

Report (translation)

NICARAGUA

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COUNTRY OF ORIGIN REPORT NICARAGUA



**ADMINISTRATIVE COURT OF
MIGRATION**

Costa Rica Ministry of Governance and Police

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This material has been prepared by the Administrative Court of Migration for use in decisions on appeals filed by asylums seekers of Nicaraguan origin

December 2018

1. Political History of Nicaragua

The political situation in Nicaragua since the mid-1950s has been marked by the existence of anti-government revolutionary processes, which has led to violent clashes between both sides, and disputes which continue to this day.

The country was ruled under the dictatorship of the Somoza family for 42 years (1937-1979). The abuses committed by this dictatorship, the institutional disorder, levels of corruption, unemployment and poverty into which the country was plunged, led to the discontent of the population and, consequently, the appearance of revolutionary groups interested in toppling the Somoza regime.

This was how the Sandinista National Liberation Front (FSLN), founded in 1960, came to the fore, inspired by Marxist principles and, of course, by the ideals of Cesar Augusto Sandino, "its main goal being to topple the Somoza dictatorship through an armed struggle in order to obtain political power, democratisation and the progress of Nicaragua"¹.

The FSLN gained strength in the 1970s, although it had split into three branches after the death of one of the founders, Carlos Fonseca, due to ideological differences, nevertheless, everyone fought together to weaken the Somoza regime. The three branches all conducted their own activities until March 1979, when they decided to join forces as a means of defeating the Somoza regime for once and for all, and called a general strike².

The government's response came in the form of brutal repression, including attacks on the civilian population, at the price of 50,000 dead, 100,000 injured and severe damage to infrastructure³.

The victors of the Sandinista Front marched into the city of Managua on 19 July, acclaimed by the people, led by the Junta of National Reconstruction, which would govern the country on a provisional basis, composed of: Daniel Ortega (the current president of Nicaragua), Sergio Ramírez, Moisés Hassan, Alfonso Róbelo, and Violeta Barrios de Chamorro⁴.

The first few months of the Sandinista government were marked by the implementation of literacy, health and hygiene campaigns, the expropriation of assets belonging to the Somoza regime, and the much-trumpeted agrarian reform⁵.

However, the economic crisis and the practice of appointing FSLN militants to privileged positions gave rise to popular discontent with the government's management and criticism of its policies.

a. Counter-Revolution and Civil War

The situation in Nicaragua began to take a turn for the worse again on the appearance of counter-revolutionary movements against the recently installed government, known as "Contras", whose activities were financed by the government of the USA and other countries including Argentina⁶.

The intervention of the Central-American presidents resulted in a ceasefire, the Contras laid down their arms, and the government made a commitment to hold democratic elections in 1990, which finally led to the Sandinistas relinquishing their power after Violeta Chamorro ran out victorious.

¹ Salazar, Robinson, "The Sandinista Revolution in Nicaragua», University of Mexico Journal, 2002: 13-21, page 14

² Vega, Mario, "Description and context of the Sandinista War in Nicaragua 1978», Space, Culture and Art, 2015

³ Kruijt, Dirk. "Revolution and counter-revolution: the Sandinista government and the Contras war in Nicaragua 1980-1990. Challenges Magazine, 2011: 53-81, page 56

⁴ González, Roberto. «Nicaragua. Dictatorship and Revolution, Memories, 2009: 231-264, page 253

⁵ Vega. Op. cit.

⁶ Kruijt. Op. cit., page 70

Nevertheless, this was not the end of the Sandinistas, who, after losing several elections, returned to power in 2007, through the ballot boxes this time.

2. Origin of the current-day conflict in Nicaragua

The conflict currently affecting Nicaragua arose from the weakening of democracy in the country throughout its history due to the presence of dictatorial regimes and revolutionary groups created to oppose them, which has intensified in recent years as a result of power having been concentrated in the government of Daniel Ortega, who has been president since 2007.

This is the conclusion provided in the report issued by the Office of the United Nations High Commissioner for Human Rights (OHCHR), which states that: *"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 (the Attorney General's Office for the Protection of Human Rights), recurrent allegations of corruption and electoral fraud and media censorship, and high levels of impunity amongst other issues"*⁷.

Consequently, this government's absolutist policies have caused widespread discontent among the population, culminating in the protests that began on 18 April 2018.

In accordance with the reports drawn up by the Inter-American Commission on Human Rights (IACHR) and the Office of the United Nations High Commissioner for Human Rights (OHCHR), the immediate causes of the conflict were, first of all, the forest fire in the Indio-Maiz biological reserve that broke out on 3 April 2018, during which the feeble measures taken by the State to bring the fire under control were criticised, which gave rise to the first demonstrations, quelled by the authorities⁸.

Then, on 16 April the government announced reforms to the Social Security system consisting of higher contribution rates both for employers and retirees and a reduction of five per cent in retirement pensions, pursuant to the recommendations of the International Monetary Fund.

This triggered peaceful protests on 18 April held by university students and pensioners in Managua and Leon, denouncing corruption and the mismanagement of the resources of the National Institute for Social Security (INSS by its Spanish acronym)⁹.

The protests were violently suppressed by organised pro-government groups known as "shock forces" or "mobs"¹⁰, who attacked the peaceful demonstrators. This violent response fuelled further protests in different areas of the capital, and in other cities including Masaya, Granada, Matagalpa, Estelí, Carazo, Rivas, Bluefields, Ocotol and Camoapa, involving other sectors of the population such as peasants, workers and environmentalists, among others.

Once again, the protest movements, according to the IACHR and the OHCHR, were unceremoniously quelled by the police forces and pro-governmental groups using firearms, tear gas, rubber bullets and snipers, which constitutes a disproportionate use of force due to the fact the demonstrators were protesting peacefully and did not have the weapons the authorities had.

The protests continued over the course of the next few days and, according to the IACHR report, widespread repression occurred in Managua on 20 April, with episodes of serious violence resulting in the loss of human lives, mainly student demonstrators, including minors. Such is the case of Alvaro Conrado, supposedly shot by a sniper, and who died from his wounds and a lack of medical care¹¹.

⁷ Office of the United Nations High Commissioner for Human Rights (OHCHR), "Report on human rights violations and abuses in the context of protests in Nicaragua in August 2018", paragraph 8.

⁸ Inter-American Commission on Human Rights, "Report on gross human rights violations within the framework of the social protests in Nicaragua in June 2018", paragraph 33.

⁹ Office of the United Nations High Commissioner for Human Rights. Op. cit., paragraph 13.

¹⁰ Ibid., paragraph 13.

¹¹ Inter-American Commission on Human Rights. Op. cit., paragraph 42.

On 22 April, president Daniel Ortega announced the withdrawal of the proposed pension reform, however the demonstrations continued due to the overall discontent with the government and its policies in general. This led to the Catholic church mediating national dialogue between the Government and the protesters, represented by the Civic Alliance for Justice and Democracy, composed of civil society organisations, students, peasants and workers, in an attempt to find a solution for the conflict. The first meeting was held on 16 May, at which an electoral board and a judicial board were created, each composed of 3 representatives from the government and 3 from the Alliance.

However, the dialogue ground to a halt on several occasions due to non-compliance with the agreements entered into and due to the continuing violence and repression against the population that were still protesting. Although the church and different States used international forums to encourage the government to resume the talks, president Ortega refused on the grounds that an attempt had been made and it was unsuccessful¹².

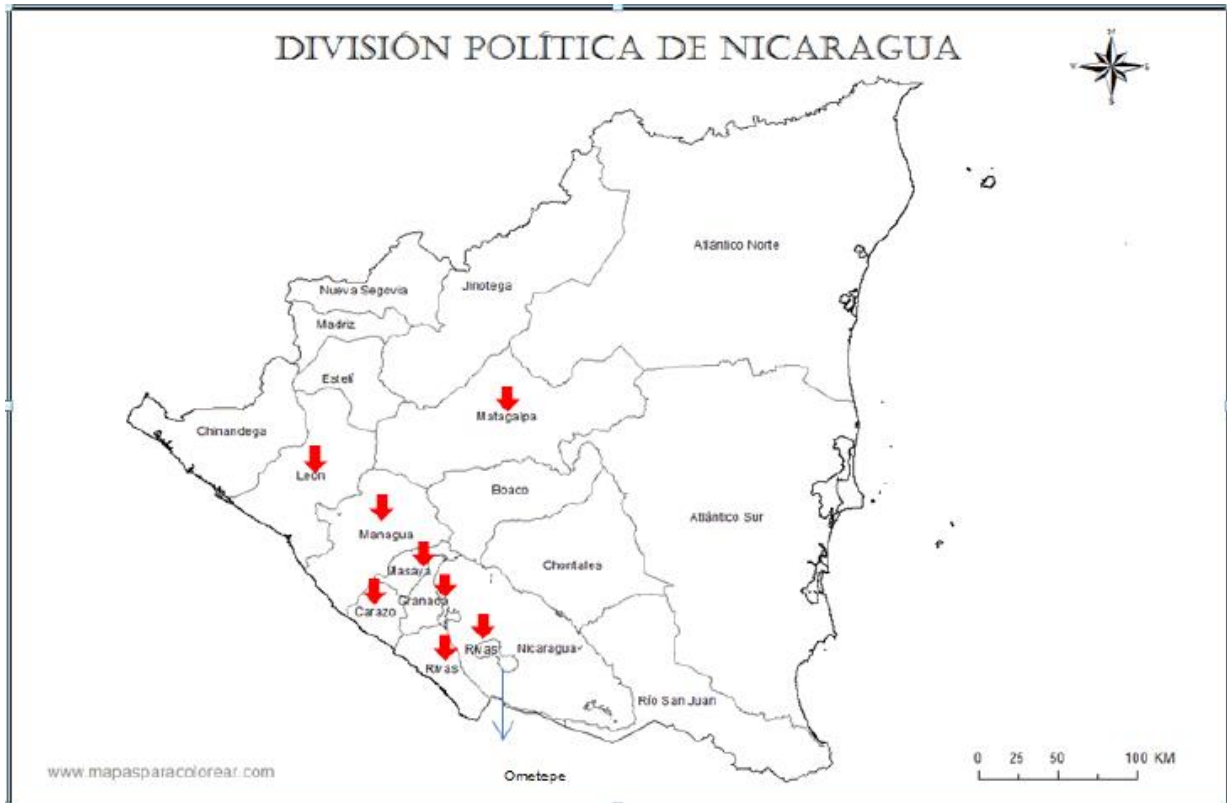
¹² La Prensa, "Daniel Ortega rules out the resumption of National Dialogue in Nicaragua", 08 September 2018, available at <https://www.laprensa.com.ni/2018/09/08/politica/2468841-daniel-ortega-descarta-el-dialogo-nacional>

3. Phases of the conflict

According to the OHCHR report, the conflict in Nicaragua has involved three phases to date.

“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”¹³

In the **first phase**, the discontent with the government became widespread, the protests spread to other cities in the country and more and more citizens joined the movement against the current administration’s policies. Subsequently, a series of events gradually occurred where buildings were taken over, mainly universities, parallel to the setting up of roadblocks and barricades in the main areas of protest in the departments of Carazo, Masaya, Rivas, Granada, Leon, Boaco and Matagalpa.



The protest actions involving the taking over of buildings and setting up of barricades and roadblocks gave rise to the second phase of the conflict, in which the riot police and pro-government armed elements dealt with these movements using force, whereby the number of dead and injured increased considerably.

¹³ Office of the United Nations High Commissioner for Human Rights. Op. cit., page 7.

This phase also saw the “clean-up operation” put into motion, which consisted of an operation executed by the government, police and pro-government armed elements to remove all the roadblocks. According to international media reports, the execution of this operation resulted in Nicaragua experiencing its bloodiest month and the highest number of deaths since the onset of the protests¹⁴. The *Espectador* reported that “heavily armed paramilitary groups arrived on trucks and began shooting at people”¹⁵.

The *modus operandi* of this operation involved hooded shock groups guided by the police, entering cities and firing indiscriminately to strike fear into demonstrators and residents, while the police then proceeded to remove the obstacles.

The OHCHR stated that the attacks carried out in this operation intensified in the month of July, due to the government wanted all the roadblocks to have been removed by 19 July – the date on which the anniversary of the triumph of the Sandinista Revolution is celebrated.

Most of the roadblocks in the country’s different departments had been removed by 17 July, including in indigenous land¹⁶. The third phase of the conflict began once the roadblocks had been cleared away.

The trend of the third phase was the “persecution and criminalisation of social leaders and the ringleaders of the protests, human rights defenders and anyone involved in or connected with the protests”, hence, “*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*”¹⁷.¹⁷

The United Nations group of experts released a statement denouncing the increase in selective repression, criminalisation and arbitrary detentions on unfounded and disproportionate charges, as well as the passing of laws providing the authorities with a greater margin to make arrests and to file criminal proceedings against demonstrators¹⁸.¹⁸ Moreover, the report issued by the IACHR stated that the arrests are not based on legal reasons but mainly on opposition to the government, participation in the protests and even the defence of human rights¹⁹.

Many of the arrests are made by the police and pro-government armed elements, who raid homes, threaten family members and take people away without specifying the charges or the prison to which those arrested are to be taken, and, as such, the family members spend days with no news of their whereabouts and condition.

In addition to these tactics are the kidnappings committed by hooded individuals, as well as a new technique denounced by the Permanent Human Rights Commission, according to which fake profiles are used on Facebook to attract young people, inviting them to parties that turn out to be a trap.

