. They wanted me to look at the camera and read the paper without looking at it...”

After a day and a half in detention, the police released Contreras, following pressure from a human rights group and the Catholic Church.

Upon releasing her, police officers told her “they were going to watch me,” she said. Contreras nonetheless returned to Masaya and continued to participate in barricades until they were dismantled during “Operation Clean-Up” on July 18. She fled Nicaragua and said she reached Costa Rica three days later.
Lucía Sánchez
The account below is based on an interview conducted with Lucía Sánchez (pseudonym), 23.49

By the end of May, Sánchez explained, she had already seen many friends and fellow anti-government demonstrators killed by police and armed pro-government groups, including one who died in her arms as she transported him to a clinic. A nurse, she had been participating in the demonstrations as a paramedic, assisting doctors and volunteers in treating people attacked and shot by police and armed pro-government groups on the streets.

One night in early June, police officers appeared at the door of the Sánchez family house in their small town in the north of Nicaragua. They suspected her father, who had openly opposed Ortega’s government in the 80s, had given two of his pistols to anti-government demonstrators. Her father managed to slip away as the police arrived, so when 10 policemen entered the house, only Sánchez, her mother, three younger sisters, and her 3-year-old son were present and hiding. The policemen ransacked the house, found them all, and handcuffed Sánchez and her mother.

“The kids were crying,” Sánchez recounted to Human Rights Watch. “With a gun against my head, one policeman said: ‘Bitch, today we will kill you and your father. Where are the weapons? If you don’t tell me the truth, I will kill your mother.’” Sánchez begged them not to hurt her family, confessing to having participated in the protests and saying that it was all her fault. She said the policemen laughed at her and one said, “Let’s not kill her; let’s do her.” Two of the police officers then raped her in front of her family. They then left.

At the time of the interview, Sánchez was hiding in Costa Rica, fearing for her own life and retaliations against her mother and child, who remain in Nicaragua.

Jordan Rivas
The account below is based on an interview with Jordan Rivas (pseudonym), 23.50

50 Human Rights Watch interview with Jordan Rivas (pseudonym), Costa Rica, September 2018.
An activist connected to the student movement, Rivas was arrested in late May with another student leader. They had spent two nights in hiding, following a conflict among student groups that led to the expulsion of Rivas’ group from a barricaded area where students had established their headquarters. “I had no money, clothes or food and [my friend] wanted to take a shower, so we both went to my mother’s house,” Rivas explained.

As they left the house a few hours later, five pickup trucks carrying several armed and hooded men intercepted them. Rivas said one of them grabbed him by his hair, threw him to the ground, and forced both men into the pick-up. The hooded men beat them all the way to the El Chipote prison, Rivas said. When they arrived, police searched their bags and found Rivas’ ID. “These are student leaders,” officers said to each other, according to Rivas. They blindfolded the two, thrust them into a small bus, and drove them away. During the trip, the hooded men continued beating them. “After two or three hours, we arrived at a clandestine place that looked like a ranch,” Rivas recalled.

The hooded men forced Rivas and his friend into a room and took off the blindfolds. They told them they would play “a sort of roulette.” It was a wheel presenting types of torture that his captors physically spun. Rivas said the needle subsequently landed on “piñata”—a Mexican game played in birthday parties in which a papier-mâché figurine containing candies is suspended from a tree or ceiling and beaten until it breaks open. A man who seemed to be in command ordered others to administer this treatment to Rivas. “They blindfolded me again, tied my wrists with tie wrap and suspended me from the ceiling by the wrists,” Rivas said. Over a period of two days, several of his captors proceeded to beat him repeatedly with blunt objects while he was suspended from the ceiling.

While Rivas’ treatment was the “piñata,” he says his friend’s roulette pointed towards “Tarzan’s cry,” which he described as pulling out fingernails. Rivas also said he heard police officers rape Jossiel Espinoza (pseudonym), another former detainee interviewed separately by Human Rights Watch (see below).

Following this torture, Rivas was subjected to a polygraph test. “They put cables on me and said they were going to question me. They said that if I answered correctly, I would go home,” Rivas explained. His captors questioned him about the identity of student leaders,

51 Also known as denailing, a form of torture in which captors forcefully extract fingernails from a victim’s hands or feet.
but some of the answers seemed not to satisfy the interrogators, who continued to beat him.

After a while, Rivas said, his captors took him to another room in the same building. There, an older man presented himself as “The Eagle” and told Rivas he had not “passed the test” and could not leave if he did not cooperate. Another man, calling himself “The Condor,” then asked Rivas to implicate another student who “The Condor” said had been involved in the anti-government mobilization.

Rivas was finally brought to a third room. There, “The Condor” presented him to a masked man. According to Rivas, “The Condor” told him: “Speak with him, he can help you get out of here.” The masked man came closer and said none of what Rivas had said was of any use. He said that if Rivas wanted to leave, he would have to read a text in front of a camera. Rivas said the text was a confession that he had committed crimes including killings and burning buildings. Rivas complied.

The masked man then gave Rivas a cellphone and told him that it would ring in a few days and he would receive instructions. If Rivas did not comply, the masked man continued, someone would kill his family.

The policemen drove Rivas back to Managua and left him on a street near his house. “They told me not to tell what happened to anyone,” Rivas said.

Three days after his release, the cellphone rang. Rivas told Human Rights Watch that a voice that sounded like the masked man’s ordered him to kill Bishop Silvio Baez, a well-known government critic, saying that the police would protect him once it was done. Rivas did not comply and fled to Costa Rica.

Jossiel Espinoza
The account below is based on an interview with Jossiel Espinoza (pseudonym), 26.52

One day in late May, Espinoza was traveling from the protestors’ barricades at one of Managua’s universities to a friend’s house when about 40 masked men, driving in several

52 Human Rights Watch interview with Jossiel Espinoza (pseudonym), United States, July 2018.
trucks and cars, intercepted him. They immediately beat him, taped a sock in his mouth, and tied his hands.

“Then they took me to a clandestine prison. It looked like a ranch, a new building,” he said. He estimated that 40 to 60 people worked at that clandestine detention center.

There, police interrogated Espinoza and subjected him to different forms of torture and ill-treatment, including electric shocks, beatings, rape, sleep deprivation, and mock executions. “They made me lie on the floor with my face covered by a piece of cloth and poured a bucket of water on my face, until I couldn’t breathe,” he recounted. “I remember fainting and then they were resuscitating me with chest compressions, and I was vomiting water through my nose and mouth,” he said.

Those in charge of the clandestine detention center threw him naked into a cell and administered electric shocks with a ‘chuzo,’ an electric cattle prod, to prevent him from sleeping. “It hurt so bad that I felt like my heart was coming out of my chest (...) They would throw water on me and then apply the electricity every time they saw I was sleeping. They tortured me with electric shocks to my genitals, I screamed from pain, and then would cry,” he said.

Espinoza said there were around 20 other detainees being tortured at the center, including some who were hung from the ceiling by their wrists and others who had their fingernails pulled out. At some point, he heard noise from a nearby room that he assumed was the sound of a girl being raped, he screamed for them to stop. “For that reason, they tortured me by inserting the handle of a homemade mortar in my anus. I screamed, and they said I would remember this my entire life. They kicked the tube while inserted in me, until they made me bleed,” Espinoza said. “I spent several days in intense pain and did not stop bleeding. This broke me.”

Espinoza said he was subsequently forced to record a self-incriminating video: “They made me learn a script while holding an AK 47 rifle on me. They forced me to speak to a camera and say what they wanted—that I was a member of a terrorist group that would kill archbishop [Silvio] Baez (...) and that we had arms.”
When he was released, the police warned Espinoza not to discuss what happened at the clandestine detention center. They put him in a car and left him on a street with instructions to pray and count down before looking back. Then they drove off and when Espinoza looked up, they were gone.

Espinoza fled to the US.

Roberto Obrera
The account below is based on an interview with Roberto Obrera (pseudonym), 16.53

On June 15, Obrera and four friends, all children under 18 years old, participated in a small march that passed alongside one of Managua’s universities shortly after a confrontation between police and demonstrators. Though neither Obrera nor his friends had been part of the confrontation, police arrested and beat them. Obrera said they hit him on the back of the head with a rifle butt, and he was bleeding.

The police let them go and Obrera fled to the nearby house of a relative. The following day, around 5 a.m., Obrera said three police trucks showed up at his relative’s house. The officers broke the door open and took him away.

Obrera said that when he and the other four children, who were also detained that day, arrived at El Chipote, police undressed and blindfolded him prior to tying his hands to the ceiling. He said policemen then applied acid to his hands. “It burned, and they would put water on it quickly. They didn’t say anything, except ‘Burn son of a bitch!’ Obrera recalled. Obrera said another one of his friends was subjected to the same treatment that day.

Police then put the five boys into a small windowless cell, where they spent two days. On what he believes was the third day, police separated Obrera from the others. “[Before I was arrested,] I had a wound on my foot– with 15 stitches inside and 10 outside – and it was rotting. I was shouting through the window of the door that I needed care and they would respond ‘no!’ from afar,” Obrera said. Without treatment, Obrera said, he developed a fever and convulsions, but no one came to help.

“At no point did they give me the opportunity to call anyone,” Obrera explained. After a few days, police transferred Obrera and his friends to La Modelo prison. There, he could call his relatives and was seen by a doctor. Police took the five boys to the child detention wing of the prison. “It was larger, we had hammocks, without a window but with electricity and water,” Obrera said.

Five days later, Obrera and his friends were brought before a court for adults and accused of assaulting a police officer.

“I told the prosecutor that we weren’t 18 years old yet, but a policeman hit me in the back,” Obrera said. The judge asked the police to leave the courtroom so she could speak with Obrera and his friends, who told her they had been tortured. The judge ordered their release. “But then the police came back, handcuffed us again, and said that we would see what they were going to do. On the way back to La Modelo, they beat us again with their boots and fists. And when we arrived, they put us back in the cell,” Obrera said.

The following day, Obrera said, police released them.

**Katia Salamanca and Sandro Villamar**

The account below is based on separate interviews with Katia Salamanca (pseudonym), 22, and Sandro Villamar (pseudonym), 24.\(^{54}\)

Salamanca, a medical student, and her boyfriend Villamar, an engineering student, had been active in the opposition movement since April. The couple had provided first aid to wounded demonstrators. She said she treated about 50 people, and probably 70 percent were wounded by bullets.

During a July 13 government operation to dislodge students who had barricaded the National Engineering University (UNI), the couple fled alongside some 150 other demonstrators to hide in the nearby Church of the Divine Misericord. Heavy clashes between students and the police and pro-government armed groups broke out and lasted

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\(^{54}\) Human Rights Watch interview with Katia Salamanca (pseudonym), Costa Rica, September 2018 and Human Rights Watch interview with Sandro Villamar (pseudonym), Costa Rica, September 2018.
throughout the night, leading to the death of two demonstrators who were shot in the head. Salamanca and Villamar made it out of the church alive and went into hiding.55

“Between July 14 and 16, we had been to three different safe houses in Managua,” Sandro said. On July 16, they decided to join a group of 15 other student activists who had arranged for a bus to take them to Granada, where they planned to get to another safe house by taxi. “We were waiting for three taxis. People were looking at us weirdly. The first taxi came and four left. When the two other taxis arrived, I boarded one of them and then saw the street full of police and paramilitaries with trucks, armed with weapons,” Salamanca recalled.

The police and armed pro-government groups surrounded the taxis, ordering the young activists to exit the vehicles and lie face down on the ground. “They began to search our luggage and found blue and white flags and said: ‘Ah, here come the terrorists’ and they started to beat us,” Villamar said.

Both explained to Human Rights Watch how policemen and members of armed pro-government groups beat the activists with their rifles and called them names. At some point during the beating, an anti-riot policeman ordered them to spread their hands on the ground and stepped on their fingers. “One of the girls said she was pregnant and one [of the government agents] said: ‘perfect, we will get it out of you, and you'll eat [the foetus]. Then they hit her in the stomach,” Salamanca said. Villamar said he also witnessed the same incident.

The activists were then forced to lie in the back of the police trucks, one on top of the other, and taken into custody.

In the Granada detention facility where they were taken, the beatings continued. Each of the 13 activists arrested were forced to undress and were searched prior to being individually interrogated by two officers, Salamanca and Villamar explained. “They wanted

me to mention names but I didn’t know anything. They threatened to disappear me,” Salamanca said.

Salamanca and Villamar were then jailed separately. “We were 16 women in a small cell that was about 3 x 3 meters. There was a bathroom in the cell, which was in inhumane condition. They brought us bad food twice a day,” Salamanca said. They spent four days held incommunicado in the detention facility and said they continued to be subjected to humiliations and bad treatment during that time.

“On July 20, they freed the 13 of us and told us our case was still under investigation and that it was pointless to continue to demonstrate because we would never be able to get rid of the commander [Ortega],” Villamar said.

Both fled to Costa Rica after their release.

Bryan Quiroz
Bryan Quiroz, 23, studied sustainable tourism at the National Autonomous University of Nicaragua in Estelí (UNAN-FAREM). He mobilized protestors and participated in barricades in Estelí. Bryan is an environmental activist and a sexual and reproductive rights youth educator. He organized multiple science and cultural fairs for children and volunteered with World Vision, an international charity dedicated to advancing children’s rights.56

When the protests started, Quiroz participated in marches and other activities to denounce government repression, such as painting lamp posts in blue and white, the colors of the Nicaraguan flag that became the opposition movement’s symbol. He spent a few weeks in late April in Managua barricaded with other students in the campus of the Polytechnic University (UPOLI) in Managua before returning to Estelí on May 19; while he was there, he said, police repeatedly attacked the students with live ammunition and they responded firing homemade mortars (morteros) and slingshots.57

56 Ena Quiroz, Bryan Quiroz’s mother, sent Human Rights Watch copies of multiple diplomas and recognitions Bryan earned for his community services.
In late May, following the killing of two protesters in his city, Quiroz and other youth set up a roadblock in La Trinidad, 25 kilometers away, to protest that the mothers of the dead had allegedly not received death certificates, autopsy results or the ballistic exams, he told Human Rights Watch.\(^58\)

Over the next few weeks, police and armed pro-government groups would repeatedly attack the roadblock with rubber bullets, tear gas and live ammunition, Quiroz told Human Rights Watch. He said he and other protestors fired homemade mortars (morteros) in response, but that he did not have firearms. In late July, he left the roadblock when a contact tipped him off that police would dismantle it within days. He said he tried to convince others to leave with him, but they did not believe him.\(^59\)

On August 1, hooded police officers arrested Quiroz in a small town near the border with Honduras, where he was hiding. “They called me ‘a coup plotting motherfucker’,” he said.\(^60\) An officer “sat me down, made me spread my legs and kicked me in the groin,” Quiroz told Human Rights Watch. The officer also allegedly threatened to execute him. “They hit me with the palm of their hands so it wouldn’t [leave marks],” Quiroz said. They then loaded him on the back of a truck, and an officer “put his boot on my face and said ‘eat mud motherfucker,’” Quiroz told Human Rights Watch.

The drive back to Estelí lasted two hours. When he arrived, the officers made him strip naked and parade around, “they said: ‘let’s see you model, look at that little ass, we are going to make you a fag, we are going to stick a mortar up your ass,’” Quiroz told Human Rights Watch.\(^61\)

After a first round of interrogation, they allowed him to call his girlfriend, who warned his family he had been taken away. His mother looked for him at the Boris Vega complex in Estelí—which houses several courts and holding cells—at 8:30 p.m., but police refused to confirm he was held there until the following morning.\(^62\)

\(^58\) Ibid.
\(^59\) Ibid.
\(^60\) Human Rights Watch also reviewed pictures taken by the police officers themselves showing police flanking Bryan at the supposed moment of his arrest.
The next day at 11 a.m., prosecutors presented Bryan along with 13 other men to a judge on charges of “organized crime,” “aggravated robbery,” “kidnapping,” “obstructing public services,” “illegal fabrication stemming from the illicit traffic of firearms, ammunitions explosives and its accessories (sic),” “organized crime,” “associating to commit crime,” and “threatening [someone] with a firearm.” Bryan told Human Rights Watch he did not have a defense lawyer—not even a public defender—for his pre-trial hearing.

His mother was able to see him briefly after the hearing. “He was handcuffed, seven police officers were guarding him, they had AK rifles and they wore balaclavas,” she told Human Rights Watch.

The prosecutor requested that the case be admitted as one of “complex prosecution,” which allows the Attorney General’s Office to request that Bryan remain in pre-trial detention for a year, instead of the three-month deadline for ordinary trials. The judge approved the request.

Bryan’s defense lawyer met him in detention on August 7 for the first time. Four police officers surrounded them constantly, in violation of the detainees’ right to communicate freely and confidentially with their counsel, allowed for by the Nicaraguan constitution. On August 15, the lawyer attempted to see Bryan again, but prison guards did not allow him inside.

Bryan’s lawyer said his first trial hearing was postponed twice after prison authorities failed to bring him to court, in apparent violation of the Penitentiary System Law, which requires penal authorities to bring detainees to court when requested by a competent authority. The judge ruled that the alleged crimes were of “national importance” and that

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63 Transcript of trial hearing, Case no. 012996-ORM4 2018-PBN, November 20, 2018 (copy on file at Human Rights Watch).
66 Ibid. Political Constitution of Nicaragua, 2014, art. 34, paras. 4 and 5.
she was not competent to prosecute them in Estelí, so she transferred the case to the capital.\textsuperscript{68}

At 2 a.m. on August 25, Quiroz was transferred to La Modelo prison in Managua. “They didn’t notify nor our lawyers or our families, they threatened us to sign a document,” he told Human Rights Watch.\textsuperscript{69} Two days after police arrested his younger brother, Luis, in León. They were subsequently in prison together.

Quiroz was found guilty on February 5, 2019. The prosecutor asked that he be sentenced to 28 years in prison, he told Human Rights Watch, but the sentencing hearing keeps being postponed, he said.\textsuperscript{70}

On April 5, 2019, Bryan Quiroz and his brother were released from prison with precautionary measures in the context of negotiations between the government and the opposition.\textsuperscript{71}

\textit{Luis Arnulfo Quiroz}

Luis Arnulfo Quiroz, 22, attended the National Autonomous University of Nicaragua in León (UNAN-León), and in early 2018 was in his final year of journalism. Quiroz was an outspoken advocate for children’s rights.\textsuperscript{72} When protests broke out in Nicaragua in April 2018, Quiroz joined the April 19 Movement and participated in anti-government demonstrations in León.

On the evening of August 25, pro-government gangs surrounded Quiroz and six other students after they participated in a demonstration in León. Police arrived swiftly after, forced them to get out of their car, beat them, and arrested them.\textsuperscript{73} Just a few weeks

\textsuperscript{68} Human Rights Watch telephone interview with Jaime Matute, August 24, 2018.
\textsuperscript{69} Human Rights Watch telephone interview with Bryan Quiroz, May 16, 2019.
\textsuperscript{70} Ibid.
\textsuperscript{72} Human Rights Watch telephone interview with Ena Quiroz, mother of Luis Arnulfo Quiroz, October 27, 2018; Edelma Reyes, “Quiroz brothers imprisoned in La Modelo” (Los hermanos Quiroz presos en La Modelo), \textit{Maje}, October 9, 2018, https://maje.com.ni/entonces/2019-hermanos-quiroz-presos-modelo/ (accessed June 5, 2019).
\textsuperscript{73} Human Rights Watch telephone interview with Luis Quiroz, April 15, 2019; Yamlek Mojica, “The seven ‘kids’ that make Daniel Ortega tremble” (Los siete ‘chavalos’ que hacen temblar a Daniel Ortega), \textit{Semanario Universidad}, September 25,
before, on August 1, police had arrested his older brother Bryan in a small town near the border with Honduras.\textsuperscript{74}

Quiroz told Human Rights Watch that he and his friends were taken to the central police headquarters in León.\textsuperscript{75}

That night, approximately 200 people staged a protest outside the León police station, demanding the youths’ release. Around 10 p.m., armed pro-government groups appeared in pick-up trucks, fired shots into the crowd and beat protestors, who rapidly dispersed in panic.\textsuperscript{76}

Around 8 p.m., police transferred the student activists to El Chipote prison in Managua, Quiroz told Human Rights Watch. They stopped briefly next to a cliff on the way and told them they would kill them there, then continued to the jail. Officers beat them on the way and the police officers who took custody of them in Managua beat them again. They were stripped completely naked and made to squat 200 times while officers laughed at them; “we cried of fear,” Quiroz said.

The student activists were then thrown in a cell with a ceiling so low they couldn’t stand upright; they stayed there until 2 a.m., when they were taken for polygraph tests, Quiroz told Human Rights Watch, before being thrown in different cells with other prisoners. At around 4 a.m., officers took Luis again for his first interrogation. “They asked me to which political party I belong...there’s an official behind you hitting you if you don’t answer. They [also] forced us to give out the passwords to access our phones,” he said. “They asked me how much the CIA pays me, how much the MRS [an opposition party] pays me,” Quiroz said.\textsuperscript{77}

\textsuperscript{74} See his case above.

\textsuperscript{75} Human Rights Watch telephone interview with Luis Quiroz, April 15, 2019.


\textsuperscript{77} Human Rights Watch telephone interview with Luis Quiroz, April 15, 2019.
The interrogatory lasted two hours. “They put me in a dark room, they stripped me naked and blindfolded me; they would touch my body with their weapons and threaten me, I was afraid there would be sexual abuse. Then they made me sit and open my legs and they touched my genitals with their weapons,” Quiroz told Human Rights Watch.\textsuperscript{78}

The first time Quiroz’s mother, Ena, heard news of her son again was when police presented him to the media as part of a group of “terrorists” on August 29.\textsuperscript{79} In a public statement that day, Police Commissioner Farle Roa said that the students were responsible for, among other crimes, starting a fire in León on April 20 in which a man died. Speaking to the press, a relative of the victim who died in the fire said that the police commissioner in León had had allegedly told his family four months earlier that the victim’s death had been caused by “his own recklessness” and that the police “couldn’t point their finger at anybody else.”\textsuperscript{80}

On September 1, a week after police arrested Quiroz in León, they brought him before a judge. The prosecutor charged him with “terrorism,” “robbery,” “threats,” and “illegal possession of weapons.”\textsuperscript{81} Quiroz was not allowed to make calls, see a lawyer or a relative before he was brought to court, “I only found out what I was being accused of at the hearing,” he said.\textsuperscript{82}

On September 4, after his preliminary hearing, police transferred Quiroz to La Modelo prison, where he was made to strip naked and squat 200 times, he told Human Rights Watch. He put back on his blue prison uniform before officers made him sign several documents he was not allowed to read. Officers then brought him and the other student activists with whom he was arrested to their prison block, where they were again made to strip naked and squat in front of the other prisoners.\textsuperscript{83}

\textsuperscript{78} Ibid.
\textsuperscript{81} Human Rights Watch telephone interview with Ena Quiroz, mother of Luis Arnulfo Quiroz, October 27, 2018.
\textsuperscript{82} Human Rights Watch telephone interview with Luis Quiroz, April 15, 2019.
\textsuperscript{83} Ibid.
On September 13, Ena visited Quiroz and his brother Bryan, who had been arrested on August 1, in La Modelo prison, in Managua, for the first time. The brothers got 20 minutes of yard time once a week.

Ena was not allowed into the courtroom during her sons’ trial hearings; she could see them for a couple of minutes after the proceedings had ended, Ena and her son Luis told Human Rights Watch. Though their defense lawyers are allowed in the trial hearings, they could not visit the two brothers while they were in detention in Managua. Prison authorities did not allow the brothers to make phone calls.84

On April 5, 2019, Luis Quiroz and his brother were released from prison to house arrest in the context of negotiations between the government and the opposition.85

Eduardo Manuel Tijerino
Veterinary student Eduardo Manuel Tijerino, 21, was detained on June 26.86

Tijerino said he was riding a vehicle with four others—including Nelly Roque Ordóñez, whose case is described in the next chapter—to take money to Managua to help people injured in the protests, when a group of armed pro-government men standing on the side of the road fired at their vehicle. Tijerino's vehicle continued down the road for approximately two kilometers more, and as soon as they got out, the armed men arrived, pointed their guns at the heads of the five people riding the car, and tied their hands behind their backs with their shoelaces. The armed men threw Tijerino and the others on the ground, kicked them, and threatened to kill all of them and rape the two women, he said. Tijerino estimates that a couple of hours later the police arrived, and drove them to El Chipote prison, where they arrived around 5 p.m., he said.

84 Ibid.
86 Unless otherwise noted, all information about this case is based on Human Rights Watch telephone interviews with Eduardo Manuel Tijerino, May 17, 2019, and with a relative of Eduardo Manuel Tijerino, August 14, October 16, and November 7, 2018.
Tijerino’s family found out about his detention that day when media released photos of him handcuffed at the side of a highway. That same day, Tijerino’s father went to El Chipote prison to look for him, but police officers serving as guards at the prison denied he was in their custody. The next day, Tijerino’s father returned, according to another relative, accompanied by two Catholic priests, and police admitted that they were holding his son at El Chipote.

After 48 hours, Tijerino’s family filed a habeas corpus petition on his behalf. An appeals court granted the petition. But the judge appointed to inspect Tijerino’s detention conditions refused to comply with the appeals court order, a relative who had access to the criminal file said.

When Tijerino arrived at El Chipote, he and the two other young men detained with him were taken to a 1x1 meter cell. Tijerino said they were individually taken out of the cell for interrogation. The policemen beat Tijerino and threatened to kill him and set his family on fire—the officers knew the name of each of his relatives and where they lived—if he did not give them the password to access his phone.

During his detention, Tijerino was in severe pain due to the beatings and vomited blood, he said. He asked to have access to a doctor, but only got a pain relief pill that did not help much, and he continuously heard other detainees scream, asking not to be tortured. The policemen spit on their food, Tijerino said.

Tijerino had a testicular hernia at the time of his arrest. The court approved three petitions his family submitted for a doctor to evaluate Tijerino’s condition, but prison authorities refused to comply with the orders, according to a family member with access to the file.

Tijerino’s pre-trial hearing took place on June 30, four days after he was taken into custody. His relatives only found out because human rights lawyers who are permanently stationed at the courthouse called them. One of the lawyers was allowed into the hearing to

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88 Habeas corpus petition, June 29, 2018 (copy on file at Human Rights Watch).
89 Decision on case 000968-ORM4-2018-CN, June 29, 2018 (copy on file at Human Rights Watch).
represent Tijerino, as well as his mother, but only because she was also a lawyer accredited with the court.

When Tijerino was transferred to La Modelo prison, on July 3, authorities allowed his family to see him briefly. One of the relatives told us they spoke to him for a couple of minutes before prison guards dragged him away. Tijerino told his relatives the guards at El Chipote prison had beaten him repeatedly.\(^\text{90}\)

On July 13, a prosecutor accused Tijerino and the others of driving a vehicle on the day of their arrest that they had stolen on June 7, and of having participated in an attack against a police station on June 9 during which the attackers shot at the station, held policemen hostage for several hours, and stole firearms. The accusation is based entirely on witness testimony from government officials who were inside the car when it was allegedly stolen on June 7 and from police officers who claim to have identified Tijerino and the others as perpetrators of the attack on June 9. In several instances, the testimony provided by different witnesses is identical.\(^\text{91}\)

On July 18, at the first trial hearing, the judge allowed Tijerino, along with two other detainees, to see relatives again—briefly. But in defiance of the judge’s orders, prison guards abruptly dragged the detainees out of the hearing room. The judge also insisted that the hearing be open to the public.\(^\text{92}\)

As discussed later in the case of Nelly Marily Roque Ordóñez, the next day, the Supreme Court removed the judge from office, arguing she had committed “irregularities” when

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\(^{90}\) Ibid.

\(^{91}\) Accusation, judicial file 010203-ORM4-2018, July 13, 2018 (copy on file at Human Rights Watch).

classifying crimes presented by the Attorney General's Office, according to a Supreme Court press release.\(^\text{93}\)

On November 28, Judge Melvin Leopoldo Vargas García convicted Tijerino along with four other protestors of “kidnapping,” “robbery with intimidation,” “organized crime,” and “illegal possession of firearms.”\(^\text{94}\) The prosecutor asked that he be sentenced to 61 years in prison; the Nicaraguan criminal code, however, specifies the maximum sentence is 30 years. On December 10, the judge sentenced Tijerino to 18 years and six months in prison.\(^\text{95}\)

The ruling is based largely on the testimony provided by government officials and policemen, and dismisses testimony provided by witnesses who said that Tijerino was at home on the day that the car was stolen and the attack on the police station, arguing that witnesses had an interest in the case.\(^\text{96}\) A member of Tijerino’s defense team shared a video and photographs of Tijerino at home those days and said that they had offered evidence to the court, including a request to ask a telephone company for a report that confirms his location those days, which was rejected by the court.\(^\text{97}\)

In late February, Tijerino was released into house arrest as part of a new round of negotiations between the government and the opposition.\(^\text{98}\) He was asked to sign a piece of paper for his release, though was not given a copy, and was driven home. For several weeks, unknown men monitored his house. One day, men shot at the house and in


\(^{95}\) Judicial ruling, File 010203-ORM4-2018-PN, signed by Judge Melvin Leopoldo Vargas García, December 10, 2018 (copy on file at Human Rights Watch).

\(^{96}\) Judicial ruling, File 010203-ORM4-2018-PN, signed by Judge Melvin Leopoldo Vargas García, December 10, 2018 (copy on file at Human Rights Watch).

\(^{97}\) Human Rights Watch private communication with a relative of Eduardo Manuel Tijerino, May 21, 2019.

another incident, someone tried to set the side of the house on fire. “I couldn’t take it anymore,” Tijerino said. He fled the country in April.

*Roberto Cortez*

This account is based on an interview with Roberto Cortez (pseudonym), 49.99

After the violent repression of the Mother’s Day march in mid-May, Cortez, a former Nicaraguan member of the military who had lived in Costa Rica for over 20 years, began to help fleeing protesters cross the border. Having been deployed at the border in the 1980s, he knew the area well enough to bring those fleeing the Ortega regime to safety, he said.

In late August, as he drove from Masaya to the border to help the relatives of a well-known activist get to Costa Rica, his car was stopped at an army checkpoint some 20 minutes from the crossing point. At least 15 heavily armed soldiers checked their documents and arrested Cortez and his four passengers, accusing them of being terrorists. Thirty minutes later, the police came to pick them up and brought them to their station in Rivas.

Upon arriving there, Cortez said he was taken to a small room where he was forced to undress and do ten squats, naked, while being insulted. Allowed to dress with only shorts and a T-shirt, he was brought to his cell, which he estimated to be about 2.5x3 meters. The cell had running water, a Turkish toilet and two bunk beds, he said, but no light and little floor space. There were 10 men inside the cell, he recalled.

Cortez was held incommunicado at the Rivas police station for ten days, he said. The detainees, many of whom had been active in the demonstrations, were fed once a day. During the ten days Cortez spent at the station, he was taken to an interrogation room five times. He said other detainees were also frequently interrogated. And each time, he explained, two men severely beat him while his hands were handcuffed in his back. During the first interrogation, Cortez lost consciousness three times because of the beating.

Ten days after his arrest, Roberto was released from detention and fled to Costa Rica.

As of February 2019, at least 777 people had been arrested during the crackdown on protests and anti-government activity, according to the Inter-American Commission on Human Rights (IACHR). On November 29, the Supreme Court president, Alba Luz Ramos Vanegas, had said there were “no political prisoners” in Nicaragua and that “all the detainees were brought to court for having committed crimes during the barricades between April and July.”

In March, the government agreed with the opposition to release all prisoners detained in the context of protests by June 18, as part of ongoing negotiations. According to the Interior Ministry, between March 15 and June 10, 2019, the government released 392 people who were imprisoned for “committing crimes against public security and crimes against the public peace.” Of these, 286 were released to house arrest or under another restrictive regime; charges remained levied against them. The remaining 106 were released pursuant to an Amnesty Law (Law No. 996) that came into force on June 10.

Human Rights Watch examined the cases of 15 people who have been subject to prosecution for alleged crimes linked to their participation in protests or other anti-government activities. Three of the cases—Bryan Quiroz, Luiz Arnulfo Quiroz, and Eduardo Manuel Tijerino—are described in the previous chapter and the other 12 are detailed here.

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104 Ibid.

105 Ibid.
The 15 cases include both high profile activists and ordinary people, between 20 and 63 years old, who joined the protests or made critical statements against the government in six cities across Nicaragua—Estelí, Jinotepe, León, Managua, Matagalpa and Nueva Guinea. Some of them are longstanding critics of the Ortega administration, while others were staunch supporters who became critical as the repression against protestors intensified. In every case, protestors were charged with serious, violent crimes.

In all these cases, we obtained testimony about the criminal procedures from defense lawyers, relatives of the detainees, or both, and cross-referenced details with press sources and reporting from international human rights bodies. Though relatives were often not allowed into courtrooms, they did communicate with defense lawyers or had access to some of the court documents. In four of the cases, the demonstrators were released with precautionary measures and we were able to speak with them by telephone. In 11 of the cases, we obtained portions of the judicial files from their criminal proceedings.106

We found evidence of human rights violations in all 15 cases. These included the following:

- In 12 of the 15 cases, police appear to have held protestors for more than two days before bringing them before a judge. This contravenes the Constitution, which requires authorities to bring detainees before a legal authority within 48 hours of arrest.107
- In at least five of the 15 cases, relatives who filed habeas corpus petitions to secure the release of their loved ones told Human Rights Watch that prison officials refused to comply with orders that the detainees be released.
- In 13 of the 15 cases, people were held incommunicado before being charged, relatives or defense attorneys told Human Rights Watch. In 10 of those 15 cases people were held incommunicado for periods varying from four to 22 days before being charged, the relatives and defense attorneys said; four of these cases consisted of enforced disappearances according to the Office of the High

106 We were not able to obtain the entirety of the files in every case. Obtaining digital copies of paper files that are hundreds of pages long was not always possible with pro-bono attorneys who work on dozens of cases and sometimes face threats for exercising their role as defense attorneys.
Commissioner for Human Rights (OHCHR).\textsuperscript{108} Several detainees told relatives that they had been beaten or subjected to torture or ill-treatment while in detention, including denial of access to health care.

- Police chiefs in Managua frequently organized press conferences in which they called people detained without charge “terrorists.” They paraded shaved and handcuffed detainees, who sometimes wore prison garb, before pro-government reporters, accusing them of various crimes. Following these press conferences, the National Police issued a press release referring to the detainees as “criminals,” “terrorists,” and “coup plotters.”

- Relatives and defense attorneys report that detainees were deprived of their right to confer freely and privately with their legal counsel.\textsuperscript{109} In two cases where defense attorneys were allowed to visit them in prison, they reportedly had to speak with their lawyers in the presence of police officers, prison guards, prosecutors, and/or judges.

