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LUCHA



EXECUTIVE SUMMARY

Dictatorship and Repression in Nicaragua: Fighting Against Impunity

2nd EDITION



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DICTATORSHIP AND REPRESSION IN NICARAGUA: FIGHTING AGAINST IMPUNITY

2ND EDITION | JUNE 22, 2023

Penal Action - Acción Penal

Network of Social Movements and Civil Society Organizations (AMS) - Articulación de Movimientos Sociales (AMS)

April Mothers' Association (AMA) - Asociación Madres de Abril (AMA)

Nicaraguan Human Rights Center (CENIDH) - Centro Nicaragüense de Derechos Humanos (CENIDH)

Nicaragua Never Again Human Rights Collective (Nicaragua Never +) - Colectivo de Derechos Humanos Nicaragua Nunca Más (Nicaragua Nunca +)

Committee of Family Members for the Liberation of Political Prisoners in Nicaragua - Comité Proliberación de Familiares Presos Políticos de Nicaragua

Former Political Prisoners Reflection Group (GREX) - Grupo de Reflexión de Excarcelados Políticos (GREX)

Las Segovias Leadership Institute (ILLS) - Instituto de Liderazgo Las Segovias (ILLS)

Autonomous Women's Movement (MAM) - Movimiento Autónomo de Mujeres (MAM)

Nicaraguan American Human Rights Alliance (NAHRA) - Nicaraguan American Human Rights Alliance (NAHRA)

Nicaraguans in the World (NEEM) - Nicaragüenses en el Mundo (NEEM)

April Victims' Organization (OVA) - Organización de Víctimas de Abril (OVA)

Independent Journalists and Communicators of Nicaragua (PCIN) - Periodistas y Comunicadores Independientes de Nicaragua (PCIN)

Popol Na - Popol Na

United Legal Defense (UDJ) - Unidad Defensa Jurídica (UDJ)

Registry Unit (UDR) - Unidad de Registro (UDR)

Nicaraguan Political Prisoners Union (UPPN) - Unión de Presos y Presas Políticos Nicaragüenses (UPPN)

Open Ballot - Urnas Abiertas

Three organizations that are under threat within the country and, thus, are forced to omit their names.



INTRODUCTION

The Truth Report “Dictatorship and Repression in Nicaragua: the fight against Impunity”, is a historic document produced jointly, for the first time, by the different human rights organizations and organizations of victims and victims’ family members in Nicaragua who monitor, register and analyze the crimes against humanity, crimes of State terrorism and the context of impunity in Nicaragua. This unpublished material systematizes and updates, in a single document, more than five years of continuous work to support the victims and to document the serious human rights violations taking place in Nicaragua.

The victims, and society as a whole, have not been able to fully grasp the enormity of and the reasons behind the abuses they have suffered, which have gone unpunished. It is essential that the truth, knowledge and dissemination of the facts be recorded as part of a society’s history. Particularly when massive or systematic human rights violations have taken place, knowledge of the truth becomes crucial so that the community and the individuals whose rights have been violated can heal their wounds, demand their rights and prevent future situations that are similar to those suffered during these tragic times.

To maintain impunity, the Nicaraguan dictatorship sustains a strategy of concealing, denying and attempting to justify the widespread human rights violations in the country. This is the reason the organizations who have signed on to this report, as well as other organizations who have been threatened by the dictatorship and feel the need to not have their names published, **affirm a joint commitment to fight against the state of denial and government policy of disinformation.** For many months, we have coordinated and collaborated in a participatory manner to put together a customary **Truth Report, with the goal of demonstrating the massive and systematic nature of the crimes against humanity taking place in our country, in order to strengthen our fight against impunity and reaffirm our commitment to freedom, justice, human rights and democracy.**

The severity of the social, political, economic and human rights crisis that Nicaragua is going through has been consistently condemned by our organizations over the last several years. Our mission is sustained by a **strategy of resistance, denunciation and bringing to light the atrocities committed** by the repressive regime, because although five years have now passed since the outbreak of this crisis, there have not been sufficient gains in the processes of promoting historical memory, truth, justice, restoration and a return to democracy.