¹⁴ RTVE, “Operation Clean-up” in Nicaragua leaves at least 10 dead”, 16 July 2018, available at: <http://www.rtve.es/noticias/20180716/operacion-limpieza-nicaragua-deja-menos-10-muertos/1765380.shtml>

¹⁵ *El Espectador*, “The violent clean-up operation unleashed in Nicaragua”, available at: <https://www.elespectador.com/noticias/el-mundo/la-violenta-operacion-limpieza-que-se-desato-en-nicaragua-articulo-800480>

¹⁶ Office of the United Nations High Commissioner for Human Rights. Op. cit., paragraph 28.

¹⁷ Ibid., paragraph 29-30.

¹⁸ Press statement on the Special Procedures of the Human Rights Commission “Nicaragua needs to end the “witch-hunt” against dissident voices, say the UN experts”, 09 August 2018, available at: <https://www.ohchr.org/SP/NewsEvents/Pages/DisplayNews.aspx?NewsID=23434&LangID=S>

¹⁹ Inter-American Commission on Human Rights. Op. cit., paragraph 180.

This organisation also says it has statements made by civil servants who have been entrusted with creating fake profiles on social networks²⁰.

Furthermore, **territorial control** is still in force, particularly on the island of Ometepe, according to denouncements made by both the press and the IACHR, which is besieged by riot police and paramilitary personnel executing arrests, kidnappings, raids, attacks and threats²¹.

The IACHR has identified a fourth phase of the conflict, which it has called the "Police State". According to Paulo Abrão, executive secretary of the IACHR at the commission's 170th period of sessions, this occurs when *"all the rules and basic rights of humans are restricted with no legal grounds, no judicial grounds, through decrees issued by security systems or through the National Police, all without any kind of judicial regulation in relation to these acts conducted by the public authorities restricting essential human rights-related content"*²². More specifically, with regard to what is happening in Nicaragua he stated that: *"the Rule of Law has been weakened, as we can see that the Police are banning demonstrations, restricting private property, and the law of terrorism is used to criminalise"*²³.

Seizure of land

In towns including Chinandega land has been seized by paramilitary forces due to the lack of action by the authorities to stop this from happening. Land belonging to the corporate group Coen was invaded by armed groups and the group has not succeeded in recuperating it to this date, resulting in at least 200 people being out of work²⁴.

Land has also been seized systematically in the departments of Leon, Rivas and Managua since the month of June, affecting mainly farmland. According to data published by the National Union of Producers of Nicaragua (UPANIC by its acronym in Spanish), around 17,000 acres have been invaded, 7,500 of which have been returned to their legitimate owners, and this illegal occupation represents an economic loss of 17.1 million dollars and 9,000 jobs²⁵.

²⁰ *La Prensa*, "Ortega-ism resorts to fake profiles on social networks to attract victims", 13 October 2018, available at: <https://www.laprensa.com.ni/2018/10/13/nacionales/2483978-orteguismo-recurre-perfiles-falsos-en-redes-sociales-para-atraer-victimas>

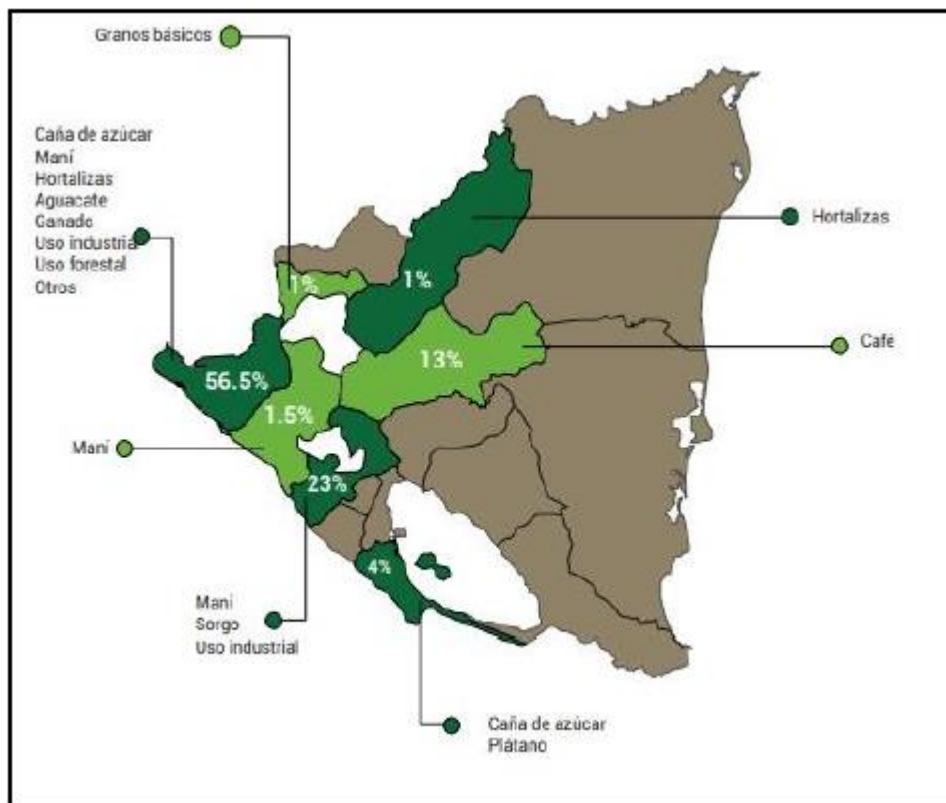
²¹ Confidential, "Ometepe besieged by police and para-military personnel for two weeks", 23 October 2018, available at: <https://confidencial.com.ni/ometepe-lleva-dos-semanas-sitiada-por-policias-y-paramilitares/>

²² El Nuevo Diario, "IACHR: Nicaragua turning into a "police state", 07 December 2018, available at: <https://www.elnuevodiario.com.ni/nacionales/481005-cidh-nicaragua-oea-derechos-humanos/>

²³ Ibid.

²⁴ *La Prensa*, "Squatters are still on the land belonging to the Coen Group and have left 200 workers idle", 22 October 2018, available at: <https://www.laprensa.com.ni/2018/10/22/nacionales/2487351-siquen-invalidas-por-tomatieras-siete-propiedades-del-grupo-coen-y-ya-hay-200-obreros-en-el-desempleo>

²⁵ Confidential, "Who are the squatters?" 09 December 2018, available at: <https://confidencial.com.ni/quienes-son-los-tomatieras/>



Source: Confidencial.com

These invasions are conducted with speed, whereby the occupants divide the plots of land and set up improvised constructions in a matter of hours under the watch of heavily armed individuals. Each property occupied is assigned a “coordinator” entrusted with guarding it, presumably chosen by the FSLN, and who is in touch with the local authorities to ensure the basic services are provided, in addition to being the figure of authority on the property. Furthermore, some land is not used but guarded militarily, which leads one to conclude that the purpose of these invasions is repression, as they target businessmen who have opposed the government in one way or another²⁶.

²⁶ Ibid.

4. Numbers of victims

Ascertaining the exact number of dead and injured in the armed conflict in Nicaragua is not an easy task due to the disparity in data passed on depending on the source, and which also varies in accordance with the period in question.

However, it is a fact that the statistics published by human rights organisations, international bodies and the unofficial press are vastly different to the data provided by the government, which reports a far lower figure inconsistent with the levels of violence that have reigned during the conflict.

The figures provided by the IACHR updated as of 18 October are 325 dead and 1,200 injured. This data was drawn up by the commission in accordance with the information provided by the State, civil society organisations, and the monitoring of mass media²⁷.

In turn, the OHCHR report does not specify a figure, but publishes the number reported by the different organisations. Thus, the Police reported 197 deaths on 25 July; the Commission of Truth, Justice and Peace reported 270 deaths on 02 August; the Attorney General's Office for the Protection of Human Rights registered 192 deaths on 21 June; the Nicaraguan Centre for Human Rights (CENIDH by its acronym in Spanish) reported 302 deaths on 30 July; and the Nicaraguan Pro-Human Rights Association reported 448 people had died.

The government has claimed that the huge disparity in the figures is due to the fact they include deaths arising from common causes and not only those occurring as a result of the conflict, in addition to the interest of human rights organisations in exaggerating the statistics as a political manoeuvre²⁸.

Faced with these accusations, the IACHR has stated that sources such as testimonies of victims and family members, information from civil society organisations and news media and data provided by the government are cross-checked when drawing up the statistics. Furthermore, the commission explained that the numbers of deaths published by the State are inconsistent, as of the 450 people that died between 19 April and 25 July, the government stated that 197 died as victims of the coup-related terrorism, or in other words within the scope of the conflict, and 253 people died from causes not connected to the protests, without even providing a list of the deceased²⁹.

The OHCHR also states that "most of the victims were young men of under 30 years of age (up to 46% according to the Permanent Commission on Human Rights of Nicaragua (CPDH by its acronym in Spanish)), which coincides with the average profile of the protestors"³⁰ and that "*the highest figures for violent deaths seem to coincide with the periods of mass protests, with major peaks in late April, 30 May (during the attacks on the Mother's Day march), and in mid June, at the onset of the Government's "clean-up operation" to forcefully remove the roadblocks from all over the country*"³¹.

²⁷ Inter-American Commission on Human Rights. Cit., paragraph 86.

²⁸ National Police, Communiqué: "National Police discloses number of deaths in attempted soft coup", 07 August 2018, available at <https://www.policia.gob.ni/?p=20995>

²⁹ Inter-American Commission on Human Rights (IACHR), *Nicaragua: IACHR urges the State of Nicaragua to halt the criminalisation of the protest and to respect people deprived of liberty and their families*, 24 August 2018, available at: <http://www.refworld.org/es/docid/5b803f714.html>

³⁰ Office of the United Nations High Commissioner for Human Rights. Op. cit., paragraph 58.

³¹ Ibid., paragraph 59.

5. Profile of the victims

The repression of the protests in Nicaragua arising from the widespread discontent of the population with the Ortega Murillo administration has grown to such an extent that the government has begun persecuting everyone opposing its policies.

UN experts have expressed their concern stating that *"the critical voices against the Government, including peasant leaders, health professionals, students, independent journalists, representatives of the Catholic church and members of the Civic Alliance, continue to face intimidation, threats and deprivation of liberty, including collective arrests and mistreatment. Health professionals that helped the injured have been facing reprisals and fired from their jobs with no proper explanation, thereby triggering a damaging domino effect in relation to access to medical care. It has also been reported that the financing of some academic institutions has been suspended as a form of retaliation against the protests"*³².

In turn, the UNHCR has observed that the people leaving Nicaragua in order to seek asylum are students and youth who were, or are perceived to have been, involved in public demonstrations; persons who have supported the demonstrations by providing financial means or other type of support; civil servants who participated in public demonstrations against the government or who were forced to participate in progovernment demonstrations; former police and military officers; farmers and their relatives who were seen or perceived to oppose the official party, government decisions and/or policies; journalists; doctors and other health care professionals; human rights defenders; witnesses of human rights violations and leaders of the Catholic Church³³. Moreover, the reports issued by the OHCHR, the IACHR and Amnesty International regard teachers, in addition to women and minors, as populations at risk.

The working visit paid to Costa Rica by IACHR observers enabled them to register that *"from mid-April to mid-October 2018, the people who have been forced to migrate from Nicaragua to seek international protection in Costa Rica are mostly students who participated in the demonstrations and protests; human rights defenders and leaders of social movements; peasants; people who have contributed to and supported demonstrators through the provision of food, safe houses and medical assistance; as well as doctors, journalists, and former military and police officers who have refused to participate in repressive acts ordered by the government. According to the information received, the rights to life, integrity and personal freedom of these individuals are at serious risk of being violated by the Nicaraguan State. These people have been the object of attacks and threats, and their families have been harassed. Additionally, several of them have warrants out for their arrest and have been arbitrarily charged with crimes—such as financing terrorism, involvement in organised crime, or the illegal carrying of weapons—for no reason other than having participated in demonstrations or supported dissent"*³⁴.

³² UN: The High Commissioner's Office for Human Rights (OHCHR), *Nicaragua should put an end to the "witch-hunt" against dissident voices, say UN experts*, 09 August 2018, available at: <http://www.refworld.org/es/docid/5b6c9dce4.html>

³³ The United Nations High Commissioner for Refugees, Note of Guidance on the Flow of Nicaraguans, August 2018, page 1

³⁴ IACHR, "Preliminary observations on the working visit to monitor the situation of Nicaraguan people being forced to flee to Costa Rica", 01 November 2018, available at: <http://www.oas.org/es/cidh/prensa/comunicados/2018/233.asp>

A list of the profiles of the people thought most likely to be persecuted follows below.

a. Students and youths

One of the main groups at risk in Nicaragua are youths who have participated in the protests and demonstrate their opposition to the government, particularly those belonging to militant student movements.

This risk is reflected in the figures for young students who have died, been injured or illegally detained. As such, the OHCHR alleges that *"most of the dead victims were young men of under 30 years of age (up to 46% according to the Permanent Commission on Human Rights of Nicaragua (CPDH), which coincides with the average profile of the demonstrators, including university students and young professionals."*³⁵

The statistics published by the IACHR on 18 October show that 24 children and adolescents lost their lives during the protests and according to the information provided by civil society organisations on 17 May, 5 of them were shot in the head, neck or chest³⁶.

The Federation of NGOs Working with Children and Adolescents (CODENI) alleges that 29 minors have been murdered during the months of conflict, all of which have gone unpunished due to the authorities' refusal to investigate and charge those responsible³⁷.

The Nicaraguan Human Rights Centre (CENIDH) reported that *"one of the most serious events took place in Leon, where 15 young students of medicine from the National University of Leon, who were in a medical clinic treating demonstrators injured in the repression exercised on 23 May to remove the roadblock placed at the exit to the road to Managua, were attacked and kidnapped by pro-government armed elements"*³⁸.