- Trials were often conducted behind closed doors. Domestic law and Inter-American human rights standards require open hearings except in specified circumstances.\textsuperscript{110} Detainees’ family members and media considered critical of the government were often barred from hearings, particularly when criminal proceedings began. Relatives were allowed to enter the courtroom after proceedings had ended to see the defendants for a few minutes. In August 2018, the Supreme Court barred international human rights bodies from monitoring trials.\textsuperscript{111}


\textsuperscript{109} Political Constitution of Nicaragua, 2014, art. 34, para. 4, states that detainees’ right to defense must be “guaranteed... from the start of the proceedings and [allow] adequate time and means to prepare their defense”; Ibid., para. 5, states that detainees have the right to “communicate freely and privately with their counsel.”


\textsuperscript{111} On August 14, the Supreme Court of Justice informed IACHR and OHCHR representatives in Nicaragua that the court must receive express authorization from the Ministry of Foreign Affairs to allow human rights bodies to monitor the hearings. The IACHR and OHCHR subsequently asked the ministry for access but received no reply. See “Supreme Court of Justice clarifies...
These human rights violations combine to severely undermine defendants’ right to a fair trial.

Our findings are consistent with violations identified by international human rights bodies. In January 2019, the IACHR found that:

[T]he hundreds of arbitrary detentions that have taken place; the targeted and mass criminalization of demonstrators, human rights defenders, journalists, students, social leaders, and government dissidents on unfounded and disproportionate charges; the systematic pattern of violations of due process guarantees; the ineffectiveness of the recourse to habeas corpus; the irregularities around access to legal defense and public hearings; the handling of trials for criminal offenses such as terrorism which are interpreted in a way that is incompatible with democracy; the failure to comply with release orders for those who took part in the recent protests; and the general manipulation of criminal law to prosecute any opposition to the current government; taken together, reveal the lack of independence of the Nicaraguan legal system as a whole.\(^\text{112}\)

Counter-Terrorism Legislation

During the crackdown, in July 2018, the National Assembly approved new counter-terrorism legislation that had been under consideration since early April.\(^\text{113}\) The legislation amended articles 394 and 395 of the Criminal Code, providing an overly broad definition of participation of the GIEI in the hearings and trials” (“CSJ aclara sobre participación del GIEI en las audiencias y juicios”), Supreme Court of Justice of Nicaragua press release, August 14, 2018, https://www.poderjudicial.gob.ni/prensa/notas_prensa_detaille.asp?id_noticia=8947 (accessed June 7, 2019).


\(^\text{113}\) “Law on money laundering, the financing of terrorism, and the financing of the proliferation of weapons of mass destruction” (“Ley contra el lavado de activos, el financiamiento al terrorismo y el financiamiento a la proliferación de armas de destrucción masiva”), National Assembly of the Republic of Nicaragua, No. 997, 2018, https://www.uaf.gob.ni/images/Pdf/Leyes/Ley_N._977_Ley_Contra_el_LA-FT-FPADM.PDF (accessed June 12, 2019).
“terrorism.”\textsuperscript{114} The new definition includes destruction of property and “intimidation” as terrorist acts, as well as “disturbance of the constitutional order.”\textsuperscript{115}

There is no universal legal definition of terrorism. However, the former UN special rapporteur on counterterrorism and human rights has set forth a model definition that is limited to the “intentional taking of hostages” or acts that are “intended to cause death or serious bodily injury to one or more members of the general population or segments of it,” with the aim of “provoking a state of terror in the general public or a segment of it” or “compelling a government or international organization to do or abstain from doing something.”\textsuperscript{116}

After his visit in September, the IACHR’s rapporteur on the rights of people deprived of liberty called on judicial authorities to “better scrutinize charges of terrorism, especially given that considering ‘disturbance of the constitutional order’ a consequence of terrorist acts is highly subjective and does not form part of international practices to suppress terrorism.”\textsuperscript{117}

The OHCHR expressed concern that the new law’s “overbroad definition of terrorism” could be used against “people who are taking part in protests.”\textsuperscript{118} Within hours of the OHCHR statement, Foreign Affairs Minister Denis Moncada Colindres accused the UN high commissioner for human rights of being “an accomplice to the actions that terrorists groups have carried out” by making such statements.\textsuperscript{119} It was a glimpse of how aggressively the Nicaraguan government might deploy the new definition of terrorism to stifle criticism.

\textsuperscript{114} Ibid., art. 44.
\textsuperscript{115} Ibid.
The Permanent Commission on Human Rights (CPDH), a Nicaraguan non-governmental organization, provided legal representation to 145 defendants in cases related to the protests. Of these, 77 stand accused of terrorism and 61 of organized crime, often together with other crimes. The terrorism and organized crime charges, if admitted by a judge, allow lengthier proceedings, preclude conditional release, and bar pre-trial detention for detainees under 18 years old. The media reported one case, however, in which two 17-year-old boys accused of terrorism were held in pre-trial detention for months in a prison for adults.

Cases documented by Human Rights Watch

Medardo Mairena and Pedro Mena

Medardo Mairena, 41, leads a farmers’ movement opposing the construction of a government-backed transoceanic canal in southern Nicaragua. Pedro Mena, 51, is a farmer active in the movement. Mairena harshly criticized Ortega’s violent crackdown on protesters and publicly called for his resignation. In May, he became a civil society representative in the national dialogue with government officials to find a solution to the crisis.

On July 13, police detained Mairena and Mena at Managua’s international airport, as they prepared to board a flight. In an official statement issued hours later, the National Police celebrated the “capture” of the “terrorist” Mairena. They accused him of being “directly responsible” for a “massacre.” The whereabouts of Mairena and Mena remained

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124 Ibid.
unknown for four days, until they were finally brought before a judge.\textsuperscript{125} According to the OHCHR, this constituted an “enforced disappearance.”\textsuperscript{126}

At a hearing on July 17, a prosecutor accused the two activists of being co-authors of “terrorism,” “organized crime,” and “blocking public services,” and having masterminded “murder,” “kidnapping,” “aggravated robbery,” and “aggravated damages.”\textsuperscript{127} The prosecutor cited alleged violent incidents at three roadblocks, as well as the murder of four police officers in a remote town in Nicaragua’s southernmost province.\textsuperscript{128} He accused Mairena and Mena of being the “intellectual authors” of the crimes, which were allegedly intended to “rupture the constitutional order and overthrow the government.”\textsuperscript{129}

In the prosecutor’s accusation, the only actual piece of evidence supposedly linking Mairena and Mena to the crimes are two WhatsApp messages from a woman named “Carla M” in a group chat that allegedly included the defendants. According to the prosecutor’s accusation, her message reads: “Be careful with what you write because if this information is leaked, there could be serious problems.” Another message allegedly said: “say that the Police attacked and that they took the townhall and that the confrontation was between themselves.”\textsuperscript{130} At the pre-trial hearing, the prosecutor produced no other evidence implicating Mairena and Mena as intellectual authors, according to the formal accusation.\textsuperscript{131} However, the judge allowed the case to move to trial and sent both to pre-trial detention.

According to the defense attorney, only pro-government outlets were allowed into the pre-trial hearing.\textsuperscript{132}

\textsuperscript{125} Attorney General’s Office, Accusation File No. 1066-1890, July 17, 2018 (copy on file at Human Rights Watch). Human Rights Watch reviewed the attorney general’s accusation against Mairena and Mena: their arrest protocols are dated July 13, but the accusation was only submitted on July 17.


\textsuperscript{127} Attorney General’s Office, Accusation File No. 1066-1890, July 17, 2018 (copy on file at Human Rights Watch).

\textsuperscript{128} Ibid; Human Rights Watch telephone interview with Alfredo Mairena, brother of Medardo Mairena, August 15, 2018.

\textsuperscript{129} Attorney General’s Office, Accusation File No. 1066-1890, July 17, 2018, p. 6 (copy on file at Human Rights Watch).

\textsuperscript{130} Ibid., p. 9.

\textsuperscript{131} Ibid.

\textsuperscript{132} Human Rights Watch private communication with Julio Montenegro, Mairena and Mena’s defense attorney, August 15, 2018.
Mairena’s brother and Mena’s son told Human Rights Watch that for 12 days following the activists’ arrest, the police did not tell their families where they were being held.¹³³ Mairena and Mena were brought before a judge on the fourth day; a human rights lawyer saw them in the courthouse and reported it to the press.¹³⁴ Then, for another week: silence. The families took food to El Chipote prison in Managua every day, and although police accepted the packages, they never explicitly confirmed whether the activists were there.¹³⁵

On July 25, police told Mairena’s brother and Mena’s son that the activists had been transferred from El Chipote prison to La Modelo prison. Guards allowed Mairena and Mena to see their relatives for the first time that day, only for 15 minutes. They brought both activists to the visitation room in handcuffs joined by a chain to leg irons, and guards removed the shackles in the presence of Mairena and Mena’s relatives.¹³⁶

The activists told their relatives that police officers in El Chipote had beaten them, deprived them of sleep, and forced them to kneel for hours. Officers also threatened to kill their family members, Mairena’s brother told Human Rights Watch.¹³⁷

Neither Mareina’s nor Mena’s relatives were allowed into the first trial hearing on August 15, Mairena’s brother told Human Rights Watch.¹³⁸ Their defense lawyer, an attorney from the Permanent Commission of Human Rights (CPDH, by its Spanish acronym), said that he was allowed in 15 minutes before the hearing started to speak to his clients; he said that

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¹³⁶ Human Rights Watch telephone interview with Alfredo Mairena, Medardo Mairena’s brother, October 13, 2018.
¹³⁷ Human Rights Watch telephone interview with Alfredo Mairena, Medardo Mairena’s brother, August 15, 2018.
¹³⁸ Human Rights Watch private communication with Alfredo Mairena, brother of Medardo Mairena, and Kelner Mena, son of Pedro Mena, August 15, 2018.
two police officers hovered near them as they talked.\textsuperscript{139} Observers from the IACHR and the OHCHR were barred from attending the hearing.\textsuperscript{140}

The next time his brother could visit, on September 25, Mairena told him that prison guards never let him out of his cell and did not allow him to call his relatives. While Mairena and his brother spoke, the brother told Human Rights Watch, the guards used their phones to photograph and video them.\textsuperscript{141}

Mena’s son also visited on September 25. Mena had contracted an ear infection, and his neck was visibly swollen. Mena told him that prison authorities had failed to provide medical care.\textsuperscript{142}

The defense attorney said that throughout the trial, prison authorities refused to let him confer with Mairena in private.\textsuperscript{143}

Mairena’s brother and Mena’s son told Human Rights Watch that since the arrests, police and armed pro-government gangs have harassed and intimidated Mairena’s and Mena’s relatives. They live outside of Managua but rushed to the city when they learned of the arrests. During July and August, police and armed pro-government groups went to at least five hotels in Managua asking about their whereabouts, they said. They allegedly threatened to set the buildings on fire unless the hotel owners threw out the activists’ relatives, the relatives said.\textsuperscript{144}

On October 15, the IACHR granted Mairena and his immediate family precautionary measures, given the “gravity and urgency” of their situation. In addition to the facts outlined above, the IACHR noted Mairena was allegedly held in a maximum-security cell in

\textsuperscript{139} Human Rights Watch private communication with Julio Montenegro, Mairena and Mena’s defense attorney, August 15, 2018.

\textsuperscript{140} Human Rights Watch private communication with a member of MESENI, August 15, 2018.

\textsuperscript{141} Human Rights Watch telephone interview with Alfredo Mairena, brother of Medardo Mairena, October 13, 2018.

\textsuperscript{142} Ibid.

\textsuperscript{143} Human Rights Watch private communication with Julio Montenegro, Mairena and Mena’s defense attorney, August 15, 2018.

\textsuperscript{144} Human Rights Watch telephone interview with Alfredo Mairena, brother of Medardo Mairena, and Kelner Mena, son of Pedro Mena, August 15, 2018.
isolation, in darkness, unable to make calls to his relatives and in appalling unsanitary conditions.145

Mairena and Mena’s fourth hearing, scheduled for November 6, was suspended. Earlier that day, a few human rights defenders from the Nicaraguan Center for Human Rights (CENIDH) held a peaceful demonstration at the courthouse, protesting the activists’ imprisonment. Dozens of riot police surrounded the demonstrators, a CENIDH staff member told Human Rights Watch.146

On December 17, Judge Edgar Altamirano convicted Medardo Mairena and Pedro Mena of terrorism, aggravated robbery, aggravated damages, kidnapping and obstructing public services; the prosecutor asked for a prison sentence of 73 years for Mairena and 63 years for Mena.147 On February 18, 2019, the judge handed down a sentence of 216 years for Mairena and 210 years for Mena; however, the judge explained they would serve the maximum sentence of 30 years established under Nicaraguan criminal law, according to media reports.148

On May 15, the IACHR requested that the Inter-American Court on Human Rights grant provisional protective measures for Medardo Mairena on the basis he was in a “situation of extreme gravity and urgency of irreparable harm.”149

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146 Human Rights Watch private messages with CENIDH staff, November 6, 2018.


On June 11, Medardo Mairena and Pedro Mena were released from prison pursuant to the approval of the amnesty law that came into force on June 10.\textsuperscript{150}

\textit{Christian Fajardo and María Adilia Peralta}

Christian Fajardo, 37, and María Adilia Peralta, 30, a married couple, are leaders of the April 19 Movement in Masaya. Both have regularly taken part in anti-government demonstrations and roadblocks.

On June 19, Fajardo, along with several other activists, announced that the movement was consulting with constitutional lawyers to create a self-governed community in Masaya, according to media reports.\textsuperscript{151} “We have a police force that murders us and...our mayor abandoned the city,” Fajardo said, “so the city of Masaya will form its own government.”\textsuperscript{152}

At about 3 a.m. on June 20, armed men in plain clothes broke into a small hotel that the couple owns in Masaya. According to Fajardo’s declarations to \textit{La Prensa}, they brutally assaulted Fajardo’s 69-year-old uncle, hitting him with rifles before tossing him out on the street, barefoot and bloodied. The men vandalized the property, Fajardo told the newspaper, dousing it with gasoline and setting fire to it.\textsuperscript{153}

On July 22, army personnel detained Fajardo and Peralta in Sapoá, 65 miles south of Masaya and about 3 miles from the Costa Rican border. The couple had intended to seek asylum in the neighboring country.\textsuperscript{154}


\textsuperscript{152} Ibid.


\textsuperscript{154} Human Rights Watch telephone interview with a relative of María Adilia Peralta, August 15, 2018.
Three days after their capture, the IACHR adopted precautionary measures for Fajardo and his family, including Peralta, to prevent “irreparable harm” to them.¹⁵⁵ Authorities refused to reveal the whereabouts of the couple for six days, which constituted an enforced disappearance, according to the OHCHR.¹⁵⁶

On July 27, Peralta’s mother went to El Chipote prison to deliver food for them, assuming they were being held there. Government supporters on the gates of the prison taunted her and other relatives of detainees, as they passed, she told us, calling them “disgraceful old women” bringing food for “criminals and murderers.”¹⁵⁷

On July 28, the couple appeared before a judge. A relative told Human Rights Watch that they were barred from attending the hearing, at which a prosecutor charged the couple with “terrorism,” “financing terrorism,” “organized crime,” “murder,” “kidnapping,” “desecrating a human corpse,” and “obstructing public services.” Only three days before the IACHR had granted them precautionary measures following the multiple alleged acts of harassment and violence against Fajardo and his family.¹⁵⁸ The following day, Peralta was transferred to La Esperanza, a women’s prison, and Fajardo to La Modelo prison, both in Managua.

The National Police issued an official statement on July 30, saying Fajardo and Peralta had led “criminal acts against the population in general.”¹⁵⁹ At a press conference, police

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commissioner Farle Roa called them “terrorists” with “ties” to opposition politicians and student activists accused of participating in criminal acts.\textsuperscript{160}

On August 2, their relatives were able to visit them for the first time. Peralta told her mother that police officers forced her to strip to her underwear and that she remained undressed the entire six days at El Chipote prison. She slept on the bare concrete floor. Fajardo was brought to the visitation room with his hands and feet cuffed and chained.\textsuperscript{161}

Prison guards told relatives their visits would be limited to once every 21 days.

On August 22, police captured Fajardo’s brother, Santiago Fajardo. The next day, police commissioner Mayor Farle Roa announced in a press conference that Santiago was a “terrorist ringleader” in Masaya, as police presented him to the pro-government press.\textsuperscript{162}

The Attorney General’s Office charged Santiago with terrorism, financing terrorism, organized crime, kidnapping, and torture, along with his brother and Peralta.\textsuperscript{163}

On January 15, 2019, Judge Edgar Altamirano, who had convicted Medardo Mairena and Pedro Mena, found the Fajardo brothers and Peralta guilty of financing terrorism, organized crime, and blocking public services. The prosecutor asked for 42 years for the Fajardo brothers and five for Peralta, who was accused as co-author.\textsuperscript{164}

\textsuperscript{160} Ibid.

\textsuperscript{161} Human Rights Watch telephone interview with a relative of María Adilia Peralta, August 15, 2018. The relative was told by the relative of Fajardo what she saw.


On May 15, the IACHR requested that the Inter-American Court on Human Rights grant provisional protective measures for Christian Fajardo on the basis he was in a “situation of extreme gravity and urgency of irreparable harm.”

On May 20, María Adilia Peralta was released from prison with precautionary measures in the context of talks between the government and the opposition. On June 11, Christian and Santiago Fajardo were released from prison pursuant to the approval of the amnesty law that came into force on June 10.

**Nelly Roque Ordóñez**

On June 26, armed pro-government groups shot at the pickup truck in which five young demonstrators—including Eduardo Manuel Tijerino, whose case is described in the previous chapter—were traveling on the Pan-American Highway between Managua and Matagalpa. One of the tires was punctured during the shooting, forcing them to stop; before the youth could flee on foot, a dozen armed, hooded men surrounded them.

Among the protestors was Nelly Roque Ordóñez, a 27-year-old engineer, photographer, and environmental activist. Roque had taken part in anti-government demonstrations and, since mid-May, had remained at a roadblock in Matagalpa, where she took responsibility for procuring food and medicine for protestors.

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169 Unless otherwise stated, all the information about Roque’s case is based on Human Rights Watch telephone interviews with Nelly Marily Roque, May 17, 2019; Gloria Elena Ordóñez Vargas, Nelly Marily Roque Ordóñez’s aunt, on August 16 and October 26, 2018; and official trial documents including the habeas corpus order (Sala Penal Número Dos de Managua, Mandamiento, Número de Asunto 00961-ORM4-2018-CN, Número de Asunto Principal 000961-ORM4-2018-CN, June 29, 2018), the accusation submitted by the Attorney General on July 31, 2018 (Acusación Fiscal, Juzgado Séptimo de Distrito de lo Penal de Audiencias de Managua, Expediente Fiscal No. 1190-240-2018JD, July 31, 2018), the accusation submitted by the Attorney General on June 29, 2018 (Acusación Fiscal, Expediente Fiscal No. 933-240-18JD, Informe Policial No.00089-2018-DAJ, June 29, 2018), and the transcript of a preliminary hearing (Juzgado Séptimo Distrito de lo Penal Acta de Audiencia de Managua, Asunto no. 011623-ORM4-2018-PN, Acta de Audiencia Preliminar, August 1, 2018).
The armed hooded men pointed their guns at them and threatened to kill them, Roque told Human Rights Watch. They made them take off their shoes and they tied their hands with the shoelaces. The hooded men beat up one of the protestors because he wore a t-shirt with a pro-opposition slogan that referenced the 1979 Nicaraguan revolution (“Free Nicaragua”), Roque said. “They would ask us where the weapons were. Then the police came, they took pictures of us...The [armed hooded men] loaded us onto the [police] pickup truck. We were wet and with no shoes...They lifted me up by pulling on my hair and they threw me on the truck bed. We didn’t know where we were going,” she told Human Rights Watch.

The other female protestors in the group rode in the front with the police officers, Roque said. When they were unloaded from the pickup truck at El Chipote prison, in Managua, the woman was “crying, she told me they would kill us, [she said they were] telling her they would torture us and kill and the ways they would kill us,” Roque told Human Rights Watch. “When we arrived [female police officers] made us strip naked and do squats,” she said. A female police officer subsequently interrogated Roque and asked her if she was part of a social movement, whether she was a member of a civil society organization, and whether she had participated in demonstrations.

Three days after the arrests, an appeals court granted a habeas corpus petition, filed by Roque’s family because she remained detained without charge after the constitutional limit of 48 hours. Under the Nicaraguan criminal system, such petitions are filed to an appeals court; if granted the court appoints an executioner of the petition to oversee the conditions in which a prisoner is held. The court granted the petition, a relative of Roque told us, but she was not released.

On June 30, four days after her arrest, Roque appeared in court for the first time. The prosecutor charged her and four other protesters with “organized crime,” “extortive kidnapping,” “aggravated robbery,” “illegal possession of weapons,” and “possession of

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171 Human Rights Watch reviewed a copy of the habeas corpus ruling, Mandamiento, Numero de Asunto 000961-ORM4-2018-CN, June 29, 2018 (copy on file at Human Rights Watch); Human Rights Watch telephone interview with a relative of Nelly Marily Roque, August 16, 2018.
restricted weapons.” Before her pre-trial hearing, Roque was not allowed to contact her relatives nor to consult a lawyer, she told Human Rights Watch. The relatives of the defendants were only allowed into the courtroom after the hearing had ended, and only for a few minutes, she said.

After nine days in El Chipote prison, Roque was transferred, on July 5, to the women’s prison, La Esperanza.

On July 18, the prosecutor attempted to hold a hearing in the cases of Roque and the four other protesters—in the absence of Roque and another woman accused. The judge refused, insisting on a public hearing in which they were present. According to media reports, the hearing ended abruptly when three of the five accused were dragged out of the courtroom by prison guards without specifying any reason. The next day, the Supreme Court removed the judge from office, arguing she had committed “irregularities” when classifying crimes presented by the Attorney General’s Office.

On August 1, Roque was again brought to court to face new accusations in a separate case. A prosecutor charged her and nine other demonstrators with “terrorism” and “obstructing public services.” The prosecutor accused them of attacking and robbing a couple in a barricade in Matagalpa.

During all hearings in both of Roque’s cases, her relatives were not allowed into the courtroom until after proceedings had ended.

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175 Accusation submitted by the Attorney General’s Office against Nelly Marily Roque and others on July 31, 2018 (copy on file at Human Rights Watch).
On July 26, Roque’s aunt brought the activist’s three-year-old daughter to see her for the first time since her arrest. When we last communicated with her aunt in November 2018, they had been meeting regularly every 21 days; Roque subsequently confirmed this in a separate interview. She also said she would get only 30 minutes of yard time per week. But Roque was not allowed to make calls to her daughter, her aunt, or her defense lawyer. Roque’s defense lawyer had not been allowed to meet with her at the prison. The only time they saw each other was during trial hearings, when Roque was brought into the courtroom.\(^\text{176}\)

Roque’s aunt told us she obtained three court orders for a doctor to evaluate Roque’s health. Roque has hypothyroidism, a chronic condition that requires check-ups to evaluate adjustments to her medication. Roque’s aunt said that prison authorities allowed her to deliver medication, but Roque told Human Rights Watch that prison authorities only took her to a nurse and “they never did any testing.”\(^\text{177}\) At one point, she spent two days vomiting but was not allowed to go for a consultation, she said.

“The most difficult thing was that every time we had family visits, and on our way to the courthouse and when we came back, they would make us strip naked and do squats. It was really humiliating. It was denigrating. They would completely humiliate us. Even when we had our period,” Roque told Human Rights Watch.\(^\text{178}\) She also said that prison guards prohibited her and other women who faced trial in connection with their participation in the protests from interacting with other prisoners.

On November 28, Judge Melvin Leopoldo Vargas García convicted Roque along with four other protestors for “organized crime,” “extortive kidnapping,” “aggravated robbery,” “illegal possession of weapons,” and “possession of restricted weapons.”\(^\text{179}\) The prosecutor asked that she be sentenced to 61 years in prison; in the Nicaraguan criminal code, however, the maximum sentence is of 30 years. On December 10, 2018, a judge sentenced her to 18 years and six months in prison for “organized crime,” “illegal arms

\(^{176}\) Human Rights Watch telephone interview with Nelly Marily Roque, May 17, 2019.

\(^{177}\) Human Rights Watch telephone interview with a relative of Nelly Marily Roque, October 26, 2018.

\(^{178}\) Human Rights Watch telephone interview with Nelly Marily Roque, May 17, 2019.

possession” and “kidnapping.”¹⁸⁰ The entire time she was imprisoned in La Esperanza during her trial, she was not allowed to meet with her lawyer, she told Human Rights Watch.

On April 5, 2019, Nelly Marily Roque was released with precautionary measures in the context of negotiations between the government and the opposition.

Guillermo Sobalvarro Oporta

Professional chef and rugby player Guillermo Alberto Sobalvarro Oporta, 23, owns an event-planning business with his mother, Sara Oporta, in Managua.¹⁸¹ Sobalvarro and his family participated in several anti-government demonstrations after protests broke out in April. He also brought homecooked meals and water to protesters at barricades near the Polytechnic University (UPOLI).

Sobalvarro’s mother told Human Rights Watch that he was detained on the afternoon of June 15, after he left to go grocery shopping in a market in Managua. Right before he was apprehended, Sobalvarro managed to call his brother-in-law and tell him he was about to be taken away.

Sobalvarro’s relatives immediately went looking for him at El Chipote prison in Managua, and the police stationed at the prison confirmed he was there.

On June 19, Sobalvarro was brought before a judge for the first time.

A prosecutor charged him with aggravated robbery, alleging he had broken into and robbed the home of Police Commissioner Juan Valle Valle.¹⁸² The prosecutor said police officers had caught Sobalvarro and six others in the act of committing the crime on June 16.¹⁸³ Yet, according to his mother, Sobalvarro had been arrested a day earlier, on June

¹⁸¹ Unless otherwise indicated, all the information about this case is based on a Human Rights Watch telephone interview with Sara Oporta, mother of Guillermo Alberto Sobalvarro Oporta, October 17, 2018.
¹⁸³ Ibid.
And according to trial documents reviewed by Human Rights Watch, the brother in law testified in court he had indeed received a call from Sobalvarro a couple of minutes past 4 p.m.

The majority of the prosecutor’s witnesses were police officers. Their statements in court, which we reviewed, were fundamentally inconsistent. Police Commissioner Valle, who was the alleged victim, and a traffic police officer testified they caught Sobalvarro at 3 p.m. in Valle’s house. A lieutenant under Valle’s command said he apprehended Sobalvarro at 8:45 a.m. Two other officers said he was caught at 3 a.m. The only consistency was that they all said the break-in happened on June 16, when, according to his mother, Sobalvarro was already in prison.

On June 26, Sobalvarro was transferred from El Chipote prison to La Modelo prison to await trial. Prison authorities allowed his mother, Sara Oporta, to see him that day for 15 minutes. “When I hugged him,” she told Human Rights Watch, “he whispered in my ear: my body hurts from all the beatings I’ve taken.” They could not speak freely, she said, as many police officers watched closely, using their cellphones to film them.

For the duration of the trial hearings, Oporta was barred from court. The judge only allowed her to enter the courtroom after proceedings had ended. She was able to see her son this way four times, for five minutes each. She also saw him once, for 15 minutes, on June 26, when he was transferred to La Modelo prison.

Prison authorities did not allow Sobalvarro’s defense lawyer to confer with him in detention. His lawyer was only able to talk to him as he entered the court, for a few minutes before trial hearings began.

On October 15, a judge declared Sobalvarro not guilty, based on “undeniable contradictions among witnesses.”

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184 Tenth Criminal Court in Managua, Transcript of Sentencing Hearing of Ruling 148-2018 (copy on file at Human Rights Watch).
Commissioner Valle appealed the not guilty verdict.

On January 2, 2019, police raided Oporta’s home as she was preparing to host a press conference with mothers of jailed protestors; she and the other women fled through a backdoor. Oporta remained in hiding through March.\(^{187}\) She told Human Rights Watch she had not been able to return to her home because armed men in plainclothes constantly surrounded it.\(^{188}\)

While Sobalvarro remained incarcerated, prison authorities refused him permission to make phone calls. Despite the judge’s not guilty verdict, Sobalvarro remained imprisoned at La Modelo until March 2019 when he was released in the context of negotiations between the government and the opposition.\(^{189}\) In May 2019, Sobalvarro left the country.\(^{190}\)

**Albert Bernard Monroe**

Albert Bernard Monroe, 25, was tried and acquitted with Guillermo Sobalvarro Oporta on the same basis – the “undeniable contradictions between witnesses” – all of whom were police officers, including Commissioner Juan Valle Valle and three of his subordinates (see above).\(^{191}\) Monroe and Sobalvarro say that they did not know each other before they found themselves in the same jail.\(^{192}\)

Police arrested both Sobalvarro and Monroe on the afternoon of June 15 in Managua, Monroe’s mother told Human Rights Watch. Originally from Bluefields, a port town on the Caribbean Coast, Monroe had come to Managua in April to work. He was staying with his older brother in Managua when the protests broke out, and he supported roadblocks that protestors erected around the Polytechnic University (UPOLI), near his brother’s house.

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\(^{187}\) Human Rights Watch private communication with Sara Oporta on March 2, 2019.

\(^{188}\) Human Rights Watch private messages with Sara Oporta, January 2, 2019 and January 7, 2019.


\(^{190}\) Human Rights Watch private communication with Sara Oporta on May 14, 2019.

\(^{191}\) Tenth Criminal Court in Managua, Transcript of Sentencing Hearing of Ruling 148-2018, October 16, 2018 (copy on file at Human Rights Watch).

\(^{192}\) Unless otherwise indicated, all the information about this case is based on a Human Rights Watch telephone interview with Fluvia Adilia Monroe Taylor, mother of Albert Bernard Monroe, October 31, 2018.
On June 15, Monroe left home at around 9 a.m., but never returned. On June 18, after days without news from Monroe, his brother went to El Chipote prison, where an officer confirmed that Monroe was detained there. On June 19, four days after being taken into custody, the prosecutor brought aggravated robbery charges against Monroe and Sobalvarro at the same pre-trial hearing. The next day, police transferred them to La Modelo prison.

Monroe’s mother, who lived on the east coast, could not come to Managua for eight days, until June 27. The following day she obtained a special visiting permit and saw her son for the first time since his arrest; prison guards brought him into the visiting room with cuffed hands and feet. The guard removed the restraints and allowed them to sit together.

Speaking in Creole English, Monroe’s first language, he told his mother masked riot police had stopped him near a mall in Managua, as he headed home. One of them, who wore the National Police’s regular light blue uniform and later handed over Monroe to other officers at El Chipote prison, said that if they did not make him talk, he would “make him sing,” Monroe’s mother told Human Rights Watch. The officers repeatedly beat him and asked, “where the weapons were.” Monroe told them he did not know of any weapons. The officers called in the man in the light blue uniform who allegedly inserted his gun inside Monroe’s mouth and threatened to kill him and disappear his body. Officers beat Monroe again until he fainted, he told his mother. When he regained consciousness, he was in a wet cell wearing only underwear, he allegedly told his mother.

Monroe’s mother saw her son again after trial hearings for a couple of minutes; the judge allowed her and Sobalvarro’s mother to see the young men when proceedings ended. She had a 45-minute family visit on October 17, when she could speak to him from behind glass.

The prison authorities did not allow Monroe’s lawyer to meet with her client in prison.

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As described above in the case of Guillermo Sobalvarro, the judge acquitted Monroe on grounds that the testimony of Valle and his subordinates contained multiple contradictions.\textsuperscript{194}

Commissioner Valle appealed the not guilty verdict.

Monroe remained imprisoned at La Modelo until March 2019 when he was released in the context of negotiations between the government and the opposition.\textsuperscript{195}

\textit{Dilon Zeledón Ramos}

Dilon Zeledón Ramos, 20, is a 4\textsuperscript{th} year accounting student at the public National Autonomous University of Nicaragua in the city of Matagalpa (UNAN-FAREM).\textsuperscript{196}

Before protests broke out in April, Zeledón was a staunch supporter of the governing Sandinista party. As authorities doubled down on the crackdown on dissent, Zeledón joined the April 19 Movement.

Police and armed pro-government groups captured Zeledón on July 21. His mother called her sister in Managua, who went to El Chipote prison on July 22, and guards confirmed Zeledón was being held there.

“I didn't hear anything about him for 10 days,” Zeledón's mother, Eimy Ramos, told Human Rights Watch.

On August 1, a prosecutor brought Zeledón before a judge for the first time and charged him with “terrorism,” “extortive kidnapping,” “aggravated robbery,” “moderate psychological injuries,” “threats with weapons,” and “blocking public services,” all in

\textsuperscript{194} Ibid.


\textsuperscript{196} Unless otherwise indicated, all the information about this case is based on a Human Rights Watch telephone interview with Eimy José Ramos Hernández, mother of Dilon Antonio Zeledón Ramos, October 17, 2018.
connection with the case of a couple who were allegedly attacked and robbed at a roadblock in Matagalpa.\textsuperscript{197}

Prison authorities had not allowed Zeledón to meet with his lawyer in detention when we spoke to his mother in November 2018. The only time Zeledón and his lawyer were able to prepare his defense was in the minutes prior to the beginning of the trial hearings, his mother told Human Rights Watch. The judge only allowed his relatives into the courtroom after the hearings had ended.

The accusation filed by the prosecutor on July 31 alleges that Zeledón was arrested on July 29, eight days after the day his relatives say he was detained.\textsuperscript{198} If he had been detained on July 29, as the prosecutor’s accusation stated, his presentation before the court on August 1 would have complied with the Nicaraguan legal requirement to present detainees before a judge within 48 hours.

Ramos saw her son for the first time in El Chipote prison on August 7, when they were able to meet for 15 minutes. According to Ramos, Zeledón said that after he was captured, police beat him and loaded him into a pick-up truck. It made one stop between Matagalpa and Managua, Zeledón told his mother, during which a police officer made him kneel beside the highway and pointed a gun to his head, threatening to kill him. “We’re going to see how tough you really are now,” the officer allegedly told him. His mother says he told her that in El Chipote, police beat him, applied electric shocks to his testicles, and pulled him out of his cell at 3 a.m., night after night, to interrogate him. On August 9, Ramos saw her son again. Zeledón told her he had bled from his ears and his hearing had diminished, she said.

On September 13, Ramos went to see her son again, but police accused her of smuggling objects in her vagina. “They humiliated me. I told them to search me then because I was not about to lose the possibility of seeing my son,” she told Human Rights Watch. Instead,
police simply refused her entry. The mother of another detainee told her that Zeledón had had seizures repeatedly in previous days.