The organizations that collaborated in the development of this report are: **Penal Action, Network of Social Movements and Civil Society Organizations (AMS), Nicaraguan Human Rights Center (CENIDH), Nicaragua Never Again Human Rights Collective (Nicaragua caragua Nunca +), Committee of Family Members for the Liberation of Political Prisoners in Nicaragua, Former Political Prisoners Reflection Group (GREX), Autonomous Women’s Movement (MAM),**

Nicaraguans in the World (NEEM), Independent Journalists and Communicators of Nicaragua (PCIN), Popol Na, United Legal Defense (UDJ), Registry Unit (UDR) and Nicaraguan Political Prisoners Union (UPPN). The organizations that collaborated in the update of this report are: **April Mothers' Association (AMA), Nicaraguan American Human Rights Alliance (NAHRA), Las Segovias Leadership Institute (ILLS), April Victims' Organization (OVA) and Open Ballot.** In addition, three other organizations, which are not mentioned for security reasons, participated in the entire process of making this report.

The unprecedented collaborative experience to defend human rights and preserve democracy in charge of human rights, victims and victims' families organizations, independent journalists and social movements—which led to the preparation and disclosure of the first report, and its following relevance at the regional and international level—gave rise to the Nicaragua Lucha Coalition in 2021, comprised of 20 human rights, victims and victims' families organizations, independent journalists and social movements. These organizations joined efforts and committed to denounce, make visible and document the crimes against humanity, crimes of State terrorism and the context of impunity in Nicaragua since 2018.

Taking international legal and solidarity actions, the Nicaragua Lucha Coalition reinforces the fight against impunity and reaffirms the commitment to freedom, justice, human rights and democracy. Furthermore, it seeks recognition of the international obligation of responsibility arising from serious human rights violations as a guarantee of non-repetition, moving forward towards memory, truth, justice and reparation processes. The transformative power of the human rights community remains essential for the defense of human rights and the restoration of democracy in Nicaragua.

At present, the Nicaragua Lucha Coalition is formed by: April Mothers' Association (AMA); Penal Action; Network of Social Movements and Civil Society Organizations (AMS); Nicaragua Never Again Human Rights Collective (Nicaragua Nunca +); Nicaraguan American Human Rights Alliance (NAHRA); Nicaraguans in the World (NEEM); Committee of Family Members for the Liberation of Political Prisoners in Nicaragua, Former Political Prisoners Reflection Group (GREX); Las Segovias Leadership Institute (ILLS); Autonomous Women's Movement (MAM); April Victims' Organization (OVA); Independent Journalists and Communicators of Nicaragua (PCIN); Popol Na; United Legal Defense (UDJ); Registry Unit (UDR); Nicaraguan Political Prisoners Union (UPPN), Open Ballot and other three organizations that are under threat within the country and, thus, are forced to omit their names.

This report was put together using a **participatory methodology and documentation and reporting techniques with a human rights focus, including a gender perspective.** There were two main areas of work. First, the collection, processing, systematization and analysis of quantitative and qualitative information from available primary and secondary sources for the period 2018–2021. The other component consists of contributions from the participating organizations, who were witnesses to the events.

This report is dedicated to the memory of all the victims. We pay our respects to those who have dedicated their lives to fostering democracy and protecting human rights, and to those who have lost their lives in these endeavors.



BACKGROUND AND CONTEXT

This report is based on the fact that **in April 2018, one of the most serious socio-political crises in recent Nicaraguan history** erupted, with social, economic and institutional consequences that not only persist but are actually getting worse. It is generally agreed that the combination of the Nicaraguan government's delayed response in putting out the wildfire in the Indio Maíz Reserve that started on April 3rd, 2019, as well as a series of Social Security reforms, the closure of spaces for civic participation and efforts to force university students to take part in pro-government activities triggered **massive social protests** in different regions of the country. These were **aggressively repressed by law enforcement agents, pro-government shock forces and armed paramilitary groups** who used a disproportionate amount of force with lethal weapons, **producing hundreds of casualties, including dead, injured, imprisoned, tortured and criminalized people.**

Students, journalists, human rights defenders, women, family members of victims and leaders of diverse sectors (farmers, indigenous groups, the religious community, traditional communities, the LGBTIQ+ community, members of the political opposition), as well as human rights organizations themselves, were persecuted and threatened.

These serious violations of fundamental rights constitute the **crime against humanity of persecution** based on political grounds, as an extreme form of discrimination that denies the principle of equality among human beings.

These events have not been properly investigated or punished by the State, resulting in a climate of impunity that allows these atrocities to continue, with virtually no consequences for the perpetrators.

In Nicaragua, **power is concentrated in the hands of Daniel Ortega**, and over the last twenty years **there has been a continual weakening of the rule of law**, starting with the "Alemán-Ortega" Pact in 1998, designed to consolidate a two-party system and carry out constitutional and electoral reforms that would dissolve political pluralism and participatory democracy while enabling almost complete control over all branches of governmental and independent public institutions.