The attack on the National University of Managua on 13 July 2017 is also noteworthy due to the extent of the violence used by the authorities. Around 500 people were barricaded inside the building, when in the afternoon a group of paramilitary elements began firing at the facilities indiscriminately, preventing anyone inside from coming out. This siege went on for over 20 hours. This event claimed the lives of 2 young people and left 16 wounded.

The degree of violence used by the police and paramilitary elements illustrates that primary objective was to quell the protests, without taking the age of the potential victims and the fact they were unarmed into account.

Although the government guarantees that the disturbances have been brought under control, the risk to these people has not diminished at all, but has actually increased due to the persecution and risk of illegal detention, kidnapping and even extrajudicial execution.

Among the findings of the IACHR group on their visit to Nicaragua was a pattern of arbitrary detentions of young people and adolescents who were participating in the protests³⁹. Added to the dissemination of propaganda by the State in which the names of participants in the protests are discredited by

³⁵ Office of the United Nations High Commissioner for Human Rights. Op. cit., paragraph 58.

³⁶ Ibid., paragraph 118.

³⁷ La Prensa, "29 murders of children under the repression of the Nicaraguan dictatorship still unpunished", 03 November 2018, available at: <https://www.laprensa.com.ni/2018/11/03/nacionales/2492009-29-asesinatos-de-ninos-por-la-represion-de-la-dictadura-de-nicaragua-siguen-impunes>

³⁸ Nicaraguan Centre for Human Rights, Report N° 3: CENIDH denounces systematic violations of Nicaraguans' human rights by the dictatorial regime of Daniel Ortega and Rosario Murillo in the period from 16 May to 18 June 2018, page 2

³⁹ Inter-American Commission on Human Rights. Op. cit., paragraph 2

referring to them as delinquents, terrorists and coup plotters, and, consequently, holding them responsible for the deaths and damage that have occurred in recent months.

The risk to which young people in the country are exposed is confirmed in the arrest figures published by the government, which, **on 05 June, indicated that 83% of the total number of people arrested is accounted for by adolescents of between 14 and 17 years of age and young people of between 18 and 35 years of age**⁴⁰.

Both the press and civil society organisations have denounced that the systematic strategy of arrest targeting this population promoted by the Ortega government, far from diminishing, has been ramped up in the month of September. Furthermore, Amnesty International released a statement denouncing the arrest of a 23 year-old Nicaraguan-Belgian citizen who was leading a student movement together with another young person, accused according to the media of the crimes of terrorism, arson, assault and the illegal possession of firearms⁴¹.

In the past week alone 12 young people charged with terrorism were sentenced to between 15 and 24 years in prison. In addition to the crime of terrorism, they were found guilty of the use of restricted weapons and obstructing public services⁴².

In light of this scenario, while on the aforementioned working visit the IACHR issued a series of precautionary measures to protect the integrity of a number of young members of the student movement – as well as their relatives – at risk of undergoing reprisals or persecution by the authorities, as they were being threatened and harassed⁴³.

This environment of persecution has resulted in many of the leaders of student movements seeking protection and asylum in neighbouring countries, including Costa Rica.

b. Teachers

Teachers, both university professors and primary and secondary school teachers, are suffering reprisals at the hands of the government for having backed the protests, for refusing to participate in pro-government activities, and for expressing their opposition to the government.

The OHCHR report stated that: “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..”⁴⁴

June had already registered the death of a teacher in an attack carried out by the police and paramilitary elements in the city of Monimbo. A university professor and trade unionist was recently arrested arbitrarily by the National Police, who entered his house without a search warrant or an arrest warrant. This professor had already submitted an application for an injunction due to the fact he had already been attacked when two men on motorcycles fired shots at his house⁴⁵.

⁴⁰ Ibid., paragraph 173

⁴¹ Amnesty International, “Wave of arrests of students and activists”, communiqué dated 17 September 2018.

⁴² El Nuevo Diario, “another three young people convicted for terrorism”, 17 October 2018, available at: <https://www.elnuevodiario.com.ni/nacionales/477278-condenan-otros-tres-jovenes-terrorismo/>

⁴³ Inter-American Commission on Human Rights. Op. cit., paragraph 273

⁴⁴ Office of the United Nations High Commissioner for Human Rights. Op. cit., paragraph 42

⁴⁵ Article 66, “university professor and the brother of commander Monica Baltodano kidnapped”, 15 September 2018, available at <https://www.articulo66.com/2018/09/15/secuestran-docente-universitario-hermano-la-comandante-monica-baltodano/>

Nicaraguan teachers have used the media to denounce that they are being victimised in the form of unfounded dismissals, as the reasons for being fired are not specified, although they assume it is the result of persecution for having supported the protests and opposed the government. At least 40 such cases have been registered at the headquarters of the National Independent University of Nicaragua in Managua and Leon. In addition, primary school teachers have been fired by the Ministry of Education, mainly in the cities of Esteli and Trinidad⁴⁶. The Unidad Sindical Magisterial (Teachers' Trade Union) maintains that 60 teachers had been fired up to September, although it is likely there are more cases that have not been reported⁴⁷.

c. Health professionals

Another sector suffering from persecution, attacks and threats by the government is that of health professionals.

The UN group of human rights experts declared that "*Health professionals assisting injured individuals have faced retribution and have been dismissed from their jobs without a clear explanation triggering a domino effect on healthcare access*"⁴⁸.

The OHCHR also reported that staff from public hospitals have received orders from the Ministry of Health not to provide medical care to people injured in the protests, and that anyone refusing to obey this order is subjected to sanctions and threats⁴⁹.

Human Rights Watch denounced that "*Health Ministry authorities have fired dozens of doctors and other health workers in apparent retaliation for participating in protests or otherwise disagreeing with government policy*"⁵⁰.

Doctors from public hospitals in the city of Esteli reported to the press that they had been dismissed from their jobs through letters accusing them of mistakes they had not made, and failing to comply with due process, and said they were fully aware that this was due to political issues because they had refused to obey the order not to attend to people injured in the protests⁵¹.

Health professionals not only run the risk of losing their jobs, but their physical integrity is also in danger, as they have been threatened for having provided medical care to the victims of the police repression during the protests. The Nicaraguan Medical Association reported that **240 health professionals have been dismissed**, in addition to at least 28 doctors who have had to flee the country due to the constant threats, 2 fled to Panama, 6 to the USA and 20 to Costa Rica, while 16 have gone into hiding in fear of reprisals⁵².

Doctors are also the victims of arbitrary detentions and subjected to legal proceedings for having provided medical care to people injured in the protests.

⁴⁶ El Nuevo Diario, "More dismissals at UNAN", 21 August 2018, available at: <https://www.elnuevodiario.com.ni/nacionales/472730-mas-despidos-unan-managua/>

⁴⁷ La Prensa, "60 teachers have been fired in the political purge of Ortega-ism", 15 September 2009, available at: <https://www.laprensa.com.ni/2018/09/15/nacionales/2470819-60-maestros-han-sido-despedidos-en-purga-politica-del-orteguismo>

⁴⁸ UN, "Nicaragua should put an end to the "witch-hunt" against dissident voices, say UN experts, 09 August 2018, available at: <https://www.ohchr.org/SP/NewsEvents/Pages/DisplayNews.aspx?NewsID=23434&LangID=S>

⁴⁹ Office of the United Nations High Commissioner for Human Rights. Op. cit., paragraph 65

⁵⁰ Human Rights Watch, "Nicaragua: Doctors and health workers dismissed arbitrarily", 07 August 2018, available at: <https://www.hrw.org/es/news/2018/08/07/nicaragua-despido-arbitrario-de-medicos-y-trabajadores-de-la-salud>

⁵¹ Confidencial, "More doctors dismissed by the regime, now in Esteli", 12 September 2018, available at: <https://confidencial.com.ni/mas-medicos-despedidos-por-el-regimen-ahora-en-esteli/>

⁵² Diario Metro, "Doctors backing the protests are persecuted", 26 July 2018, available at: <http://diariometro.com.ni/nacionales/186133-medicos-que-apoyaron-en-protestas-son-perseguidos/>

d. Former military personnel

The OACHR has also identified former military and police personnel as a sector of risk, who claim to have been recruited to join paramilitary groups, whereby those refusing have been threatened and arrested by the authorities⁵³.

Two former members of the military were arrested in August, one of them on the southern border as he was attempting to cross over into Costa Rica. Both have been charged with terrorism due to having participated in the roadblocks. However, their relatives have claimed they were arrested for political reasons, as besides refusing to join paramilitary groups, they had also expressed their discontent with Ortega's government.

The media has reported that the government has commenced a wave of persecution against retired members of the armed forces and policemen who decided not to join the so-called armed shock forces, and has denounced at least four illegal arrests. The whereabouts of some of these men is unknown, while others are said to be undergoing torture⁵⁴.

The founder of the Popular Sandinista Army (EPS by its acronym in Spanish), Alfonso Morazán Castillo, was kidnapped by motorized hooded men, who, despite being retired, took part in the protests as he disagrees with the manner in which the government is acting. Moreover, he is the father of a well-known activist and opponent of the government. According to his family, they have been threatened constantly, and on being arrested he was beaten and taken to the El Chipote detention centre⁵⁵.

e. Defenders of Human Rights

The IACHR has identified defenders of human rights as a highly vulnerable group due to the fact, according to the report issued by this organisation, *"we have seen that several human rights defenders have been identified and attacked in the context of the protests, in addition to being marked and singled out due to having supported the demonstrations. All this has led the Commission to conclude that defenders of human rights, relatives of the victims and witnesses of human rights violations in Nicaragua find themselves in a situation of serious risk."*⁵⁶

As is happening with students, once the protests have been curbed, a wave of criminalisation is launched against defenders of human rights, in the form of mass arrests and charges of serious offences including murder, terrorism and organised crime.

Both the IACHR and the OHCHR have ascertained that, in light of the danger and persecution, defenders of human rights have been seeking protection in neighbouring countries, some of which have been arrested on the point of leaving the country. Furthermore, the Inter-American Commission has taken action by issuing precautionary measures on behalf of these people to prevent their integrity from being harmed. Moreover, in some cases these measures have been extended to relatives who have also been subjected to threats.

However, some remain detained indefinitely, not benefitting from optimal conditions⁵⁷.

⁵³ Office of the United Nations High Commissioner for Human Rights. Op. cit., paragraph 43

⁵⁴ La Prensa, "Paramilitary groups hunting retired Police and Army personnel", 05 August 2018, available at: <https://www.laprensa.com.ni/2018/08/05/suplemento/la-prensa-domingo/2456663-paramilitares-en-caceria-de-retirados-de-la-policia-y-el-ejercito>

⁵⁵ El Nuevo Diario, "Founder of the EPS arrested and family flees", 25 October, available at: <https://www.elnuevodiario.com.ni/nacionales/477863-fundador-ejercito-presos-crisis-nicaragua/>

⁵⁶ Inter-American Commission on Human Rights. Op. cit., paragraph 12

⁵⁷ Inter-American Commission on Human Rights, press communiqué: "CIDH issues precautionary measures on behalf of over a hundred people at grave risk in Nicaragua", 18 September 2018, available at: <http://www.oas.org/es/cidh/prensa/comunicados/2018/205.asp>

The Nicaraguan Human Rights Centre (CENIDH) has reported that its work has been hampered since 2007 when Daniel Ortega took control of the country, and the IACHR has been issuing cautionary measures since then to safeguard the staff of this NGO, however the persecution has intensified since the outbreak of the protests in April. Since then, not only has a campaign geared to discrediting human rights defenders been launched, but arbitrary detentions and physical attacks have been occurring too. In the opinion of this organisation *“the aim of criminalising defenders of human rights is to undermine the credibility and legitimacy of their work, to demerit the leading role they play in the consolidation of the State of Law and the strengthening of the democracy, and to discourage activity involving the promotion and protection of human rights.”*⁵⁸

The IACHR has also expressed particular concern with regard to the government’s strategy of marking and singling out human rights defenders with the aim of associating them with criminal activities and using the penal system against them by accusing them of ambiguous offences such as incitement to rebellion, terrorism, sabotage, instigation of delinquency, and attacking or resisting the public authorities⁵⁹.

The situation of activists is so delicate that the Nicaraguan Pro Human Rights Association (ANPDH) had to close down their operations in the country as a result of the constant attacks, and their militants were forced to seek refuge and protection in Costa Rica⁶⁰.

On 10 October, the government of Costa Rica granted the first application for political asylum on behalf of Álvaro Leiva, Executive Secretary of the ANPDH. In addition, a large number of human rights defenders in Nicaragua have been issued with precautionary measures by the IACHR, although the government has not always respected these measures.

The secretary of the Permanent Human Rights Commission of Nicaragua, Marcos Carmona, attended the session of the United Nations Human Rights Council in Geneva on 18 September, where he denounced the mass and systematic violation of human rights in Nicaragua by paramilitary groups and the police, through the criminalisation of the protests as a means of silencing those criticising the government, in addition to the reprisals, persecution and threats exercised against doctors, journalists, human rights defenders and priests. He expressed his concern with regard to the increase in illegal arrests and the conviction of 4 members of his organisation to sentences of over 10 years in prison, and said he held the police, the public prosecutor’s office and the Judiciary responsible for this situation.

Nicaraguan human rights organisations participated in the period of public hearings held by the IACHR, at which they once again denounced the human rights violations occurring in the country on a daily basis; in addition to requesting specific action to curb the abuses being committed by the government of Daniel Ortega, including the inclusion of Nicaragua in Chapter IV of the IACHR Annual Report, which details situations involving threats and/or violations of human rights of particular concern to the region⁶¹.

Nevertheless, the government has unleashed a new offensive against defenders of human rights, by cancelling the legal status of the NGOs operating in the country through the National Congress, in which the Sandinista party holds a majority.