On September 17, when Ramos delivered food and personal items for his son, the guards threatened her: “They said if I continued telling the press that my son was having seizures in prison, they wouldn’t let me in,” Ramos said.\footnote{In at least two press articles in major outlets the week prior to September 17, Zeledón’s mother spoke of her concerns about his poor health. Luis Eduardo Martínez, “Mother reports that her son convulses due to torture he receives at La Modelo” (“Madre denuncia que su hijo convulsiona por las torturas que recibe en La Modelo”), La Prensa, September 3, 2018, \url{https://www.laprensa.com.ni/2018/09/03/departamentales/2466516-madre-denuncia-que-su-hijo-convulsiona-por-las-torturas-que-recibe-en-la-modelo} (accessed June 8, 2019); Luis Eduardo Martínez, “University student convulsed in La Modelo prison” (“Universitario convulsionó en la cárcel Modelo”), Periódico de Hoy, September 3, 2018, \url{http://www.hoy.com.ni/2018/09/03/universitario-convulsiono-en-la-carcel-modelo} (accessed June 8, 2019).}

During a visit on October 4, Zeledón confirmed to his mother that he had had seizures several times in prison. Guards constantly took pictures and videos of them during the family visit.

On January 18, 2019, a judge convicted Zeledón to 25 years and six months in prison on the charges of “terrorism,” “robbery,” and “kidnapping.”\footnote{“Ortega’s justice condemns four student leaders from Matagalpa” (“Justicia orteguista condena a cuatro líderes estudiantiles de Matagalpa”), La Prensa, January 18, 2019, \url{https://www.laprensa.com.ni/2019/01/18/nacionales/2515263-justicia-orteguista-condena-a-mas-lideres-estudiantiles-de-matagalpa} (accessed June 8, 2019).} His mother told Human Rights Watch prison authorities never allowed him to meet privately with his lawyer and, at the time of writing, he was still not allowed to make phone calls. The last time she visited him, on March 18, 2019, he told her he still had seizures regularly. A nurse administers his treatment, the mother said.\footnote{Human Rights Watch private communication with Eimy José Ramos Hernández, mother of Dilon Antonio Zeledón Ramos, March 23, 2019.}

On May 20, Dilon Zeledón Ramos was released from prison with precautionary measures in the context of talks between the government and the opposition.\footnote{Interior Ministry press release, May 20, 2019, \url{https://www.migob.gob.ni/nota-de-prensa-15} (accessed June 15, 2019).} He has completely lost his hearing in his right ear, his mother told Human Rights Watch.\footnote{Human Rights Watch private communication with Eimy Ramos, June 15, 2019.}
Félix Maradiaga

On September 24, the Attorney General’s Office used a new law approved by Congress in July to accuse Félix Maradiaga—a chief opposition figure and director of the prestigious Institute of Strategic Studies and Public Policy research center (IEEPP, by its Spanish acronym)—of “financing terrorism.”

Maradiaga, an outspoken critic with international visibility, had been publicly accused in June by a police commissioner of being implicated in terrorist acts. In July, a pro-government mob violently assaulted him in León.

According to pro-government media, the indictment says Maradiaga trained people to participate in “destabilizing activities that took place since April 18” by creating a Civil Society Leaders Institute, whose stated mission is to impart values of democracy and human rights to youth. Along with Maradiaga, the Attorney General’s Office also accused two demonstrators of financing terrorism.

Five days later, the police searched IEEPP’s office in Managua. The officers presented a search warrant and took away hundreds of documents from 2016, 2017, and 2018, which the press reported were loaded onto ordinary trucks with no license plates that departed guarded by police vehicles. As described in the following chapter, in December, the pro-

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government majority in the National Assembly of Nicaragua cancelled the legal registration of the IEEPP. The IEEPP’s bank accounts had been frozen earlier that month.

At the time of the indictment, Maradiaga was in the United States rallying diplomatic pressure against the Ortega government during the United Nations General Assembly. After Maradiaga began taking a public stance against the crackdown on dissent, the IEEPP became a target of a smear campaign in social media, some of the messages accusing it of having links it to the U.S. Central Intelligence Agency (CIA). As of June, Maradiaga had not returned to Nicaragua.

**Tomás Maldonado Pérez**

Retired Army Major Tomás Maldonado Pérez, 63, was an active supporter of the Sandinista government and its party, FSLN, for decades until 2007, when he left the political scene and turned toward his evangelical faith. He was ordained as a pastor in 2016. Because he had a military background, armed pro-government groups that worked jointly with the police repeatedly sought his support, but he always refused. Instead, he prayed with the protesting youth at the Jinotepe barricades. As a result, he began receiving threats.

Shortly after armed pro-government groups and police dismantled the barricades in Jinotepe and Diriamba, Maldonado left Jinotepe to live with his daughter in Managua.

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211 Human Rights Watch reviewed several of the pictures that circulated in social media associating the IEEPP with the CIA and speculating about the sources of its funding.

212 Human Rights Watch interview with Yesenia Maldonado, daughter of Tomás Maldonado, November 1, 2018.

213 Ibid.

214 Ibid.

215 According to CENIDH, 105 people were wounded and at least 14 others, including two police officers, were killed on July 8. CENIDH, “Report No. 4” (“Informe No. 4”), July 18, 2018, https://www.cenidh.org/recursos/62/ (accessed June 8, 2019). The police issued a press release condemning the killing of its two officers, it made no mention of the other dozen civilians killed in the operation; see “Press Note No. 79 – 2018” (“Nota de prensa No. 79 – 2018”), National Police of Nicaragua press release, July 8, 2018, https://www.policia.gob.ni/?p=19756 (accessed June 4, 2019).
At around 1 p.m. on August 2, uniformed police officers and armed pro-government groups jointly stormed into Maldonando’s daughter’s house, and pointed their guns at everybody present, ordering them to be quiet and sit down. One of the raiders grabbed Maldonado by the neck, dragged him out, and threw him in the back of a pick-up truck without license plates, according to a sworn statement made by his daughter in a habeas corpus petition.216

Despite the guns pointed at her and her relatives, Maldonado’s daughter dared to ask where they were taking her father. The officers and armed civilians did not respond and took Maldonado away. One of his relatives followed the pick-up truck on his motorbike and discovered that Maldonado had been taken to El Chipote prison.

The next day, his daughter went to El Chipote to look for him, but police officers told her he was not there. She returned the following day, and police officers again denied Maldonado was in their custody.217

On August 5, Maldonado’s daughter submitted a habeas corpus petition, arguing the officers had presented neither a search nor an arrest warrant when they entered their home and took Maldonado away.218 An appeals court granted her petition, but the court appointed a judge who was then out of the country to implement it. The tribunal appointed another judge to verify Maldonado’s whereabouts on August 24, but family members interviewed in November 2018 by Human Rights Watch did not know if the judge had in fact visited the prison.219

After 22 days, police officers at El Chipote prison told Maldonado’s wife and daughter that he was being held there—the first official confirmation of his whereabouts. Until then, he had been a victim of enforced disappearance.

216 Human Rights Watch reviewed a sworn statement given by Brenda Maldonado, Tomás Maldonado’s daughter, for a habeas corpus petition introduced on his behalf on August 5, 2018. Habeas corpus petition, Matter no. 001413-ORM4-2018-CN, First Criminal Chamber of the Managua Appeals Tribunal, August 5, 2018 (copy on file at Human Rights Watch).
217 Ibid.
218 Ibid.
After his arrest, armed pro-government groups harassed Maldonado’s family in Jinotepe for about a week. On August 3, unknown individuals broke into their house when nobody was home. During the following days, people threw stones at the house and spray painted the walls with the words “terrorist,” “murderer,” and “lead” (or plomo in Spanish, which alludes to bullets). Government supporters often wrote on social media that “terrorists” should be prescribed plomo.²²⁰

On August 24, Maldonado was brought before a judge. The Attorney General’s Office charged him with “terrorism,” “organized crime,” “blocking public services,” and “grave injuries.”²²¹

According to the prosecutor’s charging document reviewed by Human Rights Watch, Maldonado allegedly headed a “criminal group” created at the end of 2017 to “incite fear and panic amidst the population” in Jinotepe, Dolores, and Diriamba, Carazo province.²²² The document includes language frequently used by authorities to describe opponents as “coup plotters.”

Maldonado’s family only learned that a hearing had taken place when pro-government media reported on a press conference held by the National Police on August 28, in which Maldonado stood flanked by hooded police officers. General Luis Alberto Pérez Olivas, chief of El Chipote prison, accused him of leading a terrorist group.²²³

A week later, on August 31, Maldonado’s relatives learned, when they went to El Chipote to deliver food for him, that he had been transferred to La Modelo prison. On September 3, a month after he was taken away, his family finally was able to speak to him briefly, under the constant watch of guards.

²²⁰ Human Rights Watch interview with Yesenia Maldonado, daughter of Tomás Maldonado, November 1, 2018. Human Rights Watch also reviewed multiple photographs of Maldonado’s house in Jinotepe that his daughter, Yesenia Maldonado shared with Human Rights Watch (copies on file at Human Rights Watch).
²²¹ TERRORISMO, CRIMEN ORGANIZADO, ENTORPECIMIENTO DE SERVICIOS PUBLICOS Y DANO AGRAVADO
Maldonado told his family that he had been in isolation since his arrest. Living with diabetes and chronic hypertension, he also complained that he was not getting all his medicines on the proper schedules.

On January 31, 2019, a judge found Maldonado guilty of terrorism, organized crime and obstructing public services, among others. The prosecutor asked that he receive a 34-year prison sentence but the sentencing hearing did not take place.\(^{224}\)

On June 11, Tomás Maldonado Pérez was released from prison pursuant to the approval of an amnesty law that came into force on June 10.\(^{225}\)

Carlos Brenes Sánchez

Carlos Brenes Sánchez, 63, joined the Sandinistas and fought in the civil war that toppled the military dictatorship in 1979. He then served in various postings in the army until 1992, when he retired as a colonel and became a critic of the Sandinista party, accusing its leaders of embezzling public funds. When Ortega regained power in 2006, Brenes remained a dissenting voice, appearing repeatedly in media interviews.\(^{226}\)

On August 28, soldiers captured Brenes at the Peñas Blancas border post with Costa Rica as he attempted to flee Nicaragua. The army turned him over to the police shortly after. That day, his relatives found out he was detained when they received pictures over

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WhatsApp of Brenes in police custody at the border and then in the back of a police pick-up truck; pro-government outlets had published them online.227

The next day, his family brought him food and medicine at El Chipote prison in Managua. Prison guards accepted the package but did not explicitly acknowledge he was there.

Accompanied by a group of retired military officers, Brenes called for “the return of democracy” during a public statement on May 17 in his native Monimbó.228 After that, he began receiving anonymous death threats, his daughter told Human Rights Watch.229

Brenes learned on August 25 that a warrant had been issued for his arrest, another one of his relatives told Human Rights Watch, but he waited two days before leaving for Costa Rica because he got anonymous phone calls saying he was being watched and was going to get killed.230

A day after his detention, on August 29, prosecutors brought Brenes before a judge and charged him with “terrorism,” “organized crime,” “blocking public services,” and “aggravated damages” against “Nicaraguan society and the state of Nicaragua.” He was accused of coordinating “terrorist acts” and attacking a police station in Jinotepe, together with Tomás Maldonado (see above).231 According to his daughter and defense attorney, he was forbidden to meet with his defense lawyer while in detention; he could only speak


with her minutes before the hearing.\(^{232}\) The judge barred Brenes’ family members from the courtroom, a relative said.\(^ {233}\)

On August 30, the deputy director of El Chipote prison, Commissioner Farle Roa, organized a press conference with pro-government media outlets and announced that the National Police had captured Brenes. The officer called Brenes a “terrorist” and displayed him to cameras flanked by two hooded police officers.\(^ {234}\)

Brenes was transferred to La Modelo prison on August 31. His wife only found out after she attempted to deliver food for him at El Chipote, and prison guards told her about the transfer. Prison authorities allowed Brenes’ wife and daughter to see him on September 3, after waiting for eight hours and being forced to pull down their trousers in front of female guards before entering the prison.

Officers led the family members to a room with contiguous phone booths where Brenes told them, through a glass window, that he had not been beaten, but was detained alone in a dark cell and had been repeatedly threatened. Suffering from diabetes and hypertension, Brenes told his family that prison authorities administered his insulin, but not at the intervals required by his condition.

They were able to speak for 15 minutes before guards took Brenes away. Four guards stood beside them during the visit, filmed and took pictures of them, and took notes.

During our last interview in March 2019, Brenes’ relatives said they were allowed to see him in prison once a month and, in addition, he had one conjugal visit per month. Brenes’ relatives expressed concern for his health; they said guards were not giving him the medicines they had purchased for him and delivered to prison authorities.\(^ {235}\)

\(^ {232}\) Thelma Brenes, Carlos Brenes’ daughter, sent Human Rights Watch a detailed written summary of her father’s case on September 25, 2018 via e-mail. Human Rights Watch also reviewed a legal analysis of the case prepared by Brenes’ defense lawyer which also stated his right to counsel had been undermined.

\(^ {233}\) Human Rights Watch telephone interview with a relative of Carlos Brenes, October 31, 2018.


Prison authorities have not allowed Brenes to make phone calls to either his family or his defense lawyer. According to his relatives, prison authorities have never allowed Brenes’ lawyer to visit him in prison either.\textsuperscript{236} The first hearing on his trial took place on September 21. His relatives were barred from entering the courtroom until the end of the hearing, when they saw him for five minutes. They were allowed into subsequent hearings.\textsuperscript{237}

On January 31, 2019, Brenes was declared guilty of terrorism, organized crime, and obstructing public services, among others. The prosecutor asked that he be given a 32-year prison sentence, according to press reports; the sentencing hearing did not take place, his daughter told Human Rights Watch.\textsuperscript{238}

On June 11, Carlos Brenes Sánchez was released from prison pursuant to the approval of an amnesty law that came into force on June 10.\textsuperscript{239}

\textit{Amaya Coppens Zamora}

Amaya Coppens Zamora, 24, is a fifth-year medical student at the National University of Nicaragua in León (UNAN-Leon), a graduate of the United World College of Hong Kong, and a leader of the April 19 Movement in the city of León.\textsuperscript{240} She is a dual citizen of Belgium and Nicaragua.

At around 5 p.m. on September 10, police officers and members of an armed pro-government group arrested Coppens and her friend, 28-year-old Sergio Midence, at the Midence family home in León. Police found one 25mm gun in the house.\textsuperscript{241}

\textsuperscript{236} Ibid.

\textsuperscript{237} Ibid.


\textsuperscript{240} Unless otherwise indicated, all the information about this case is based on a Human Rights Watch telephone interview with Frédéric Coppens, father of Amaya Coppens, October 12, 2018.

Coppens’ father said that the officers took Coppens and Midence to a police station in León, where they beat them with their weapons. Police transferred the two to El Chipote prison in Managua on September 12. The same day, Police Commissioner Farle Roa presented Coppens to government media outlets, along with three other protesters including Midence, as “four terrorists.”

Also on September 12, the police chief of El Chipote, Commissioner General Luis Alberto Pérez Olivas, retroactively issued arrest warrants for Coppens and Midence, two days after the police had actually apprehended them.

A relative of Midence filed a habeas corpus petition. The tribunal granted it on September 13 and required a judge to inspect the site where Coppens and Midence were being held, but the judge recused himself without providing any legal reasoning, according to a court document reviewed by Human Rights Watch.

Police held Coppens in El Chipote prison for six days, during which prison authorities did not allow her to see relatives or speak with them on the phone, nor confer with a lawyer.

The Belgian ambassador to Panama flew to Managua and she was able to see Coppens in El Chipote on September 15. The ambassador later told Coppens’ father that Coppens had said that police officers had twice pulled her out of her cell in the middle of the night to interrogate her.

On September 18, eight days after the police took Coppens into custody, she was brought before a judge. The prosecutor charged her with “terrorism,” “kidnapping,” “grave injuries,” “aggravated robbery,” “blocking public services,” and “illegal possession of weapons or ammunition.”

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244 Judicial Appeal 001684-ORM4-2018-CN, September 18, 2018 (copy on file at Human Rights Watch).

Coppens’ lawyer challenged her detention as illegal, arguing it exceeded the 48-hour limit imposed by the Nicaraguan Constitution. The judge dismissed her petition without providing any legal reasoning. The judge argued that all of Coppens’ constitutional rights were respected and even cited the habeas corpus order issued on September 13—which had not been implemented—as an example of existing guarantees.\textsuperscript{246}

Judicial authorities did not allow Coppens’ relatives into the hearing; when it ended, the judge allowed her father to see her for five minutes before prison guards took her away.

The evidence listed by the prosecutor in the accusation against Coppens includes declarations from three police officers saying that on April 20 Coppens directed a mob of people with a megaphone to throw rocks and fire homemade mortars (morteros) at them; testimony from a man saying that Coppens and Midence ordered other protestors to assault him at a roadblock on May 23; and a declaration from a man saying that Coppens had robbed him and ordered other protestors to assault him and kidnap him for several hours on June 3.\textsuperscript{247} As detailed below, all three pieces of evidence contain significant discrepancies or flaws. (An anonymous witness listed as “Code One” also testified against Coppens, but we were not able to obtain or review Code One’s declaration.)

The text of the declarations of the three officers who said Coppens directed the mob on April 20 are almost identical and none contains distinctive elements that normally distinguish individual eyewitness observations.\textsuperscript{248} And in the first version of events the three police officers gave to a forensic doctor who examined them on April 25, they describe a mob of 200 people but do not identify any young woman with a megaphone.\textsuperscript{249} Additionally, two of the three police officers injured in the alleged mob attack suffered only

\textsuperscript{246} Preliminary hearing document, File No. 01438-ORM4-2018-PN, Case No. 01438-ORM4-2018-PN, September 18, 2018, pp. 3-4, (copy on file at Human Rights Watch).


\textsuperscript{248} Photographic Recognition Writ signed by police officer Noel Alexander Centeno Tellez, April 25, 2018; Photographic Recognition Writ signed by police officer Juan Francisco Quant Rodriguez, April 25, 2018; Photographic Recognition Writ signed by Ervin Genera Mendez Reyes, April 25, 2018 (copy on file at Human Rights Watch).

superficial injuries, and none required medical treatment.\textsuperscript{250} The man who said Coppens ordered protesters to assault him on May 23 initially told a different story, one that implicated neither Coppens nor Midence. On July 9, he told the forensic doctor who evaluated his injuries that two protesters with other names had badly injured him and incited other protestors to assault him and attempt to kill him by dropping a block on his head.\textsuperscript{251} The victim did not mention Coppens or Midence. In the version of his testimony the prosecutor presented in the accusation, however, the alleged victim said these two other protesters had brought him to Amaya Coppens and Sergio Midence, who then gave the order to assault him.\textsuperscript{252}

The man who testified that Coppens and Midence ordered protesters to assault and kidnap him on June 3 also told two different stories. In his statement to the forensic doctor immediately after the incident, he said he passed a barricade and that several protestors there identified him as an “infiltrated police officer” (a \textit{policía infiltrado} or spy sent by police), and proceeded to beat him. He then received medical care from one of the doctors stationed at the roadblock with the protestors who transferred him to a hospital in León, where he received treatment for his injuries.\textsuperscript{253}

The statement referenced by the prosecutor’s accusation two months later, however, includes a different sequence of events. In it, the victim claims he was driving by the roadblock in León on his motorcycle on June 3, when a woman identified him as a police officer and said that he and all his family should be hurt. A man he knew was sitting in a nearby car and they struck up conversation. The protestors quickly found them and made both leave the vehicle and follow them. The victim claimed the protestors then made them walk to another location, where Coppens was; he claims she stole his belongings and that people who accompanied Coppens allegedly beat them, tied them, and loaded them into

\textsuperscript{250} Human Rights Watch reviewed the forensic evaluations performed by the Legal Medicine Institute on the three police officers. Supreme Court of Justice, Legal Medicine Institute, Report 1400-2018, April 25, 2018. Supreme Court of Justice, Legal Medicine Institute, Report 1399-2018, April 25, 2018 (copies on file at Human Rights Watch).

\textsuperscript{251} Human Rights Watch compared the declaration the victim gave to the medical forensic examiner on July 9 (Supreme Court of Justice, Legal Medicine Institute, Report 1921-2018, July 9, 2018 with the version presented by the prosecutor in his accusation; copies on file at Human Rights Watch).


\textsuperscript{253} Human Rights Watch reviewed the report of the examination performed by the forensic doctor on the alleged victim Supreme Court of Justice, Legal Medicine Institute, Report 1791-2018, June 5, 2018, (copy on file at Human Rights Watch).
the back of a pick-up truck. He claimed Sergio Midence then drove them to a secluded location, where he held them for an hour before driving them back to the roadblock, where protestors again beat him.254

On October 11, Coppens’ first trial hearing was cancelled after her defense lawyer requested that the case be heard in León, where the crimes had allegedly taken place. Her request was refused, and the trial resumed in Managua.

Coppens’ lawyer met with his client for the first time on December 21, while Coppens was in detention. Prison guards watched them for the whole meeting, and they prohibited the defense lawyer from giving Coppens a paper copy of the prosecutor’s accusation against her.255 When they met on February 17 for 20 minutes, they were surrounded by three prison guards, the lawyer told Human Rights Watch.256

In January, Coppens’ father said he had been allowed to visit her in prison regularly, once every three months.257 Prison guards constantly surrounded them and filmed them with their cellphones during visits. Prison authorities have not allowed Coppens to make calls, her father said.

On May 15, the IACHR requested that the Inter-American Court on Human Rights grant provisional protective measures for Amaya Coppens and other female prisoners on the basis she was in a “situation of extreme gravity and urgency of irreparable harm.”258

On June 11, Amaya Coppens Zamora was released from prison pursuant to the approval of an amnesty law that came into force on June 10.259

255 Human Rights Watch private messaging with Frédéric Coppens, father of Amaya Coppens, January 8, 2019.
257 Human Rights Watch private messaging with Frédéric Coppens, father of Amaya Coppens, January 8, 2019.
Attacks on Free Press and Civil Society

In its June 2018 report, the Inter-American Commission of Human Rights (IACHR) found that the Nicaraguan government had “adopted measures of direct and indirect censorship restricting the widest range of public information about what is happening in the country.”\(^{260}\) The commission documented attacks against journalists as well as violent attacks against media outlets and destruction of their facilities and equipment.\(^{261}\)

Similarly, in its August 2018 report, the Office of the High Commissioner for Human Rights (OHCHR) concluded that there are no “conditions for the free and safe exercise of the rights to freedoms of expression, peaceful assembly and association.”\(^{262}\) A November 2018 statement by several UN experts highlighted that “protesters, human rights defenders, and others who have been critical of the Government have been persecuted, threatened and criminalised.”\(^{263}\)

The crackdown on civil society and the free press intensified between November and December 2018, when the National Assembly stripped nine NGOs of their legal registration, authorities shut down two media outlets, and police arrested two journalists.\(^{264}\) Between April 2018 and January 2019, 56 Nicaraguan journalists have gone into exile, according to a journalists’ association.\(^{265}\)

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\(^{261}\) Ibid., pp. 67 – 70.


Several of the activists targeted had already been victims of harassment under Ortega’s administration in previous years. For example, Medardo Mairena, the leader of the farmers’ movement who was sentenced to 216 years in prison in December 2018 (see previous chapter), had been detained and held incommunicado by the police for 2 days in September 2017. Vilma Núñez, a prominent human rights defender whose organization was shut down, had been the subject of hostile remarks by Ortega’s ministers in March 2017, who issued a public letter stating she had “repeatedly offended the People and the Government of Nicaragua, with the intention of disrupting the Harmony and Unity [of the nation]” after she received an award from the US ambassador recognizing her human rights work. Indeed, as the Interdisciplinary Group of Independent Experts (GIEI, by its Spanish acronym) noted in its December 2018 report, even prior to the 2018 crackdown in Nicaragua, the climate for human rights defenders there had been one of “political hostility, persecution and smear campaigns fostered by the government.” Furthermore, the GIEI noted, “there is a grave situation of impunity for the acts committed to their detriment.”

**Independent Media**

As has been previously reported, since April 2018, police and armed pro-government groups have harassed, intimidated, assaulted, and arbitrarily detained several journalists, and immigration authorities summarily deported two foreign journalists. State regulators

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269 Ibid.

have shut down critical news channels for days and independent online outlets have been repeatedly subject to cyber-attacks.\footnote{271}

On April 19, 2018, four TV news channels were taken off the air. The director of one station, 100\% \textit{Noticias}, said that the state telecommunications regulator had told him to stop covering the protests or “face the consequences,” and that the cable company subsequently informed him that the regulator had ordered it to stop broadcasting the channel.\footnote{272} He said that he and three other members of his staff received anonymous calls threatening to set the station’s office on fire.\footnote{273} The three other channels were back on the air after six hours, but 100\% \textit{Noticias} was not able to resume broadcasting until April 24.\footnote{274}

On May 28, police assaulted two \textit{EFE} reporters in Managua, one of them later told the press. Photographer Jorge Torres and camerawoman Renée Lucía Ramos were covering a protest near the National Engineering University (UNI) when police began firing rubber bullets and live ammunition at protestors. The journalists took cover behind a car. Two police officers found them and kicked them and rough handled them while shouting: “get up motherfuckers!” Torres and Ramos showed the officers their press credentials before managing to escape their grip and run to a nearby gas station. The officers fired rubber bullets at them, but they were not hit.\footnote{275}

On June 19, armed pro-government groups detained Leticia Gaitán – of 100\% \textit{Noticias}– and Daliana Ocaña and Luis Alemán of \textit{Channel 12} when they attempted to cover the crackdown on protestors in Masaya, the journalists later said in an interview with the press. A group of 10 armed men approached them when they exited their car on the Masaya Highway, fired their weapons in the air, and shouted at them to lie on the ground.


\footnote{272} Human Rights Watch telephone interview with Miguel Mora, 100\% \textit{Noticias} owner, April 20, 2019.

\footnote{273} Ibid.


\footnote{275} “National Police assaults \textit{EFE} Agency’s graphic team in Nicaragua” (“La Policía Nacional agrede a un equipo gráfico de la Agencia \textit{EFE} en Nicaragua”), \textit{EFE}, May 28, 2018, \url{https://www.efe.com/efe/americas/sociedad/la-policia-nacional-agrede-a-un-equipo-grafico-de-agencia-efe-en-nicaragua/20000013-3630728} (accessed June 8, 2019). Human Rights Watch reviewed a video testimony provided by Ramos where she described the incident, as well as a video she allegedly shot where she is heard screaming “we are press” (\textit{somos prensa}, in Spanish) as she is surrounded by armed riot police officers in black uniforms.
The men searched the reporters and robbed them of their equipment. One of them kicked Alemán twice while he was lying down. The ordeal lasted approximately 30 minutes, before the men left the team on the ground.\textsuperscript{276} Gaitán fled the country on December 23, 2018, after two of her colleagues were jailed on terrorism charges (see below).\textsuperscript{277}

On August 25, police arrested Brazilian-American documentary filmmaker Emilia Mello in San Marcos, Carazo, when she was on her way to cover a demonstration in Granada. Police brought Mello to El Chipote prison, where they subjected her to a long interrogation and “psychological abuse,” according to the IACHR executive secretary.\textsuperscript{278} The next day, Nicaraguan authorities made her board a flight to El Salvador.\textsuperscript{279}

On October 1, police arrested Austrian-American reporter Carl Goette-Luciak in his home in Managua. Goette-Luciak told the press that police handcuffed him and brought him to the airport barefoot and shirtless, where they interrogated him for five hours. The reporter said one police officer threatened to “torture” him and “take” him to El Chipote prison if he did not give him the passcode for his phone. Another officer told him he was going to be deported because he was present at “illegal marches,” Goette-Luciak said in an interview. That night, authorities deported him.\textsuperscript{280}

On the night of December 13, the National Police raided the offices of Confidencial. Carlos Fernando Chamorro, Confidencial’s chief press officer, has been a staunch government critic. The police confiscated computers, hard drives and other journalism equipment, and

\textsuperscript{276} Maynor Salázar, “Police told paramilitaries that they assaulted journalists” (“Policía avisó a los paramilitares que asaltaron a los periodistas”), Confidencial, June 20, 2018, https://confidencial.com.ni/policia-aviso-a-los-paramilitares-que-asaltaron-a-los-periodistas/ (accessed June 8, 2019). Human Rights Watch also reviewed a broadcast of an interview with the three journalists where they recounted the incident; see, “Journalists from Channel 12 and 100% Noticias attacked by paramilitaries” (“Periodistas de Canal 12 y 100% Noticias agredidos por paramilitares”), video clip, YouTube, June 20, 2018, https://www.youtube.com/watch?v=nNlvjYsO1s (accessed June 8, 2019).


\textsuperscript{279} Ibid.

numerous legal and accounting documents. In the same building, the police ransacked the offices of an environmental consulting business owned by Chamorro’s wife.

Officers from the police’s special operations department (DOEP) occupied the buildings belonging to Chamorro where Confidencial and CINCO—a research center focused on media studies, which Chamorro also leads—are hosted. As of June, the police remained on site and were forbidding the staff entry.

Five weeks after the assault on Confidencial, Chamorro went into exile in Costa Rica with his wife to protect his “physical integrity and freedom,” he told the press. The journalist said the threats had intensified after police took over his offices. He continues to run Confidencial and broadcast online his two television programs from Costa Rica.

On December 21, police raided the studio of news channel 100% Noticias and arrested their chief press officer, Lucía Pineda; the channel’s owner, Miguel Mora and journalist Verónica Chávez, who is also Mora’s wife. Minutes prior to the raid, the state regulating entity shut down 100% Noticias broadcast. The next day, police released Chávez and took Mora before a judge; the Attorney General’s Office charged him with “provoking, proposing and conspiring to commit terrorist acts” and “provoking, excusing and inciting hate crimes,” with the aggravating circumstances of “discrimination based on political ideology.” The week before, on December 13, the IACHR had granted precautionary measures to Mora and his wife, as well as another journalist working for the channel,

281 Human Rights Watch instant message communication with a Confidencial journalist, December 14, 2018.
286 Ibid; Human Rights Watch also reviewed and has on file a copy of the shutdown order issued by the Nicaraguan Institute of Telecommunications and Mail (TELCOR).
urging the state of Nicaragua to adopt special protective measures to safeguard their integrity.\textsuperscript{288}

On December 23, Pineda was brought before a judge after two days being held incommunicado. The Attorney General’s Office charged her with the same crimes as Mora. The charging document revealed that three other 100\% \textit{Noticias} reporters were also accused of committing the same crimes; they have since fled the country.\textsuperscript{289} On February 11, 2019, the IACHR granted precautionary measures to Pineda, citing alleged acts of “psychological torture” she would have been subject to during several interrogations in El Chipote.\textsuperscript{290}

On May 15, the IACHR requested that the Inter-American Court on Human Rights grant provisional protective measures for Mora and Pineda, on the basis they were in a “situation of extreme gravity and urgency of irreparable harm.” The Commission also cited allegations that Mora and Pineda were being held in maximum security or isolation, with little natural lighting and restrictions to their family visits. Mora allegedly lost considerable weight after a hunger strike which could pose a risk to his health, the Commission noted.\textsuperscript{291}

On June 11, Mora and Pineda were released from prison pursuant to the approval of an amnesty law that came into force on June 10.\textsuperscript{292}


Civil Society

Between November 29 and December 13, 2018, Congress stripped nine non-governmental organizations of their legal registration, effectively forcing them to shut down. Congressman Filiberto Rodríguez of the ruling party introduced the motions stripping them of registration at the request of the Interior Ministry. On the night of December 13, the National Police raided five of these organizations, confiscating many documents and computers.

On November 29, Congress cancelled the legal registration of the Information and Service Center for Health Counselling (CISAS, by its Spanish acronym), a 35-year-old organization dedicated to health education and HIV/AIDS prevention. Rodríguez said the group was “participating in destabilizing activities against the government and Nicaraguan society” and that it should not have “taken part in protests.”

Three days earlier, immigration authorities had deported the group’s founder and director, Ana Quirós, a vocal feminist activist and critic of the Ortega administration who had become a Nicaraguan citizen after immigrating from Costa Rica. Immigration authorities summoned Quirós, informed her that she was stripped of her Nicaraguan citizenship and detained her in El Chipote prison for six hours before deporting her to Costa Rica, she later told Confidencial. Quirós was neither allowed to consult a lawyer nor to challenge in court the decision to strip her of her citizenship, she said. After living for 40 years in Nicaragua, she is now in Costa Rica.

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295 Ibid.
On the same day Quirós was deported, immigration authorities subpoenaed one Swiss and two Spanish feminist activists who had resided and worked in Nicaragua for years and had been vocal critics of Ortega’s government. The government revoked their residency permits and compelled them to present themselves before immigration authorities every 15 days. Previously, on October 26, three representatives of the Center for Justice and International Law (CEJIL, by its Spanish acronym), a human rights organization, were denied entry at Managua’s international airport when they attempted to visit the country.

On December 11, Congress cancelled the legal registration of the Institute of Strategic Studies and Public Policy (IEEPP, by its Spanish acronym). Police had raided the group’s offices weeks earlier, confiscating many documents, and the authorities had frozen the organization’s bank accounts. As described in the previous chapter, in September, the Attorney General’s Office accused Félix Maradiaga—a chief opposition figure and director of the IEEPP—of “financing terrorism.”

On December 12, Congress cancelled the legal registration of two other organizations it claimed were implicated in “an attempted coup,” an official news release said. One was the Nicaraguan Center for Human Rights (CENIDH, by its Spanish acronym), a prestigious human rights organization.

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302 See an analysis of the case against Maradiaga in the chapter “Abuse-Ridden Prosecutions” of this report.

28-year-old human rights organization with international recognition whose lawyers and researchers have played an essential role supporting victims of the crackdown.

On December 13, Congress cancelled the legal registration of five more groups that had been critical of the Ortega administration. Congress said in a news release that it had shut the groups down because they had “performed activities to destabilize the country” and due to delays in filing financial reports.  

In every case, the Interior Ministry asked Congress to shut down the organizations because they had “deviated from the purpose for which they had been created,” according to three official news releases issued by Congress. Under article 24 of Law 147, Congress can revoke legal registration of an organization if it “perform[s] activities that do not correspond to its mission statement.” This legislation grants the government dangerously broad powers to dissolve organizations that criticize it.

On the night of December 13, the National Police raided the offices of CENIDH. Officers from the police’s special operations department (DOEP, by its Spanish acronym) occupied CENIDH’s bureau in Managua and did not allow the staff to come into their office, according to media reports and CENIDH’s president.

The NGO shutdowns were followed by criminal accusations against prominent human rights defenders and the expulsion of the IACHR Special Monitoring Mechanism for

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306 Ibid.