Adding Rosario Murillo, as both First Lady and Vice-President, to the mix has turned Ortega's government into a **dynastic regime** with major dominance over media, local and regional governments, labor and trade unions, universities and the private sector. In addition, civil society organizations have been denied access to public information; their work has been blocked, and mechanisms of retaliation have been implemented.

The Judiciary branch was not exempt from reforms that left it completely subordinate. Electoral reforms have increasingly limited the right to participation of other political entities of the opposition, resulting in Ortega's absolute control of the National Assembly, such that he could pass reforms of fundamental laws, including a new constitutional reform in 2014 that enabled successive presidential reelections without term limits.

The National Police and the Armed Forces are subordinated to the President of the Republic, and the Army has been granted the power to carry out civilian functions. At the same time, there are paramilitary groups acting in parallel and in coordination with the National Police. Sandinista Leadership Committees have also been formed as mechanisms of social control in public institutions.

From 2018 to the present, **Ortega's government has maintained an authoritarian and dictatorial regime, with absolute control over all branches of government and particularly over security forces** which arbitrarily persecute, harass, threaten and imprison those who think and express different political opinions. The criminalization of protest, along with institutional violence, imprisonment and sentencing of political opponents and human rights defenders, unfair layoffs of those who refuse to take part in political events hosted by the party in power, violence and threats against journalists, aggression towards people who peacefully protest against the government, and the use of impunity as a judicial control mechanism are all still alive and well. **These serious human rights violations should be considered crimes against humanity and should be prosecuted as such.**

In the first phase, the State resorted to a **pattern of violence, attacking protesters**, including the use of deadly weapons aimed directly at the bodies of demonstrators. Ballistic trajectory analyses indicate the arbitrary use of lethal force, with a clear intent to kill or severely injure. Subsequently, throughout the country there is evidence of the deployment of **focused operations for the extra-judicial execution and assassination of people considered political opponents by the regime.**

These events were accompanied by an official **discourse of denial and invisibility of the repression.** From the highest levels of government, protesters were stigmatized and demonstrations were criticized as a way to justify the regime's illegal actions.

In terms of the victims' characteristics, human rights organizations have documented that the repression was aimed primarily at the younger population. **Young people and children were particularly vulnerable victims of the repressive State violence during and even after the demonstrations.** The majority of the victims were not directly or indirectly involved in political movements, instead participating in the social movement that emerged from the crisis in April of 2018.

The Nicaraguan government committed and continues to commit multiple and serious **human rights violations** against its people, revealing **repetitive patterns in which official and paramilitary groups carried out organized attacks** of different types (assassinations, arbitrary arrests, torture, persecution, etc.) that were both **large scale** (with over a hundred dead, injured or imprisoned) and **widespread** (in many locations and regions of the country). These **attacks against the civilian**



STATE OF EXCEPTION

One of the main features of the ongoing and systematic attack by Ortega's regime was the coordination of diverse structures, both governmental and those associated with the government. The perpetrators and those responsible for the crimes and human rights violations include: the National Police and paramilitary groups acting with State approval; the prison system; the Ministries of Governance, Health, and Education, respectively; local city governments; and the criminal justice system, among others. These circumstances can lead to the conclusion that **a generalized state of terror was established in Nicaragua.**

In Nicaragua, **authoritarianism has been legalized, with repressive laws being passed to consolidate a State of Exception** and silence any and all political dissent.

At the same time, leaders of different social sectors are subject to systematic criminal persecution. Within this framework, the public prosecutor puts together judicial files against leaders who are actively involved in social protests, accusing them of being "terrorists," "coup supporters" and "traitors," most often moving quickly to prosecute and violating the presumption of innocence, the right to a proper defense, and due process.

Arbitrariness, irregularities and errors in the trials of hundreds of people held in prison and under pretrial police detention demonstrate how the Judiciary is used within the repressive apparatus at the service of the Executive Branch. An objective and independent justice system is completely lacking; instead, the system aims to hide the fact that the judicialization of these cases is politically motivated.

During the last five years, political prisoners have been used as hostages or "exchange tokens" at moments when the government wanted or needed to hide the serious human rights crisis in Nicaragua. Then, once released from jail, they are subject to continuous monitoring by police and civilians, with constant interrogations of their family members and neighbors. They are also subject to a "civic death" in which not only are their political and civic rights revoked, but their right to work and receive health care is taken away as well.