⁵⁸ CENIDH, “Report No. 3: CENIDH denounces systematic violations of Nicaraguans’ human rights by the dictatorial regime of Daniel Ortega and Rosario Murillo in the period from 16 May to 18 June 2018”, page 9

⁵⁹ Inter-American Commission on Human Rights. Op. cit., paragraphs 265-269

⁶⁰ Hoy, “Ortega forces the Pro-Human Rights Association to flee Nicaragua”, 07 August 2018, available at: <https://www.hoy.es/internacional/america-latina/nicaragua-defensores-derechos-humanos-20180806223118-ntrc.html>

⁶¹ La Prensa, “Human rights organisations ask the IACHR for a differentiated response for the State of Nicaragua, 09 December 2018”, available at: <https://www.laprensa.com.ni/2018/12/09/nacionales/2503877-organizaciones-defensoras-de-derechos-humanos-piden-a-la-cidh-respuesta-diferenciada-para-estado-de-nicaragua>

The legal status of the following nine NGOs has been cancelled as at 12 December: the Center for Information and Health Advisory Services (Centro de Información y Servicios en Asesoría de Salud - CISAS), the Institute for Strategic Studies and Public Policy (Instituto de Estudios Estratégicos y Políticas Públicas - IEEPP), the Nicaraguan Center for Human Rights (CENIDH – Centro Nicaragüense de los Derechos Humanos), the Association Let’s Make Democracy - Hagamos Democracia, the Communication Research Center (Centro de Investigación de la Comunicación - Cinco), the Segovias Leadership Institute (Fundación Instituto de Liderazgo de las Segovias), the Foundation for the Conservation and Development of the South-East of Nicaragua (Fundación para la Conservación y el Desarrollo del Sur Este de Nicaragua (Fundación del Río)), the Institute for the Development of Democracy (Instituto para el Desarrollo de la Democracia - IPADE), and the Popol Na Foundation for the Promotion and Municipal Development (Fundación Popol Na, para la Promoción y el Desarrollo Municipal). All these cancellations were based on the accusation of failing to comply with the mandate for which they were created and supporting activities aimed at destabilising public order and democracy⁶².

Moreover, the State declared itself the administrator of the assets of the NGOs whose legal status was cancelled and began taking control of the buildings in which they were based. The Ministry of Governance announced that these assets would be used to create a fund dedicated to the victims of terrorism⁶³.

The director of Amnesty International in the Americas, Erika Guevara Rosas, spoke out against this latest assault on human rights organisations in Nicaragua and underlined the seriousness of the situation due to the fact “this leaves the population of Nicaragua defenceless, preventing organisations from representing victims and fighting for their demands for justice and accountability”⁶⁴.

The director of Human Rights Watch, José Manuel Vivanco, used his Twitter account to denounce the serious attack on civil society in Nicaragua consisting of the cancellation of the legal status of human rights organisations⁶⁵.

In turn, the IACHR issued a statement condemning the measures taken by Parliament against civil society organisations in Nicaragua to prevent them from operating and stated that “*the forced dissolution of civil organisations, particularly defenders of human rights, represents one of the most severe forms of restriction of freedom of association. Moreover, this measure affects both the accused and their defendants, and is designed to silence anyone denouncing the serious situation with regard to human rights in the country*”⁶⁶.

⁶² El Nuevo Diario, “Legal status of Cinco, Ipade and other NGOs cancelled by the National Assembly of Nicaragua”, 13 December 2018, available at: <https://www.elnuevodiario.com.ni/nacionales/481422-diputados-personeria-ong-cinco-ipade-nicaragua/>

⁶³ El Nuevo Diario, “State of Nicaragua declares itself the administrator of cancelled NGO assets and Police take control of buildings”, 15 December 2018, available at: <https://www.elnuevodiario.com.ni/nacionales/481528-estado-nicaragua-confisca-ong/>

⁶⁴ Amnesty International, “Nicaragua: Attack on CENIDH is a blow for human rights”, 12 December 2018, available at: <https://www.amnesty.org/es/latest/news/2018/12/nicaragua-attack-on-cenidh-is-a-blow-for-human-rights/>

⁶⁵ Infobae, “Human Rights Watch reports that the Nicaraguan government is set to dissolve five human rights organisations”, 13 December 2018, available at: <https://www.infobae.com/america/america-latina/2018/12/13/human-rights-watch-denuncio-que-el-regimen-de-nicaragua-disolvera-cinco-organizaciones-de-derechos-humanos/>

⁶⁶ IACHR, press communiqué “IACHR condemns the cancellation of the legal status of human rights organisations in Nicaragua”, 13 December 2018, available at: <http://www.oas.org/es/cidh/prensa/comunicados/2018/265.asp>

France⁶⁷, Germany⁶⁸ and the European Union⁶⁹ have also criticised these measures and placed pressure on the government, while expressing concern for the degradation of human rights in these countries and the breakdown of the State of Law.

What is more, defenders of human rights have been attacked directly, as is the case of Vilma Núñez, president of CENIDH, whom the government charges with having falsely accused police officers as being responsible for a fire in a home that killed several people, and of inducing the survivors to speak out against the government⁷⁰.

f. Journalists

Journalists have been targeted by the authorities ever since the outbreak of the protests, when they were covering the demonstrations taking place, and the first journalist to be shot dead, while broadcasting on the social networks in the town of Bluefields, took just a matter of days. In addition, journalists have been subjected to arbitrary arrests and physical attacks, and have had their equipment stolen, according to the OHCHR.

The findings published in the report drawn up by the Office of the High Commissioner include: death threats aimed at independent media personnel, the disclosure of their data on the social networks by pro-government sympathisers, as well as smear campaigns in which they are accused of disclosing false news and supporting terrorist activities. At the time the report was published, there were 250 reports of attacks on this group⁷¹. At the same time, pro-government media personnel reported having been threatened and fired for failing to comply with the editorial line imposed by their editors⁷².

In turn, the IACHR received testimonies alleging that a number of journalists had been given orders to restrict the dissemination of information on the protests, whereby at least 15 of them were forced to hand in their notice⁷³. Furthermore, these testimonies state that the country's main television channel, Canal 10, suspended news broadcasts in the first 48 hours of the protests. A journalist from this media outlet reported that *"his press directors had told him not to report on matters related to the protests and, furthermore, cancelled his television programme for two days, on the grounds that due to being an independent channel, they might fall victim to the violence of "Sandinista mobs"*⁷⁴.

With regard to attacks on journalists themselves and on their property, the IACHR registered cases of journalists being struck on the head and chased during the transmission of the protests, the theft and destruction of equipment, as well as death threats and illegal searches of homes and offices. Cases were also registered of foreign journalists covering the events who had to leave the country for fear of their integrity. What is more, damage was caused to the infrastructure of media outlets such as the

⁶⁷ El Nuevo Diario, "France condemns Nicaragua for having cancelled the legal status of several NGOs", 13 December 2018, available at: <https://www.elnuevodiario.com.ni/nacionales/481439-francia-condena-retiro-estatus-legal-ong-nicaragua/>

⁶⁸ La Prensa, "Cancellation of NGO's legal status is the government taking "revenge"", 14 December 2018, available at: <https://www.laprensa.com.ni/2018/12/14/politica/2505421-cancelacion-de-personerias-juridicas-a-ong-es-una-venganza-del-regimen>

⁶⁹ El Nuevo Diario, "European Union criticises the cancellation of NGO's legal status in Nicaragua", 15 December 2018, available at: <https://www.elnuevodiario.com.ni/nacionales/481533-ue-critica-retirada-personalidad-juridica-ong-nica/>

⁷⁰ El Nuevo Diario, "Cenidh denies accusation by the Police with regard to family burned to death in the Carlos Marx district", 19 December 2018, available at: <https://www.elnuevodiario.com.ni/nacionales/481831-policia-nicaragua-cenidh-incendio-carlos-max/>

⁷¹ Office of the United Nations High Commissioner for Human Rights. Op. cit., paragraph 94

⁷² Ibid., paragraph 95

⁷³ Inter-American Commission on Human Rights. Op. cit., paragraph 202

⁷⁴ Ibid., paragraph 203

arson attack on Radio Darío when there were 11 broadcasters on the premises, as well as Radio Ya and Radio Nicaragua, while other media outlets were stoned⁷⁵.

Amnesty International also gathered testimonies with details of the physical attacks suffered by journalists covering the protests, including the murder of a broadcaster and a severe beating that resulted in a case of short-term memory loss. Furthermore, the journalist who reported the murder of a colleague has declared he fears for his safety as his house has been illegally searched and he has been receiving constant threats for having reported the incident⁷⁶.

In turn, the **International Federation of Human Rights Leagues** (FIDH by its acronym in Spanish) denounced the systematic pattern of attacks on journalists in the context of the protests in Nicaragua, characterised by physical violence and threats against this group, in addition to the illegal confiscation of journalists' equipment⁷⁷.

In early October, international journalist organisations such as Reporters without borders, Frontline Defenders, Article 19 and Freedom of the Press Foundation, condemned the expulsion of Carl David Goette-Luciak, an Austrian-American journalist arrested at home without being notified of the charges. His material was confiscated and he was deported after being threatened and slandered⁷⁸.

Independent media outlet broadcasters have been the victims of persecution and arbitrary arrests. This is the case of Miguel Mora, the owner of the media outlet 100% Noticias, who has been threatened with death by the police, and who has also reported the harassment of his employees and the permanent surveillance of the headquarters of 100% Noticias and his home⁷⁹.

Furthermore, Mr. Mora has been accused at least 6 times of inciting hatred and violence through his media operation. According to the pro-government media the denouncers were the victims of kidnapping, harassment, injury, and death threats and named him as being the ringleader and main instigator of the roadblocks⁸⁰.

The media and journalists have also been affected by the cancellation of the legal status of certain NGOs, including the weekly publication Confidencial and its owner Fernando Chamorro, as his association with one of these NGOs led to the headquarters of his media outlet being raided, whereby neither he nor his team of employees were allowed to enter the premises and collect their possessions⁸¹.

⁷⁵ Ibid., paragraphs 213-216

⁷⁶ Amnesty International, "Shoot to kill: strategies for crushing the protests in Nicaragua", May 2018, page 28

⁷⁷ Worldwide Movement for Human Rights, "Nicaragua: Pattern of attacks on journalists involved in providing information on the repression of the protests in the country", 05 July 2018, available at: <https://www.fidh.org/es/temas/defensores-de-derechos-humanos/nicaragua-patron-de-ataques-contra-periodistas-involucrados-en>

⁷⁸ El Nuevo Diario, "International journalists condemn expulsion of foreign reporter", 05 October 2018, available at: <https://www.elnuevodiario.com.ni/nacionales/476301-periodistas-internacionales-condenan-expulsion-rep/>

⁷⁹ El Nuevo Diario, "Miguel Mora reports death threats and temporary detention of his driver", 24 November 2018, available at: <https://www.elnuevodiario.com.ni/nacionales/480167-miguel-mora-denuncia-policia-nicaragua/>

⁸⁰ La Voz del Sandinismo, "New accusations against Miguel Mora by residents of Ticuantepe and El Crucero", 13 December 2018, available at: <https://www.lavozdelsandinismo.com/nicaragua/2018-12-13/nuevas-denuncias-contra-miguel-mora-de-pobladores-de-ticuantepe-y-el-crucero/>

⁸¹ El Nuevo Diario, "Carlos Fernando Chamorro files a complaint with the Public Prosecutor's Office", 19 December 2018, available at: <https://www.elnuevodiario.com.ni/nacionales/481802-carlos-fernando-cahamorro-denuncia-fiscalia/>

g. Members of the Catholic church

According to the CENIDH the active involvement of priests and bishops as intermediaries in their different regions has turned them into visible and essential individuals, in addition to making them the targets of threats and intimidation by pro-government armed elements.

Even though the church has been playing the role of mediator to promote dialogue between demonstrators and the government since the start of the protests, its members have been persecuted by both the government and paramilitary groups. These measures against the clergy arise from the fact members of the church have been providing protection and shelter to people who have been injured or who are under attack, as well as anti-government speeches made by priests.

Several of the cruelest episodes in the conflict have taken place in churches, where both young people and members of the clergy have had to face attacks by the police and paramilitary groups using high-calibre weapons. This is what happened in the attacks on the Basilica of San Sebastian and the Church of Divine Mercy, where young people participating in the protests ran to seek shelter, however the onslaught was so brutal that besides people being injured, human lives were lost among the protestors and members of the clergy⁸².

Priests are being persecuted and attacked for having helped protesters and sheltered the wounded in their churches. According to the media dozens of churches have been desecrated, damaged and robbed, and priests have been threatened and beaten up⁸³.

Members of the clergy have also been subjected to smear campaigns such as the one conducted against the bishop Silvio Báez, who the pro-government press labelled an anti-government conspirator who had orchestrated criminal and terrorist plans to overthrow the government⁸⁴.

Due to this critical situation of persecution, cardinal Leopoldo Brenes declared he had held talks with the archbishop of San José, Costa Rica, to provide protection for members of the church who are being persecuted by the authorities⁸⁵.

Moreover, the IACHR granted precautionary measures on behalf of the priest Edwin Heriberto Román Calderón as a result of the humanitarian work he conducted during the violent events in the city of Masaya, with the aim of protecting him from potential reprisals by the State⁸⁶

h. Peasants

The peasant sector, particularly the militants of the Nicaraguan Peasant Movement, are also being persecuted as a result of the conflict that has spread throughout the country, although this group had been expressing its opposition to the government and its policies, in particular the project to create an inter-oceanic canal, before the protests broke out.