Nicaragua (MESENI, by its Spanish acronym).309 Previously, representatives from the OHCHR had been expelled following the publication of a scathing report.310

On December 19, 2018, General Luis Pérez Olivas accused CENIDH’s president, Vilma Núñez, and their general counsel, Gonzalo Carrión, of being implicated in a fire that killed four adults and two children at a house in Managua. General Pérez said that Núñez had “instigated” the survivors to accuse the government and the police in exchange for “visas to the US and Costa Rica,” and that Carrión had given “false declarations” blaming police for the incident to “conceal the true criminals.”311

On the same day, the representatives of MESENI were called to the Foreign Affairs Ministry and told their presence in Nicaragua was “suspended.” In a letter to the secretary general of the Organization of American States, Foreign Affairs Minister Moncada accused MESENI and GIEI of having an “interventionist attitude” despite the government’s “good faith.”312

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312 Ministry of Foreign Affairs, MRE/DM-DMC/00572/12/18E, December 19, 2018 (copy on file at Human Rights Watch).
Pathways to Legal Accountability Outside Nicaragua

Universal Jurisdiction
The principle of “universal jurisdiction” allows national prosecutors to pursue individuals believed to be responsible for certain grave international crimes such as torture, war crimes, and crimes against humanity, even though they were committed elsewhere and neither the accused nor the victims are nationals of the country.

Such prosecutions are an important part of international efforts to hold perpetrators of atrocities accountable, provide justice to victims who have nowhere else to turn, deter future crimes, and help ensure that countries do not become safe havens for abusers. Universal jurisdiction can act as a crucial safeguard against impunity when states are unwilling or unable to properly investigate and try alleged crimes that occur on their territory.313

The Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment requires states parties to either extradite or prosecute officials of foreign governments present on their soil, who have committed acts of torture.314 A similar provision is included in the Inter American Convention to Prevent and Punish Torture.315

Legal Frameworks for Sanctions

The Global Magnitsky Human Rights Accountability Act (United States)
The Global Magnitsky Human Rights Accountability Act, passed by Congress in 2016, authorizes the president of the United States to block or revoke the visas of certain “foreign persons” (whether individuals or entities) or to impose property sanctions on them. Sanctions can be imposed on a foreign person or entity who is:

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• Responsible for or acted as an agent for someone responsible for “extrajudicial killings, torture, or other gross violations of internationally recognized human rights,” outside of the US against persons seeking to exercise certain rights or expose illegal activity by the government; or who is,

• A government official or senior associate of government officials complicit in “acts of significant corruption.”

These sanctions can include the freezing of financial assets held in US banks, the seizure of property held in the US, and bans on visas for traveling to the US. The effect can be to deny sanctioned people entry into the US and effectively prevent them from entering into transactions with large numbers of banks and companies. Both US firms and international firms with US subsidiaries run the risk of violating US sanctions if they do business with sanctioned people.

In July 2018, the US Treasury Department imposed sanctions on three Nicaraguans implicated in human rights abuses and corruption pursuant to Executive Order 13818, “Blocking the Property of Persons Involved in Serious Human Rights Abuse or Corruption,” which implements and expands upon the Global Magnitsky Act. Two of them were sanctioned for their responsibility in the 2018 crackdown on protestors: Francisco Díaz, then National Police commissioner who directed police operations during the repression; and Fidel Moreno, the main liaison between municipal governments and the FSLN. Moreno is also the leader of the Sandinista Youth, the party’s youth organization that has been implicated in abuses during the protests. The third individual was sanctioned for alleged acts of corruption.

On November 27, 2018, US President Donald Trump issued Executive Order 13851, which stated the “violent response by the Government of Nicaragua to the protests that began on April 18, 2018, and the Ortega regime’s systematic dismantling and undermining of democratic institutions and the rule of law, its use of indiscriminate violence and

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repressive tactics against civilians...constitutes an unusual and extraordinary threat to the national security and foreign policy of the United States.”

Based on this executive order, the US Treasury sanctioned Vice-President Rosario Murillo and presidential aide Nestor Moncada Lau, freezing their assets and imposing a travel ban on both.

**The Nicaragua Human Rights and Anticorruption Act (United States)**

The Nicaragua Human Rights and Anticorruption Act, adopted by the US Congress in December 2018, grants the Treasury Department the power to sanction any “current or former official of the Government of Nicaragua or any person acting on behalf of that Government” whom the US president determines to have been involved or have responsibility in or over the following actions since April 18, 2018:

- “significant acts of violence or conduct that constitutes an abuse or violation of human rights against persons associated with the protests in Nicaragua,”
- “significant actions or policies that undermine democratic processes or institutions,” or,
- “the arrest or prosecution of a person, including an individual or media outlet disseminating information to the public, primarily because of the legitimate exercise by such person of the freedom of speech, assembly, or the press,” among others.

The law defines involvement in various ways, including:

- responsibility for “ordering, controlling, or otherwise directing” the actions;
- having “knowingly participated” in them “directly or indirectly,” or
- being the leader of an institution implicated in the actions.

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The sanctions provided by the law include freezing assets held in the US, forbidding entry to the United States, and revoking US visas. Among others, the act requires the Secretary of State to certify that, within 180 days of the law’s enactment on December 20, Nicaragua is taking “effective steps” including to, among other things:

- “strengthen the rule of law and democratic governance, including the independence of the judicial system and electoral council,”
- protect the rights of Nicaraguans to “freedom of the press, speech and association,” and
- investigate and hold accountable those responsible for the killings during the protests.

The Secretary of State should also submit, within the same timeframe, a report to Congressional committees on the participation of Nicaraguan senior officials in human rights abuses, corruption, and money laundering.

**European Union**

The 2012 European Union Strategic Framework on Human Rights and Democracy, and its implementing action plan, guide EU foreign policy. The framework recognizes the European Union’s aspiration “to build a world founded on respect for human rights, democracy, and the rule of law.” It affirms that such principles “underpin all aspects of the internal and external policies of the European Union.” It also explicitly recognizes that when “faced with violations of human rights, the EU will make use of the full range of instruments at its disposal, including sanctions.”

In accordance with this framework, all agreements on trade or cooperation with non-EU countries stipulate that human rights are central to relations with the EU. The EU has imposed sanctions for human rights breaches in several instances.

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Restrictive measures should be proposed by the High Representative of the Union for Foreign Affairs and Security policy to be then adopted unanimously through a Common Foreign and Security Policy Council decision. If the decision includes an asset freeze or other types of economic or financial sanctions, it should be implemented through a council regulation that describes the scope and details for their implementation. These regulations are binding on any person or entity within the EU.\textsuperscript{323}

One of the strategic objectives of the European Union’s cooperation plan with Nicaragua for 2014-2020 is “the promotion of democracy, good governance, and respect for human rights and the rule of law.”\textsuperscript{324} Similarly, the EU-Central American Free Trade Agreement emphasizes that respect for democratic principles and fundamental rights is “an essential element” of the agreement. A key objective of the agreement is cooperation between parties to “strengthen democratic institutions, full respect for the rule of law (...) and human rights.”\textsuperscript{325}

\textit{Canada}

Canada’s 2017 Justice for Victims of Corrupt Foreign Officials Act provides that the Canadian government can sanction foreign nationals who are:

- [R]esponsible for, or complicit in, extrajudicial killings, torture or other gross violations of internationally recognized human rights committed against individuals in any foreign state who seek:
  - to expose illegal activity carried out by foreign public officials, or
  - to obtain, exercise, defend or promote internationally recognized human rights and freedoms, such as freedom of conscience, religion,
thought, belief, opinion, expression, peaceful assembly and association and the right to a fair trial and democratic elections.\(^{326}\)

The law also allows sanctions against a foreign national who acts “as an agent of or on behalf of a foreign state” in the above-mentioned abuses. Sanctions may include denying the sanctioned person entry to Canada and preventing the sanctioned person or entity from accessing property or other assets held under Canadian jurisdiction.\(^{327}\)

**International Support for Nicaragua’s National Police**

The 2018 budget approved by Nicaragua’s National Assembly lists multiple international funding sources for the National Police that year, when most of the egregious abuses documented in this report took place.

In response to an information request from Human Rights Watch, the head of cooperation of the EU delegation in Managua confirmed that an agreement between the EU and the Nicaraguan government supported activities by several Nicaraguan authorities, including the police, to counter organized crime and prevent drug abuse. The project covered 2014-2018 and consisted of a total of 8 million euros. As of June, the EU representative had failed to respond to a follow-up inquiry from Human Rights Watch, asking how much of that money has gone to the police or whether the project would be renewed.\(^{328}\)

The CABEI’s website shows that, in 2017, the bank approved provision of a total of US$487.8 million to Nicaragua.\(^{329}\) The bank does not specify which government entity receives the funds, but it notes that the vast majority was for construction, and the bank’s funds assigned to the Nicaraguan police in the annual budget show up as allocated to infrastructure. The bank approved two additional loans in 2018 to improve roads and airports. Human Rights Watch submitted an information request on these loans to CABEI

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\(^{328}\) Human Rights Watch email communication with Laurent Sillano, EU representative in Managua, October 16, 2018.

on October 31, 2018.³³⁰ On November 13, Nick Rischbieth, CABIÉ’s executive president, responded that CABIÉ had approved a US$16.3 million loan to Nicaragua in 2011 for the project “Expansion of the Rural Coverage of the National Police to Strengthen Citizen Security.” He emphasized that the CABIÉ’s institutional mandate is to invest in projects that have “high impact in development to improve the quality of life of citizens in the region” and most funding in 2018 was for health projects or to develop infrastructure.³³¹

A representative from the International Cooperation Agency for Development of Andalucía told Human Rights Watch that in July 2017 the agency had approved a donation for 400,000 euros to strengthen prevention activities by the police targeting youth. The project was supposed to last two years, but less than 10 percent of the budget was disbursed as of October 2018. No disbursements were made in April, May, or June 2018, and the project was suspended in July because “the current circumstances do not allow the development of activities foreseen in the project to obtain its planned results.”³³²

On December 6, 2018, the Taiwanese government donated US$3 million to the National Police of Nicaragua. Jaime Chi Mu Wu, Taiwan’s ambassador to Nicaragua, said in a public event with General Francisco Díaz—the sanctioned police chief—that the donation was intended to support the police’s Hospital Carlos Roberto Huembes.³³³ It is unclear why the Taiwanese government chose to make this donation directly to the National Police as opposed to the Interior Ministry, which administers the hospital.

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³³⁰ Letter from José Miguel Vivanco, Americas director at Human Rights Watch, to Nick Rischbieth, executive president of the Central American Bank for Economic Integration, October 31, 2018 (copy on file at Human Rights Watch).
³³¹ Letter from Nick Rischbieth, CABIÉ Executive President, to José Miguel Vivanco, Americas director at Human Rights Watch, OFRI-391/2018, November 13, 2018 (copy on file at Human Rights Watch).
³³² Human Rights Watch interview with Raul Muñoz, program coordinator for cooperation with Central America, October 31, 2018; Email exchange with Raúl Muñoz, October 31, 2018.
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Human Rights Watch would like to thank the numerous Nicaraguan organizations, activists, and human rights defenders that contributed to this report, many of whom asked not to be identified.

Human Rights Watch is also deeply grateful to the survivors of abuse and their family members who shared their testimonies with us. Human rights violations often inflict deep wounds on survivors, witnesses, and their families, and recounting such stories can be painful. Many of the victims of abuse who spoke with us expressed the hope that, by telling their stories, they could help prevent others from suffering the same abuses.
In April 2018, Nicaraguans took to the streets to protest the government of President Daniel Ortega. They were met with violence. A brutal crackdown by the National Police and heavily armed pro-government groups against protesters left more than 300 people dead and more than 2,000 injured. In the ensuing weeks and months, hundreds were arrested as authorities increased their repression of dissent.

Crackdown in Nicaragua examines what happened to many of the hundreds of people arrested by police or abducted by armed pro-government groups. Many detainees were subject to serious abuses that in some cases amounted to torture—including electric shocks, severe beatings, nail removal, asphyxiation, and rape. Some who were injured were reportedly denied medical care in public health centers and doctors who did provide care said they suffered retaliation. Detainees have also been subject to prosecutions for alleged crimes in connection with their participation in anti-government protests or their role in social movements challenging the government that were marred by serious due process violations.

Nicaraguan authorities have threatened, harassed, expelled, or jailed those who expose its abuses. In addition, the government has shut down critical NGOs.

Impunity for these abuses remains the norm. Instead of holding perpetrators accountable, President Ortega, who under Nicaraguan law is the police’s “supreme chief,” has promoted top officials who bear responsibility for the abuses.

The international community has an essential role to play in pressing the Nicaraguan government to curb these abuses. Governments in the Americas and Europe should impose targeted sanctions, such as asset freezes and travel bans, against top Nicaraguan officials. They should also suspend all funding and other support for Nicaragua’s National Police, including any transfers of weaponry and other equipment, that risk being used to further the government’s violent abuses against opponents. They should keep up the pressure needed to force an end to abuses and real accountability for the officials most responsible for them.

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TAB 7
Nicaragua

Events of 2018

An officer of the National Police shoots at a group of people outside the shopping mall Metrocentro in Managua, Nicaragua, May 28, 2018. © 2018 Oscar Martín Sánchez Valdivia

An enormous concentration of power by the executive has allowed President Daniel Ortega’s government to commit egregious abuses against critics and opponents with complete impunity. A crackdown by national police and armed pro-government groups in 2018 left 300 dead, over 2,000 injured, and hundreds arbitrarily arrested and prosecuted.

Since taking office in 2007, Ortega’s government has aggressively dismantled all institutional checks on presidential power. Stacked with his supporters, the Electoral Council barred political parties and removed opposition lawmakers. The Supreme Court of Justice has upheld Electoral Council decisions undermining political rights and allowed Ortega to circumvent a constitutional prohibition on re-election and run for a second term. His party secured a 79 percent majority in Congress in 2016, enabling it to fast-track institutional reforms that gave the president direct personal control over the police and army, allowed him to legislate by decree, and run for indefinite re-election.

Crackdown on Dissent

In April, massive anti-government protests broke out countrywide. Police, in coordination with armed pro-government groups, brutally repressed them, killing hundreds, and injuring several thousand. Government forces were responsible for most of the 324 people killed as of September, a figure that included 23 children, and for most of the over 2,000 injured. Some killings constituted extrajudicial executions. Public hospitals under the purview of the Ministry of Health denied or obstructed medical care for wounded protesters.

Police arbitrarily arrested, and pro-government groups kidnapped, hundreds of people as part of “a policy” to “eradicate the structural conditions that support opposition voices and critics,” according to the United Nations Office of the High Commissioner for Human Rights (OHCHR). In some cases, the
whereabouts of detainees were not confirmed for up to two weeks, constituting enforced disappearances during the time they were missing.

National Police subjected protesters to abuses that at times amounted to torture, including beatings, waterboarding, electric shocks, and rape. Many told the press and Human Rights Watch that they were forced to record self-incriminating videos.

As the crackdown intensified, some individuals responded violently and 22 police officers died between April and September, according to official statistics. The OHCHR found that demonstrators did not make a coordinated effort to use violence.

High level officials repeatedly accused protesters of being “terrorists” or “attempting to overthrow the government.”

Though some detainees have been released, Nicaraguan nongovernmental organizations providing legal counsel to detainees reported that 477 people were being prosecuted in connection with the protests. Among these were 136 people accused of terrorism-related offenses, some under the new counterterrorism law that the legislature enacted in July.

In September, the attorney general accused Félix Maradiaga, a chief opposition figure and director of a research center, of “financing terrorism” under the new law. According to press reports, the indictment states that Maradiaga trained people to participate in “destabilizing” activities by creating a Civil Society Leaders Institute; the institute’s stated mission is to impart values of democracy and human rights to youth.

According to the OHCHR, defendants are subject to due process rights violations that include being denied access to legal representation of their choice, being unable to meet privately with their lawyers while in detention, and having closed trial hearings.

Abuses that authorities perpetrated remain unpunished. The Attorney General’s Office and the Supreme Court obstructed international human rights bodies’ efforts to document and investigate these cases.

**Human Rights Defenders**

Human rights defenders and other critics of the government’s human rights record have increasingly become the targets of death threats, intimidation, online defamation campaigns, harassment, surveillance, assault, and judicial persecution.

Public officials repeatedly made stigmatizing statements to undermine the credibility of defenders. In July, during a public address, Ortega referred to prominent Catholic bishops who have denounced government abuses as “assassins” and “coup-plotters.”

In November and December, Congress stripped nine civil society organizations of their legal registration at the request of the Interior Ministry. Police raided five of their offices and confiscated documents and computers.
Freedom of Expression

Authorities and armed pro-government groups harassed, threatened, intimidated, attacked, robbed, and confiscated equipment from journalists and bloggers who reported on the protests. In October, police briefly arbitrarily detained journalists from La Prensa newspaper and reporters from TV channel 100% Noticias while they covered a peaceful protest; authorities also searched their vehicles, according to media accounts. Reporters who are critical of the government often face online smear campaigns.

On December 13, the National Police raided the offices of news outlet Confidencial, led by internationally recognized journalist Carlos Fernando Chamorro. Police confiscated computers, hard drives, and numerous legal and accounting documents. At the time of writing, officers from the Special Operations Unit (DOEP) were still occupying the building.

Foreign correspondents have at times been detained and deported. In August, for example, police detained Emilia Mello, a Brazilian-American documentary filmmaker in Carazo, confiscated her equipment, interrogated her for several hours, and deported her the next day.

Political Discrimination

During the crackdown, the Nicaraguan Health Ministry authorities fired at least 135 doctors, nurses, and other health workers from several public hospitals in apparent retaliation for participating in protests or otherwise expressing disagreement with government policy. At least 40 professors from the National University of Nicaragua (UNAN), a public institution, were fired since the start of the protests for supporting or taking part in anti-government demonstrations, according to media. The Inter American Commission on Human Rights (IACHR) also found public officials were threatened with dismissal if they did not participate in pro-government demonstrations.

Nicaraguan Asylum Seekers

Between April and October 19, the number of Nicaraguans applying for asylum in neighboring Costa Rica increased to 15,584 from only 22 in the previous three months before the crackdown began, according to the UN High Commissioner for Refugees (UNHCR). As of November, another 11,383 people had been given an appointment to seek asylum.

Thousands more fled to Mexico, Panama, and the United States.

Women and Girls’ Sexual and Reproductive Rights

Nicaragua prohibits abortion in all circumstances, even if a pregnancy is life-threatening or resulted from rape or incest. The 2006 total abortion ban penalizes women and girls who have abortions with prison terms of up to two years. The penalties for medical professionals range from one to six years in prison for providing abortions. A 2008 legal challenge submitted to the Supreme Court argued that the ban was unconstitutional. The court never ruled on this case, nor on a similar one regarding the 2014 constitution. The abortion ban remains in place and forces women and girls facing unwanted pregnancies to have clandestine abortions, at great risk to their health and lives.
Key International Actors

After an in-country visit in May, the IACHR released a report concluding that Nicaraguan authorities had perpetrated widespread abuses in responding to anti-government protests that were not isolated actions by rogue agents. The IACHR then created a Special Monitoring Mechanism for Nicaragua (MESENI) to remain in country. The government refused to cooperate with MESENI and restricted its operations, including by barring its staff from inspecting detention sites.

Shortly after, the Organization of American States (OAS), the IACHR, and the Nicaraguan government agreed to create an Interdisciplinary Group of Independent Experts (GIEI) that would support the Attorney General Office’s investigations into human rights abuses. The GIEI’s mandate expired in November; in its final press conference it announced judicial authorities had not cooperated in any way foreseen in the agreement. The GIEI also stated it received no information on any investigation or sentence against police officers or members of armed pro-government groups implicated in abuses. Lastly, the GIEI called for a special prosecutorial unit to be created in the Attorney General’s Office to investigate gross rights violations in the context of protests.

In August, the Supreme Court of Justice ordered MESENI and GIEI to seek authorization from the Foreign Affairs Ministry to enter trial hearings that the law requires to be public. Neither MESENI nor GIEI have been allowed in courthouses; they have repeatedly submitted the requests to the ministry, but these have gone unanswered.

On December 19, Foreign Affairs Minister Denis Moncada expelled the MESENI and GIEI teams, accusing them of having an “interventionist” attitude, a day before the GIEI was due to release a scathing report in Managua. The report, ultimately released in Washington DC, concluded that Nicaraguan authorities, including President Ortega and his police chiefs, should be investigated for the commission of crimes against humanity.

The OAS Permanent Council held several meetings to address the crisis. In August, it created a Working Group on Nicaragua made up of 12 OAS member countries to search “for peaceful and sustainable solutions.” In September, at the behest of the Working Group, the council adopted a resolution calling on its members and permanent observers to take all “appropriate diplomatic measures to support the reinstatement of the rule of law and human rights in Nicaragua.” Only four countries—Venezuela, Bolivia, Saint Vincent, and Nicaragua—voted against it.

The government allowed the OHCHR into the country in June, after months of refusing its requests for an invitation. Authorities consistently obstructed its work, and in August, two days after the OHCHR released a searing report, the Nicaraguan government expelled its representatives.

In September, the UN Security Council held a public meeting on Nicaragua. Two-thirds of its members underscored their concern for ongoing human rights violations, the refugees they have generated, and the expulsion of the OHCHR team. Days later, UN High Commissioner for Human Rights Michelle Bachelet called on the UN Human Rights Council (HRC) to “strengthen its oversight” on Nicaragua and to “take all available measures to address the serious human rights violations which have been documented in recent reports.”

During the September HRC sessions, Argentina, on behalf of a group of 47 countries, delivered a joint statement demanding an immediate halt to extrajudicial executions, forced disappearances, judicial harassment of activists, and arbitrary arrests. Numerous other states, including Australia, Costa Rica
and Iceland, raised similar concerns during their statements in their individual capacity.

Between June and July, the US State Department revoked visas for some Nicaraguan officials allegedly responsible for abuses and “undermining democracy.” The US Treasury Department sanctioned Francisco Díaz, then deputy chief of police and an official from the mayor’s office in Managua under the 2012 Magnitsky Act, “for being responsible for, or the leaders of, entities involved in serious human rights abuse.” In November, US President Donald Trump issued Executive Order 13851, leading to Treasury sanctions on Vice-President Rosario Murillo and top presidential aide Nestor Moncada Lau, freezing their assets and imposing a travel ban on both.

The Nicaragua Human Rights and Anticorruption Act, bipartisan legislation that came into force in December, grants the Treasury Department the power to sanction any “current or former official of the Government of Nicaragua or any person acting on behalf of that Government” who the US president determines has perpetrated or has responsibility for “ordering or otherwise directing, significant acts of violence or human rights violations” in the context of the crackdown that began in April 2018. The act also targets persons involved in significant corruption or responsible for undermining democracy.

In July, the Netherlands suspended an €18.4 million project (US$21,200) in the health sector due to “grave human right violations committed by government officials and parapolice groups.” Shortly after, Luxembourg froze aid disbursements, underlining its “deep concern for the deterioration of the situation” and calling for accountability.

BROWSE COUNTRIES

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Latest News on Nicaragua »

Keynote
TAB 8
FREEDOM IN THE WORLD 2020

Nicaragua

NOT FREE

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<td>Civil Liberties</td>
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LAST YEAR’S SCORE & STATUS

32 /100 Not Free

Global freedom statuses are calculated on a weighted scale. See the methodology.

Note
Overview

The election of Sandinista leader Daniel Ortega in 2006 began a period of democratic deterioration marked by the consolidation of all branches of government under his party’s control, the limitation of fundamental freedoms, and unchecked corruption in government. In 2018, state forces, with the aid of informally allied armed groups, responded to a mass antigovernment movement with violence and repression. The rule of law collapsed as the government moved to put down the movement, with rights monitors reporting the deaths of at least 325 people, extrajudicial detentions, disappearances, and torture. The crisis continued into 2019 as arbitrary arrests and detentions continued, and perceived government opponents reported surveillance and monitoring.

Key Developments in 2019

- In May, following the death in state custody of a political prisoner, the opposition Civic Alliance for Justice and Democracy suspended its participation in a dialogue with the government aimed at negotiating a solution to the country’s political crisis. The government then formally ended the talks in August.
- Between March and June, authorities released almost 400 political prisoners detained during the 2018 protests, though many were released to house arrest. However, arbitrary detentions have continued, prompting a condemnation by the UN High Commissioner for Human Rights (OHCHR) in November of the government’s “persistent repression of dissent and the ongoing pattern of arbitrary arrests.”
- In June, the government passed an amnesty law for crimes committed in the context of the 2018 antigovernment protests. Critics worried that the law effectively shields state authorities from prosecution for extrajudicial killings and other abuses, and bans people who had been detained for protesting from participating in future demonstrations.
- State harassment and repression against the media continued. *El Nuevo Diario*, one of the country’s oldest newspapers, announced in September that it was being forced to close because authorities were preventing it from obtaining newsprint and ink.

Political Rights

A. Electoral Process
Was the current head of government or other chief national authority elected through free and fair elections?

The constitution provides for a directly elected president, and elections are held every five years. Constitutional reforms in 2014 eliminated term limits and required the winner of the presidential ballot to secure a simple plurality of votes.

President Ortega was reelected in 2016 with over 72 percent of the vote in a severely flawed election that was preceded by the Supreme Court’s move to strip the main opposition candidate, Eduardo Montealegre, of control of his Independent Liberal Party (PLI), leaving him no political vehicle to run for president. The decision crippled the PLI, and Ortega’s closest competitor, Maximino Rodríguez of the Constitutionalist Liberal Party (PLC), received just 15 percent of the vote, with no other candidate reaching 5 percent. Ortega’s wife, Rosario Murillo, ran as his vice presidential candidate.

Ortega’s Sandinista National Liberation Front (FSLN) won 135 of 153 mayorships contested in 2017 municipal elections. There were reports ahead of the polls that the FSLN had ignored local primary surveys in order to put its preferred candidates up for election. Seven people were killed in postelection clashes between government and opposition supporters, according to the Nicaraguan Center of Human Rights (CENIDH).

Were the current national legislative representatives elected through free and fair elections?

The constitution provides for a 92-member unicameral National Assembly. Two seats in the legislature are reserved for the previous president and the runner-up in the most recent presidential election. Legislative elections are held every five years.

In 2016 legislative elections, Ortega’s FSLN increased its majority to 70 seats in the National Assembly, followed by the PLC with 13 seats. The PLI won just 2 seats, in contrast to the 26 seats it won in the 2011 election. Ortega refused to allow international election monitoring. Montealegre was expelled from the PLI a few months ahead of the polls, severely damaging the party’s competitiveness.

Nicaragua’s North Caribbean Coast Autonomous Region (RACCN) and South Caribbean Coast Autonomous Region (RACCSC) have regional councils, for which elections were held in March 2019; the FSLN won the largest share of the vote in each. The only independent observer group reported a number
of irregularities, including the participation of voters from ineligible areas; low turnout; and a heavy military presence in several municipalities while polling took place.

### A3 0-4 pts

| Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies? | 1/4 |

The Supreme Electoral Council (CSE) and judiciary generally serve the interests of the FSLN. In 2016, the CSE pushed 16 opposition members of the National Assembly from their seats in response to their failure to recognize the Supreme Court’s move to expel Montealegre from the PLI; later that year it certified Ortega’s reelection following a severely flawed electoral process.

The acting head of the CSE, Lumberto Campbell, was sanctioned by the United States in November 2019 over the CSE’s role in “undemocratic tactics to ensure that President Ortega and his allies win elections, including ordering government employees to vote for Ortega and other FSLN candidates.” Earlier, in 2017, then CSE head Roberto Rivas was sanctioned by the United States because, among other offenses, he allegedly “perpetrated electoral fraud undermining Nicaragua’s electoral institutions.” Rivas resigned in May 2018.

### B. Political Pluralism and Participation

#### B1 0-4 pts

| Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings? | 1/4 |

Political parties face legal and practical obstacles to formation and operations. Party leaders are easily co-opted or disqualified by Ortega-aligned institutions. Membership in the FSLN is often required in order to hold civil service positions, discouraging people from registering as members of other parties. Under 2014 constitutional reforms, legislators must follow the party vote or risk losing their seats.

#### B2 0-4 pts

| Is there a realistic opportunity for the opposition to increase its support or gain power through elections? | 0/4 |
Years of political repression under Ortega, including through politicized court rulings and other measures that prevented opposition figures from participating in politics, severely limited the ability of the opposition to gain power through elections, and very few opposition figures hold legislative seats or other government positions. In 2018, police and progovernment armed groups employed lethal force against peaceful opposition and antigovernment protesters, and thousands of protest participants were arbitrarily detained and arrested. While such largescale violence was not repeated in 2019, heavy-handed repression of the opposition has continued. The government has refused to discuss electoral reforms or early elections as called for by the Nicaraguan population.

**B3 0-4 pts**

| Are the people's political choices free from domination by forces that are external to the political sphere, or by political forces that employ extrapoltical means? | 1/4 |

President Ortega has consolidated all branches of government and most public institutions, as well as the country’s media, under his party’s control, allowing him and the FSLN great influence over people’s political choices.

Public-sector workers experienced pressure to keep away from the antigovernment protest movement in 2018. Hundreds of health professionals were dismissed from public hospitals for providing assistance to protesters or for their alleged role in antigovernment demonstrations.

**B4 0-4 pts**

| Do various segments of the population (including ethnic, religious, gender, LGBT, and other relevant groups) have full political rights and electoral opportunities? | 2/4 |

Minority groups, especially the indigenous inhabitants of Nicaragua’s eastern and Caribbean regions, are politically underrepresented across parties, and the government and FSLN largely ignore their grievances. The 2018 crackdown signaled Ortega’s intolerance of activism that could be perceived as challenging his government, including by indigenous activists and other segments of the population seeking greater political rights.

As per a new municipal electoral law approved in 2012, half of each party’s candidates for mayoralties and council seats must be women. Women also hold 45 percent of National Assembly seats. In practice, successful political advocacy by women is generally restricted to initiatives that enjoy the support of the FSLN, which has not prioritized women’s policy concerns.
C. Functioning of Government

C1 0-4 pts

Do the freely elected head of government and national legislative representatives determine the policies of the government? 1/4

The FSLN dominates most public institutions. The tripartite alliance between government, private business, and organized labor, which is recognized in Article 98 of the constitution, has become less functional since the private sector began to distance itself from the government upon the violent events of 2018. The manipulation of the 2016 election and the expulsion of 16 opposition politicians from the legislature prevented elected representatives from determining government policies.

Under constitutional reforms in 2014, Ortega has a wide degree of discretionary powers to set policy.

C2 0-4 pts

Are safeguards against official corruption strong and effective? 1/4

Because the justice system and other public bodies are generally subservient to Ortega and the FSLN, there is little chance that allegations of corruption against government officials will see a thorough investigation or prosecution. Corruption charges against high-ranking government officials are rare, while corruption cases against opposition figures are often criticized for being politically motivated.

Ortega’s sons and daughters have been appointed to prominent positions such as ambassador and presidential adviser.

C3 0-4 pts

Does the government operate with openness and transparency? 1/4

Government operations and policymaking are generally opaque. The 2007 Law on Access to Public Information requires public entities and private companies doing business with the state to disclose certain information. Government agencies at all levels generally ignore this law.

Ortega rarely holds press conferences. The Communications and Citizenry Council, which oversees the government’s press relations, is directed by Vice President Murillo and has been accused of limiting access.
In September 2019, the government prevented members of an Organization of American States (OAS) delegation from entering the country. The mission had been tasked with conducting high-level diplomacy seeking “a peaceful and effective solution to the political and social crisis in Nicaragua.”

**Civil Liberties**

**D. Freedom of Expression and Belief**

**D1 0-4 pts**

<table>
<thead>
<tr>
<th>Are there free and independent media?</th>
<th>1/4</th>
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The press has faced increased political and judicial harassment since 2007, when Ortega returned to power, with the administration engaging in systematic efforts to obstruct and discredit media critics. Journalists covering the political crisis have been subject to threats, arrest, and physical attacks. The Inter-American Commission on Human Rights (IACHR) has granted protectionary measures to several journalists in light of harassment and death threats.

Repression of journalists has become acute since the current political crisis broke out in 2018. As that year’s protest movement grew, the state ordered television companies and mobile phone service providers to stop transmitting several independent news channels through their systems. Numerous outlets have been raided and closed. In December 2018, police raided and confiscated equipment from the facilities of the digital news platform Confidencial and the television program *Esta Semana*, and closed the news station 100% Noticias. In September 2019, the government announced that it would not return 100% Noticias to its owners until it had completed its investigations of station director Miguel Mora, and news director Lucía Pineda. Both had been charged with terrorism and detained in 2018, though they were released in June 2019.

In September 2019, the newspaper *El Nuevo Diario* announced that it would close after nearly 40 years. The newspaper’s director said that the government was preventing it from obtaining paper and ink, a problem that also persists for the newspaper *La Prensa*—though it remained open at year’s end. Earlier, in January 2019, prominent journalist Carlos Fernando Chamorro announced that he had gone into exile due to threats.
Religious freedom was generally respected prior to the 2018 crisis, though some Catholic and evangelical church leaders had reported retaliation by the government for criticism of the Ortega administration, including the confiscation or delay of imported goods and donations. Since the political crisis opened in 2018, however, church officials have been denounced and smeared by authorities for accompanying or defending antigovernment protestors, progovernment mobs have attacked churches where antigovernment protesters were sheltering, and members of the clergy have received threats and experienced surveillance. There have been reports that Ortega supporters have infiltrated parishes and harassed or intimidated parishioners at church services. In April 2019, Silvio José Báez, the auxiliary bishop of Managua, who had been critical of Ortega, was recalled to the Vatican after receiving numerous death threats.

Faith leaders have criticized attempts by the Ortega administration to co-opt religious belief for political ends. The government has required public employees to attend government-sponsored religious festivals, making them miss official Catholic Church events.

Score Change: The score declined from 3 to 2 due to increasing state harassment of clergy and parishioners.

Prior to the 2018 crisis, academic freedoms were generally respected, although some academics refrained from open criticism of the government. Since then, teachers have reported being required to attend training that promotes government views and reaffirms the government’s version of the 2018 political crisis. In the public primary and secondary school system, there have been reports of students being required to attend progovernment rallies, and of pro-FSLN materials displayed in school buildings.

In 2019, repression and intimidation by state and progovernment forces contributed to a generalized climate of fear and terror that continues to restrict free expression. The families of victims of regime
violence are subjected to routine monitoring and surveillance. In 2019, the Special Rapporteurship on Economic, Social, Cultural, and Environmental Rights (REDESCA) of the IACHR reported concerns about discrimination and retaliatory threats against state employees who disagreed with or acted against state policy.

Access to the internet remains unrestricted, and many people still speak their minds freely on social networks.

E. Associational and Organizational Rights

<table>
<thead>
<tr>
<th>E1</th>
<th>0-4 pts</th>
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<tr>
<td>Is there freedom of assembly?</td>
<td>0 / 4</td>
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Freedom of assembly deteriorated severely in 2018, when at least 325 people were killed and at least 2,000 were injured in a ferocious crackdown on an antigovernment protest movement that began that April, after authorities announced social security reforms; it soon turned into a broader antigovernment movement aimed at forcing the regime from power. A majority of the abuses have been attributed to the national police and armed allied groups, which the OHCHR said in an August 2018 report operate with “total impunity.” In September of that year, the national police issued a statement declaring unauthorized marches and demonstrations “illegal.” Police have since denied permits for public demonstrations, and have occupied public spaces to prevent protests.

In 2019, police blocked or dispersed a number of attempted demonstrations. More than 100 people were arrested March 2019 for attempting to protest in Managua, but ultimately released. A protest in April meant to commemorate the start of the protests the year before was prevented by riot police, who surrounded groups of marchers before they could begin marching; an opposition coalition said 22 people were arrested. In September, police violently dispersed another gathering commemorating the death of a teenager who was killed at a protest the previous year. And in November, more than a dozen activists were arrested and charged with trafficking ammunition and firearms after they attempted to deliver water to a Masaya church where relatives of detained prisoners were on a hunger strike.

An amnesty law passed in June 2019 states that protesters who are released must not take part in actions that lead to further “crimes,” effectively prohibiting them from again participating in antigovernment demonstrations.
### E2 0-4 pts

| Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights– and governance-related work? | 0/4 |

Groups critical of the government or that focus on issues like corruption have operated within an increasingly restrictive environment under the Ortega administration, which among other measures has used registration laws to choke off their sources of funding. Since April 2018, human rights defenders and leaders of civil society organizations have experienced severe harassment, arbitrary detention, and arbitrary expulsion. Twelve NGOs, most of which focused on democracy, human rights, or press freedom, saw their registration cancelled at the close of 2018. Human rights organizations reported continued monitoring and surveillance in 2019.

### E3 0-4 pts

| Is there freedom for trade unions and similar professional or labor organizations? | 2/4 |

The FSLN controls many of the country’s labor unions, and the legal rights of non-FSLN unions are not fully guaranteed in practice. Although the law recognizes the right to strike, approval from the Ministry of Labor is almost never granted. Employers sometimes form their own unions to avoid recognizing legitimate organizations. Employees have reportedly been dismissed for union activities, and citizens have no effective recourse when those in power violate labor laws.

### F. Rule of Law

#### F1 0-4 pts

| Is there an independent judiciary? | 1/4 |

The judiciary remains dominated by FSLN and PLC appointees, and the Supreme Court is a largely politicized body controlled by Sandinista judges.

#### F2 0-4 pts

| Does due process prevail in civil and criminal matters? | 0/4 |
Since protests erupted in April 2018, UN investigators and other human rights organizations have documented rampant violations of due process. These include widespread arbitrary arrests and detentions by police and allied progovernment forces, failure to produce search or arrest warrants, no discussion of detainees’ rights, no public registry of detainees or their location, and individuals being held incommunicado during initial detention.

The government announced in February 2019 that it would release political prisoners detained during the 2018 protests. Between mid-March and mid-June, the government released nearly 400 people imprisoned for activities related to the 2018 protests; 286 of those were released under house arrest while charges against them remained active. Released prisoners were subjected to harassment and surveillance. Defense attorneys of political prisoners also reported being harassed. Throughout 2019, the Ortega administration refused to release information about the status of prisoners to their families or attorneys. In November, a spokesperson for the OHCHR condemned the government’s “persistent repression of dissent and the ongoing pattern of arbitrary arrests.”

An amnesty law passed in June 2019 covers crimes committed during the 2018 protests. Although the law acknowledges that crimes covered by international treaties, such as crimes against humanity, would be excluded from the amnesty, critics feared that the law would be used to shield the state and its agents from responsibility for past abuses.

The 2018 antigovernment protest movement was met with violent repression by police and informally allied armed forces, resulting in the deaths of at least 325 people. In an August 2018 report on repression of the protest movement, the OHCHR detailed severe abuses including psychological and physical torture of detainees, including sexual violence, forced confessions, disappearances, and extrajudicial killings. In 2019 there were reports of dozens of antigovernment activists being killed in more remote parts of the country, allegedly by police and paramilitaries. Additionally, in May, Eddy Montes Praslin, who was reportedly jailed in October 2018 after complaining to police that progovernment activists were occupying his property, was shot and killed at La Modelo prison near Managua. News of his death prompted the opposition Civic Alliance for Justice and Democracy to withdraw from a dialogue with the government until authorities released individuals designated as political prisoners by the International Committee of the Red Cross (ICRC). The dialogue ended in August when the government formally canceled it.

Changes to the military code and national police passed in 2014 give the president power to deploy the army for internal security purposes and appoint the national police chief, and permitted the police to
engage in political activity. The 2015 sovereign security law has been criticized for militarizing civilian agencies.

In April 2019, the Office of the UN High Commissioner for Refugees (UNHCR) estimated that 62,000 Nicaraguans fled the country in 2018 and 2019, with 55,000 seeking asylum in Costa Rica alone. By October, according to the agency, an estimated 82,000 Nicaraguans had left the country, with more than 68,000 in Costa Rica.

### F4 0-4 pts

| Do laws, policies, and practices guarantee equal treatment of various segments of the population? | 2/4 |

The constitution and laws nominally recognize the rights of indigenous communities, but those rights have not been respected in practice. Approximately 5 percent of the population is indigenous and lives mostly in the RACCN and the RACCS.

The country’s LGBT+ population is subject to intermittent threats and discriminatory treatment.

### G. Personal Autonomy and Individual Rights

#### G1 0-4 pts

| Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education? | 2/4 |

The 2018 collapse of institutions, that year's bloody crackdown on dissenters, and continuing government repression since have created a climate of fear and mistrust that discourages free movement. Poor infrastructure limits movement in some majority-indigenous areas.

#### G2 0-4 pts

| Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors? | 2/4 |

Property rights are protected on paper but can be tenuous in practice. Titles are often contested, and individuals with connections to the FSLN sometimes enjoy an advantage during property disputes.
Conflict over land in the RACCS between indigenous Miskito residents and settlers continued in 2019, resulting in numerous deaths of Miskito individuals. The Center for Justice and International Law (CEJIL) warned in a report issued in August that Miskito communities in the north could be at risk of extinction due to land invasions.

Individuals and communities in the construction zone for a planned interoceanic canal report have reported intimidation by surveyors and anonymous actors, though the project appeared to have stalled.

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<th>G3</th>
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<tr>
<td><strong>Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance?</strong></td>
<td>2/4</td>
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Individuals enjoy broad freedom in their interpersonal relationships and in their personal appearance.

Domestic violence remains widespread and underreported, and few cases are ever prosecuted. The 2012 Comprehensive Law against Violence toward Women addresses both physical and structural forms of violence, and recognizes violence against women as a matter of public health and safety. A 2013 reform to the law allows mediation between the victim and accuser, despite concerns from rights groups. The family code includes protections for pregnant minors and the elderly, establishes equal duties of mothers and fathers, and prohibits physical punishment of children. It defines marriage as a union between a man and a woman and, as such, deprives same-sex couples the right to adopt children or the ability to receive fertility treatment.

Abortion is illegal and punishable by imprisonment, even when performed to save the mother’s life or in cases of rape or incest. The criminalization of abortion can cause women to seek out risky illegal abortions that can jeopardize their health.

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<th>G4</th>
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<tr>
<td><strong>Do individuals enjoy equality of opportunity and freedom from economic exploitation?</strong></td>
<td>2/4</td>
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Nicaragua is a source country for women and children forced into prostitution; adults and children are also vulnerable to forced labor, notably in the agriculture and mining sectors, and as domestic servants. While recognizing the government’s “significant efforts” to tackle human trafficking, the 2019 US State Department’s *Trafficking in Persons Report* said the country did not demonstrate increasing efforts over the previous year, and that the Caribbean coastal regions continued to be disproportionately affected due to weaker institutions there.
Much of the economy is informal, and workers in these sectors lack legal protections associated with formal employment. The legal minimum wage is inadequate to cover the cost of basic goods.

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Global Freedom Score
31/100  Not Free

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INSTILLING TERROR:
FROM LETHAL FORCE TO PERSECUTION IN NICARAGUA

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**INSTILLING TERROR: FROM LETHAL FORCE TO PERSECUTION IN NICARAGUA**

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Coffin of Gerald Vásquez, 20, who died after an attack by pro-government armed groups on the UNAN-Managua on 13 and 14 July. 16 July 2018.@ACR/Amnesty International.
1. EXECUTIVE SUMMARY

On 18 April 2018, a series of reforms to the social security system in Nicaragua sparked an outbreak of anti-government social protest. Since then, hundreds of people in different places throughout the country have taken to the streets every day to demonstrate.

The state has responded to the social unrest with violent repression of the population by the National Police, including the riot police, and with the support of the groups widely known as “Sandinista mobs”.

During April and May, the government used excessive, disproportionate and sometimes unnecessary force and on a number of occasions implemented a deliberate lethal policy against protesters. It was in this context that Amnesty International published its report, *Shoot to kill: Nicaragua’s strategy to repress protest*, which documents the state’s strategy during the first four weeks of the crisis.

The government’s refusal to end the repression, as well as the high number of deaths and injuries at the hands of state agents and their allied mobs (which quickly became in effect pro-government armed groups), intensified people’s outrage. Thousands of neighbourhoods began to erect barricades or “blockades” (“tranques”) across roads as a sign of protest, to defend themselves from attacks on the civilian population and to exert pressure on the authorities by restricting road traffic. On many of these barricades, the use of homemade mortars as a means of defence was common.

The government’s response was to intensify its strategy of repression while at the same time announcing an Operation for Peace (Operación para la Paz), which was commonly referred to as “Operation Clean-up” (Operación Limpieza). This consisted of destroying the barricades by force and confronting demonstrators with combined forces of pro-government armed groups and National Police officers in sophisticated, well-organized attack operations that made widespread use of military-grade lethal weapons. There were also reports of clashes where a minority of demonstrators also resorted to the use of firearms (such as shotguns or rifles); however, the government’s strategy of lethal use of force was widespread and, in many cases, indiscriminate.

For this report, Amnesty International carried out two missions to Nicaragua and Costa Rica, in July and September respectively, to document the situation, during which representatives carried out 115 interviews and documented a total of 25 cases of human rights violations. In addition, a team of experts analysed more than 80 pieces of audiovisual and photographic material as part of the analysis of the context.

This new report, *Instilling terror*, documents several human rights violations committed between 30 May and 18 September 2018 and details the different elements that make up the state strategy of repression to suppress the protests. Amnesty International believes that these violations were carried out not only with the knowledge of the highest authorities of the Nicaraguan state, including the President and Vice-President of the Republic, but also (in many cases) on their orders and under their command.
In particular, it concluded that a central plank of this repressive policy was the Nicaraguan state’s persistent efforts to criminalize opponents, referring to anyone who protested against the government as “terrorists” or “coup plotters” in an effort to justify its own violent actions.

In addition, in contrast to previous months, the state made extensive use of pro-government armed groups, deliberate and widespread lethal force and military-grade weapons, sometimes indiscriminately, against the protests. Amnesty International documented the widespread use of AK-type rifles by the police and pro-government armed groups (sometimes with drum magazines) and identified in several contexts the use of sniper rifles such as the Dragunov, the M24 Remington and the FN SPR, as well as RPK light machine guns and PKM machine guns, and even anti-tank rocket-propelled grenade launchers such as the RPG-7.

During this period, not only was excessive, disproportionate and often indiscriminate lethal force used, but there were also killings that appeared to be extrajudicial executions. One of the cases detailed in this report is that of Leyting Chavarría, a minor under the age of 16, who was found dead with a gunshot wound to the chest following an attack by police and pro-government armed groups on barricades in the city of Jinotega. Witnesses indicated that an officer in the riot police was the perpetrator. When his body was recovered, Leyting Chavarría was found cornered in an alley, carrying a “slingshot” or “catapult”.

Amnesty International also documented the case of Faber López, an officer in the riot police who was allegedly killed by his fellow officers. Although the government publicly reported that he had died at the hands of armed “terrorists”, his family reported that when they received the body there were no bullet wounds, but rather multiple signs of torture. Faber López had called his family the day before his death saying that he was going to hand in his resignation from the force and that if he did not communicate with them the next day, it was because his own unit had killed him. Faber López never called again.

Amnesty International was able to confirm that repression and fear of reprisals have made victims of human rights violations reluctant to file complaints with the Attorney General (this intensified in April and May). Even when relatives were killed, many of the families did not even officially register the deaths, much less file a complaint, out of fear or distrust or lack of confidence in the authorities. In addition, as was the case during the first stage of the crisis, the state itself did not initiate thorough, prompt and impartial investigations into possible human rights violations and continued to harass victims and their families.

Amnesty International has concluded that the state used torture as a method of punishment and to fabricate evidence and that police investigations were geared towards obtaining information about how the protests were organized and who was leading them. In several of the cases documented, during their interviews with Amnesty International people still bore the visible physical marks of injuries sustained more than a month earlier.

Amnesty International also found that many people were arbitrarily detained and denied various procedural safeguards as a strategy to undermine the protests. Although people should have been presented before a judge within 48 hours of their detention, the organization documented cases where this took place only after they had been held for many days. In addition, the organization found that habeas corpus writs to bring detainees before a court were ineffective and that requests for medical examinations to verify the physical integrity of detainees were consistently denied.

Finally, the research confirmed that one of the consequences of the widespread persecution has been the internal displacement and the forced migration of thousands of people. On 31 July, the Office of the United Nations High Commissioner for Refugees (UNHCR) announced that in recent months an average of 200 Nicaraguans a day had registered as refugees in Costa Rica. The UNHCR stated that
it had registered almost 8,000 asylum requests from Nicaraguans since April, in addition to about 15,000 others who had pending appointments to register.

By the cut-off date for this report (18 September 2018), the figures for the crisis stood at: at least 322 people killed (most at the hands of state agents), among which 22 were police officers and more than 2,000 people injured. As of 18 August, at least 300 people were reported to have been prosecuted for their involvement in the protests. To the organization’s knowledge, no one has been prosecuted or detained for human rights violations.

Among its most urgent recommendations, Amnesty International calls on the President of Nicaragua, Daniel Ortega, to dismantle and disarm pro-government armed groups immediately and to ensure that police forces act in accordance with the criteria of legitimate, proportionate and necessary use of the force in the context of demonstrations. In addition, the organization urges the authorities, as a matter of urgency, to put an end to the strategy of persecution and arbitrary detention of people who demonstrate against the government, and to guarantee the rights to freedom of expression and protest.

In addition, the organization calls on the international community to continue to demand that Nicaragua comply with its human rights obligations.
On 29 May 2018, Amnesty International released a report, *Shoot to kill: Nicaragua’s strategy to repress protest*, in which it detailed some aspects of the policy of repression of the Nicaraguan government. During the research for that report, the organization found that the state had used excessive and unnecessary force and may have carried out extrajudicial executions in the context of the protests. It also found that groups commonly referred to as “Sandinista mobs” were used to carry out attacks against the civilian population, to increase the capacity for repression and evade responsibility in criminal and international law. The report also documented cases of cover-ups and obstruction of access to justice, as well as denial of access to health care. Finally, the research indicated that this strategy had been implemented amid an official discourse of denial and stigmatization of protesters.

Serious violations of human rights did not stop between June and September 2018. Indeed, the state strategy of repression escalated.

This was the context in which Amnesty International, as part of its ongoing monitoring of the situation, carried out two missions to document what was happening. The first took place in Nicaragua from 23 to 31 July 2018. A four-person team visited the cities of Managua, Sébaco, Matagalpa and Jinotega, as well as the Pueblos Blancos area near Masaya. The second mission was carried out in Costa Rica from 3 to 7 September 2018, during which a team of three people conducted interviews in the city of San José.

This report was written as a follow-up to the previous report *Shoot to kill*, which covered acts committed between 18 April and 14 May 2018. This report focuses on human rights violations committed between 30 May and 18 September 2018.

It is based on 115 face-to-face interviews and the documentation of 25 cases, six of which involve people who were killed, eight concern people deprived of their liberty and 12 are of people who were reportedly tortured. In addition, 81 pieces of audiovisual and photographic material were examined and a contextual analysis was carried out. As with the previous report, a team of experts in video and photo analysis and in weapons and ammunition were involved in the research. All the images that are referred to as potential evidence had previously been analysed and verified by these specialists.

Because of the situation in the country at the cut-off date for this report, direct references to some sources of information have been withheld for security reasons.

Since it first began documenting the crisis, Amnesty International has repeatedly requested information from and meetings with the National Police, the Institute of Forensic Medicine and the Nicaraguan Public Prosecutor’s Office. It has also requested meetings with the Presidency of the Republic of Nicaragua. By the cut-off date for this report, the organization had not received a response to these requests.

2. In the previous report, Amnesty International noted that academics and human rights defenders defined these groups as sympathizers of the governing party with a variety of structures and composed of (among others) members of the current Sandinista Youth (Juventud Sandinista) and the “motorizados” (groups of motorcyclists), who carry out attacks riding motorcycles and wearing helmets. These groups are sometimes identifiable by shirts or other clothing they wear linking them to the state. Amnesty International believes that these groups were used by the government during April and May 2018 to carry out attacks against the protesters in order to increase its capacity for repression and to make it difficult to identify the perpetrators. See Amnesty International, *Shoot to kill: Nicaragua’s strategy to repress protest*, 29 May 2018.
3. All the photographic and audiovisual material cited in this report has been analysed by Amnesty International teams specializing in weapons, ammunition and digital images in order to confirm the authenticity, location and time, as well as to identify who was involved, whether they were carrying weapons and, if so, the type of weapon and ammunition used.
INSTILLING TERROR: FROM LETHAL FORCE TO PERSECUTION IN NICARAGUA

Amnesty International

"March of the Flowers" in Managua. 30 June 2018. ©Oscar Navarrete
Daniel Ortega has held the office of President of Nicaragua since 2007 and since January 2017, Rosario Murillo, his wife, has held the position of Vice-President. In recent years, signs of a deterioration in the human rights situation had become increasingly visible to the general public and in April 2018 a crisis erupted which has had grave consequences.

In April 2018, the government adopted a number of social reforms which were considered onerous by a large part of the population. In response, thousands of people took to the streets to express their dissatisfaction and demand that the state withdraw the proposed changes. Although the government did withdraw the measures (due to the pressure exerted by the protests), the repressive strategy it adopted towards the protesters resulted in hundreds of people being killed and thousands more wounded. This state response caused such outrage that the protests continued and the demands changed: protesters now called for the resignation of the government of President Ortega and Vice-President Murillo.

In response to the intensification of the repression and the stagnation of the national dialogue, the protests were transformed. As of May 2018, in many localities barricades or ‘blockades’ (“tranques”) began to be erected as protection from attacks by the National Police and pro-government armed groups and also in order to exert pressure (as a result of restricted road traffic in a number of areas) for negotiations to find a way out of the crisis.

As of 15 May 2018, there were reports that there were between 50 and 80 main barricades throughout the country, located in practically every department and the two autonomous regions. The repression continued and by mid-June it was reported that the number of “blockades” had doubled. Around 20 of them sealed off roads almost permanently.

4. On 16 April, the Executive Council of the Nicaraguan Institute of Social Security (INSS) approved reforms of the social security system, which were confirmed the following day by President Daniel Ortega. Among other changes, the reforms proposed an increase in social security contributions by employers and workers and an additional contribution of 5% by pensioners.


6. On 24 April 2018, the National Assembly (at the President’s suggestion) declared that a national dialogue would be initiated with different sectors of society (which would form the Civic Alliance for Justice and Democracy), with the Catholic Church acting as mediator. The participants did not meet formally until 16 May and the last plenary session took place in mid-June 2018. In July, the Catholic Church made a public statement denouncing the lack of genuine will on the part of the government. For more information, see the Episcopal Conference, Pastoral letter of 14 July 2018, available at: http://www.cen-nicaragua.org/noticias.php?recordID=531. For more information about the agreements reached in the national dialogue, see http://scm.oas.org/pdfs/2018/2COMUNICACIONESCMT.pdf (Spanish only).

7. It is Amnesty International’s understanding that pro-government armed groups are made up of armed civilians who carry out the orders of the government to carry out attacks against the civilian population. During the crisis, these groups have undergone a transformation. During the initial stages of the protests, they could be described as “Sandinista mobs”. However, as the conflict progressed they were transformed into groups whose members were hooded and heavily armed, generally with AK assault rifles, and who were coordinated more openly and effectively by law enforcement officers.


During May and June, there were several cases of serious human rights violations. One was an armed attack on the "March of the Mothers" on 30 May, which resulted in more than 17 deaths across the country and dozens of injuries; several buildings were set alight, including a public building. Another was the burning down of a house in Managua on 16 June, allegedly by pro-government armed groups, which resulted in the six people being burned to death, including an eight-month-old baby and a two-year-old girl.

The day before, on 15 June 2018, it was announced that a Verification and Security Commission (Comisión de Verificación y Seguridad, CVS) would be created to negotiate the removal of the barricades or "blockades" and guarantee the rights of the protesters. The CVS was to be set up within the framework of the national dialogue involved international human rights organizations, such as the Inter-American Commission on Human Rights (IACHR) and the Office of the United Nations High Commissioner for Human Rights (OHCHR). However, the barricades were removed peacefully through the work of the CVS in only two places (San Pedro Lóvago and Juigalpa). From mid-June 2018, the government began to implement the so-called Operation for Peace (Operación por la Paz), commonly known as Operation Clean-up (Operación Limpieza). This consisted of destroying the barricades by force and confronting demonstrators with combined forces of pro-government armed groups and National Police officers in operations that made widespread use of military-grade lethal weapons.

On 22 June, the IACHR presented its report, Gross Human Rights Violations in the Context of Social Protests in Nicaragua, which alerted the state to possible serious violations committed in the context of the "repression" and recommended concrete actions to ensure Nicaragua fulfilled its international obligations.

During June and July, information was received about numerous attacks and clashes throughout the country which resulted in the death toll in the context of the protests rising to at least 302 people up to 24 July (most of them at the hands of state forces). In addition, more than 400 people were reportedly arbitrarily detained, among them high-profile public figures such as social leaders and members of the Civic Alliance for Justice and Democracy (Alianza Cívica por la Justicia y la Democracia).

On 2 July 2018, the Interdisciplinary Group of Independent Experts (GIEI) was established by the IACHR to assist in the investigation of the violence that took place between 18 April and 30 May 2018.
Operation Clean-up culminated on 23 July with an attack on Jinotega, the only city that still had barricades at that point. After the complete removal of these "blockades", the government increased its strategy of persecution and carried out mass arbitrary detentions of people identified as having participated in the protests at some point in the preceding months.

In the context of widespread terror, hundreds of Nicaraguans were forced to flee their homes and became internally displaced; thousands more fled the country to save their lives, freedom and physical integrity.

On 31 July, the Office of the United Nations High Commissioner for Refugees (UNHCR) announced that in recent months an average of 200 Nicaraguans a day had registered as refugees in Costa Rica. The UNHCR stated that it had registered almost 8,000 asylum requests from Nicaraguans since April, in addition to about 15,000 others who had pending appointments to register.

On 18 August 2018, the GIEI stated publicly the lack of access to state information and urged the government to provide investigation files and criminal case files, information that was essential if it was to fulfil its mandate.

On 30 August, the OHCHR mission was expelled from the country, one day after it presented its report, *Human rights violations and abuses in the context of protests in Nicaragua, 18 April – 18 August 2018*. The report indicated, among other things, that there may have been extrajudicial executions, enforced disappearances, arbitrary deprivation of liberty and personal security, torture and violations of due process guarantees.

On 10 September 2018, the Special Rapporteurship on Economic, Social, Cultural and Environmental Rights of the IACHR expressed concern at the numerous reports of arbitrary dismissals and harassment of medical personnel and university professors in retaliation for providing medical care to demonstrators or expressing criticism of the government.

During this period, most of the people who died during the protests were reportedly killed by state agents or pro-government armed groups acting at the very least with their consent. However, several police officers and government supporters also lost their lives during the attacks and clashes. Amnesty International learned that a minority of demonstrators or individuals had committed crimes against supporters of the Sandinista National Liberation Front (Frente Sandinista de Liberación Nacional, FSLN) by subjecting them to acts of public humiliation, intentionally inflicting injuries and in certain isolated incidents, causing their deaths.

By the cut-off date for this report (18 September 2018), the figures for the crisis stood at: at least 322 people killed (most at the hands of state agents), amongst which 22 were police officers, and more than 2,000 people injured. To the organization’s knowledge, no one had been prosecuted or detained for human rights violations.
Since June 2018, the government has adopted a strategy of indiscriminate repression with intent to kill not only in order to completely smash the protests, but also to punish those who participated in them.

Although several of the tactics identified by Amnesty International in its previous report have persisted, since June 2018, the organization believes that the state has escalated its repressive strategy, a number of aspects of which have changed. The official discourse aimed at justifying this strategy has continued, but has focused on criminalizing protesters and challenging the information put forward by human rights organizations. The widespread use of pro-government armed groups; the deliberate, widespread, and often indiscriminate use of lethal force against protesters; and possible extrajudicial executions have continued, as has the lack of effective investigations into possible human rights violations and the harassment of victims. Research also indicates that torture is being used as a method of punishment, to fabricate evidence and during investigations and that people are being arbitrarily detained as a strategy to stifle protest. A consequence of this widespread persecution has been the internal displacement and forced migration of thousands of people.

The context in which the violations of human rights were committed, and given the organizational architecture of the institutions of country’s security forces, suggests, in Amnesty International’s view, that these violations would have taken place not only with knowledge of the highest authorities of the Nicaraguan state, including the President and Vice-President of the Republic, but also, on many occasions, on their orders and under their command. 33

The following sets out Amnesty International’s analysis of these factors.

## 4.1. AN OFFICIAL DISCOURSE OF DENIAL AND CRIMINALIZATION

During the period analysed, the discourse of denial remained a central plank of government strategy. In addition, the government made widespread use of a narrative about the protest being a “coup” and “terrorist” in nature in order to justify its violent actions. Moreover, President Ortega began to publicly refute the data and figures about the crisis put forward by international organizations. 34

During July 2018 alone, Vice-President Murillo (talking about protesters) referred to terrorist groups or coup leaders who were trying to seize power in her speeches on 7, 12, 18, 19, 20, 26 and 27 of the
month. Likewise, President Ortega used the same terms in his speeches on at least 7, 19 and 31 July.

In her speech of 18 July, talking about those who had erected barricades, the Vice-President said: “In the face of the perversions of the terrorist and coup plot...we will safeguard every inch of our sacred homeland so that never again...will they attempt to invade us with darkness, with diabolic, perverse, evil energies.” 35

President Ortega, in his speech on 19 July 2018, attacked human rights defenders, as well as the representatives of the Catholic Church, who were described as “coup plotters” and said that “many churches were occupied and used as barracks to store weapons and bombs, and then go out to attack and kill.” 36

The same day, the Vice-President said: ‘In the face of the satanic rites, of so many who are sick at heart, of so much malice, of such sinister thoughts and practices,... the courageous people rose up and are rising’. She also stated that since 18 April, the day on which the protests began, what had taken place were acts of terrorism: “From the pain of 92 days of terrorism, suffering, grief, loss, from the deep pain of so many Nicaraguan families who saw our rights violated...by the perversity of the coup and terrorism, that tormented the flesh and soul of Nicaraguans.” 37

“We call these practices perverse, sinister, diabolic, satanic, because they are not in keeping with our faith or our Christian principles. Crimes of hate, the whims of malevolent individuals; but God is the one who judges, and God is the one who leads us along righteous paths”. 38

Public Speech by Rosario Murillo, 16 June 2018.

On 31 May 2018, Vice-President Rosario Murillo said, in relation to the demonstrators: “They conspire to denounce non-existent attacks, then they attack time and again and create victims in order to blame the institutions of public order.” 39

In August, the National Police made public its data on people who died between 19 April and 25 July 2018. This indicated that a total of 197 of those killed were "victims of coup-related terrorism" and 253 were killed as a result of “common criminal activity”, described in the document as “traffic accidents and other causes, which were manipulated by the coup plotters and their related bodies to discredit, defame and damage the image of our Government." 40 Within this figure of 253, the National Police stated that 230 were ordinary homicides, of which 80% were due to “personal feuds” (“rencillas personales”). 41 There was no reference to possible human rights violations. 42
In an interview for the television channel Euronews, broadcast on 30 July 2018 (and filmed a couple of days earlier), President Daniel Ortega reported that there were a total of 195 deaths, and that the reason that a higher number was being reported was because “human rights organizations put everything together [referring to confrontations and common crimes] and...they classify anyone who is found dead as someone killed a result of these clashes.” That same day, 30 July, the IACHR pointed out that 317 people had been killed in the context of the protests, the majority at the hands of the state.

Despite the fact that the figures given by the IACHR had been corroborated and included data provided by the state, the government asserted with respect to the human rights organization that there had been “irresponsible manipulation...of the figures of fatalities in the context of the failed coup attempt.”

A month earlier, the IACHR had itself submitted its report on serious human rights violations identified during the crisis to the Permanent Council of the Organization of American States (OAS). This report was publicly and comprehensively rejected by the government as “subjective, biased, prejudiced and flagrantly partial”. The authorities also stated that the death toll included people who had not died in context of the protests or whose identities had been used “to making look as though they had died.”

Similarly, following the presentation on 29 August of the OHCHR report on human rights violations between 18 April and 18 August 2018, the government stated that the document maintained that “the concept of protests as the framework where those events happened, ignoring that what happened in Nicaragua was an attempt at a coup d’état” and completely rejected the report as subjective and “drafted under the influence of sectors linked to the opposition”.

4.2. WIDESPREAD USE OF PRO-GOVERNMENT ARMED GROUPS

The use of force in public duties is the exclusive competence of the state. However, during June and July 2018, there was widespread use of pro-government armed groups and a conspicuous display of violence in actions clearly coordinated with the public security forces, mainly in the context of Operation Clean-up.

As previously noted, this consisted in transporting combined groups to places where barricades or “blockades” had been maintained in order to pull them down by force, while confronting the civilian population with lethal weapons, sometimes indiscriminately.

An analysis of images and documentary information enabled Amnesty International to identify armed joint operations between police officers and armed pro-government groups; the use of official vehicles,
including public ambulances, for transport in such operations (caravanas); and the use of police checkpoints on avenues and roads.

The following are several examples of this, which have been verified by a team of experts.

According to reports, around 200 trucks had been blocked since the beginning of June by barricades, in Diriamba, Dolores and Jinotepe (Carazo region). On 8 July 2018, the government ordered an armed intervention to remove the barricades and open the road. The operation resulted in at least 20 deaths; two police officers were among those killed.49

In Diriamba, Amnesty International confirmed that the operation was carried out jointly by the National Police and pro-government armed groups and that most of the weapons deployed in confrontations with the demonstrators were service weapons issued exclusively to the Army. Images of the following day, 9 July 2018, in the town, show a convoy of at least 23 trucks carrying armed pro-government groups and three Ministry of Health ambulances. The images show a wide variety of shotguns, pistols, improvised mortars, slam guns and AK-style rifles. At least four of the trucks were flying the FSLN flag.

Two verified videos of joint operations in Managua on 22 June 2018 show in pro-government armed groups dressed in white, carrying a wide range of guns – including military-style assault rifles and long-range rifles, Mossberg model 500s or Mossberg model 88s,50 as well as a pistol and improvised mortars – being accompanied by police officers and riot police.

50. These weapons can fire lethal or less-lethal rounds.
In the city of Masaya, several videos depicted pro-government armed groups dressed in blue and armed with shotguns, AK rifles and at least one Dragunov rifle on 18 July 2018, while they were allegedly carrying out citizen control activities in the presence of the National Police.

On 19 June, a checkpoint operated by pro-government armed groups was reported in the area of Ticuantepe, near Managua. In addition, during a research mission, Amnesty International witnessed other checkpoints operated by pro-government armed groups in various places throughout the country; the men were usually hooded and carried a variety of weapons and were supposedly carrying out searches.

Regarding joint operations between pro-government armed groups and the National Police, President Ortega offered at least three different explanations to the media.

In an interview with the Telesur channel broadcast on 24 July 2018, President Daniel Ortega said: “if we are going to talk about paramilitaries here, the only thing that is paramilitary are these right-wing groups ...we have the Armed Forces, Army and Police, which are constitutional forces and at the same time, an armed clandestine force, whose members have become the instrument of death of the right-wing coup”.

51. “si aquí vamos a hablar de paramilitares, lo único que hay paramilitar son estos grupos de la derecha, (…) tenemos las Fuerzas Armadas, Ejército y Policía, que son fuerzas constitucionales y a la par, una fuerza clandestina armada, que son las que se han convertido en el instrumento de muerte del golpe de la derecha”. Telesur, interview with Daniel Ortega, 24 July 2018, available at: https://videos.telesur.net/video/731812/pdte-ortega-afirma-que-la-violencia-en-nicaragua-fue-financiada/ (Spanish only).
However, in an interview with CNN broadcast on 30 July 2018, referring to an image that showed what appeared to be armed civilians flying the FSLN flag, he said: “those are not paramilitaries... It’s people trying to defend themselves because they are being killed, what they have done is organize to defend themselves and coordinating yourselves to defend yourselves is not being a paramilitary group...”

Finally, in an interview with Euronews broadcast the same day, 30 July 2018, talking about the pro-government armed groups, President Daniel Ortega said: “Here we have what are called volunteer police... volunteer police officers in special operations, and the police itself are masked during special operations”.

The 2014 National Police Law (Law 872) recognizes the role of volunteer police and sets out their duties in Article 25. These are limited to: Support and preventative work only, such as: 1) supporting the police in carrying out surveillance, police patrols, traffic control and during natural disasters. 2) Helping the authorities gather information about criminal acts, securing the crime scene, providing the necessary help to victims and notifying appropriate authorities in a timely manner. The same Article establishes that the members of the volunteer police should be properly identified with their own uniforms and badges and their activity must always be coordinated and supervised by a member of the National Police.

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54. Law on National Police organization, functions, career progression and special social security provisions (Law 872) Articles 23 to 26.

55. “Únicamente tareas de apoyo en labores de prevención tales como: 1) Auxiliar a la Policía en la vigilancia, patrullaje, regulación de tránsito y en casos de desastres naturales.2) Auxiliar a las autoridades a tener conocimiento de la comisión de hechos delictivos, preservando el lugar, prestando la ayuda necesaria a las víctimas y dar parte oportuna a las autoridades que corresponda”. Law on National Police organization, functions, career progression and special social security provisions (Law 872) Article 25.
Pro-government armed groups do not fall within the category of volunteer police since the actions identified exceed (and indeed contravene) the provisions of the law. Amnesty International believes that the government has referred to this role in an effort to give to its actions the appearance of legality.

However, even if it were accepted that such groups had become “community police”, this would not remove or reduce the responsibility of the state for armed groups operating de jure or de facto under its command. 56

In the following section, Amnesty International analyses the attack on the National Autonomous University of Nicaragua (UNAN-Managua), one of the most emblematic cases of this crisis, which highlights the widespread use of pro-government armed groups in public order operations that should be carried out by state law-enforcement officials.