⁸² El Nuevo Diario, "Catholic church under attack by the Government", 27 July 2018, available at: <https://www.elnuevodiario.com.ni/nacionales/470203-iglesia-catolica-ataque-gobierno/>

⁸³ El Espectador, "Priests among the bullets of repression in Nicaragua", 22 August 2018, available at: <https://www.elespectador.com/noticias/el-mundo/sacerdotes-entre-las-balas-de-la-represion-en-nicaragua-articulo-807510>

⁸⁴ El 19 Digital, "Evidence of conspiracy meeting held by Silvio Báez against the people of Nicaragua", 19 October 2018, available at: <https://www.el19digital.com/articulos/ver/titulo:83006--revelan-pruebas-de-reunion-conspirativa-de-silvio-baez-en-contra-del-gobierno-de-nicaragua>

⁸⁵ El nuevo diario, "Brenes: Church in Costa Rica will leave doors open to migrants from Nicaragua", 19 August 2018, available at: <https://www.elnuevodiario.com.ni/nacionales/472618-brenes-iglesia-costa-rica-recibirá-migrantes-nicas/>

⁸⁶ IACHR, Press Comunicó N° 127/18, "IACHR grants precautionary measures on behalf of the priest Edwin Heriberto Román Calderón and the defender of human rights Álvaro Leiva Sánchez in Nicaragua", 07 June 2018, available at: <http://www.oas.org/es/cidh/prensa/comunicados/2018/127.asp>

The Peasant Movement has played an active role ever since the protests began, mainly in relation to setting up and guarding roadblocks and barricades in rural areas, which were later pulled down by the police and paramilitary elements with a significant degree of violence resulting in a large number of dead and injured among the civil population.

14 July saw a violent attack on the roadblock that had been erected in San Pedro de Lóvago, in the department of Chontales, despite the fact an agreement had been negotiated between the Movement and the government to remove the roadblock voluntarily in exchange for the release of a peasant leader who was under arrest. 18 members of the movement were killed in the attack⁸⁷.

The day before, Medardo Mairena and Pedro Mena, leaders of the Peasant Movement, were captured at Managua airport as they were preparing to travel abroad to attend a meeting. Both of them were accused of terrorism, murder, organised crime, kidnapping, theft and damage to public property⁸⁸, and they are still detained. On 18 December, at a trial denounced for its irregularities, particularly with regard to the witnesses presented by the Ministry, Mairena and Mena were convicted of the crimes of terrorism, organised crime, murder, basic kidnapping and aggravated robbery. The prosecution requested the maximum sentence⁸⁹.

Once the roadblocks had been removed, the peasant sector was subjected to greater persecution by the authorities, which gave rise to a large number of displaced peasants being forced to flee to other countries in order to escape the repression. One of the leaders of the movement reported that a hunt had been unleashed against his comrades and relatives, who had been imprisoned and accused of serious crimes such as terrorism, kidnapping and murder⁹⁰.

One of the arrested leader's brothers alleged that *"the members of the family are desperate, scared, due to the lack of security in this country, they are scared to mobilize, as the people that should be providing us with justice are the people we are most afraid of, in other words, the Police. We have been threatened through messages, my family is hidden away in an attempt to save their lives"*⁹¹.

Members of the peasant movement are still being rounded up today, and the illegal arrest of militants and threats to relatives continue.

Indigenous communities have also reported having undergone persecution and violence by paramilitary groups. In July, the indigenous community of Monimbó in Masaya suffered a violent attack in an attempt to remove the roadblocks that had been set up in this town. Young indigenous people from this settlement declared they have been persecuted for having opposed the government of Daniel Ortega, and allege to be in hiding due to fear of reprisals⁹².

⁸⁷ Nicaraguan Centre for Human Rights, Report N° 5: CENIDH denounces systematic violations of Nicaraguans' human rights by the dictatorial regime of Daniel Ortega and Rosario Murillo in the period from 14 May to 25 July 2018, page 5

⁸⁸ Office of the United Nations High Commissioner for Human Rights. Op. cit., paragraph 35

⁸⁹ La Prensa, "Ortega regime finds peasant leaders Medardo Mairena and Pedro Mena guilty", 18 December 2018, available at: <https://www.laprensa.com.ni/2018/12/18/nacionales/2506788-justicia-orteguista-declara-culpable-los-lideres-campesinos-medardo-mairena-y-pedro-mena>

⁹⁰ La Prensa, "Peasant movement denounces militarized areas in the interior of the country", 17 September 2018, available at: <https://www.laprensa.com.ni/2018/09/17/nacionales/2471768-movimiento-campesino-denuncia-que-hay-zonas-del-interior-del-pais-militarizadas>

⁹¹ El Nuevo Diario, "Peasant movement assures it has not been dispersed", 20 July 2018, available at: <https://www.elnuevodiario.com.ni/nacionales/470050-movimiento-campesino-crisis-nicaragua/>

⁹² Infobae, "Nicaragua: Monimbó indians denounce the Ortega government", 11 October 2018, available at: <https://www.infobae.com/america/america-latina/2018/10/11/nicaraguaindigenas-de-monimbo-denuncian-al-gobierno-de-ortega/>

i. Women

Both the IACHR and the Special Monitoring Mechanism (Mecanismo Especial de Seguimiento) have identified women as being a population at risk of persecution, as, according to the organisations, they have been victims of sexual violence and subjected to harassment in their role as mothers of individuals who have been arrested, demonstrators and human rights defenders⁹³.⁹³

Women who have been detained suffer the most at detention centres, where they undergo physical, sexual and psychological violence. Both the OHCHR and the Permanent Commission on Human Rights have denounced that the authorities have been using sexual violence and torture as a mechanism of investigation and to force detainees into providing information, in addition to denying them contact with their families and medical care⁹⁴.⁹⁴

Defenders of human rights including Lottie Cunningham and Haydee Castillo were arrested illegally as they were about to leave the country, and claim they were attacked and subjected to constant threats. They were both released at a later date⁹⁵.⁹⁵

Another high-profile case is that of Irlanda Jerez, a dentist and merchant, who was arrested on 18 July 2018 for an alleged conviction in 2016 for the crimes of ideological falsehood, forged documents and embezzlement. However, relatives and close friends claim she was really imprisoned for having been one of the leaders of the protests against the government of Daniel Ortega. She is currently in an isolation cell with other political prisoners at La Esperanza women's prison, from where she has denounced mistreatment and threats as a means of forcing her to confess to her participation in the protests, with which the authorities would be able to accuse her of the crime of terrorism. In addition, her business was recently raided⁹⁶.⁹⁶ Her family have also been threatened and encountered difficulties with regard to visiting her in prison.

Last 26 October, 17 women held at this detention centre were beaten up by at least 40 hooded men – who were not prison staff – for having protested against taking Irlanda Jerez away, fearing for her safety, as the prison authorities had been upset by a letter written by the merchant that had come to public light, in which she recounts the violations taking place in the country and urges people to continue the fight⁹⁷. A delegation from the Special Monitoring Mechanism for Nicaragua (MESENI) paid a visit to the detention centre to check on the condition of the women who had been beaten up, however they were denied access.

The "Pico Rojo" (Red Lips) movement was recently founded by Marlen Chow in El Chipote prison soon after having been arrested together with another 20 women for taking part in a demonstration for the release of political prisoners, where the women painted their lips red as sign of defiance against illegal imprisonment.

Likewise, the Nicaraguan Initiative of Women Human Rights Defenders (Iniciativa Nicaragüense de Defensoras – IND) has received 182 reports of women human rights defenders who have been victims

⁹³ IACHR, "IACHR warns of a new wave of repression in Nicaragua", communiqué of 18 October 2018, available at: <http://www.oas.org/es/cidh/prensa/comunicados/2018/223.asp>

⁹⁴ Infobae, "The Permanent Commission on Human Rights has denounced torture of female demonstrators arrested in Nicaragua", 22 August 2018, available at: <https://www.infobae.com/america/america-latina/2018/08/22/la-comision-permanente-de-derechos-humanos-denuncio-torturas-contras-mujeres-manifestantes-arrestadas-en-nicaragua/>

⁹⁵ El Nuevo Diario, "I was mistreated and they didn't care that I was in a wheelchair", 17 October 2018, available at: https://www.elnuevodiario.com.ni/nacionales/477272-lottie-cunningham-presos-politicos-crisis-nicaragu/?fbclid=IwAR39NMDoxXqZj1nuqE9FsQq_I4G5RpmkHVYf3lx3pFMFTyjRg9lxcmwzAtQ

⁹⁶ El Nuevo Diario, "Irlanda Jerez still beyond reach in prison", 06 August 2018, <https://www.elnuevodiario.com.ni/nacionales/471476-detenciones-ilegales-crisis-nicaragua/>

⁹⁷ 100% Noticias, "Letter written by political prisoner Irlanda Jerez", 23 October 2018, <https://100noticias.com.ni/nacionales/93988-carta-presa-irlanda-jerez/>

of a number of different types of violence since the onset of the crisis⁹⁸, particularly sexual assault and "stigmatization campaigns on social networks generally based on issues in relation to sexual preferences and gender expression and reproducing misogynistic stereotypes."⁹⁹

International and civil society organisations have made countless denunciations of the mistreatment of women in prison, and of how their right to health is systematically violated. Women with chronic diseases have been denied access to medical care and treatment, one of which suffered a miscarriage due to lack of medical care.

j. Children and adolescents

Minors are now vulnerable as a result of the conflict that has ravaged the country. According to data published by the Federation of NGOs Working with Children and Adolescents (CODENI), of the fatal victims in connection with the conflict, 29 were minors, 3 were women and 26 were men, and 19 died as the result of bullet wounds in the head, neck and chest. Furthermore, at least 77 minors have been arrested, 18 of which are on trial for serious crimes such as terrorism¹⁰⁰.

The Special Monitoring Mechanism for Nicaragua (MESENI) expressed its concern with regard to the denunciations made by civil society organisations in relation to cases of political indoctrination at establishments of public education, as well as changes in school hours and the academic schedule due to the crisis, which has resulted in an increase in the school drop-out rate due to the fact the economic situation in the country has led to children and adolescents being forced to work, particularly families that own land, as they need to be there to ensure it is not seized. Moreover, MESENI points out that "in the same way, the rights of children and adolescents with regard to rest, leisure, play and culture will have been impacted due to the presence of armed agents in communities and public areas."¹⁰¹

This organisation has also denounced cases of cruel, inhuman and degrading treatment of this population by police officers, including the arrest of students on their way to school for the purpose of interrogation, in addition to threats with firearms.

⁹⁸ Hearing before the 169th session of the IACHR, "Situation of human rights defenders: reports of arbitrary arrests and no access to justice in Nicaragua", Boulder, University of Colorado, 02 October 2018

⁹⁹ Ibid.

¹⁰⁰ Niú, "Children and adolescent are unprotected in the crisis, declares CODENI", 01 December 2018, available at: <https://niu.com.ni/ninos-y-adolescentes-estan-desprotegidos-en-la-crisis-afirma-codeni/>

¹⁰¹ Inter-American Commission on Human Rights, "IACHR warns of new wave of repression in Nicaragua", press communiqué dated 18 October 2018, available at: <http://www.oas.org/es/cidh/prensa/comunicados/2018/223.asp>



Source: CODENI

(Legend:

CHILDREN AND ADOLESCENTS VICTIMS OF THE SOCIO-POLITICAL CRISIS IN NICARAGUA

From 18 April to the present day, Nicaragua has been experiencing a socio-political crisis like no other in its history. A result of the violence exercised by the police, pro-government armed elements and delinquents, 29 children and adolescents of between 5 months and 17 years of age have been killed.)

CODENI has also stated its concern with regard to the manner in which the crisis – which is also of an economic nature – might affect childhood and adolescence, and fear an increase in school drop-out rates and more children on the streets, and the consequent exploitation of child labour¹⁰².

k. Opponents of Daniel Ortega´s regime

Even though an analysis has been conducted of the sectors most likely to suffer persecution by the government of Daniel Ortega and paramilitary groups, anyone expressing his/her opposition to the regime or refusing to comply with the orders issued by the pertinent authorities, regardless of their age, profession or gender, is at risk of suffering reprisals by the government, including civil servants, artists, professionals, among others.

Even people that have not actively participated in the protests, but have provided some kind of support or assistance to someone who was demonstrating, are at risk.

Experts in criminal law claim the legal system is being used as a political weapon, as it is implementing an excessively broad concept of terrorism that allows for accusations of terrorism or the financing of terrorism for actions such as supplying water and baking soda to disperse tear gas or providing coffins for victims¹⁰³.

Such cases include two doctors and a journalist in prison accused of terrorism for having transported food to Masaya, although the authorities have accused them of transporting ammunition for weapons regarded as illegal. Another person has also been accused of terrorism for having manufactured

¹⁰² El Nuevo Diario, "Number of children on the streets may increase", 07 December 2018, available at: <https://www.elnuevodiario.com.ni/nacionales/481011-ninez-calles-escuelas-adolescencia-nicaragua/>

¹⁰³ El Nuevo Herald, "136 are accused of terrorism five months later", 18 September 2018, available at: <https://www.elnuevodiario.com.ni/nacionales/474931-acusados-terrorismo-presos-politicos-nicaragua/>

bulletproof vests for students barricaded in UNAN-Managua university¹⁰⁴.

¹⁰⁴ La Prensa, "Terrorism a la Ortega in Nicaragua", 22 July 2017, available at: <https://www.laprensa.com.ni/2018/07/22/suplemento/la-prensa-domingo/2451260-el-nuevo-terrorismo-en-nicaragua>

6. Agents of persecution

a. The State and its police forces

The state response to the protests that broke out on 18 April has been the repression of the people's demonstrations and the criminalisation of the participants and anyone opposing the regime. Hence, **the main agent of persecution in the conflict is the State itself**, which has managed to maintain control over the dissident population through its armed forces and the support of paramilitary groups.