4.3. EXCESSIVE USE OF FORCE AND EXTRAJUDICIAL EXECUTIONS

Given the potentially lethal outcome of the use of firearms, security forces are authorized to use them only in extreme situations, when other means have proved ineffective and their use is unavoidable. In other words, firearms should be used only in absolutely exceptional circumstances.57

However, Amnesty International was able to confirm that, as of June 2018, the public authorities practically never used less-lethal weapons (or riot equipment for policing demonstrations) that would allow a differentiated use of force in line with what was necessary and proportionate. Rather, there was a widespread use of assault rifles and military-grade weapons, which were sometimes fired indiscriminately.58

In most of the attacks and clashes of which Amnesty International is aware, demonstrators on barricades generally used homemade mortars and Molotov cocktails against the National Police and its pro-government armed groups. In some cases, the organization received information that firearms were also used by a minority of demonstrators in a number of locations.59

However, the fact that some groups or people use violence during a demonstration does not in itself make the whole protest violent; nor does it authorize the security forces to disperse the protest by force or indiscriminately detain those present.60

Even in violent gatherings, international standards state that lethal force should be used only “to the minimum extent necessary”, in response to an attack of similar proportion, with the intention of minimizing damage and injury and preserving life, and that, if required, medical assistance should be provided at the earliest possible opportunity.61 That is why the indiscriminate use of firearms (such as AK-type rifles or machine guns, as well as certain types of exclusively military-grade weapons such as grenade launchers) for public security operations and to restore public order is prohibited under international law.

57. The Inter-American Court of Human Rights calls on states to ensure the use of force is “in keeping with the principles of legality, absolute necessity, and proportionality”. (Extract from the Case of Nadege Dorezema et al. v. the Dominican Republic (Merits, Reparations, and Costs), Judgment of 24 October, 2012, paras 85 to 90). See also Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, 7 September 1990.
58. The Inter-American Court of Human Rights has established the state: “must equip its agents with different types of weapons, ammunition and protective equipment that will allow them to react in a way that is proportionate to the incidents in which they must intervene, limiting the use of lethal weapons that can cause injury or death to the greatest extent possible” (case of the Landaeta Mejías Brothers et al. v. Venezuela. (Preliminary objections, merits, reparations and costs), Judgment of 27 August, 2014, para. 126).
59. However, the information received suggests that these weapons were generally personal (registered) hunting weapons with limited ammunition. In general, the use of weapons by the protesters was limited in terms of quantity, calibre and available ammunition.
60. IACHR press release, 24 April 2018.
The following details a number of different incidents, all of which have been corroborated by a team of experts in the analysis of images, weapons and ammunition. They show how the authorities have made widespread, and sometimes indiscriminate, use of military-grade weapons in the context of the protests. The next section also describes five documented cases of possible extrajudicial executions carried out as acts of punishment.

4.3.1 ANALYSIS OF THE CONTEXT OF OPERATION CLEAN-UP

Amnesty International verified videos recorded on 25 June 2018 in Nagarote showing a group of four National Police officers, heavily armed solely with live ammunition, hooded and wearing black uniforms bearing official badges.

Among the weapons they carried, the following were identified: AK-type rifles, which use only lethal ammunition and can fire up to 650 rounds a minute in a fully automatic and indiscriminate manner; and two sniper rifles, one was a Remington M24 type and the other an FN SPR type, that allow bullets to be fire accurately at very long range. The date coincides with the period when Operation Clean-up was being carried out in Nagarote (department of León), during which a police officer died and several demonstrators were injured. 63

On 2 July 2018, Amnesty International was able to confirm that a group of at least 11 national police officers wearing black uniforms and hoods, were all carrying AK-type rifles in the city of Sutiaba (department of León). Between 2 and 6 July, joint operations were carried out as part of Operation Clean-up in this department that left four demonstrators dead. 64

During the operation in and around the Masaya area (between 13 and 17 July 2018), the National Police used military and indiscriminate weapons. The images show police officers using a variety of weapons – several Russian Dragunov sniper rifles (which have an effective range of up to 1.3km), RPK light machine guns and PKM machine guns (weapons that operate completely automatically and therefore are in no way appropriate for public security operations), Remington M24 sniper rifles, and a wide range of AK-style rifles – against the barricades erected around the indigenous neighbourhood of Monimbó. Also visible was at least one RPG-7 type portable grenade launcher, a weapon designed to attack armoured tanks in conflict situations.

62. The Amnesty International team verifying audiovisual material determined that the image could have been taken on 25 June 2018.
64. CENIDH, CENIDH denuncia violaciones sistemáticas a los derechos humanos de los nicaragüenses por el régimen dictatorial de Daniel Ortega y Rosario Murillo en el período del 19 de junio al 14 de julio de 2018, Report No. 4, pp. 6 and 9, (Spanish only).
Members of the National Police armed with AK rifles and an RPG-7 type portable grenade launcher in Masaya. 13 July 2018. ©Oswaldo Rivas

Members of the National Police armed with AK rifles and a Dragunov sniper rifle in Masaya. 13 July 2018. ©Oswaldo Rivas
During this joint armed operation, which ended on 17 July 2018 after the attack on the neighbourhood of Monimbó, at least nine protesters died, allegedly at the hands of police and pro-government armed groups.65 One police officer was also reportedly killed.66

That day, the Masaya Police Commissioner issued press statements saying: “the orders of our president and our vice-president are to clean up these blockades at the national level, and we are going to fulfil this request from the people of Monimbó, which is our Monimbó, and remains ours, and our Masaya, whatever the cost”.67

It is important to stress that state security forces may only resort to the use of lethal weapons when it is strictly unavoidable to protect life and when less extreme measures are ineffective.68 International standards require that all other avenues be exhausted before resorting to the use of lethal force.69

Despite the fact that in several localities, such as in and around the Masaya area, there was a dialogue to reach a peaceful solution to the blockade, the state resorted straight away to the use of lethal force.70

The type of weapons identified confirms the presence of snipers (or of people acting as such), which would explain the high number of people injured and killed as a result of gunshot wounds to parts of the body where such injuries are most likely to be fatal, as Amnesty International highlighted in its previous report Shoot to kill. This pattern has reportedly continued throughout the crisis.71

65. CENIDH, Report No. 5, p. 11.
67. “la orden de nuestro presidente y nuestra vicepresidenta es ir limpiando estos tranques a nivel nacional, y esa petición de la población de Monimbó, que es nuestro Monimbó, sigue siendo nuestro, y nuestra Masaya, vamos a cumplirla, al costo que sea”. YouTube channel 100 % Noticias, available at: https://www.youtube.com/watch?v=F1j9-cbmX60 (Spanish only).
70. IACHR press release, 19 July 2018.
In addition, the state did not weigh up whether force should be used against demonstrators (if protesters had used a certain degree of violence): in all the events analysed, the National Police and pro-government armed groups almost always only used military-grade weapons that are by their nature indiscriminate, in breach of the state’s duty to use firearms to disperse violent gatherings only to the extent strictly necessary, minimizing the risk to life.\(^\text{72}\)

Amnesty International believes this suggests that the authorities wanted not only to tear the barricades down violently, but also to punish (even with death) those who participated in building or operating them.

### 4.3.2 POSSIBLE EXTRAJUDICIAL EXECUTIONS

Amnesty International analysed five cases of possible extrajudicial executions and crimes under international law carried out by pro-government armed groups and members of the National Police.

In these cases, the evidence suggests that although none of the victims represented a threat (they were not carrying deadly weapons at the time of their deaths), they were deliberately killed.\(^\text{73}\)

**CASE: RIOT POLICE OFFICER**

Faber López Vivas, aged 23 and originally from the municipality of Santo Tomas in the department of Chontales, was an officer in the National Riot Police. He was on duty during several operations to police demonstrations and took part in Operation Clean-up in various locations.

According to the information gathered, Faber López was critical of the behaviour of the National Police in the context of the crisis and had tendered his formal resignation on 6 July 2018. However, this was not accepted and instead his superior officer threatened him with death for being a “deserter”.

On Saturday, 7 July 2018, Faber López called a relative and told him: "If I don’t call you tomorrow, it’s because they’ve killed me." The following morning, early on Sunday, 8 July, several relatives tried to contact him by telephone without success. Faber López had died between 6:00 and 7:00 that morning, allegedly in Diriamba, department of Carazo.\(^\text{74}\)

Although the authorities knew about his death as soon as it happened and relatives repeatedly tried to get hold of him, it was 23:00 when an officer from the emergency services finally informed the family that his body was in the Institute of Forensic Medicine in Managua, where he had been taken at 17:00.

According to press release 79/2018 issued by the National Police on 8 July 2018, Faber López had died after being shot by “armed terrorists” while trying to clear the road to allow traffic to pass.\(^\text{75}\)

However, in an interview with Amnesty International, Faber López’ family reported that the corpse had no bullet wounds, but rather multiple signs of torture and that this had been confirmed by a private pathologist. His family believe that he was executed by the police as a punishment.

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\(^\text{73}\) Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, 7 September 1990, Principles 5 a) and b).

\(^\text{74}\) Ministry of Health, Faber López Vivas’ death certificate, 8 July 2018.

CASE: JINOTEGA, 23 JULY

On 23 July 2018 at around 19:00, pro-government armed groups and the National Riot Police began an attack in the Sandino neighbourhood of the city of Jinotega. At that time, this neighbourhood was known as the protesters’ last stronghold in the country where they had kept up the barricades as a form of protection and protest.

According to the information obtained, in the afternoon several demonstrators carrying saucepans gathered in the Sandino neighbourhood and people held a march from the city centre to Sandino as a sign of support. Witnesses and neighbours interviewed by Amnesty International said that from 19:00 until 4:00 the next day pro-government armed groups and members of the National Riot Police attacked people indiscriminately. Three people were killed and dozens injured and many were forcibly displaced to a nearby hill in Jinotega.

Amnesty International documented three possible extrajudicial executions: Leyting Ezequiel Chavarría Pérez (aged 16), Bryan Odoniel Picado Blandón (aged 22) and Benito Rodríguez González (aged 34). All died of gunshot wounds.

Based on the statements, videos and audio recordings collected, Amnesty International believes that the three were shot dead by members of the National Riot Police at around 4:00 on 24 July as they were fleeing the shooting along Fifth Street (calle quinta) in the Sandino neighbourhood.

In the case of Leyting Chavarría, he was cornered and shot at close range in the upper left chest. According to witnesses, before he died Leyting Chavarría shouted: “You’re crazy, don’t kill me!” and then they heard a gun being fired. The teenager was found with a “slingshot” or “catapult” in his possession.

One of the videos analysed by Amnesty International of the early hours of 24 July shows a minor at the scene of the killing, shouting and pointing his finger at one of the National Police officers who was there as the person who had fired the fatal shot.

Bryan Odoniel Picado Blandón, aged 22, died just a few metres away from Leyting Chavarría after being shot in the upper right chest. According to the witnesses, at the time of his death, Bryan Picado had a “slingshot” and several marbles in his pockets.

Benito Rodríguez González died after being shot several times, possibly as a result of blood loss. According to the available evidence, at the time of his death Benito Rodríguez was not carrying any weapons and asked the police for help as he lay dying.

Amnesty International had access to two audio recordings made by neighbours in the area at the time of killing in which the Benito Rodríguez’ voice can be heard as he died. Specifically, as he was dying someone thought to be a police officer can be heard saying, “Raise your hands” and repeating several times, “Do you want us to take you to the hospital?”.

According to the statements gathered, his body had at least two gunshot wounds to the legs: a small bullet hole that went right through the leg and another wound about 6cm in diameter.

The National Police issued a press release (92/2018) on 24 July regarding the cases of Leyting Chavarría, Bryan Odonel Picado, and Benito Rodríguez stating that: “at approximately 5.30 in the morning, police forces carried out an operation to restore free movement of traffic in the Sandino neighborhood... which had been taken over by groups of terrorists... These terrorist groups attacked the police with firearms and mortars, resulting in the deaths of three people and the wounding of five police officers.”

76. “aproximadamente a las 5:30 de la mañana, fuerzas policiales realizaban labores de restablecimiento de la libre circulación en el barrio Sandino (…), que estaba secuestrado por grupos de terroristas (…).Estos grupos terroristas atacaron con armas de fuego y morteros a las fuerzas policiales, resultando tres personas fallecidas y cinco compañeros policías heridos”. National Police press release 92/2018, available at: https://www.policia.gob.ni/?p=20548; (Spanish only).
CASE: PROTESTER ATTACKED AS HE SLEPT

On 11 June 2018, H.S.P. was killed by pro-government armed groups at the home of one of his relatives in the department of Jinotega. That night, H.S.P. was sleeping at his cousin’s house because he was frightened as he had been threatened several times by pro-government armed groups on account of his participation in the protests. Statements gathered by Amnesty International suggest that members of pro-government armed groups were looking for him in order to kill him, since despite the fact that there were at least six other people in the house, they only attacked H.S.P.

Around 4:00 am, clashes broke out at one of the barricades near the house. While H.S.P. was sleeping, police officers forced their way into the house and shot him in the arm as he was trying to escape through the window. Wounded, he fell to the ground and was then extrajudicially executed with a bullet to the forehead. His death certificate gives the cause of death as a gunshot above the left eyebrow and severe cranioencephalic trauma.77

On 7 May 2018, dozens of young people occupied the National Autonomous University of Nicaragua (UNAN-Managua) as a sign of protest against the government. As the crisis progressed, many people barricaded themselves inside; at its height more than 500 people were involved on a permanent or almost permanent basis.78

In July, the UNAN-Managua authorities summoned university staff to resume classes on the 17 July.79 This triggered the start of urgent negotiations with the government, in the context of the Verification and Security Commission (Comisión de Verificación y Seguridad, CVS) for the coordinated handover of the facilities. The Special Follow-up Mechanism for Nicaragua (MESENI), the OHCHR and local human rights organizations were involved in the negotiations.80

However, without prior notice from the authorities, on 13 July 2018 at 13:00, dozens of members of pro-government armed groups entered the campus firing a large number of rounds indiscriminately, while the National Police guarded the access routes to the university. The protesters responded with a large number of homemade mortars thrown mainly from the barricades.

The shooting by pro-government armed groups continued for more than 20 hours and, almost from the start, members of the National Police prevented personnel from the emergency rescue services from entering the university campus and stopped students and demonstrators from leaving. While during the first hour of the armed incursion hundreds of students and others taking part in the occupation managed to flee, by 14:00 practically all the entrances and exits were blocked.81 More than 200 people were trapped on campus and later in the nearby Divina Misericordia church. Among them were people involved in the occupation, medical personnel, priests, two international journalists and a national journalist.

As a consequence of the operation, two young people lost their lives, at least 16 people were injured and several university buildings were burned down. In addition, most of the people interviewed by Amnesty International who were on the campus at the time of the attack reported suffering psychological harm and thought that this action was directed and coordinated by the Nicaraguan state with the intention of instilling terror.

Amnesty International has analysed these events in the framework of international human rights law.

ATTACK BY PRO-GOVERNMENT ARMED GROUPS AT UNAN-MANAGUA

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78. For the analysis of this case, 23 people were interviewed who had all been trapped in the UNAN-Managua campus and the Divina Misericordia Church at the time of the attack (they included students, a priest at the Divina Misericordia church, a doctor and a journalist) and four people who were in the vicinity of the campus at some point during the attack.
79. Amnesty International interview with people who took part in the occupation of the UNAN on 29 July 2018.
80. OHCHR, Human rights violations and abuses in the context of protests in Nicaragua, 18 April – 18 August 2018, 2 August 2018 para. 27.
81. The only entrance that remained open was the gate next to the Divina Misericordia church, which is why people took shelter in the church. Later the church was virtually surrounded.
The Inter-American Court of Human Rights has established that the state is responsible whenever it is found that it allowed, both by its acts and omissions, “the involvement and cooperation of private individuals in the performance of certain duties (such as the military patrol of public order areas, the employment of arms designed for the exclusive use of the armed forces or the performance of military intelligence activities), which, in general, are within the exclusive competence of the State and where the State has a special duty to act as a guarantor.”

In the case of the UNAN-Managua, the authorities at the highest levels were not only aware of the attack by pro-government armed groups, but Amnesty International believes that they directed and controlled certain aspects of the attack.

From the beginning, the government would have known what was happening not only because it was public and widely publicized, but because from the first hours of the operation, negotiations were initiated with their authority between the Apostolic Nuncio, the Episcopal Conference and the CVS.

According to information received from people who remained inside the Divina Misericordia church, the violence only stopped when senior state officials accepted a ceasefire (which allowed the evacuation at 10:00 on the morning of July 14 to take place). In addition, almost from the beginning of the attack, the National Police remained near the areas of the university entrances and exits to stop people coming in and getting out, even though they were fully aware of what was happening.

The attack was not a response to an imminent threat or danger, to protect life or physical integrity, but was a premeditated operation by pro-government armed forces using lethal and indiscriminate force to evict those occupying the university campus. This, despite the fact that (as required by international standards) a dialogue had been established to achieve a peaceful surrender, ensure the safety of demonstrators when they left and enable normal university activities to resume.

Images and videos confirm that the weapons used in the attack by the pro-government armed groups included American-style M16 rifles, long-range rifles with telescopic sight (similar to the weapons used by military snipers) and semi-automatic pistols. They also had AK-style rifles and rifle magazines with 7.62mm ammunition and at least one large-capacity drum magazine capable of holding up to 100 rounds. The use of such magazines has no role whatsoever in a legitimate policing operation.

Inter-American jurisprudence has established that, in addition to demonstrating the absolute necessity of the use lethal force, the force used must be proportionate to the level of resistance offered at each moment, and in line with the degree of cooperation, resistance or aggression, so that the tactics of negotiation, control or use of force can be adopted as appropriate.

84. Amnesty International has documented that there was no access for Red Cross ambulances to come to the aid of and transfer injured people or for MESENI personnel, OHCHR staff, the Episcopal Conference or other human rights organizations who were in the area. See also http://www.oas.org/en/iachr/media_center/PRReleases/2018/156.asp
85. The Inter-American Court of Human Rights has stated that: “it must be verified whether other means are available to protect the life and safety of the person or situation that it is sought to protect, in keeping with the circumstances of the case” (Case of Nadege Dorzema et al. v. the Dominican Republic (Merits, Reparations, and Costs), Judgment of 24 October, 2012, para. 85 iii).
86. Inter-American Court of Human Rights, Case of Nadege Dorzema et al. v. the Dominican Republic (Merits, Reparations, and Costs), Judgment of 24 October, 2012, para. 91.
According to information that we have received, although dozens of protesters initially responded to the attack mainly with homemade mortars and Molotov cocktails, a channel of dialogue was established through which the demonstrators expressed their willingness to cooperate.

One such instance occurred around 20:00, when a priest from the Divina Misericordia church, came out of the church with a cross in his hands, to ask for a ceasefire and access to ambulances for the transfer of those who had been wounded. That is, despite the willingness to cooperate shown at various points, the state did not change its strategy and the shooting continued, in breach of the obligation of absolute necessity and proportionality that should be ensured regarding the use of force and the harm it is being deployed to prevent. 89

This action by pro-government armed groups resulted in the deaths of two demonstrators and the wounding of at least 16 others. The two fatalities were Francisco José Flores (aged 21) and Gerald Vázquez (aged 20), who both died from gunshot wounds to the head sustained sometime between 3:00 and 6:00 on 14 July. At the time of their deaths, both were carrying handmade mortars in their hands. The state did not report that anyone else was injured or killed.

According to international standards, when excessive force is used by the state, any resulting deprivation of life is arbitrary. 90 Having documented the case of Gerald Vázquez, Amnesty International believes it could constitute an extrajudicial execution and a crime under international law because, although he was carrying a handmade mortar at the time of his death, according to the statements gathered, he was deliberately shot down by a sniper (and therefore from a privileged position), who acted under the orders (or at least with the acquiescence) of the state authorities.

Instead of minimizing damage and injury and respecting and preserving human life, 91 the actions of the authorities resulted in Gerald Vázquez suffering the “destruction of vital brain centres and cranioencephalic trauma caused by gunshot wounds,” 92 and he died as a result 10 minutes later inside the Divina Misericordia church.

89. Inter-American Court of Human Rights, Case of Nadege Dorzema et al. v. the Dominican Republic (Merits, Reparations, and Costs), Judgment of 24 October, 2012, para. 87.
91. Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, 7 September 1990, Principle 5 (b)).
In addition, whenever the use of force has resulted in the death of an individual, the state has the obligation to provide a satisfactory explanation and to disprove the arguments concerning its responsibility, with appropriate probative elements.93

However, in press release 86/2018, the National Police stated that "armed terrorist groups...had kidnapped the Rubén Dario University campus UNAN-Managua, for 45 days, occupying it as a torture centre..." and that "there was information that two people who died on the barricades manned by armed individuals, around UNAN-Managua: Francisco José Flores, aged 21, and Gerald José Vásquez López, aged 20, both of whom died as a result of gunshot injuries, were members of these terrorist groups."

The use of the term “terrorist” by state bodies to describe people who have not been convicted of any crime has been judged an affront to the honour, dignity and reputation of the person, according to Article 11 of the American Convention.94

In relation to the wounded, international standards state that assistance and medical aid must be rendered to any injured or affected persons at the earliest possible moment.95 However, Amnesty International confirmed that for hours, the National Police blocked access, preventing the wounded from being evacuated. One of the documented cases was that of a young man, V.A.S., who was injured in the right foot by a high energy projectile96 as he was running back trying to protect himself. V.A.S was wounded at around 17:00 and transferred to the Divina Misericordia church around 18:00; continuing gunfire prevented him from being rescued earlier. Despite the serious condition of his foot, his evacuation, along with that of the other wounded, was not authorized until 21:30, when Red Cross ambulances were allowed in.97

According to the statements collected by Amnesty International, many of the people who were trapped on the campus during for more than 20 hours while the attacks continued, with outbreaks of gunfire and seeing people injured and killed, said that they experienced moments of extreme anxiety and felt traumatized by their experiences; this has also been judged a violation of the right to personal integrity.98

Satellite image that shows the Divine Mercy Church and one of the locations where police vehicles had blocked entrances on 14 July 2018.
Members of the National Police armed with a Dragunov rifle and a PKM machine gun in Masaya. 18 July 2018 ©Marvin Recinos/AFP/Getty Images.
4.3.3 FAILURE TO INVESTIGATE POSSIBLE EXTRAJUDICIAL EXECUTIONS

During the period covered by this report, families were more reluctant to lodge a complaint with the Attorney General’s Office than they had been during the first weeks of protest. Several did not even formally register the death of their relative, much less file a complaint, out of fear, distrust or lack of confidence in the authorities.

The jurisprudence of the Inter-American Court has pointed out that the investigation of possible extrajudicial executions should be "ex officio, without delay, serious, impartial and effective". In such cases the investigation should not rely on the interested parties and authorities must carry out the investigation using all available legal means, as well as attempting to pursue, capture, prosecute and punish those responsible, especially when state agents are or may be involved. 99

However, Amnesty International has received information indicating that in all the cases of possible extrajudicial executions documented in this report, the Nicaraguan authorities have not initiated ex officio investigations or conducted the thorough investigative processes that would guarantee access to the truth and justice for victims’ families.

A. IRREGULARITIES IN THE INITIAL STAGES OF THE INVESTIGATION

E The recovery of the body and an autopsy are the minimum and vital steps that must be taken to give the best possible chance of a successful investigation. 100 In compliance with international standards, autopsies must be carried out systematically, by competent professionals and using the most appropriate procedures. 101

Of the six documented deaths, in three cases the recovery of the body was not carried out in line with the minimum guidelines set out in international standards. 102 In the cases of Bryan Picado, Leyting Chavarría and Benito Rodríguez, the families refused to allow the authorities to take custody of the body because they did not trust them and because they believed that it was the National Police themselves who had killed their relatives.

According to human rights standards, "in order for a death investigation to be effective, it is essential that the persons in charge of such investigation be independent, de jure and de facto, of the ones involved in the case. This requires not only hierarchical or institutional independence, but also actual independence." 103

In relation to autopsies, of the six cases, only two underwent a forensic medical examination. 104

One of these two cases was that of the police officer, Faber López. In his case, both the death certificate and the supposed forensic autopsy 105 state that the cause of death was a bullet wound to the head. 106

there was no evidence that this was the result of a gunshot wound. Instead, the autopsy found injuries consistent with torture, such as: the total destruction of the nose bone, and a sutured wound with regular medial edges in the shape of “Y” of approximately 17 to 20 centimetres; a burst left eyeball; evidence of otorrhagia (bleeding from the ears); multiple wounds with linear edges on the shoulders and forearms, right and left, with redness at the edges; destruction and removal of the nails of the third and fourth fingers of the right hand; exposure of the distal phalanx bone of the third finger of the right hand; multiple bruises and contusions on the back; and bruises to the chest and abdomen.

In an interview with Amnesty International, the family of Faber López said they believed this was an effort to hide the truth by the police who allegedly tortured their son as punishment for wanting to "desert" from the National Police.

The fact that a key procedure is manipulated jeopardizes the success of the investigation, which is a violation of the duty to ensure due diligence and good faith, thoroughness and impartiality in investigations of serious violations.

B. OBSTACLES TO ACCESS TO JUSTICE

Investigations of probable extrajudicial executions must be initiated ex officio, even if there has been no formal complaint. The Inter-American Court of Human Rights has indicated that "in investigations into a violent death...as soon as the State authorities are aware of the act, they should initiate ex officio and without delay a genuine, impartial and effective investigation".

Of the six possible extrajudicial executions documented, in three cases no complaint was filed because of fear and mistrust. In all cases, the families reported not knowing of any official investigation being initiated ex officio.

“If there is an investigation, they certainly never informed me. I doubt it very much. How can the same police officers who killed him investigate his death? That’s why I haven’t gone to the Attorney General’s Office to file a complaint. For what? So they can arrest me?”

Relative of Faber López

The three families that did file a complaint said that they had faced obstacles in lodging the complaint and in pursuing official proceedings.

The family of H.S.P. said that after his death they went to the municipal health centre to obtain a death certificate, which was refused on the grounds that they needed photos and witnesses. After meeting these requirements, a doctor informed them that she could not hand over the certificate “because of orders from above.”

In addition, the health centre tried to register the death as due to “lack of medical assistance”. After going through several procedures and with the help of a private doctor, the family managed to obtain a death certificate containing the correct information more than a week after H.S.P.’s death.

107. Excerpt from the Private Forensic Medical Report provided by the family on 29 July 2018.
108. Amnesty International interview with a member of Faber López’s family on 29 July 2018.
C. HARASSMENT OF FAMILY MEMBERS

Several families said that they were afraid of having any kind of contact with the authorities because of the threats they had received. International standards state that: "Family members should be protected from any ill-treatment, intimidation or sanction as a result of their participation in an investigation or their search for information concerning a deceased or disappeared person."\(^\text{112}\)

In addition, at least two families reported having been the targets of intimidation. According to the videos and statements gathered, during the funeral of Leyting Chavarría on 25 July, members of a pro-government armed group fired shots to terrorize mourners. Dozens of terrified people, including children, ran out of the church. His relatives believe this incident was an act of intimidation and punishment for the protests, "so that the families are isolated".

A relative of Faber López said that between 9 July 2018, the day he was buried, and at the cut-off date for this report, she had recorded more than 30 security incidents, including serious threats on social networks, shots fired into the air in front of their home and threatening phone calls telling them they risked arrest as "terrorists".

In addition, days after the funeral, the President of the Republic, Daniel Ortega, appeared on television giving a posthumous medal to a woman who was claimed to be Faber López’ wife.\(^\text{113}\) The family of Faber López publicly denounced this, stating that the woman was a National Police officer posing as the wife of the dead policeman.

Two families (those of Bryan Picado and H.S.P.) buried their relative in a remote area, fearing that the police or pro-government armed groups would arrive and assault them. Because of the families’ fear and lack of confidence in the authorities, at the time of the interview with Amnesty International, the deaths of Bryan Picado, Leyting Chavarria and Benito Rodríguez had not been officially registered with any authority.

D. VICTIMS’ RIGHTS

The Inter-American Court has established that the victims of human rights violations or their relatives must have ample opportunities to be heard and participate in the respective processes. This includes presenting arguments, receiving information, providing evidence, making allegations and defending their interests.\(^\text{114}\)

None of the six families interviewed had received information from the authorities on the lines of investigation or the procedures undertaken.

H.S.P.’s relatives told Amnesty International that, following the death of their relative, they went to the police station to lodge a complaint. However, they were given "a variety of excuses" as a result of which they had to go back three times before they were finally able to file the complaint.

Afterwards, they went back to get information about the ongoing investigation, but this was refused. At the time of the interview, they were unaware whether there was any investigation under way or whether proceedings had started to request an examination by a pathologist.

\(^{113}\) Confidencial, “Ortega condecora a “falsa” esposa de oficial asesinado” [Ortega gives award to “false” wife of officer who was killed] Available at: https://confidencial.com.ni/ortega-condecora-a-falsa-esposa-de-oficial-asesinado/ (Spanish only).
\(^{114}\) Inter-American Court of Human Rights, Case of Radilla-Pacheco v. Mexico (Preliminary Objections, Merits, Reparations, and Costs), Judgment of November 23, 2009, para. 247. See also Inter-American Court of Human Rights, Case of the “Street Children” (Villagran-Morales et al.) v. Nicaragua, (Merits), Judgment of November 19, 1999, para. 227.
They told us that the boss was not there, that they do not give copies, that they were going to consult, to come back tomorrow...they gave us different excuses.”

Relative of H.S.P.

4.4. USE OF TORTURE

International human rights law establishes the right of every person to have their physical, mental, and moral integrity respected and the absolute prohibition of torture and other cruel, inhuman or degrading treatment or punishment.115 The prohibition of torture is a peremptory norm (ius cogens) from which no derogation or exception is permitted under any circumstances.116

Amnesty International documented at least 12 cases of torture, reportedly at the hands of members of the National Police or pro-government armed groups acting with the acquiescence of the authorities, during June and July 2018. In all cases, the aim of causing pain or suffering was to exert pressure on people to make false statements to incriminate student and social leaders, to obtain information on the organization of the protests, and to punish those who took part in the protests.

Submitting detainees to individuals acting with the state’s acquiescence or tolerance who commit acts of torture with impunity represents in itself a breach of the obligation to prevent violations to personal integrity and to life.117 In addition, both the direct perpetrators and officials in the chain of command bear a legal responsibility whether by acts of instigation, consent or acquiescence.118

THE CASE OF A.B.

According to his statement, on 3 June 2018, A.B. was unlawfully detained while walking down the street in a town in the Matagalpa region. He described how armed, hooded men wearing black uniforms got out of a Ministry of Health van and violently dragged him into the vehicle. Once he was in the van, A.B. said his hands were tied and he was blindfolded.

As he was being driven away, he heard that they were going to a place near Managua to the building where he would be held and tortured for 10 days.

When they arrived at the building, the hooded men tied him to a chair and started to plunge his head in a barrel of water to suffocate him, all the while asking him who the leaders on the barricades in his area were, who organized the protests and how the movement was organized. When A.B. said that he did not know, they untied him from the chair, threw him to the ground and kicked him for several minutes, mainly in the abdomen.

They then gave him electric shocks on his legs, arm, back and chest. In addition, they cut him on the chest with a sharp object. After the electric shocks, they punched him in the head and burned him with a cigarette on various parts of his body, including his genitals. At this point, A.B. passed out because of the pain. He was subjected to similar treatment for several days.

The perpetrators were dressed in blue trousers, military-style boots, dark vests, black shirts and black hoods, and practically everyone carried an AK-type rifle. A.B. said he could not be sure whether they were members of the National Police or pro-government armed groups.

115. American Convention on Human Rights, 22 November 1969, ratified by the Nicaragua on 25 September 1979, Article 5, Right to Humane Treatment; International Covenant on Civil and Political Rights, 16 December 1966, ratified by Nicaragua on 8 January 1980, Article 7; Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, 10 December 1984, ratified by Nicaragua on 5 July 2005, Article 16; and UN Committee against Torture, General comment No. 2.


117. Inter-American Court of Human Rights, Case of González Medina and Family v. the Dominican Republic (Preliminary Objections, Merits, Reparations and Costs), Judgment of February 27, 2012, para. 181; Case of Velásquez-Rodríguez v. Honduras (Merits), para. 175; and the case of Case of Contreras et al. v. El Salvador (Merits, Reparations, and Costs), para. 85.

118. Committee against Torture, General Comment No. 2, Implementation of article 2 by States parties, 24 January 2008
In an interview A.B. said that there were other people in the place where he disappeared for 10 days; he could hear the screams of men and women who were also being tortured.

According to A.B., during the last days he was held, he could not move or speak. On the 10th day of his detention, the commander of the group of armed men arrived and realized that A.B. was not the person that he had ordered to be disappeared and ordered them to dump him somewhere where he could be rescued.

A.B. appeared on 13 June 2018 near UNAN-Managua, unable to hear, speak, move or see properly. He was looked after for several days by students sheltering in UNAN, then handed over to the CENIDH and subsequently taken to the Bautista hospital for medical treatment.

Amnesty International was able to examine various injuries to A.B.’s body at the time of the interview (a month and a half after the events described) and burn marks on his arm and back, injuries to the head and leg, and cuts to the chest were still visible.

In an interview with A.B.’s family, they pointed out that when they realized that he was missing, they immediately filed a complaint with the National Police in his neighbourhood. However, an officer told them that they would not accept any complaints and, in a mocking tone, said that they should go and make their complaints to the priests. For 10 days, the family of A.B. looked for him without the authorities making any efforts to help locate him. They never lodged a complaint with the Attorney General’s Office because they feared that this was the very body which had detained and tortured A.B.

Amnesty International believes that there are substantial grounds for believing that state authorities were responsible in the case. A.B. was taken away in an official vehicle (of the Ministry of Health) and was disappeared and tortured by members of the National Police or pro-government groups acting with their acquiescence. In cases of serious human rights violations, the burden of proof lies with the state.119

THE CASE OF C.H.

C.H. was unlawfully detained at around 7:30 on 14 July 2018 near UNAN-Managua by pro-government armed groups.

When he heard about the attack which had begun at 13:00 the previous day at the UNAN-Managua campus, C.H. went there to see how he could help in securing the release of the protesters.

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However, a Hilux truck with three armed members of pro-government armed groups blocked his way and started questioning him. After searching him and stealing his belongings, they found he was carrying a Nicaraguan flag and then took him by force into the University.

Once inside, two men with black and red balaclavas started slapping him and threatening to kill him and throw his body in a ravine unless he agreed to record a video to identify the people responsible for the crimes committed in UNAN-Managua. According to his testimony, C.H. was made to get down on his knees, a gun was held to his head and they demanded that he let himself be recorded. However, when they realized that C.H. did not know anyone in the University, they put him back into a Hilux truck and took him to the Judicial Assistance Department of the National Police in Managua (Dirección de Auxilio Judicial de la Policía Nacional), also known as El Chipote. During the journey they continued to threaten him.

When they arrived, he was taken into a room, stripped naked and forced to do 100 squats. After letting him put on his underwear, a police officer started punching him in the head, stomach and face. Later, another policeman came into the room to question him about his involvement in the burning down of a radio station and in UNAN-Managua. In the interview with Amnesty International, C.H. said that at that point he had thought that this was going to be the last day of his life.

He was held in El Chipote for a total of 11 days during which he interrogated at least eight times and beaten and threatened. In the interview with Amnesty International he said that, for him, the prison conditions in which he was held were as damaging as the blows.

“For me, being in that cell was torture in itself, they don’t need to hit you. It is below ground with a hole in the ceiling. It is very dark even in the day. There is a small hole in the door where a bit of light comes in. I had no shoes, there were lots of flies, mosquitoes. I had no clothes, only my boxer shorts. It’s like hell, very hot. You can’t breathe properly, there is no fresh air coming in. It’s dirty, and there’s only a small hole where you can go to the bathroom.”

Interview with C.H. in Costa Rica, 9 September 2018

THE CASE OF NINE STUDENTS

Amnesty International interviewed nine young people who had been tortured after they were arbitrarily detained on 16 July 2018.

According to the testimonies collected, 11 students (six men and five women) were stopped in a city in the west of the country by members of the National Police and hooded pro-government armed groups, who searched their bags and found a Nicaraguan flag. At the time of the arrest the students were insulted and threatened and hit about the head and in the stomach with AK rifle butts. At least two were thrown to the ground and kicked and one was kicked hard in the testicles.

All 11 were taken to holding cells at the National Police station in the city; there were no warrants for their arrest. During the journey they were hit in the ribs and on the head; the women were threatened with rape.

Once at the station, they were interrogated, subjected to acts that could constitute torture and held for five days in what was tantamount to enforced disappearance (four of them were held for two days longer); they were unlawfully deprived of their liberty and the authorities kept their whereabouts hidden.

120. The self-organized movement typically waves the Nicaraguan flag (blue and white), in opposition to the FSLN flag (black and red).
During the first day, uniformed police officers and armed men in civilian clothing (and mostly hooded) interrogated the 11 from around 19:00 to 2:30 the following day. During the second and third days they were interrogated between one and three times, for periods of between half an hour to an hour. Two people were subjected to interrogation and ill-treatment all five days.

During interrogation, the 11 were questioned about their involvement in the protests and about the organization, leadership and funding of the protests. They were threatened with death, with criminal prosecution for “terrorism”, and with death threats against a member of their family. In addition, all were slapped and punched in the ribs and abdomen, head and legs. Most reported that they were made to stretch out their hands on a table and then the butt of a gun was dropped on them from a height.

In relation to the detained men, at least one of the four interviewees reported being beaten severely about the ears, two said they had received electric shocks to the ribs and chest, and three reported having been made to strip naked while insults were hurled at them. Three reported being kicked in the genitals and at least two alleged that they were burned on the testicles with a cigarette during the interrogation on the first and second days.

The women reported that the first night they had been forced to remove their underwear to give it to other prisoners. One of them was threatened that her three-year-old daughter would be killed. One woman had almost the entire nail of her big toe pulled out121 and had a miscarriage following blows to her abdomen. In this particular case, although she told them that she was pregnant (around two months), the police continued to beat her saying: "ah, we have a pregnant woman. We’re going to make chorizo out of it" and “we’re going to pull it out and you’re going to eat it alive”. They then threw her to the ground and kicked her in the abdomen and ribs. While she was held at this centre, she lost blood on several occasions. When she got out, five days later, a doctor confirmed that she had miscarried.

At the time of the interview with Amnesty International (a month and a week after their detention), several of the students still had visible physical injuries and burns.

THE CASE OF C.D.

Amnesty International received reports of sexual torture in El Chipote from C.D., a 19-year-old woman, originally from near Managua.

On the morning of 13 June 2018, four Hilux trucks carrying armed and hooded men in civilian clothes, as well as National Police officers from the town, arrived at the home of C.D. to detain her. While the police stayed outside to block the roads leading to the house, at least five armed members of pro-government groups forced their way into the house, wrecking the house searching for alleged weapons, to detain her and get hold of her mobile phone. C.D. identified at least three of the members of the pro-government groups as local police officers from her neighbourhood. None of them wore a uniform and they were not travelling in official vehicles. At the time of her detention, no arrest warrant or search warrant was produced, nor was any reason given for detaining her.

After she was detained, they took her to the local police station and then from there to El Chipote, where she arrived at around 13:00. During the journey she was threatened, hooded and her head was pressed against the floor so she could not move.

Once in El Chipote, C.D. was stripped naked, forced to do “squats” and interrogated by several prison officers about the self-organized citizens’ movement. When she did not provide this information, they read out the charges – terrorism, illegal possession of weapons, exposing people to danger, causing damage to an institution and murder – and said that they had proof. When she still refused to provide

121. At the time of the interview on 29 July 2018, Amnesty International was able to confirm that half of the nail on her big toe was missing.
the information, they threatened her and took her to a dark cell. She was left there for about six hours and then they came and took her to another interrogation session.

This time C.D. was interrogated by two women and four men and beaten and kicked on various parts of the body, especially the abdomen, arms and legs. In the interview with Amnesty International, C.D. described hearing the dreadful screams of a woman during the interrogation and being threatened: ‘you are here and she is there, but if you don’t talk, you are going to be there with her’.

They then returned her to the cell. During the night, a hooded man in plainclothes came to interrogate her. He threatened her saying: ‘Look girl, what do you want? Do you want me to keep hitting you or screw you? You decide: I can kill you or rape you’. When she said nothing, he hit her, penetrated her by force and ejaculated inside her vagina.

The next morning, on 14 June 2018, she was interrogated again and one of the women police officers made fun of the attack she suffered the night before. C.D. was questioned again, threatened to try to make her sign a statement incriminating herself, and beaten on various parts of her body. C.D. refused to sign or provide information.

After this interrogation, at around 16:00 she was reportedly referred to a psychologist at the centre and she told them that she had been raped the night before. However, this public official did not record the allegation or ask any questions about it.

C.D. was subsequently transferred to a plainclothes officer who suggested that she negotiate, while threatening to kill her family. She refused to provide information and was released at around 19:00 on 14 June 2018.

According to the report of a psychological examination carried out on 15 June, to which Amnesty International had access, C.D. presented with symptoms of post-traumatic stress, namely ‘sleep disorder, hypervigilance and rationalization of her emotions’. 122

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### 4.5 ARBITRARY DETENTION

International law establishes that a person may only be detained on grounds and in accordance with procedures that are established in law. 123 Although Nicaraguan law includes the obligation of the state to respect the right to liberty, complaints of arbitrary detentions have been increasing. 124

According to information from NGOs, as of 18 August 2018, at least 300 people were being prosecuted for taking part in the protests. 125 According to the CENIDH, between the beginning of the crisis and 25 July 2018, more than 1,900 people were detained and about 400 remained in detention without formal charges. 126

A significant number of detainees have been accused of terrorism. 127 On 16 July 2018, the National Assembly approved the Law against Money Laundering, the Financing of Terrorism and the Proliferation of Weapons of Mass Destruction, 128 ostensibly to redefine the crime of terrorism and punish those funding it. While Amnesty International did not have access to cases of people prosecuted under this law, but only to cases of those prosecuted under the definition set out in the Criminal Code, it believes that this law could be used to facilitate misuse of the criminal legal framework.

122. Psychological report provided by the victim.
124. IACHR press release, 2 August 2018.
125. OHCHR, Human rights violations and abuses in the context of protests in Nicaragua, 18 April - 18 August 2018, para. 33.
126. CENIDH, Report No. 5, pp. 3 and 19.
127. OHCHR, Human rights violations and abuses in the context of protests in Nicaragua, 18 April - 18 August 2018, para. 33.
In this context, information was received about the detention of Medardo Mairena and Pedro Mena, leaders of the campesino (peasant farmer) movement, on 13 July 2018. They were accused of at least six crimes, including terrorism. 129 On 18 July 2018, it was reported that Irlanda Jerez, leader of the self-organized merchants of the Mercado Oriental, 130 had been arbitrarily detained by police officers and hooded members of pro-government armed groups. 131 And on 22 July 2018, Cristhian Fajardo and María Peralta (members of the 19 April Movement in Masaya) were detained in connection with several crimes, including terrorism. 132 Three days later, the IACHR granted precautionary measures in their favour. 133

On 25 August 2018, seven young people – Juan Pablo Alvarado, Christopher Olivas, Bayron Corea, Luis Quiroz, Yaritza Rostrán, Levis Artola and Victoria Obando – were detained in the city of León after taking part in a peaceful demonstration. Six of them were members of the University Coordinating Committee for Democracy and Justice (Coordinadora Universitaria por la Democracia y la Justicia). 134 On 10 September 2018, the detention was reported of two young members of the student movement, Amaya Coppens and Sergio Midence, in the city of León. According to media reports, they were accused of terrorism, among other crimes. 135

In some of these cases, the police authorities made public statements describing the detainees as "terrorists", and even presented them to the media as criminal gangs. 136 International standards state that the right to the presumption of innocence requires that the authorities refrain from making statements about the guilt or innocence of the accused before their trial has ended. 137 In addition, as already mentioned, the use of the term "terrorist" by state bodies about people before they have received a final judgment from a court is an affront to the person’s honour, dignity and reputation. 138

Amnesty International has analysed violations of the right to liberty and due process by the Nicaraguan authorities, through the documentation of seven cases of probable arbitrary detention (Nelly Roque and Roberto Cruz, from Matagalpa, and five people in the Pueblos Blancos area). 139

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132. IACHR press release, 2 August 2018.
137. UN Human Rights Committee, General Comment No. 32, Article 14: Right to equality before courts and tribunals and to a fair trial (CCPR/C/GC/32), 23 August 2007, para. 30.
139. As indicated, the Pueblos Blancos area includes the municipalities of Catarina, Diríomo, Niquinohomo, Dirí, Nandasmo, San Juan de Oriente and Masatepe.
THE CASE OF NELLY AND ROBERTO

Nelly Roque and Roberto José Cruz had actively participated in protests organized in Matagalpa since April 2018. On 26 June 2018, while both were travelling with three other people to Managua, hooded members of pro-government armed groups carrying firearms and accompanied by a traffic police officer fired at their vehicle and then detained all five of them.

On 30 June, Nelly, Roberto and the others appeared in court and were accused of aggravated robbery using intimidation, kidnapping for ransom, carrying or illegal possession of firearms or ammunition, and organized crime. In addition, Roberto was also accused of the possession and use of restricted weapons.

Nelly and Roberto were later accused of terrorism and obstructing public services, as well as aggravated robbery using violence or intimidation, kidnapping for ransom, torture, causing minor psychological harm and making threats using a firearm. The first hearing about this new set of crimes took place 1 August 2018.

“It is with great concern that we have become aware of the dramatic increase in the number of people who have been arrested without the guarantees of due process. We call urgently on the Nicaraguan state to ensure strict compliance with the law and other procedural guarantees for all detainees, in line with the corresponding international standards. The state must ensure the prompt release all people who have been detained arbitrarily or on unfounded charges.”

Commissioner Joel Hernández, IACHR Rapporteur on the Rights of Persons Deprived of Liberty, 2 August 2018.

A. DETENTIONS WITHOUT APPROPRIATE JUDICIAL SUPERVISION

According to the Nicaraguan Constitution, every detainee has the right to be released or brought before a competent authority within 48 hours of arrest.140

International law states that arrests must be reviewed by a judge (or other authorized officer) and that the detainee is entitled to trial within a reasonable time or to release.141 This requirement applies in all cases without exception and must be respected even before formal charges have been filed.142

Relatives of Nelly Roque and Roberto Cruz told Amnesty International that, two days after their arrest and not having obtained any information about their whereabouts, they filed a writ of habeas corpus. Although they had been held for more than 48 hours without being brought before a competent authority, the two were not immediately released. On 29 June 2018, their appeal against their unlawful detention was granted by the court.

According to the information available, Nelly Roque and Roberto Cruz were brought before a judge for the first time on 30 June 2018.143 That is to say, after four days’ in incommunicado detention. The Human Rights Committee has stated that: “Incommunicado detention that prevents prompt

140. Constitution of the Republic of Nicaragua, Articles 33 (2.2). See also the Code of Criminal Procedure of the Republic of Nicaragua, Law 406, Article 95.9.
141. International Covenant on Civil and Political Rights, Article 9.3 and the American Convention on Human Rights Article 7(5).
142. Human Rights Committee, General comment No. 35, Article 9: Liberty and Security of Person, para. 32.
presentation before a judge" violates the right to liberty enshrined in the International Covenant on Civil and Political Rights.  

Arrest or detention that lacks any legal basis is also arbitrary. Therefore the detention of a person must be submitted without delay to judicial review. The Inter-American Court of Human Rights has indicated that "prompt judicial control is a measure tending to avoid the arbitrary or illegal nature of detentions... Prompt judicial review of the detention is particularly relevant when applied to arrests made without a court order".

B. INEFFECTIVENESS OF REMEDIES TO REVIEW THE LEGALITY OF DETENTION

The American Convention on Human Rights guarantees the right of every person deprived of their liberty to appeal the legality of their detention or arrest before a competent judge or court. The Inter-American Court of Human Rights has ruled that the writ of habeas corpus, or any domestic recourse that allows the legality of detention to be reviewed, "represents the appropriate means for guaranteeing the liberty and controlling respect for the life and integrity of the person, and also for protecting the personal integrity of the individual".

In Nicaraguan legislation, the appeal for a person to be presented before a court (recurso de exhibición personal) acts in favour of those whose freedom, physical integrity and security are, or are in danger of being, violated.

On 28 June 2018, the family of Nelly Roque file a writ of habeas corpus that was resolved in their favour by the court on 29 June 2018. Nelly’s relatives reported that, although on 29 June the judge designated to execute the appeal (juez ejecutor) went to El Chipote to fulfil her legal mandate and obtain access to the detainee, police officers prevented her from doing so.

On 30 June 2018, the judge, accompanied by a relative of Nelly Roque, returned to El Chipote. This time, police officers in the entrance area said that Nelly was not in the detention centre as she had been transferred to a court for a preliminary hearing. The family of Roberto Cruz reported that they had faced similar obstacles regarding implementation of their habeas corpus writ.

Although Nicaraguan law provides recourse to habeas corpus (recurso de exhibición personal), in the case of Nelly and Roberto it proved ineffective. In both cases, the designated judges (jueces ejecutores) were not able to enter the detention centre, check the physical condition of the detainees or review their files. For there to be an effective remedy it is not sufficient that it is provided for in the Constitution or the law or that it be formally admissible, but it must be genuinely capable of establishing whether a human rights violation has been committed and provide the necessary means to remedy it.

144. Human Rights Committee, General comment No. 35, Article 9: Liberty and Security of Person, para. 35.
145. Human Rights Committee, General comment No. 35, Article 9: Liberty and Security of Person para. 11.
146. Inter-American Court of Human Rights, Case of J. v. Peru, (Preliminary objection, merits, reparations and costs), Judgment of November 27, 2013, para. 143.
147. American Convention on Human Rights, Article 7 (6).
149. Amparo Law, Law No. 49, Article 4.
150. Amparo Law, Law No. 49 Article. 64.
151. In the case of C.D., the torture case detailed in the previous section, Amnesty International learned that the judge assigned to deal with the habeas corpus in his case had died a year earlier.
152. Inter-American Court of Human Rights, Case of Mejía Idrovo v. Ecuador, (Preliminary Objections, Merits, Reparations, and Costs), Judgment of July 5, 2011, para. 94.
C. LACK OF ACCESS TO LEGAL COUNSEL OF ONE’S CHOICE AND LACK OF COMMUNICATION WITH RELATIVES

According to international human rights standards, in criminal proceedings states must allow and facilitate detainees’ access to a lawyer from the start of their detention. In addition, “the detainee also has the right to notify a third party – for example, a relative or an attorney... This notification must be carried out immediately by the authorities conducting the detention”.

However, in the case of Nelly Roque and Roberto Cruz, lawyers appointed by their families were not able to see them during their detention in El Chipote. Despite the fact that Nelly’s family had tried to see her on several occasions, the police officers in the entrance area informed them that “she only has the right to have food delivered to her.”

Incommunicado detention “may constitute an act that is contrary to human dignity, because it may result in a situation of extreme psychological and moral suffering for the detainee”. Therefore, international human rights law has established that it must be “an exceptional measure” and only “applied if it is ordered in keeping with conditions that have been established previously by law”. Nicaraguan legislation states one of the duties of the National Police is to allow detainees to inform their families, or whoever they deem appropriate, of their detention.

Nelly Roque’s defence counsel, provided by the Permanent Commission for Human Rights of Nicaragua (Comisión Permanente de Derechos Humanos de Nicaragua, CPDH), told Amnesty International that before the preliminary hearing on 30 June, they had not been able to speak with either of the detainees, nor had they been properly notified of the preliminary hearing.

The IACHR has indicated that there is abundant information on the obstacles faced in accessing appropriate legal defence in Nicaragua; these include restrictions on lawyers’ access to hearings and the refusal to provide information on the legal status and state of health status of detainees.

After being detained in El Chipote, Nelly and Roberto were transferred to other detention centres without the families being properly notified, in violation of the guarantees enshrined in international principles.

The incommunicado detention to which Nelly and Roberto were subjected may also constitute a violation of their right to physical integrity. The Inter-American Court of Human Rights has stated that: “Even if an unlawful detention has only lasted for a short time, this is sufficient for it to constitute a violation of mental and moral integrity, in accordance with the standards of international human rights law and, in these circumstances, it is possible to infer, even when there is no other evidence in this regard, that the treatment that the victim received during her time of incommunicado was inhuman and degrading.”

D. DENIAL OF MEDICAL EXAMINATION

Nicaraguan law states that those who are accused or charged with an offence have the right to be examined by a doctor before being brought before the judicial authorities. The UN Standard Minimum Rules for the Treatment of Prisoners (Nelson Mandela Rules) state that a physician or other qualified health-care professionals, should see, talk with and examine every prisoner as soon as
possible following his or her admission and thereafter as necessary.\textsuperscript{161}

The Inter-American Court of Human Rights has stated that: “the State has the duty to provide detainees with regular medical review and appropriate medical care and treatment when required.”\textsuperscript{162}

In the case of Nelly Roque and Roberto Cruz, their defence counsel requested at least three times that their state of health be assessed by the Institute of Forensic Medicine (Instituto de Medicina Legal, IML)\textsuperscript{163} in Managua. Their requests were received by the judicial authorities, who on several occasions ordered an assessment of their health by the IML.\textsuperscript{164} However, according to the families of Nelly and Roberto and their lawyers, by the cut-off date for this report, a medical examination had not been carried out and the health of their relatives was continuing to undergo a serious deterioration.\textsuperscript{165}

“The provision of health care for prisoners is a State responsibility. Prisoners should enjoy the same standards of health care that are available in the community, and should have access to necessary health-care services free of charge without discrimination on the grounds of their legal status.”


The lack of appropriate medical care for a person who is deprived of liberty and in the state’s custody may be considered a violation of the right to physical integrity, depending on the particular circumstances of the specific person.\textsuperscript{166}

In addition to the cases of Nelly Roque and Roberto Cruz, Amnesty International received allegations of the arbitrary detentions of demonstrators in the context of Operation Clean-up, which are discussed below.

E. DETENTIONS DURING OPERATION CLEAN-UP

“It is worth noting that, in the context of tougher ‘clean-up’ raids, the MESENI and the staff of the Office of the United Nations High Commissioner for Human Rights on the ground observed a high degree of support and collaboration between National Police forces and masked parapolice groups, who coordinate their actions to perpetrate violence, repress, harass and persecute civilians as well as to remove ‘tranques’. The MESENI could also verify that both police officers and members of parapolice groups detained scores of people who were later taken to National Police detention centers”.


\textsuperscript{162} Inter-American Court of Human Rights, Case of Vera Vera v. Ecuador, (Preliminary Objections, Merits, Reparations and Costs), Judgment of 19 May, 2011, para. 43.
\textsuperscript{163} This consisted of the following documents: a copy of the record of the preliminary hearing, held on 30 June 2018; a copy of the document sent by the defence on 6 July 2018 (with acknowledgment of receipt by the Office for the receipt and serving of cases and documents of the court complex of Managua (Oficina de recepción y Distribución de Causas y Escritos del Complejo Judicial de Managua); and a copy of the record of the initial hearing held on 24 July 2018.
\textsuperscript{164} As stated in the following documents: the record of the preliminary hearing, held on 30 June 2018; the record of the hearing to reschedule the initial hearing due to force majeure, held on 16 July 2018; and the record of initial hearing, held on 24 July 2018.
\textsuperscript{165} Amnesty International contacted relatives and defence lawyers between 12 and 14 September 2018 to verify the situation.
\textsuperscript{166} Inter-American Court of Human Rights, Case of Espinoza Gonzáles v. Peru, (Preliminary Objections, Merits, Reparations, and Costs), Judgment of November 20, 2014, para. 206.
On several occasions, after tearing down the blockades and confronting the population using force in the context of Operation Clean-up, members of pro-government armed groups and police officers illegally raided homes and unlawfully detained people, apparently as punishment for participating in the protests. 167

Amnesty International has analysed the detention of five people after attacks on the “blockades” in several neighbourhoods known as Pueblos Blancos. 168 During Amnesty International’s visit to this area, information was obtained about the attacks carried out in the context of Operation Clean-up between 15 and 17 July 2018. Both the OHCHR 169 and MESENI 170 denounced the excessive use of force in the operations carried out in this area. Amnesty International obtained information about the arbitrary detention of five people in this context.

In all five cases, which involved four families, the detention was carried out in an extremely violent manner. The four families (A, B, C and D) reported that members of pro-government armed groups dressed in green, accompanied by police officers, conducted unlawful searches of their homes (and, in at least one case, their family business), causing damage to the buildings and looting the contents. During the raids, the police officers (armed mostly with AK-style rifles) beat, threatened and insulted people on account of their participation in the anti-government protests.

Family A reported that 15 men, mostly hooded, dressed in civilian clothes and carrying firearms, opened fire inside the house, destroyed windows and doors, beat one person and then took her away.

The wife of a detainee in family B reported that at the time of the arrest, 14 men arrived, including police and members of pro-government armed groups, and when they found her husband they kicked him, took off his shoes and clothes, threw him on the ground, pushed him to his knees and beat him. The detainee’s wife said that, at the time of the detention, there were several girls present; they were lined up and an AK-type weapon was pointed at them.

In the case of family C, the detention was carried out by members of pro-government armed groups. But in all five cases, the families reported that after being unlawfully detained, their relatives were transferred to police stations.

The Inter-American Commission on Human Rights has noted that in the context of the “Clean-up” raids, “a high degree of support and collaboration between National Police forces and masked parapolice groups” has been observed and “both police officers and members of parapolice groups detained scores of people who were later taken to National Police detention centers.” 171

167. CENIDH, Report No. 4, p. 6.
168. The Pueblos Blancos area includes the municipalities of Catarina, Diríomo, Niquinohomo, Diríá, Nandasmo, San Juan de Oriente and Masatepe.
A member of family D told Amnesty International that she was detained and released after five days. She said that during that time she had no access to a lawyer and she was not brought before a judge. She added that when he asked a police officer if she could make a call to tell people where she was, he replied: “You have no rights.”

"The Inter-American Commission on Human Rights (IACHR) alerts about the ongoing stigmatization and criminalization of social protest on unjustified and disproportionate grounds; serious problems of access to legal defense and due process; and violations of the rights of persons deprived of liberty and their families."

IACHR, 24 August 2018

### 4.6 DISPLACEMENT AND FORCED MIGRATION

"Children as young as 12 have left the neighbourhood; children do not go to school because there are lots of paramilitaries in front of the school. There are no young people, it is a neighbourhood of traumatized women and children. Before it was full of young people, and now they are all running away”.

Resident of the Sandino neighbourhood, Jinotega, interview with Amnesty International

The Inter-American Court of Human Rights has established that every person lawfully in a country has the right to move about in it and to reside in it172 and that this includes protection from being forcibly displaced within a country or from being forced to leave a state.173

During Amnesty International’s visit to the towns of Managua, Jinotega, Sébaco, Matagalpa and Pueblos Blancos, the organization obtained more than 60 statements about the daily climate of terror and harassment in which the inhabitants of these communities and neighbourhoods were living.

According to the information received, the "normality" that the government is trying to impose is based on the stigmatization, harassment, detention and criminalization of those who participated in the protests. As a result, many people have been forced to leave their homes and seek refuge in other districts, municipalities or departments for fear of being persecuted and detained. In other cases, people have been forced to migrate to other countries in an effort to safeguard their lives, security and freedom.174

Amnesty International was able to collect 18 statements from students, human rights defenders, campesinos, relatives of victims of human rights violations, members of opposition parties and community leaders who had come to Costa Rica in search of protection.

The well-founded fear of these people that they would be persecuted if they returned to Nicaragua was reflected in their fear of being arrested, criminalized, harassed, publicly humiliated, stigmatized or even tortured if returned to their country. Some people had had to circumvent Nicaraguan border controls to reduce the risk of being arrested at the frontier.

172. American Convention on Human Rights, Article 22
174. “…the definition or concept of a refugee to be recommended for use in the region is one which, in addition to containing the elements of the 1951 Convention and the 1967 Protocol, includes among refugees persons who have fled their country because their lives, safety or freedom have been threatened by generalized violence, foreign aggression, internal conflicts, massive violation of human rights or other circumstances which have seriously disturbed public order.” Cartagena Declaration on Refugees.
“We did not want to leave the country, but seeing as how they are snatching the young people, we felt we had no choice and also seeing our parents’ desperation. Our parents told us that we were more help to them alive than dead or imprisoned and that leaving was the most viable option”.

Young Nicaraguan man, V.X., interviewed in Costa Rica.

During the visit to Costa Rica, Amnesty International witnessed the fear that still haunted people even in a foreign country. Many people said that there were “informants”, that is to say, Nicaraguan people connected to the government of President Ortega, in Costa Rica. According to their statements, the “informants” were operating not only in Costa Rican cities, but also in the border area, making a list of and sometimes attacking people who had participated in the protests and barricades. While Amnesty International could not confirm the existence of these groups, complaints about them were widespread.

The Court has indicated that the right of movement and residence can be violated by de facto restrictions if the State has not established the conditions, nor provided the means to exercise it. The right of movement and residence can be affected when a person is the victim of threats or harassment and the State does not provide the necessary guarantees to ensure that they can move and reside freely in the territory in question, even when the threats and harassment come from non-state actors. Likewise, the lack of an effective investigation of violent acts, as well as the situation of impunity, can undermine the confidence of victims in the justice system and contribute to conditions of insecurity. In addition, this situation of impunity can lead to or perpetuate exile or forced displacement.

5. CONCLUSIONS AND RECOMMENDATIONS

After analysing the events and cases documented, Amnesty International has concluded that since June 2018 the government has maintained and intensified a deliberately lethal and indiscriminate repressive strategy, not only with the intention of completely dismantling the protests, but also to punish those who participated in them.

Amnesty International believes that this strategy was based on the following:

1. AN OFFICIAL DISCOURSE OF DENIAL AND CRIMINALIZATION

Through the analysis of speeches and official public statements, Amnesty International confirmed that both the President and the Vice-President of Nicaragua have adopted language that includes the widespread use of the terms “terrorist” and “coup plotter” to refer to anyone who takes part in anti-government demonstrations.

In addition, the state has continued to publicly deny that human rights violations have been committed. Amnesty International believes that the figures and data presented by the National Police were deliberately manipulated and are proof of the government’s intention to present a different picture. This denial is also demonstrated by the total rejection of the two reports submitted by international human rights bodies.

2. WIDESPREAD USE OF PRO-GOVERNMENT ARMED GROUPS

Through the analysis of images and testimonies, Amnesty International has concluded that the government made widespread and conspicuous use of pro-government armed groups with whom it coordinated violent actions against protesters in order to increase the capacity for repression and for use of lethal force, as well as to instill terror in the population.

A prime example of this phenomenon was the attack on the UNAN-Managua, where dozens of members of pro-government armed groups entered the university, attacked those occupying the campus using military-grade weapons indiscriminately, and trapped more than 200 people inside, while the National Police blocked the entrances to prevent people leaving. This case exemplifies how attacks were carried out not only with the knowledge of the most senior members of the government, but under their control.

Furthermore, Amnesty International believes that efforts by President Ortega to try to justify the existence and modus operandi of pro-government armed groups are an attempt to give the appearance of legality to a situation that violates both Nicaraguan law and international human rights law.
3. EXCESSIVE AND INDISCRIMINATE USE OF LETHAL FORCE AND EXTRAJUDICIAL EXECUTIONS

The state continued to use excessive force. In particular, during this period the use of lethal force was widespread, disproportionate and often indiscriminate. New cases of possible extrajudicial executions were documented that constitute a gross human rights violation and are a crime under international law.

Although there were incidents where demonstrators did engage in violent actions, the National Police (and pro-government armed groups) failed to fulfil their obligations and adhere to the principle of using the minimum force necessary, but rather engaged in the widespread use of lethal force. As the analysis above shows, the police almost never used less-lethal weapons which would allow a differentiated use of force, but instead engaged in the widespread use of lethal military-style weapons that fire indiscriminately, such as RPK light machine guns or AK rifles in automatic mode, which cannot ensure the least possible harm to life and physical integrity. There was also evidence of the use of military-style weaponry – which was disproportionate to the force being countered, including RPG-7 anti-tank grenade launchers – and of sniper rifles, such as the Dragunov or M24 Remington, which is consistent with continued reports of injuries in parts of the body where the injury is most likely to prove fatal and that indicate that there was an intention to kill. The state used weapons that are designed for situations of armed conflict and that, therefore, should not be used in public security operations.

In addition, there were possible extrajudicial executions by state agents or of third parties acting on their orders or with their acquiescence. Amnesty International believes that the six cases of alleged extrajudicial executions documented in this report were a form of punishment.

Finally, the actions of pro-government groups, operating under the protection of the security forces and the control of the government, as in the case of eviction of those occupying UNAN-Managua, and public statements such as those by the Masaya Commissioner of Police stating that the National Police would comply with the orders of the President and Vice-President to eliminate the “blockades” whatever the cost, show that the repressive policy came from the highest levels of the Nicaraguan government.

4. LACK OF EFFECTIVE INVESTIGATIONS INTO HUMAN RIGHTS VIOLATIONS

The state has perpetuated impunity for serious human rights violations by failing to comply with its duty to initiate prompt, thorough and impartial investigations.

The most basic procedures were not undertaken in most cases and the necessary conditions were not guaranteed that would have enabled victims to trust the authorities and file their complaints, or follow up on investigations without fear of reprisals.

Instead the relatives of victims of serious violations continued to face harassment and threats.

5. THE USE OF TORTURE AS A METHOD OF PUNISHMENT AND IN INVESTIGATIONS

Through the documentation of at least 12 reported cases of torture, Amnesty International has concluded that state agents, or members of pro-government armed groups acting under their command, inflicted pain and suffering on demonstrators as a method of punishment and during investigations to obtain information about the organization of protests. This constitutes a gross violation of human rights and a crime under international law.

At least one of the documented cases involved the sexual torture of a young woman in an official detention centre.
6. ARBITRARY DETENTION OF DEMONSTRATORS

Amnesty International believes that the state authorities carried out arbitrary detentions and disregarded basic judicial guarantees in proceedings against student and community leaders, as well as demonstrators in general, as part of a repressive strategy to disrupt the protest movement and punish those involved in it.

In the cases analysed in this report it was possible to confirm that detainees had been held in incommunicado detention and that no effective judicial recourse was available to relatives to review the legality of their detention. In addition, deadlines established in law for bringing detainees before judicial authorities were not adhered to. Amnesty International also documented the lack of access to an appropriate legal defence: the detainees did not have access to their lawyers and representatives before the first hearing and their legal counsel was not properly notified of some hearings during criminal proceedings.

7. INTERNAL DISPLACEMENT AND FORCED MIGRATION

As a consequence of the widespread persecution, thousands of people were forced to leave the country in order to safeguard their lives security and freedom. Amnesty International also found that people had been internally displaced because of well-founded fears that they would be attacked, arrested or harassed if they stayed in their neighbourhoods. The lack of effective investigations into human rights violations, entrenched impunity and the lack of trust in the institutions responsible for guaranteeing access to justice also contributed to this migration and displacement. The Nicaraguan state has not ensured the right of movement and residence because it did not provide the necessary guarantees for people to move around and reside freely in the country.

Amnesty International therefore makes the following recommendations:

TO THE PRESIDENT OF NICARAGUA

• Dismantle and disarm pro-government armed groups immediately and ensure that the police forces act in accordance with the principles of legitimate, proportionate and necessary use of force in the context of protests.
• Put an end, as a matter of urgency, to the strategy of repression, persecution and arbitrary detention of people involved in anti-government protests and guarantee the rights to freedom of expression and protest.
• Immediately release those human rights defenders, activists or other protesters who have been arrested for exercising their right to freedom of expression despite facing multiple charges for which the state has not presented any compelling evidence.
• Ensure that the National Police refrain from carrying out acts that constitute torture or other ill-treatment, intimidation, harassment or reprisals against demonstrators or those perceived to be opponents of the current government.
• Put an end to the public discourse that stigmatizes and criminalizes people who protest or who are perceived to be opponents of the current government and protect and recognize publicly the legitimate and important work of human rights defenders and journalists.
• Comply without delay with the recommendations issued by the Inter-American Commission on Human Rights (IACHR) and the Office of the United Nations High Commissioner for Human Rights (OHCHR). Ensure appropriate conditions for the IACHR Follow-up Mechanism on the Situation of Nicaragua (MESENII) and Group of Independent Experts (GIEI) so that they can carry out their work. Allow international human rights bodies and mechanisms unrestricted access to the country.
• Promptly seek to ratify the Rome Statute of the International Criminal Court and incorporate its provisions in domestic legislation.

TO THE PUBLIC PROSECUTOR’S OFFICE
• Initiate prompt, impartial, independent and thorough investigations into cases of extrajudicial executions, torture and other human rights violations, including those committed by pro-government armed groups, and include in those investigations not only those who committed the violations, but also the superior commanders who ordered or allowed them or who, knowing of such possible violations, did nothing to prevent them.
• Guarantee the effective participation of the victims and their families in investigation proceedings.
• Guarantee the safety of all those who, directly or indirectly, participate in the investigations.
• Guarantee the Interdisciplinary Group of Independent Experts (GIEI) full access to information and assistance in criminal investigations into acts of violence and possible human rights violations, in line with its mandate.