The IACHR has declared that *"the purpose of the violence exercised by the state has been to dissuade people from participating in the demonstrations and to quell this expressing of political dissent. This violence featured a common pattern, characterised by the excessive and arbitrary use of police force and the use of pro-government armed elements and shock forces with the acquiescence, tolerance and collaboration of the state authorities"*.¹⁰⁵

Thus, the primary agent of persecution is the State itself, conducted through its police forces, seen in the excessive use of force registered during the protests. The IACHR registered the use and abuse of tear gas and rubber bullets, in addition to high-calibre firearms and snipers¹⁰⁶.

With regard to arrests, which are often illegal, victims confess to having been beaten, insulted and threatened by members of the police. Furthermore, *"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"*.¹⁰⁷

In addition, the government, **through the judiciary** – over which it has full control – has placed a focus on the criminalisation of the protests in the form of mass arrests that fail to comply with the guarantees of due process. Furthermore, this process also involved the passing of a law that decrees the criminalisation of the protests and that also establishes stiff sentences for anyone tried under this law.

The IACHR report specified that "

*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"*¹⁰⁸

b. Paramilitary and pro-government groups

The participation of so-called shock forces has been reported since the early days of the protests, which are groups of heavily armed government supporters that enjoy both the acquiescence and

¹⁰⁵ Inter-American Commission on Human Rights. Op. cit., paragraph 58

¹⁰⁶ Ibid, paragraph 99

¹⁰⁷ Ibid, paragraph 180

¹⁰⁸ Ibid., paragraph 58

collaboration of the authorities, entrusted with suppressing the demonstrators and removing the roadblocks by force, in addition to the subsequent persecution and threatening of government opponents.

International organisations have denounced this practice and raised their voices in an attempt to stem the participation of these groups. Amnesty International reported that: *"the Nicaraguan government has used armed individuals or pro-government armed groups that act with in collusion with state officials, in particular the National Police, or with their acquiescence or tolerance. According to this information, the government would appear to be using this "shock" tactic of attacks carried out by private individuals as part of a strategy in order to make the subsequent identification of those responsible for human rights violations more difficult and to increase its capacity for repression*¹⁰⁹.

In turn, the Office of the High Commissioner has also made a serious denouncement against the failure of the State to take action against these groups, on stating that "individuals associated with the ruling Sandinista party were mobilized to oppose the demonstrations, organize parallel rallies, and harass and intimidate protesters",¹¹⁰ they repressed using physical violence those protesting peacefully.

Moreover, they have been linked to fires and damage to the property of independent media outlets, attacks on members of the church, armed attacks at the protests, an active role in "operation clean-up", when, under the police escort, they walked into villages firing indiscriminately; in addition to making arbitrary arrests together with the police.

In turn, the IACHR reported 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... 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"*¹¹¹.

Security and organised crime consultants have stated that *"the paramilitary groups have a multiple composition, including active police officers dressed as civilians, members of the Sandinista Youth, trained by the Police in the handling of weapons, tactical displacement and other operational areas, and former combatants who are still loyal to Ortega"*.¹¹²

These groups are also believed to have a large arsenal of high-caliber weapons at their disposal that they do not hesitate to use on the civilian population, and that have killed hundreds of Nicaraguans with accurate shots to the head, neck and chest.

Furthermore, according to reports published by international organisations and the press, these paramilitary or pro-government armed groups have played a leading role in the most violent episodes registered in the conflict, in addition to being accused of arbitrary arrests and kidnappings. Their most characteristic feature is driving around in Toyota Hilux pickup trucks, hooded and heavily armed.

Press outlets have reported that these paramilitary elements use military weapons including AK-47, Dragunov and M16 rifles, RPG-07 rocket launchers, and PKM machine guns, despite the fact this type of weapon is supposed to be for the exclusive use of the army in conventional wars and, as such, are not part of the inventory of the national police¹¹³.

¹⁰⁹ Amnesty International, "Shoot to kill: strategies for crushing the protests in Nicaragua", May 2018, page 10

¹¹⁰ Office of the United Nations High Commissioner for Human Rights. Op. cit., paragraph

¹¹¹ Inter-American Commission on Human Rights. Op. cit., paragraph 122

¹¹² Confidencial, "Ortega maintains paramilitary groups intact", 26 May 2018, available at: <https://confidencial.com.ni/ortega-mantiene-intactas-bandas-paramilitares/>

¹¹³ La Prensa, "Paramilitary elements display weapons for the exclusive use of the Nicaraguan army", 10 July 2018, available at: <https://www.laprensa.com.ni/2018/07/10/nacionales/2446551-paramilitares-exhiben-armas-de-uso-exclusivo-del-ejercito-de-nicaragua>



Source: NTN24america.com

(Legend:

Weapons of repression used by the paramilitary groups

Paramilitary groups have been using weapons of war to repress the self-assembled population since 18 April.)

According to testimonies gathered by the IACHR, "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".¹¹⁴

Although the government's position has been to deny the existence of paramilitary groups loyal to and controlled by Daniel Ortega, in an interview given to an international media outlet he claimed they were voluntary police officers and not paramilitary elements – despite the fact they are hooded - and are assigned to special operations.¹¹⁵ Moreover, according to Amnesty International, the support of the authorities of these groups is evident in the fact that they normally operate in the presence of the police forces, and these police officers, far from pursuing them for their crimes, actually help them get away.¹¹⁶

Analysts in the field argue that the fact the government is able to propose or accept truces, implies that they have power over the shock groups to order them not to attack, and, as such, they operate pursuant to a political component due to their association with the government, whereas their organisation and "tactical command" depend on the police.¹¹⁷

The truth of the case is that the international community has called for the government to dismantle these groups, and despite the fact the protests have been quashed they continue to operate, and are now involved in kidnappings, arrests and threats.

¹¹⁴ Inter-American Commission on Human Rights. Op. cit., paragraph 127

¹¹⁵ Euronews, "Daniel Ortega denies wanting to stay in power in Nicaragua perpetually in an interview with Euronews", 30 July 2018, available at: <https://es.euronews.com/2018/07/30/directo-entrevista-al-presidente-de-nicaragua-daniel-ortega>

¹¹⁶ Amnesty International, "Shoot to kill: strategies for crushing the protests in Nicaragua", May 2018, page 11

¹¹⁷ Confidencial, "Ortega maintains paramilitary groups intact", 26 May 2018, available at: <https://confidencial.com.ni/ortega-mantiene-intactas-bandas-paramilitares/>

7. Violation of Human Rights

a. The right to life and personal integrity

Although it has proved impossible to obtain an exact number of deaths in the context of the conflict, it is undeniable that one of the most striking aspects is the significant number people killed during the protests.

According to the reports issued by both the UN and the IACHR, it can be concluded that the most of the deaths occurred as the result of the disproportionate use of force and the use of lethal weapons by the police and paramilitary groups, which implies a gross violation of the right to life, as according to the IACHR, lethal force should not be used to control a demonstration under any circumstances whatsoever, let alone shooting at the civil population indiscriminately.

Amnesty International regards many of these deaths as extrajudicial executions, due to an analysis of the wounds leaving it clear to see that the entrance holes are located in areas that are lethal for human beings, such as the neck, head and chest. Other cases registered significant inclinations in the trajectory of the bullets, which are consistent with shots taken by snipers.¹¹⁸

In this regard, the organisation claims to have 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"*.¹¹⁹

Parallel to the significant amount of fatalities is the high number of people injured within the scope of the protests, caused by the use of tear gas, clubs and rubber bullets.

b. The right to health

On their working visit the IACHR received around 800 testimonies from people denouncing a lack of medical care during the conflict, ranging from the hampering of humanitarian assistance to the absolute denial of care.

These denouncements enabled the Commission to corroborate repeated practices including "the denial of medical care, unfounded delays or inadequate care to patients as reprisals for having protested against the government",¹²⁰ although it was ascertained that care was provided to the injured at other hospitals.

The OHCHR also received denouncements with regard to a supposed order from the Ministry of Health not to provide medical care to participants in the protests, and that doctors who refused to comply suffered reprisals. Furthermore, it has been ascertained that some of the injured did not wish to be treated in public hospitals as the police were asking for patients' personal data. Indeed, in late May the Nicaraguan Medical Association denounced the manipulation of the health system as a means of denying care to demonstrators.¹²¹

This right is also being seriously violated in detention centres, where political prisoners are being denied access to medical care, including treatment for people suffering from chronic disease such as diabetes, high blood pressure, and even cancer, thereby placing the lives of prisoners at risk.

¹¹⁸ Amnesty International, "Shoot to kill: strategies for crushing the protests in Nicaragua", May 2018, page 21

¹¹⁹ Amnesty International, "Sowing Terror: From lethality to persecution in Nicaragua", October 2018, page 31

¹²⁰ Inter-American Commission on Human Rights. Op. cit., paragraph 141

¹²¹ Office of the United Nations High Commissioner for Human Rights. Op. cit., paragraph 65

CENIDH has also denounced episodes where the Nicaraguan Red Cross was not allowed to transfer people injured in the protests to hospital.¹²²

c. Freedom of expression

The conflict has seen polarisation among the media, on the one hand, the state media outlets have not been informing the country's citizens of the events taking place in an impartial manner, in addition to the dissemination of smear and discrediting campaigns against opponents of the government, while independent media outlets have been subject to attacks and repression.

The television stations were ordered to stop broadcasting the protests on the first day of the demonstrations. The Instituto Nicaragüense de Telecomunicaciones y Correo - TELCOR (Nicaraguan Institute of Telecommunications and Postal Services) asked the media outlets not to broadcast the coverage of these events with the excuse that this would incite further violence.

In addition, television channels and websites of a number of media outlets were sabotaged for a few hours to prevent the demonstrations from being disclosed.¹²³

Cases of direct physical violence on broadcasters have also been registered, one of whom died after being shot several times during a live broadcast of the protests, while others were hurt after being struck with blunt objects. They have also been subjected to threats, arbitrary arrests, and have had their equipment stolen and destroyed. Furthermore, the infrastructure of several independent media outlets, mainly radio stations, was damaged by vandalism, bullets, stones and fires.¹²⁴

Mikel Espinoza, a former editor of the pro-government media outlet 19 Digital, exiled in Costa Rica, denounced that on the orders of Rosario Murillo, media outlets were not to report on what was happening, and, therefore, did not cover the first protests, merely reporting what was sent to them by the pro-Sandinista regime media network, and confessed that *"there were attacks in which the Police and pro-government elements participated, and that they, as pro-government media outlets, were forced to say it was 'the right, even when the images and eye-witnesses said it was the Police that attacked'".*¹²⁵

With regard to violence against journalists, the Violeta Barrios Chamorro Foundation registered one fatality, 44 assaults, 41 threats and 23 attacks as at 06 July. Moreover, the foundation claims that censorship, harassment and persecution have intensified since the outbreak of the conflict.¹²⁶

Recently, TELCOR ordered operators to remove the media outlet 100% Noticias from the open channel 15 signal in order to broadcast Channel 6, a pro-government channel, on that frequency, with the excuse that this television station was using the frequency illegally. However, the owner of the outlet alleges this was simply a manoeuvre to censor the information they broadcast, as the channel had not stopped reporting on the repression unleashed by the government since the start of the protests.¹²⁷

¹²² Nicaraguan Centre for Human Rights, Report N° 4: CENIDH denounces systematic violations of Nicaraguans' human rights by the dictatorial regime of Daniel Ortega and Rosario Murillo in the period from 19 May to 14 July 2018, page 25

¹²³ Inter-American Commission on Human Rights. Op. cit., paragraphs 205-208

¹²⁴ Office of the United Nations High Commissioner for Human Rights. Op. cit., paragraphs 92-94

¹²⁵ Confidencial, "Mikel Espinoza: "Murillo's order was not to report", 23 October 2018, available at: <https://confidencial.com.ni/mikel-espinoza-la-orden-de-murillo-era-no-informar/>

¹²⁶ La Prensa, "Deplorable state of freedom of expression in Nicaragua, according to the Violeta Barrios Foundation", 06 July 2017, available at: <https://www.laprensa.com.ni/2018/07/06/nacionales/2445118-deplorable-estado-de-la-libertad-de-expresion-en-nicaragua-segun-fundacion-violeta-barrios>

¹²⁷ La Prensa, "Ortega regime orders removal of 100% Noticias from open television signal", 29 October 2018, available at: <https://www.laprensa.com.ni/2018/10/29/politica/2490102-regimen-ordena-sustituir-la-senal-de-100-noticias-por-la-del-oficialista-canal-6-en-senal-abierta>

The Inter-American Press Association (AIPA) has repudiated this manoeuvre, and claims “we are dealing with an authoritarian government, a dictatorship disguised as a democracy that punishes freedom of expression and press and the right to meet and protest”.¹²⁸

All these measures are a blatant violation of freedom of expression and press, as well as the right of every person to receive accurate and true information, which is even more essential in times of conflict.

d. Arbitrary detentions

The IACHR report warns of the existence of a pattern of arbitrary detentions. The organisation regards these detentions as arbitrary due to the fact they were carried out while people were demonstrating peacefully, without having committed any crime whatsoever, and with the use of violence and disproportionate force.¹²⁹

In this regard, the Inter-American Court of Human Rights has stated that: “*a detention is arbitrary and illegal when it is practiced for reasons not validly envisaged by law, when it is carried out without observing all the legal standards to be complied with by the judicial and police authorities, and when powers to detain have been abused, in other words, when a detention is carried out for reasons other than those contemplated and required by law.*”¹³⁰ On their field visit, the Commission ascertained, according to the testimonies gathered, that the purpose of these detentions was to punish and repress anti-government behaviour, and not to pursue illegal activity.¹³¹