TO THE INSTITUTE OF FORENSIC MEDICINE
• Ensure that forensic pathologists participating in investigations act in an independent and impartial manner and in accordance with the best forensic practices, including those set out in the Minnesota Protocol. 175
• In the case of arbitrary killings or extrajudicial executions, the Institute of Forensic Medicine must perform the autopsies, issue the relevant reports and keep the families informed at all times.

TO THE JUDICIAL AUTHORITIES
• Guarantee the independence and impartiality of judges, so that they can exercise their functions free of any interference, pressure or undue influence.
• Respect due process guarantees for detained students, activists or other protesters, including their right to appear before a court without delay, and guarantee access to their families and lawyers of their choice.
• Examine, in line with international legal standards, all cases of detainees brought before them and order their release if the individuals were arbitrarily detained.

TO THE INTERNATIONAL COMMUNITY
• Demand that Nicaragua fulfil its obligations regarding human rights.
• Ensure that the mandate of Working Group on Nicaragua, created within the framework of the Permanent Council of the OAS, to seek a peaceful and lasting solution to the crisis.
• Follow up on the suggestion of the Office of the United Nations High Commissioner for Human Rights, made in the framework of the 38th session of the UN Human Rights Council to consider the creation of an international commission of inquiry. 176
• Guarantee international protection for all Nicaraguans who flee to other countries in the region to escape the danger to their lives, liberty and security.

Protest leaders walk through the Nicaraguan jungle in order to reach Costa Rica and seek asylum. 7 August 2018. © Marvin Recinos/AFP/Getty Images
AMNESTY INTERNATIONAL IS A GLOBAL MOVEMENT FOR HUMAN RIGHTS. WHEN INJUSTICE HAPPENS TO ONE PERSON, IT MATTERS TO US ALL.
This report is a follow-up to Amnesty International’s earlier report ‘Shoot to kill’. In this report, ‘Instilling terror’, Amnesty International analyses the ongoing strategy of repression adopted by the Nicaraguan government towards the protests that began in April 2018.

Although several of the elements identified in the previous report have persisted, the organization found that since June 2018 several aspects of the state strategy have been intensified and transformed.

Official government statements have continued to seek to justify the repression, but have put greater emphasis on criminalizing those who took part in protests. The use of pro-government armed groups was common and there was widespread, deliberate and often indiscriminate use of lethal force against protesters. In addition, Amnesty International again documented cases of possible extrajudicial executions which the authorities failed to investigate.

Research showed that torture was used as a method of punishment, to fabricate evidence and during investigations. In addition, arbitrary detention was used as a strategy to suppress the protests. The result has been that thousands of people have been internally displaced or forced to flee the country.

It is Amnesty International’s view that these violations were carried out not only with the knowledge of the highest authorities of the Nicaraguan state, including the President and Vice-President, but on many occasions, under their orders and control.
Nicaragua Has a Simple Message for Protesters: Don’t

For nearly two years, Nicaraguans have been rising up against their government. It has cost some dearly.

By Frances Robles  Photographs by Cesar Rodriguez
Dec. 26, 2019

MASAYA, Nicaragua — Diana Lacayo never imagined that a hunger strike held in a church would turn into a nine-day siege, with the police outside and the electricity and water cut off inside.

But to the Nicaraguan authorities, even this modest protest was a challenge to be crushed.

For nearly two years, Nicaraguans have been rising up against the grip of one family, the Ortegas, who are accused of turning the country into a personal fief: The president has no term limits, the first lady is the vice president and their children hold top posts in industries like gas and television.

In the face of unrest, the government has used uncompromising measures to silence public dissent. And despite a collapsing economy, American sanctions and mass emigration, President Daniel Ortega and his wife, Vice President Rosario Murillo, still hold power firmly.

Once seen as a national hero for his leadership of the leftist Sandinista Front that overthrew the dictatorship of Anastasio Somoza in the 1970s, now Mr. Ortega is seen by many in this generation of Nicaraguans as an autocratic ruler himself.

As pro-government activists sow violence in the streets, voices of dissent are silenced by arrest and assault. Roughed up and robbed by government supporters, protesters sometimes return home from demonstrations without phones or even shoes.

“If we go outside with a flag, we go to jail,” Ms. Lacayo said.

The standoff here at San Miguel Arcángel Church made clear that no place is a sanctuary.

Desperate to be heard, Ms. Lacayo and eight other women went there to see whether a hunger strike might win freedom for their husbands, brothers and sons, political activists who are languishing in government prisons. By the time it was over, 14 people in all, including a Catholic priest, had spent more than a week locked inside, surrounded by the police, as basic supplies dwindled to near nothing.

“They left us like rats in a hole,” said the Rev. Edwing Román, the pastor who was trapped in the church with the protesters.
For Nicaraguans, it was another reminder that simply speaking out can have severe consequences.

Last year, it looked as if the president might be on the ropes as Nicaraguans mounted their largest protests in decades. Though the government rebounded, the hunger strikers at San Miguel Arcángel and other protesters were buoyed by the ouster this fall of Mr. Ortega’s Bolivian ally, Evo Morales.

But for all their shared leftist ideology and authoritarian leanings, Mr. Ortega enjoys one thing Mr. Morales did not: The military and the national police have stayed at his side, protecting him as security forces have done for Nicolás Maduro in Venezuela and other authoritarian leaders around the world.

And so in Nicaragua, protests have led only to more arrests, even as crisis racks the country. The economy is spiraling, and nearly 100,000 people have fled.

In the face of all this, Mr. Ortega and his wife have offered a portrait of Nicaragua as a country much safer than its neighbors, and a new slogan warns of the dangers of disruption: “You don't play around with peace.”

Still, Nicaragua is far from safe: In reporting about the siege at the church, I was assaulted two days in a row.

The first time was a quick whack by a woman angry over having her photograph taken. A day later, a crowd of Mr. Ortega’s Sandinista Front party activists, who had gathered outside the chapel surrounded me, pushed me to the ground and tried to wrestle my phone away. Then someone smashed a paving stone through my rental car’s windshield as I fled.

The police, who were present, did not intervene.

Mr. Ortega rose to prominence in Nicaragua as a guerrilla fighter in the 1970s, when he helped to lead a popular grass roots uprising to bring down the right-wing dictatorship of Mr. Somoza.

The Sandinista guerrillas declared victory in 1979. Mr. Ortega became president and ruled Nicaragua throughout the 1980s, but counterrevolutionary forces known as the Contras tried to topple him using secret, illicit financing by the Reagan administration.
Mr. Ortega lost elections in 1990, but returned to power in 2007.

The protests began in the spring of 2018, when entire cities rose up against the Ortegas. They began over social security cuts, and soon turned into a widespread rebuke of the increasingly undemocratic government. The Supreme Court had been stacked, legislators forced out, municipal elections stolen and term limits scrapped.

Three months later, the government took the streets back. In a crushing crackdown, the police fired on protesters who had set up roadblocks around the country. Nationwide, more than 300 people died, including 22 police officers.

Dozens of protesters who burned buildings, took over universities for months and blocked roads for weeks are still in prison, among them Ms. Lacayo's son, Scannierth Merlo Lacayo, 22, who was sentenced to five years.

In November, Ms. Lacayo and other women with jailed relatives approached Father Román and asked whether they could use his church for a hunger strike. The priest agreed: "Thinking that this was a civilized country, I said yes."

Father Román, 59, is one of several priests in Nicaragua who have assumed leading roles in the insurrection — a cadre of clerics who have minced no words, using words like "dictatorship" to describe the government.

Ms. Lacayo, 48, and the other hunger strikers arrived at San Miguel around 9 a.m. on a Thursday, and the police immediately surrounded the church. At one point, they blocked the front doors and refused to let Father Román inside to offer Mass in his own church — so the parishioners prayed outside.

The priest eventually made it inside, but just as communion was ending, the lights went out. The authorities had cut the power.

"Father said: 'Quick! Fill the barrels with water!'" said José Román Lanzas, a 13-year-old altar boy. "Sure enough, what did the government do? They cut off the water."

The boy made it out, but five people, including a lawyer and human rights activist who were supporting the women, were trapped inside.

"We thought we were going there to have a hunger strike, not a siege," said Karen Lacayo Rodríguez, 42, a former Sandinista whose 45-year-old brother, Edward E. Lacayo Rodríguez, is serving a 15-year sentence in a drug-trafficking case his family said was staged. (She is not related to Diana Lacayo.)

Father Román said: "When we opened the windows, the police outside would say to the mothers, 'You are going to come out in black bags, smelling bad.' We were hostages."

Mothers of other prisoners tried to hold similar strikes at other churches. At the national cathedral in Managua, government supporters stormed in and roughed up a priest.

"We are living in a country without rules," said the priest, the Rev. Rodolfo López, whose beating was caught on video. "We're talking about a situation here where people deliberately, freely, offer their souls to the devil," he said of the president and first lady.

The hunger strike at the cathedral ended within a day, but at San Miguel the situation grew dire.

The women slept on the floor, using curtains as blankets. Clothing donated for the poor was distributed so they could change. The women on the hunger strike had come prepared with electrolyte drinks, and the priest shared the contents of the rectory pantry with those who were not striking.

At night, hecklers threw rocks and rattled the metal garage gate. Nobody could bathe.

Volunteers who tried to bring water were arrested and charged with trafficking weapons. Still, they managed to bring in several gallons, and it rained twice, offering a few days of water and a chance to rinse off.

Eventually, their cellphone batteries ran out. They sent a message to supporters: If the church bells ring, someone is in mortal peril.

Eight days into the standoff, traffic was closed off for two blocks and dozens of police officers were lined up outside. The doors and windows were shuttered. The police did not allow anyone to enter, but they said the protesters were welcome to leave at any time.

"Don't go writing in your notebook that we locked them inside," a police official said. "If they want to come out, they can come out."

He then ordered me to leave.

By the ninth day, food and water was running out. Father Román, who has diabetes, passed out twice and became delirious as his blood sugar dropped.
The women said the priest had told them he was willing to die. But while the women were prepared to give their own lives to the cause, they did not want to surrender his. They used the one telephone they had saved for emergencies — it had just 1 percent battery left — and gave up.

The Red Cross ushered in an ambulance and freed the 14 people.

“The priest was in bad, bad, bad shape,” said one hunger striker, Martha L. Alvarado, 47, whose son, Melkissedex A. López Ferrey, 30, is serving four years for robbery after participating in the protests last year. “But when the ambulance came, he did not want to get on the stretcher. He said, ‘I am leaving here on my feet.’”

Several of the 14 people spent days in the hospital. Far from feeling defeated, the women felt victorious: Word of the siege at the church led to international condemnation.

Vice President Murillo, who is also minister of communications, did not respond to repeated requests for an interview. In the past, she has accused the protesters of being tools of the United States, which has a long history of supporting violent insurrection against socialists in the region.


As the hunger strike at the church began, one of the Ortega children, Juan Carlos Ortega, declared, “We condemn this coup plan.”

The government has said that many protesters are armed and that the news media has ignored atrocities they have committed, including murders and burning down government buildings. Protesters like Karen Lacayo reject the claims.

“They say we have missiles, this and that, but the only weapon we have is the flag and our voice,” she said. “We want a free Nicaragua.”

With tensions rising around the country, police officers have stormed the homes of opposition activists, tied them to chairs and humiliated them by recording video of them promising to stop harassing Sandinistas.

“They brought weapons of war,” said Diego Reyes Alonso, 26, one of the people who was tied up. “They did not even bring a search warrant or any document, not even to pretend that this was legal.”

Mr. Reyes was studying information systems engineering but was expelled from college, his entire transcript wiped clean, he said, after he participated in the protests.

Activists say the government’s actions show that the Ortega administration is panicked over the toppling of the Bolivian government. Elections are not until 2021, and few people believe that the Ortegas will allow international observers to ensure that the race is free of fraud — though few opposition leaders have emerged, in any case.

For a time after the impasse at San Miguel Arcángel, Father Román stayed away from his church. But his duties drew him back: 120 children needed to make their First Communion.

When he got there, he found seven riot police officers still stationed at the church — and the power still turned off.
TAB 11
‘Do You Want Me to Kill You or Rape You?’
Sexual violence as a means of repression

Those detained in connection with the 2018 protests denounce being assaulted and abused in Nicaraguan detention centers.

Judith Flores | Special for CONNECTAS
📅 24 septiembre, 2019

In August of 2018, Byron Cruz Calderon was taken to Pueblo Nuevo's jail cells in the department of Jinotega, in Nicaragua's northern region. There, he was stabbed in the stomach and genitals. Cruz gave his testimony while in the hospital, while his family submitted their complaint to the Permanent Commission for Human Rights (CPDH in Spanish).

The organization founded 41 years ago, has received accusations from citizens who have suffered from repressive measures adopted by Daniel Ortega's government in its attempt to put a stop to protests that began on April 18th, 2018.
In the family's complaint, they accuse the police and armed civilians of trapping Cruz in his home in the El Dorado neighborhood and assaulting him. He was relaxing when they came for him. He tried to escape but they shot him in the left knee. His case joins a list of over 2,000 others who were wounded, according to the Inter-American Commission on Human Rights (IACHR), one of the principal organs of the Organization of American States (OAS). The IACHR also maintains a list of 328 deaths.

Cruz's story began with one official's accusations against the 31-year-old regarding his participation in protests, according to this investigation by CONNECTAS, the leading platform for collaborative journalism in the region. Police agents and paramilitary acted against anti-government demonstrators who had built street barricades as a means of protection during the campaign referred by the government as “Operation Clean-up”, carried out in July of that year.

According to witness accounts, hooded civilians joined the police in carrying out repressive acts against the populace. Illustration: Luis González, for CONNECTAS
The excessive use of force by police authorities, and attacks by the FSLN government's shock forces – at times coordinated with official authorities, or by armed civilians, against those in the opposition – are now part of Nicaraguan daily life, according to national and international human rights organizations.

At least 25 cases of political prisoners, published in Nicaraguan and US media, or as told to human rights organizations, have identified a pattern of abuse committed against opposition members while in detention: beatings, removal of fingernails, toenails and teeth, electric shock, acids thrown on skin, suffocation, cigarette burns, psychological abuse, sexual abuse and rape.

The Interdisciplinary Group of Independent Experts (GIEI in Spanish), created by the OAS, which investigated events in the country between April 18th and May 30th of last year, were expelled from Nicaragua in December just hours before presenting their report. In their report, they denounced the commission of crimes against humanity and called for an investigation of Daniel Ortega and the police hierarchy. Their findings contradicted the government's official version of what had transpired, which proposed that the government had fallen victim to an attempted coup d'état.

“A great number of arbitrary detentions related to the protests has been reported, including those of dozens of adolescents. There is evidence of abusive treatment and excessive use of force during apprehensions and transferring of detainees. Information also exists regarding inhumane conditions in
Nicaragua is one of the signatories of the Inter-American Convention to Prevent and Punish Torture, adopted by the OAS in 1985. Article 2 of the Convention explains that “torture shall be understood to be any act intentionally performed whereby physical or mental pain or suffering is inflicted on a person for purposes of criminal investigation, as a means of intimidation, as personal punishment, as a preventive measure, as a penalty, or for any other purpose.”

The government denies having tortured demonstrators in detention. In November of 2018, Vice Minister Luis Cañas told the Voice of America, “if we were to deal with all that fake news, I guarantee you we wouldn’t have time for anything else but for looking into all that, not only fake, but also malicious news.” Cañas is within the Ministry of the Interior (Office of Governance), the branch of the government responsible for the penitentiary system and working in coordination with the police.

Ana Quiroz, Director of the non-governmental human rights organization, Center for Information and Health Advisory Service (CISAS), which had its legal status revoked last November by the government, stated that they were able to document abuse committed by the authorities against eight women.

In a report published by NICARAGUA CONNECTAS, Quiroz stated that while in detention, women of the opposition were forced to take off all their clothes and do deep-knee-bends in front of stone-faced agents. This goes on in the local police stations such as El Chipote, the jail to which authorities bring those subject to investigation; in the La Modelo men’s prison; and in the La Esperanza women’s prison, the two latter located north of the capital.

“The majority of those who were abused or raped have left the country,” said Quiroz. “They were told – Which do you prefer? Do you want me to kill you, or to rape you? Or keep beating you or rape you?” she said, “making it then the woman’s responsibility for, in this case, being the victim of rape”.

Permanent Commission for Human Rights (CPDH)
CPDH's Executive Director, Marcos Carmona, asserts that they have received nine complaints from women who have been raped by police or "paramilitaries". Among the cases documented by this organization is that of a 21-year-old woman who was raped by 18 police officers and paramilitary, in the department of Matagalpa.

The complaints submitted to this human rights organization reveal that the victims have been abuse and raped while under police detention. Few people know about their cases. Carla, 19, participated in the protests. She was captured in Managua on June 13, 2018 by agents and hooded men dressed in civilian clothes who were circulating in four pickup trucks. After several hours of interrogation, she was cold, and her head ached. While in El Chipote, a hooded man in civilian clothing entered to continue (with the interrogation).

“He told me, ‘Either you let me f... you (rape) or I beat you up.’ My response was, ‘You think I have an option?’ And what happened, happened,” she said. Her case has been documented by the Nicaraguan Initiative of Women Human Rights Defenders, and Amnesty International.

Abuses committed by authorities against political prisoners have also occurred in the prisons. Freddy Navas, Campesino Movement leader and former prisoner released last June 13th after 8 months, says that while he was in La Modelo prison in Tipitapa he learned of the rapes. “Male cell-mates were raped with AK-
In a similar case, at dawn on May 15th, 2018, two student leaders were sexually abused. Several pick-up trucks with armed civilians and police laid siege to the street barricades near the San Juan de Dios Hospital in Estelí, in the country’s northern region. There they captured a youth who requested anonymity in recounting his story to CONNECTAS.

They took him to the location’s police station and then finally transferred him to the capital, to a cell in El Chipote, along with another friend from within the struggle. They were kept naked until they were raped with the point of the AK-47 rifles. “I lost consciousness from the pain, all became dark, I lost everything; it was a pain I have never felt before, the minutes lasted for a long time,” he stated.

His aggressors were dressed in black and covered their faced with ski masks while they tortured him. They asked him questions about who was paying for the protests, how they had been organized, who had given the orders. With such profound pain, he lost his sense of time. Six days after being detained, they were released, after their capturers were convinced that they didn’t have any useful information.

The youths went to Dr. Josmar Briones, who treated them, and then told their story months later to Human Rights Watch, headquartered in Washington, D.C. Briones is one of the more than 200 Nicaraguan doctors forced into exile for their safety during and after the protests. After much time, the neurosurgeon still remembers the faces of the victims when they arrived at his clinic, unable to walk.

According to activist Ana Quiroz, rape is the ultimate form of subjugation, the domination of others; letting them know who’s in charge. “We feel that the use of rape is, in the first place, a form of torture. And in the second place, it’s a form of subjugating a person, robbing them of their last shred of dignity. The use of rape is a way of telling them that here, your will, your very self, has no value, and I will destroy you in the most intimate way possible – through your sexuality.”
A medical specialist who asked to remain anonymous asserts that the torturer uses rape in order to inspire terror and obtain information which the government considers to be essential. “It is the most cruel and inhumane act.”

Some of the complaints filed include sexual harassment, threats of rape, held captive in one’s underwear, beatings, cigarette burns and throwing acid on genitals; as well as electric shock, mutilation, rape, and gang rape.

Other abuses included groping political prisoners’ family members during the body checks that were ordered prior to visiting these political prisoners, but according to family members, the abuse of force began long before the jails were filled with 700 political prisoners through a manipulation of the justice system.

The murder of Carlos Antonio Flores, 19, is proof of this kind of mistreatment. “They cut this throat…they cut him several times on the back of his head with a machete…his little hands, both hands… they destroyed his penis….his death was horrible. He was not a “good for nothing”, he was a student,” says Gioconda Ríos, his mother.

The boy was heading to boxing practice in the municipality of Ciudad Sandino, located 11 km west of Managua. It was April 22, 2018 the day they killed him. It was his birthday. He is yet another one of those who died within the context of protests in Nicaragua. He was a high school student and was preparing for a boxing match planned for May 14, 2018, according to his mother.

He was heading toward the municipal plaza for exercises when he was attacked by a group of delinquents and members of the “Sandinista Youth”, she explained, while filing her complaint with the CPDH. The CPDH held a press conference during which Carlos Antonio’s mother spoke with her back turned to the cameras for fear of reprisals.

The Group of Independent Experts of the OAS asserted that his cadaver remained for hours on a public street, despite the family’s calls to the police to begin the investigation, and to the government’s Legal Aid Institute to transfer his body for the autopsy. The report was done three weeks after the crime was committed.

When the family received Carlos Antonio’s corpse, they noted the wound in his neck, his two hands were amputated, he had suffered genital mutilation and burns. Afterwards, his aggressors threw his bloody body into the street. A neighbor asked that he be taken by authorities before “his killers set his body on fire”. Carlos Antonio was another victim of sexual violence during the repression of those who think differently, a little-known story within all that has occurred in Nicaragua since the protests began last year.

*This article is part of NICARAGUA CONNECTAS, the initiative to show the Central American country within a context that is averse to freedom of expression.
TAB 12
Nicaragua: Still governing by repression a year after crisis began

25 April 2019, 14:11 UTC

A year after the beginning of the crisis in Nicaragua, President Ortega’s government is continuing its strategy of repression and human rights violations, despite the many calls from international organizations and the determined efforts of civil society to find a swift solution that upholds the rights of the population.

“The spiral of state violence in Nicaragua has not come to an end. Instead of taking every measure in their power to end the violence, the authorities continue to create an atmosphere of terror, where any attempt to exercise the rights to freedom of expression and peaceful assembly is punished with repression,” said Erika Guevara-Rosas, Americas director at Amnesty International.

“Once again, President Ortega’s government has responded with excessive police deployment that only seeks to intimidate, instill fear and prevent people from exercising their rights.”

During the past week, Amnesty International received numerous reports of arbitrary arrests, obstacles to freedom of expression, and harassment of journalists.

“Once again, President Ortega’s government has responded with excessive police deployment that only seeks to intimidate, instill fear and prevent people from exercising their rights”

Erika Guevara-Rosas, Americas director at Amnesty International

In one case, Yader Parajón, a young activist whose brother was killed in the protests, was violently arrested on 16 April. Yader told Amnesty International that police officers detained him as he was walking near his home and took him to a police station. He said he was held for nearly six days, during which time he had no access to legal assistance, was unable to notify or see his family, and was never informed of the reason for his arrest.
According to the information that Amnesty International received, on 17 April, in the context of a peaceful march that citizens organized on the eve of the anniversary of the crisis, there was a heavy police deployment in the city of Managua at different points along the route of the march. In addition, police officers surrounded the demonstrators’ main meeting point and the surrounding areas, impeding the march from getting started and temporarily preventing the exit of those who were there.

An activist told Amnesty International that he witnessed the police using stun grenades and tear gas to disperse a group of people who were demonstraining near to where the march was due to begin. Dozens of demonstrators and a journalist were arrested in this context. In addition, there were reports of intimidation by alleged pro-government armed groups, who moved around the protest area aboard motorcycles and trucks.

For their part, the National Police heavy-handedly interrupted public religious celebrations on 19 April. Amnesty International was informed of police intimidation of participants in the Via Crucis festivities. For example, in the city of Tipitapa, many people had to refrain from participating in religious ceremonies due to the presence of multiple police officers, who took photos and videos of some of the parishioners. On the same day, according to the available information, the Via Crucis in Managua ended with hundreds of people seeking shelter inside the cathedral, while police surrounded the area.

“The spiral of state violence in Nicaragua has not come to an end. Instead of taking every measure in their power to end the violence, the authorities continue to create an atmosphere of terror.”

Erika Guevara-Rosas, Americas director at Amnesty International

“During the first anniversary of the beginning of the protests, President Ortega's government had the opportunity to show the Nicaraguan people and the international community that the fulfillment of their human rights commitments transcends the discourse that they constantly recite at the negotiating table or in international forums,” said Erika Guevara-Rosas.

“Unfortunately, the authorities demonstrated that their strategy to end the crisis – far from guaranteeing justice, truth and reparation – includes continuing to repress any form of protest or dissent and trying to silence the independent media. The government's supposed commitment to a solution to the human rights crisis must be reflected on the streets of Nicaragua.”

For more information or to arrange an interview, contact Duncan Tucker: duncan.tucker@amnesty.org

Nicaragua: State must put an end to a year of brutal repression (News, 15 April 2019)
Nicaragua: UN Human Rights Council takes important step to address human rights crisis (News, 21 March 2019)
Instilling terror: From lethal force to persecution in Nicaragua (Report, 18 October 2018)

Topics
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TAB 13
Report: Eight LGBTI Nicaraguans killed during anti-government protests

A report from Nicaragua indicates eight LGBTI people have been killed during anti-government protests that began on April 18, 2018. (Photo public domain)

A report from Nicaragua indicates eight LGBTI people have been killed during anti-government protests that began in the Central American country last April.

The report notes a gay man was one of three people who were killed on April 19, 2018, the day after protests against the government of President Daniel Ortega and his wife, Vice President Rosario Murillo, began.

The report says a total of seven gay men and a lesbian woman were reported killed in Managua and Carazo departments between April 18, 2018, and Jan. 31, 2019. The report indicates five of these murders “were committed during the protests” and the bodies of three of the victims were found “many days after they disappeared.”

“These three victims had been receiving death threats or had been injured,” reads the report. “Two of them had denounced (these threats) on their social media networks or with close associates and one of them blamed members of Citizens Power Councils (local, pro-government entities that are similar to Cuba's Committees for the Defense of the Revolution) in her community for what happened to her.”

Death threats, attacks against LGBTI Nicaraguans commonplace

The protests began after Ortega announced cuts to the country’s social security benefits that he later rescinded. The government’s response to a fire at the Indio Maíz Biological Reserve on Nicaragua’s Caribbean coast in April 2018 also sparked widespread criticism.
Hundreds of people have been killed since the protests began.

The National LGBTIQ Roundtable of Nicaragua was one of the first organizations that urged the government to stop using violence against the protesters. The U.S. has imposed sanctions against Murillo, National Police Commissioner Francisco Javier Díaz Madriz and other Nicaraguan officials that include travel bans and frozen assets under the 2016 Global Magnitsky Human Rights Accountability Act.

The report notes LGBTI people “have actively participated” in the protests since they began. It also includes findings of a survey to which 220 lesbian, gay, bisexual, transgender, queer and cross-dressing Nicaraguans responded that indicate the government and its supporters continue to target LGBTI people in the country.

More than 40 percent of survey respondents said they have received death threats.

The report notes 56 people who responded to the survey said they have been physically attacked, while 86 respondents said they have suffered “verbal aggression.” Seventy people said they were targeted on social media for “participating in protests, criticizing the government using different media or refusing to participate in pro-government activities.” Nearly 20 percent of survey respondents said they have been arbitrarily detained.

The report notes 28 people who responded to the survey said their homes have been attacked. It also indicates 48 respondents have left Nicaragua, with 30 of them seeking exile in neighboring Costa Rica.

“The payment for these protests has been death, jail and exile,” Ulises Rivas, a Nicaraguan environmental and gay rights activist who fled to Costa Rica, told Armando Trull, a contributor to the Washington Blade, last year during an interview in the Costa Rican capital of San José.

Rivas helped create Asociación Hijos del Arco Iris LGBTI, a group that helps LGBTI Nicaraguans who are in exile in Costa Rica. Trull last year also spoke with three gay Nicaraguans who have sought refuge in Barcelona.

The three gay men said they participated in the protests and provided food and water to the protesters. Justin, one of the gay men with whom Trull spoke, said he was “terrified that if I were to be arrested I would be tortured, raped, because that’s what they do to gay people and then disappeared.”

William Ramírez Cerda, a gay rights activist, was among the more than 200 people who were trapped inside a church in the Nicaraguan capital of Managua last July when government troops and paramilitary groups surrounded it. Ramírez told the Blade a student died after he was shot in the head during the siege that ended after Cardinal Leopoldo Brenes of the Archdiocese of Managua negotiated with Ortega’s office.

A trans activist from Managua who attended an LGBTI Victory Institute-sponsored conference in Honduras last fall told the Blade she keeps a low profile because many of her neighbors support the government. A gay activist from Chinandega, a city near the
Nicaragua-Honduras border, who also participated in the gathering said he moved out of his house after the National Police stopped him several times.

“Many LGBTQ people since the crisis began (have been) victims of aggression just because they participated in peaceful protests alongside the rest of the population and demanded the full exercise of their rights,” reads the report.

Editor’s note: The Washington Blade is working with Trull on a documentary that focuses on the plight of LGBTI Nicaraguans who are exile in Costa Rica and Spain.

Michael K. Lavers
Michael K. Lavers is the international news editor of the Washington Blade.
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TAB 14
LGBTIQ community is more vulnerable after the start of the crisis in Nicaragua, according to activists

Washington, DC. November 30th, 2018. The LGBTIQ community has been traditionally discriminated against, however, since the human rights crisis started in Nicaragua last April, the violations of their human rights have worsened. According to activists who spoke with the International Institute on Race, Equality and Human Rights (Race and Equality), this community has suffered from discrimination and harassment in a more targeted and systematic way in recent months.

“Being gay or lesbian in Nicaragua, especially in this context where violence is more socially justified, puts us in a more vulnerable condition,” says Alex, a 25-year-old gay man who lives in a small city in northern Nicaragua. According to the young activist, they’re vulnerable “not only because we don’t agree with a totalitarian political system, but because we are considered sexual deviants.”

Alex adds that “in the street, they will not only attack you because you’re ‘Blue and White’ but they will also call you a ‘Blue and White’ faggot or a ‘Blue and White’ lesbo”.

He is one of thousands of citizens who joined the peaceful protests that at first demanded the annulment of reforms to the Nicaraguan Social Security Institute. The movement took the streets demanding justice and respect for human rights after the brutal governmental repression that has left as of now at least 325 dead, more than 2,000 people injured, and hundreds of persons who are political prisoners. People call them “Blue and White” because they use the Nicaraguan flag as a symbol of protest.
“Since I started participating in demonstrations, I've been being persecuted and attacked,” Alex shares, adding that groups of government-aligned men continually pass by his house on motorcycles and shouting phrases like “coup-plotters” or “faggot, we're going to kill you.” “They put a lot of emphasis on my identity and my sexual and life choices”.

Francisca, a lesbian woman who prefers to omit her real name, explains that before the crisis, the LGBTIQ community had made significant progress regarding respect and equality. “But in these times of crisis, many things in which we had advanced, have receded,” she remarks.

Just like Alex, Francisca participated in the civic demonstrations. Soon after, she began to receive threats and was victim of an intense intimidation campaign through social networks.

“They threatened me directly, they told me things like ‘this is the dyke,’ or ‘look, we know where you live, get ready,’ or ‘we’re going to show you what a man is, maybe that's how you will get well.’ They even sent lists on WhatsApp and Facebook saying I was pro-abortion and a crazy feminist.”

This situation, plus a telephone call in which she was warned that her capture was imminent, forced Francisca to flee her home. “I've been away from my house for almost five months, missing my family, missing everything I left there. I had to leave only with a backpack,” she stated.

Francisca now lives in a different city with her girlfriend. But the fear of being imprisoned is constant. Alex’s situation is similar. According to the activist, those who decided to stay in Nicaragua must live “practically in hiding.”
“We are in greater danger since there are no longer mobilizations. The State and its repressive machine have a greater ability to find you, look for you, and do anything with your life. Repression, arrests, and extrajudicial executions, including those for LGBT defenders, are more focused now,” explains Alex.

More aggressions

Transgender women have also suffered different types of aggression. “There are cases of transgender women who have been kidnapped by the police or paramilitary forces, who have been savagely assaulted, beaten, and left lying in the streets”. The aggressors threaten that the attacks are a demonstration of what will continue to happen to the ‘Blue and White’ people, says Dámaso Vargas, a 25-year-old transgender woman and activist from Managua.

One of the forms of protest that Dámaso exercised was abandoning the public education system. She was a senior high school student this year. “I disagree with everything that’s happening and for me, leaving school is also a way of saying that I will not continue to validate a State that is not really doing the work it should be doing,” she affirms.

Additionally, there are four trans women who are currently imprisoned in the men’s penitentiary system of La Modelo for having participated in the civic demonstrations, according to the Nicaraguan Center for Human Rights (CENIDH, for its initials in Spanish).

A case that has been broadly reported by national media is that of Victoria Obando, a 27-year-old trans woman and former student at the National Autonomous University of Nicaragua (UNAN-Managua), who barricaded herself in her university as a way of protest. She was arrested in late August and the authorities now accuse her of several crimes, including terrorism, murder, fire, kidnapping, armed robbery, and carrying out death threats.

“Victoria says they strip her in front of the rest of the inmates, policemen boo her and tell her things like ‘people who stay here are virile man, machos,’ knowing that we don't want to feel that way and we don't feel that way,” explains Dámaso, who says she feels powerless and sad in the face of such a situation.

Sexual violations have also become a form of repression. CENIDH has registered 12 cases of men and women who were victims of sexual violence during illegal detentions or kidnappings committed by parapolice men and police officers.

“Those are very terrible testimonies that currently can't be brought to justice in this context precisely because there are no institutions that can investigate the authorities,” explains Wendy Flores, a lawyer at CENIDH, during the conversation “Women resisting repression” which was organized by DeHumo last week.

In the same conversation, Tania Sánchez denounced that a man tried to abuse her sister, Kisha López, a trans woman imprisoned in La Modelo. “Kisha defended herself and hit him with a broom in the ribs, because she says that regardless of what she is, they have to respect her,” Sanchez said.

Indigenous people

For indigenous communities, belonging to the LGBTIQ population results in a double factor of vulnerability, according to a gay Miskitu man who prefers to identify himself as Arturo.
“Many people of different sexual orientation who are in the universities have been persecuted, have been watched over, because they (government-aligned people) fear that this issue that is happening in the western part of the country can start here also among young people,” says Arturo, a 35-year-old attorney.

According to the activist and lawyer, in the Caribbean Coast of Nicaragua “the crisis is not only 7 months long.” He says that the situation of persecution “has remained throughout time due to the same exclusion and discrimination that the State powers have imposed on the indigenous communities.” And he provided the example that since 2013, 23 people from the LGBTIQ community have been murdered. “Persecution of this community is in the background of the crisis,” he reveals.

Arturo himself affirms he has been attacked and threatened on social networks, both for his sexual orientation and for “being a defender of human rights, specifically for promoting the collective rights of indigenous people.”

**Their work will continue**

Although human rights violations in the current context of crisis in Nicaragua are not exclusive to the LGBTIQ community, the activists who spoke with Race and Equality insisted on the need to make visible their problems and challenges.

As Alex mentioned, “the actions that we take every day, the meetings, the mobilization strategies, the contents spread on social media, the demands of our political prisoners, mainly those who belong to the LGBTIQ community, that is our motivation.”
“In Cuba, we cannot counteract the impacts of coronavirus in the same way as other countries.” Cuban human rights activists describe how the country is impacted.

April 9, 2020

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