In relation to numbers of arrests, the Commission for Truth, Justice and Peace declared that 620 people had been arrested in the context of the protests between 18 April and 02 June 2018, comprising 64 minors, 480 men and 25 women, while CENIDH claims that 1900 people were arrested between 18 April and 25 July, of which at least 400 are facing criminal proceedings.¹³²

The Pro-Freedom Committee for Prisoners and Political Prisoners of Nicaragua [Comité Pro Libertad de Presos y Presas Políticas de Nicaragua] and the Civic Alliance for Justice and Democracy [Alianza Cívica por la Justicia y la Democracia] – according to denouncements made by relatives and submitted to pro-human rights organisations – allege the number of arrests is 558, 375 of which are facing criminal proceedings, 36 have already been convicted and at least 147 people have been held for over 48 hours without being officially charged. Of the total, 349 are being held at “La Modelo” and “La Esperanza”, 70 at El Chipote, 39 at police stations, 13 are under house arrest, while the whereabouts of 87 people arrested by hooded elements or the police are unknown.¹³³

In turn, the report issued by MESENI on People Deprived of their Liberty in Nicaragua, states that the government acknowledges the existence of 204 political prisoners – although this figure is thought to be far higher – and what is more, 6 of these prisoners were granted precautionary measures by the IACHR. The report also highlights irregularities including: unfounded arrests with no court order, the disproportionate use of force, failure to meet the legal 48-hour deadline to bring the arrested person before a judge, accusations based on the testimonies of civil servants and undercover agents and the preventive imprisonment of 100% of those arrested. Furthermore, there is concern with regard to the poor conditions in which those arrested are being held, suffering mistreatment, unhealthy conditions,

¹²⁸ El Nuevo Diario, “AIPA repudiates “reprisal” against 100% Noticias”, 03 November 2018, <https://www.elnuevodiario.com.ni/nacionales/478594-sip-rechaza-represalia-100-noticias-nicaragua/>

¹²⁹ Inter-American Commission on Human Rights. Op. cit., paragraph 178

¹³⁰ Inter-American Court of Human Rights, Case of Durand and Ugarte, Judgment of 16 August 2000. Series C N° 68, paragraphs 52-56, 85.

¹³¹ Inter-American Commission on Human Rights. Op. cit., paragraph 180

¹³² Office of the United Nations High Commissioner for Human Rights. Op. cit., paragraph 72

¹³³ El Nuevo Diario, “More than 500 imprisoned for protesting in Nicaragua”, 25 October 2018, available at: <https://www.elnuevodiario.com.ni/nacionales/477862-presos-crisis-nicaragua-derechos-humanos/>

a lack of medical care, and restricted visits.¹³⁴

In this regard, the OHCHR has identified the following patterns in these arrests: arrests are usually carried out by the police and/or pro-government armed elements. The victims are taken from their homes without an arrest or search warrant being shown; no information is provided in relation to the reasons for the arrest or the rights of the person arrested; there is no public record of the names and places in which these people are being held; incommunicado detention, with no access to relatives or lawyers, is a common practice in the initial detention period; relatives are normally given official confirmation of the arrest several days after the arrest; cases of collective arrests are common; those arrested are usually people who have participated in some kind of activity opposing the government or who are regarded as opponents; most of those arrested are young men; cruel, inhuman and degrading treatment has been reported on a regular basis in the context of the detentions, with claims of torture on being arrested and during the first few days in prison.¹³⁵

Despite the fact the Nicaraguan legislation provides for a writ of habeas corpus on behalf of people whose liberty, physical integrity and safety have been violated or are in danger of being violated, the second report issued by Amnesty International contains testimonies by people who have filed for such a writ, and which despite having been granted, have not been executed by the prison authorities.¹³⁶

The waves of arrests have intensified in the months of November and December. Seven kidnappings were reported in the towns of Jinotepe, Jinotega, Nagarote and Chinandega in two days. Three of these people were taken away on leaving a graduation ceremony and other members of the same family had previously been arrested and convicted for supervising the roadblocks. Another woman was arrested in Chinandega for allegedly having taken part in the marches, while in Jinotega a teacher was kidnapped for failing to obey political orders issued by the principal of the education centre she worked for. Moreover, a mechanic was captured by armed civilians on a Hilux pickup truck and motorcycles with no arrest warrant.¹³⁷

e. Prohibition of torture and inhuman and degrading treatment

The press has constantly reported the mistreatment of people held at the prisons of El Chipote, La Modela and La Esperanza. There are reports that 17 women being held illegally at La Esperanza, a women's prison, have been refused sun hours, telephone calls to relatives, and medical care, and are regarded by the prison administration as "highly dangerous delinquents", despite the fact they were arrested for having protested against the government of Daniel Ortega.¹³⁸

In turn, the Office of the High Commissioner has received testimonies from detainees, in particular El Chipote prison, who claim to have been the victims of physical torture (burns using stun guns and/or cigarettes, the use of barbed wire, beatings with fists and piping and attempted strangulation), psychological torture, and sexual violence, involving both men and women. Furthermore, prisoners have been forced to undress and remain in their underwear.¹³⁹

Amnesty International states that with regard to the documented cases of torture, *"the aim of causing*

¹³⁴ Inter-American Commission on Human Rights, "Report on the Rights of People Deprived of their Liberty pays a visit to Nicaragua", 26 September 2018, available at: <http://www.oas.org/es/cidh/prensa/comunicados/2018/210.asp>

¹³⁵ Office of the United Nations High Commissioner for Human Rights. Op. cit., paragraph 74

¹³⁶ Amnesty International, "Sowing Terror: From letalidad to persecution in Nicaragua", October 2018, page 42

¹³⁷ La Prensa, "Residents report seven kidnappings in just two days", 08 December 2018, available at: <https://www.laprensa.com.ni/2018/12/08/nacionales/2503781-pobladores-reportan-siete-secuestros-en-solo-dos-dias>

¹³⁸ Confidencial, "Political prisoners at La Esperanza in inhuman conditions", 15 September 2018, available at: <https://confidencial.com.ni/presas-politicas-de-la-esperanza-en-condiciones-inhumanas/>

¹³⁹ Office of the United Nations High Commissioner for Human Rights. Op. cit., paragraph 80

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".¹⁴⁰

International organisations including the OAS and the European Union have issued resolutions urging the government of Nicaragua to put a halt to these arbitrary detentions, as well as to the violation of the human rights of those being held and to guarantee due process.

f. Freedom of peaceful assembly

The reports issued by both the IACHR and the OHCHR state that peaceful demonstrations are part of the exercise of democracy, and that the dispersion of these movements by the state forces must be based on the protection of the people involved, however the disproportionate use of force is not justified under any circumstances whatsoever. In the case of the protests in Nicaragua, it is a well-known fact that the government has been determined to quell these movements from the start of the demonstrations, and although it is true to say some demonstrators have engaged in acts of violence, the protests have been peaceful in general and the violent reaction of the police forces was unfounded.

The Office of the High Commissioner underlines the fact that pursuant to international norms, "people do not lose their right to peaceful assembly as the result of sporadic violence or other punishable acts committed by third parties,"¹⁴¹and, on the contrary, the State is required to protect anyone who is demonstrating peacefully.

The IACHR addressed this issue once again in a statement issued 18 October, expressing concern with regard to the order issued by the Nicaraguan government banning all mobilisation without the permission of the police and holding anyone organising these events without prior authorisation criminally liable, which has led to an increase in the number of arbitrary arrests. This occurred on a march to demand the release of political prisoners, at which 38 people were arrested.¹⁴²

The ban on public demonstrations was confirmed on the denial of the application for authorisation to hold a march submitted by CENIDH, the aim of which was to celebrate International Human Rights Day. The resolution states that "the National Police does not and will not authorise the mobilisation of people, associations or movements, that participated in and are being investigated in relation to the failed coup attempt".¹⁴³

g. Freedom of circulation, residence and the prohibition of arbitrary displacement

Due to the atmosphere of violence the country is experiencing, many families have been forced to leave their homes and take refuge in other cities, as well as to flee the persecution and threats of the police and paramilitary groups. This situation has led to many Nicaraguans leaving the country with the aim of seeking refuge in neighbouring nations, particularly those who have been persecuted by the State.

This exodus has the biggest impact on Costa Rica, where around 16,125 applications for asylum had been submitted by Nicaraguans as at October 2018, compared to just 78 in 2017.

Both the IACHR and the Inter-American Court of Human Rights believe that the right of free circulation

¹⁴⁰ Amnesty International, Op. cit., page 34

¹⁴¹ Office of the United Nations High Commissioner for Human Rights. Op. cit., paragraph 49

¹⁴² IACHR, Press communiqué: "IACHR warns of a new wave of repression in Nicaragua, 18 October 2018, available at: : <http://www.oas.org/es/cidh/prensa/comunicados/2018/223.asp>

¹⁴³ The Voice of Sandinism, "National Police refuse to authorise march of the Nicaraguan Centre of Human Rights", 09 December 2018, available at: <https://www.lavozdelsandinismo.com/nicaragua/2018-12-09/policia-nacional-no-autoriza-marcha-del-centro-nicaraguense-de-derechos-humanos/>

and residence is violated when a person is forced to move due to having been threatened and harassed, even if by third parties, and the State provides no kind of protection at all.¹⁴⁴

Amnesty International, according to the interviews conducted with Nicaraguans seeking refuge in Costa Rica, states that *"the well-founded fear of these people of being persecuted in the event of returning to Nicaragua is reflected in their fear of being arrested, criminalised, harassed, publicly humiliated, stigmatized and even tortured if they go back to their country."*¹⁴⁵

h. Right to truth and access to justice

The IACHR regards the lack of diligence shown by the government in relation to clarifying the deaths and injuries that have occurred in the context of the protests as a violation of the right to truth and access to justice. Serious irregularities have been found in the registration of information in relation to the investigations conducted. More specifically, only 30% of the autopsies were conducted, many of which were performed on a documentary basis, or in other words, without touching the corpse. In addition, delays in expert appraisals and reversals of the burden of proof have been reported.¹⁴⁶

The Office of the High Commissioner is of the same opinion, stating that *"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,"*¹⁴⁷¹⁴⁷ besides highlighting the lack of independence of the Judiciary and irregularities in the Public Prosecutor's Office and the Instituto de Medicina Legal [Institute of Forensic Medicine].

Moreover, the OHCHR *"received allegations that mobs affiliated with the governing party intimidated and assaulted relatives of detainees who were trying to find out about the whereabouts of their relatives outside the El Chipote detention centre"*.¹⁴⁸ Furthermore, this organisation has underlined the inefficacy of the writs of habeas corpus filed by relatives of detainees, as the authorities always manage to come up with an excuse.

This situation gave rise to an atmosphere of mistrust among the population towards the authorities, and led to victims and relatives not filing the corresponding complaints, not only due to the lack of credibility and independence of the bodies in charge, but also to a fear of suffering persecution and reprisals.

"Amnesty International registered the reticence of victims of human rights violations with regard to filing complaints with the Public Prosecutor's Office. In the case of deaths, many of the families never bothered to officially register the death, let alone file a complaint, out of fear, mistrust and no belief in the authorities".¹⁴⁹

The lack of independence of the judiciary was already an issue prior to the conflict, in accordance with denouncements in relation to the significant presence of the executive in the work of the Supreme Court of Justice, which not only controls the appointment of judges, but also intervenes in the manner in which cases are dealt with. Álvaro Leiva, a defender of human rights, declared in 2017 that power has been centralised in a single person ever since Daniel Ortega took office person, which has seriously

¹⁴⁴ Inter-American Commission on Human Rights. Op. cit., paragraph 229

¹⁴⁵ Amnesty International, "Sowing Terror: From lethality to persecution in Nicaragua", October 2018, page 4

¹⁴⁶ Ibid., paragraph 231

¹⁴⁷ Office of the United Nations High Commissioner for Human Rights. Op. cit., paragraph 114

¹⁴⁸ Office of the United Nations High Commissioner for Human Rights, "Monitoring the human rights situation in Nicaragua: intensification of the criminalisation of the protests", Monthly Report N° 1, September 2018, page 4

¹⁴⁹ Office of the United Nations High Commissioner for Human Rights. Op. cit., paragraph 74; Amnesty International, "Sowing Terror: From letalidad to persecution in Nicaragua", October 2018, page 4

undermined the institutionality and independence of the powers of the State.¹⁵⁰

Within the scope of the conflict, this problem has intensified to the extent criminal law has become a tool used by the government to punish any opposition to the government and the protests. As such, Law nº 977 on money laundering, the financing of terrorism and the financing of the proliferation of weapons of mass destruction was amended, which includes a broad and abstract definition of the crime of terrorism to encompass the persecution of government opponents.¹⁵¹

It is striking that the criminal proceedings are executed incredibly quickly, involving accusations based on accusations that are either false or obtained under torture, in addition to simulated witnesses and victims. On the other hand, there has not been a single case against police officers or paramilitary elements, and no measures whatsoever have been implemented with a view to conducting a proper investigation into denouncements of extrajudicial executions.¹⁵²

In turn, CEJIL (Centre for Justice and International Law) reported that *"the judges and prosecutors are conducting these proceedings, and they are compromising the international responsibility of the State by failing to carry out diligent investigations and judging with a lack of independence and impartiality. Their conduct will not go unpunished."*¹⁵³

Due process is being flagrantly breached in the proceedings conducted against political prisoners. The OHCHR has stated that according to open sources, the Public Prosecutor's Office is systematically accusing these people of the crimes of terrorism, murder and abduction, and has been requesting preventive imprisonment without taking less severe measures into account. Furthermore, the principle of innocence and the right to a public hearing are being violated by refusing to let family members and NGOs visit these prisoners. Lawyers have also encountered difficulties and been threatened when conducting their defence, as have witnesses too.¹⁵⁴

The lawyer of two former members of the military accused of terrorism denounced to the press irregularities in the proceedings his defendants are facing, in particular that police investigators are appearing as witnesses in cases. He adds that the criminal proceedings are not geared to discovering the truth, but to incrimination at all costs.¹⁵⁵

Karla Sequeira, a lawyer at the Permanent Commission on Human Rights, reported that the organisation was able to ascertain the existence of a number of inconsistencies and irregularities in relation to the criminal proceedings against political prisoners in which it has participated, particularly with regard to the declarations of the witnesses of the Public Prosecutor's Office, who are generally police officers, civil servants or supporters of the Sandinista Front. The lawyer revealed that "25 witnesses provided testimony at one particular trial, all of whom declared that one of the accused had intimidated them at the same time, under the same circumstances and with the same words".¹⁵⁶¹⁵⁶

One of the government's endeavours was the creation, on 29 April 2018, of the Commission of Truth,

¹⁵⁰ La Prensa, "Separation of Powers annulled", 18 April 2017, available at: <https://www.laprensa.com.ni/2017/04/18/politica/2215865-independencia-poderes-esta-anulada>

¹⁵¹ Hearing before the 169th session of the IACHR, "Situation of human rights defenders: reports of arbitrary arrests and no access to justice in Nicaragua", Boulder, University of Colorado, 02 October 2018.

¹⁵² Ibid.

¹⁵³ CEJIL, communiqué: "In light of the OHCHR report, we demand independent justice in Nicaragua", San José, Costa Rica, 29 August 2018, available at: <https://www.cejil.org/es/frente-informe-oacnudh-exigimos-justicia-independiente-nicaragua>

¹⁵⁴ Office of the United Nations High Commissioner of Human Rights, "Monitoring the human rights situation in Nicaragua: intensification of the criminalisation of the protests", Monthly Report Nº 1, September 2018, page 4

¹⁵⁵ La Prensa, "Lawyer denounces "prior conviction" for political prisoners", 07 December 2018, available at: <https://www.laprensa.com.ni/2018/12/07/nacionales/2503271-abogado-denuncia-condena-previa-para-los-presos-politicos>

¹⁵⁶ El Nuevo Diario, "Witnesses contradict one another at demonstrators' trials", 14 December 2018, available at: <https://www.elnuevodiario.com.ni/nacionales/481484-testigos-contradicen-juicios-manifestantes-nicaragua/>

Justice and Peace, with the aim of clarifying the events that have occurred since the outbreak of the protests. However, this commission has been criticised due to the fact civil society plays no part in it and there is no evidence to show it is independent of the government.

8. State response

As we have already mentioned, the immediate response of the government was to quell the protests, however, 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.¹⁴⁸ 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”.*¹⁵⁷

Consequently, the government has repeatedly stated that the acts of violence did not occur in the context of a social protest but in an attempted coup d'état by the demonstrators, designed to cause a constitutional and institutional split in order to replace the government legitimately elected by the people.

Amnesty International criticises that *“the Nicaraguan state used criminalization tactics, naming anyone taking a stand against the government a “terrorist” or “coup-plotter”, with the aim of justifying their violent conduct.”*¹⁵⁸

The official discourse also includes the denial of the number of people murdered and injured. Moreover, the government has until recently admitted the existence of political prisoners. The government also denies any relations with paramilitary groups, as well as activity involving persecution and threats, proclaiming that the country is back to normal with an environment of prevailing peace.

¹⁵⁷ Office of the United Nations High Commissioner for Human Rights. Op. cit., paragraph 118

¹⁵⁸ Amnesty International, “Sowing Terror: From lethality to persecution in Nicaragua”, October 2018, page 4

9. The International Response

The international community has been speaking out against the measures implemented by the Ortega government ever since the onset of the conflict, in light of the violent situation reigning in the country. The governments of the United States of America, Argentina, Brazil, Colombia, Chile, Paraguay, Peru, Mexico and Costa Rica have issued communiqués with an urgent call to put a stop to the violence and to use dialogue as a means of finding solutions for the conflict. International organisations including the UN, OAS, IACHR, the European Union and Amnesty International have also condemned the acts of violence committed in Nicaragua and have urged the government to curb the violence against the demonstrators and to guarantee freedom of expression.¹⁵⁹

The IACHR conducted a working visit to the country from 17 to 21 May to monitor the violation of human rights in the context of the protests taking place since April 2018. Based on this visit the commission prepared a report on gross violations of human rights in the context of the social protests in Nicaragua of June 2018, in which it concluded that “the repression of the protests exercised by the government of Nicaragua has resulted in a serious human rights crisis.”¹⁶⁰

This visit enabled the IACHR to ascertain the need to grant precautionary measures on behalf of people at risk of suffering persecution, including defenders of human rights, young militants from student movements, and members of the clergy. To date, the commission has issued a total of 23 resolutions for the direct protection of 114 people.¹⁶¹

In turn, the OAS has issued two resolutions on the situation in Nicaragua. The first, dated 18 July 2018, reiterates the organisation’s strong condemnation and serious concern in relation to all the acts of violence, repression, and human rights violations and abuse, in addition to urging all those involved in the conflict to participate in talks geared to finding a solution for the conflict, and asking the government to provide assistance in the work being carried out by MESENI¹⁶²

The second resolution, dated 12 September 2018, besides condemning the acts of violence, urges the government to investigate all the violations of human rights and to comply with its commitment to collaborate with MESENI, as well as expressing concern on the decision of the Nicaraguan government to withdraw its invitation to the United Nations Office of the High Commissioner of Human Rights.¹⁶³ Nevertheless, on 19 December 2018 the Nicaraguan government announced its decision to temporarily suspend the presence of the Special Monitoring Mechanism for Nicaragua (MESENI), the visits of the IACHR to the country, in addition to the expiration of the term of the Interdisciplinary Group of Independent Experts.

On 05 September 2018, the United Nations Security Council held an informative session with the aim of discussing the situation in Nicaragua and the possibility of including the issue on the agenda. Countries including the United States of America, Costa Rica, the United Kingdom, the Netherlands and Peru declared that serious violations of human rights have been committed and that the government and paramilitary groups have exercised an excessive use of force, and urged for a return to dialogue and to close the road towards a dictatorship.

¹⁵⁹ El Nuevo Diario, “International community shows concern for Nicaragua”, 23 April 2018, available at <https://www.elnuevodiario.com.ni/nacionales/461880-comunidad-internacional-muestra-preocupacion-nicar/>

¹⁶⁰ Inter-American Commission on Human Rights. Op. cit., paragraph 278

¹⁶¹ Inter-American Commission on Human Rights, press communiqué 205: “IACHR grants precautionary measures for more than one hundred people at grave risk in Nicaragua”, 18 September 2018, available at: <http://www.oas.org/es/cidh/prensa/comunicados/2018/205.asp>

¹⁶² Permanent Council of the OAS, CP/RES. 1108 (2172/18): The Situation in Nicaragua, approved by the Permanent Council at the extraordinary session held on 18 July 2018

¹⁶³ Permanent Council of the de la OAS, CP/RES. 1110 (2182/18): Resolution on Recent Events in Nicaragua, approved by the Permanent Council at the extraordinary session held on 12 September 2018

While countries such as Russia, China, Kazakhstan, Ethiopia and Equatorial Guinea called the meeting an interventionist measure, and declared that the situation in Nicaragua does not represent a threat to global peace and security.

Finally, the European Union issued a declaration on 02 October 2018 urging the government of Nicaragua to refrain from the excessive use of force against demonstrators, to cease making arrests based on laws designed to criminalise peaceful protest, to allow peaceful demonstrations and to re-establish full compliance with due process for all those being held. This declaration also calls on the government of Nicaragua to act on the findings and recommendation of the Inter-American Commission on Human Rights (IACHR) and the OHCHR.



(Legend:

RESPONSE OF THE INTERNATIONAL COMMUNITY

EUROPEAN UNION

02 October 2018. A declaration was issued urging the Nicaraguan government to stop using excessive force against the demonstrators, to stop making arrests based on laws that criminalise peaceful protests, to allow peaceful protests and to re-establish full compliance with due process for all detainees. The government of Nicaragua was also called upon to act on the findings and recommendations of the Inter-American Commission on Human Rights (IACHR) and the OACHR.

IACHR

17 to 21 May 2018. The IACHR conducted a working visit and drew up a report on the gross violations of human rights in the context of the social protests in Nicaragua in June 2018, in addition to creating the Special Monitoring Mechanism (MESENI by its acronym in Spanish) to monitor the situation in the country.

UN SECURITY COUNCIL

05 September 2018

A meeting of the council was held to discuss the situation in Nicaragua and the measures to be taken.

ORGANISATION OF INTER-AMERICAN STATES

18 July 2018. A resolution was issued exhorting the Nicaraguan government to check all acts of repression and violence against demonstrators and to put a stop to human rights violations. A new resolution is currently under analysis.)

On 26 October, the OHCHR issued its first monitoring report on the human rights situation in Nicaragua, in relation to the month of September, the result of constant monitoring conducted from Panama and Costa Rica, in which it stated that there had been no improvement whatsoever in the human rights situation in the country, and, conversely, the criminalisation of the protestors and opponents of the government had intensified. This report reiterated the recommendation "to put an immediate stop to the attacks, harassment and criminalisation of protestors, human rights defenders and other individuals. Furthermore, it once again emphasised the importance of dismantling the pro-government armed elements and releasing those being held arbitrarily."¹⁶⁴

The most recent IACHR report, issued on 01 November, contained the "preliminary observations on the working visit to monitor the situation of Nicaraguans forced to flee to Costa Rica". On this visit they held meetings with not only Nicaraguan asylum seekers, but also with migration authorities including the General Directorate of Migration and Foreign nationals, the Administrative Court of Migration, the Ministry of Foreign Affairs, the Ministry of Labour, the Ministry of Education, Ministry of Health, the Ministry of Governance and the Ombudsman's Office, in order to get to know the measures deployed to deal with the considerable number of applications for asylum filed in Costa Rica due to the conflict in the neighbouring country. Meetings were also held with UNHCR and other civil society organisations. Based on the information gathered, the Commission recommends that the State of Nicaragua "refrain from and immediately cease acts of persecution against persons identified as opponents and adopt effective measures for the protection of persons in situations of persecution and risk ; provide the necessary guarantees so that people can transit and reside freely in Nicaragua, which implies refraining from continuing to criminalize and generate causes that increase the forced displacement of Nicaraguan people ; protect and provide humanitarian assistance to persons who have been or will be forced to move internally, in addition to investigating and punishing violent acts that generate internal displacement ; guarantee that all persons can freely leave Nicaraguan territory and respect their right to seek and receive asylum in foreign territory"¹⁶⁵.

In addition, the Commission recommends Costa Rica "*guarantee recognition of refugee status to Nicaraguans with a well-founded fear of persecution upon return to Nicaragua - including the so-called *sur place* refugees;... implement measures to shorten the time limits for recognition of refugee status;... generate an adequate system of registration of entry, stay and departure of persons; ...improve the conditions of the Temporary Migrant Care Centers;... consider the implementation of the expanded definition of refugee established in the Cartagena Declaration; ... guarantee the right to information and free legal assistance on asylum procedures; ... promote the social integration and resilience of the Nicaraguan people, particularly by guaranteeing the right to non-discrimination and economic, social and cultural rights - including access to the right to work, education and social security - from the moment they submit their application; ... strengthen the institutions involved in the international protection of refugees*".¹⁶⁶

In turn, the government of the United States of America has implemented its own initiatives to place pressure on the Nicaraguan state to curb repression and the violations of human rights. This gave rise to the passing of the Law on Human Rights and Anti-Corruption in Nicaragua, commonly known as *Nica Act*, which "*establishes that the USA will exercise its influence on multilateral financial institutions to freeze loans to the Government of Nicaragua until changes are effected geared to establishing a democracy and strengthening institutions, including the separation of the powers of the State, these*

¹⁶⁴ Office of the United Nations High Commissioner of Human Rights, "Monitoring the human rights situation in Nicaragua: intensification of the criminalisation of the protests", Monthly Report Nº 1, September 2018, page 4

¹⁶⁵ IACHR, "Preliminary observations on the working visit to monitor the situation of Nicaraguan people being forced to flee to Costa Rica", 01 November 2018, available at: <http://www.oas.org/es/cidh/prensa/comunicados/2018/233.asp>

¹⁶⁶ Ibid

*being the Legislative, Executive, Judicial and Electoral powers.*¹⁶⁷More specifically, it establishes sanctions against government officials who commit breaches of human rights, corruption or acts undermining democracy, in addition to restricting loans to Nicaragua. The Democratic Initiative of Spain and America (IDEA by its acronym in Spanish), consisting of more than 20 former presidents, issued a statement warning of the breakdown of constitutional order in Nicaragua and the widespread violation of human rights. Moreover, it urges the member states of the OAS and the European Union to take immediate action to prevent the situation from escalating to crimes against humanity.¹⁶⁸

To sum up, the recommendations of the international community call to the government to end repression, put a stop to human rights violations, dismantle the paramilitary groups, stop arbitrary arrests and release political prisoners, allow humanitarian help, investigate the crimes committed against the civilian population, and to establish a new election schedule.

¹⁶⁷ El Nuevo Diario, "Trump signs into law a bill for sanctions against the government of Nicaragua", 09 December 2018, available at: <https://www.elnuevodiario.com.ni/nacionales/481095-nica-act-sanciones-donald-trump/>

¹⁶⁸ El Nuevo Diario, "Former presidents denounce the Nicaraguan state", 20 December 2018, available at: <https://www.elnuevodiario.com.ni/nacionales/481853-expresidentes-denuncian-estado-nicaraguense>

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