IMPUNITY

The crimes against humanity perpetrated by the regime and the serious human rights violations of the last five years of sociopolitical turmoil were committed with a **guarantee of total impunity**, denying fundamental rights such as access to justice and the right to truth for the victims, their families and society as a whole. Neither the criminal justice system nor internal control or administrative mechanisms acted as they should have with regard to these blatant crimes and abuses. Currently, there is a widespread and structural context of impunity. The Public Prosecutor's Office

has not conducted any investigation that indicates criminal liability. Victims and their family members do not trust the institutional system. That is the reason many families decided not to file complaints.

Despite the State's obligation to officially investigate and penalize those responsible for the violent deaths that occurred during the crisis that started in April 2018 —deaths which should be considered extrajudicial, summary or arbitrary executions and which should be subject to ex officio investigation and punishment as crimes against humanity— **the great majority of the deaths have not been prosecuted and there is a context of total impunity.** Not a single case has been brought against state security forces, despite evidence pointing to their responsibility. In addition, the few legal investigations into violent deaths that have occurred present serious deficiencies.

The context of total impunity is also evident with regards to the other serious human rights violations revealed in this report, creating conditions for these atrocities to recur over time. **Structural impunity is compounded by the lack of mechanisms to prevent such actions.**

The situation of impunity and the impossibility of access to justice for the victims and their family members were exacerbated by the passage of the Amnesty Law (Law No. 996) by the National Assembly under complete control of the Executive, on June 8th, 2019, in an expedited manner and without consultation, breaching international law and with the aim of erasing and leaving without prosecution or punishment the crimes against humanity committed by the hit squads and police. Other regulations were also approved that do not meet international standards regarding truth, justice and reparation. These are rights that belong not only to the victims and their families, but also to society as a whole.

On April 29th, 2018, the National Assembly approved the creation of a **Truth Commission.** The resolution created this body but failed to define either its powers or the process and criteria for selecting its members. Diverse civil society organizations and movements expressed their disapproval over the lack of clarity and transparency with regards to the Commission's mandate and functions, as well as the lack of participation of all social sectors. Human rights organizations warned that the Commission was an initiative designed to create a **mechanism that would enable the government to distort the magnitude of the serious human rights violations** perpetrated starting on April 18th, 2018.

Human rights organizations denounced that this legal situation, in addition to limiting civil society participation and obstructing their activities, also affects political pluralism and can be interpreted **as yet another government strategy to prevent the opposition from running in the elections on November 7, 2021.** In the days leading up to voting day, the regime began an escalation of repression against political opponents, using arbitrary legislation to back their actions. The elections that awarded Daniel Ortega his **third consecutive term** were held in a **context of corruption, fraud and structural impunity,** including serious human rights violations.



Young Nicaraguans protesting.

↓ DETENTIONS

In Nicaragua there have been **massive, selective, illegitimate and arbitrary detentions**. Both at the beginning of the repression and later on, hundreds of people who had participated in the demonstrations or were considered political opponents of the regime were arrested and jailed by the National Police and by armed unofficial agents or paramilitary groups, in close collaboration with and highly supported by State agents. Afterwards, detentions became selective. This **strategy severely limited the right to freedom and was particularly aimed at repressing any opposition to establish a climate of terror and control** for Nicaraguan society as a whole.

Arbitrary imprisonment of hundreds of people constitutes **crimes against humanity or other severe deprivations of physical liberty**. The arbitrary nature of the detentions was exacerbated by the **excessive, abusive and disproportionate use of force** by the National Police and the paramilitary groups. In the beginning, those arrested were held in offices belonging to the National Police and, later on, in different jails across the country.

There were different detention modalities at different points in the repression. Accordingly, three patterns can be identified: massive, selective and multiple detentions. **Degrading, cruel and inhumane treatment during confinement** was reported, including several instances of abuse. Due to their severity, some of these actions are considered **crimes against humanity and torture (physical, sexual and psychological)**. This included being deprived of contact with family, misinformation and a lack of legal control.

It should be noted that persecution through State and paramilitary violence, and the violation of fundamental human rights continue even after the release of prisoners; in fact, these mistreatments extend to their families, also subjected to intimidation, threats, detentions and even sexual abuse.

Furthermore, there was **abuse and sexual violence against women, men and LGBTIQ+ people during confinement**, as well as discrimination and mistreatment against them.



STAGES OF REPRESSION AND CLASSIFICATION OF ATTACKS

The stages of repression can be described as follows:

1) Widespread repression against social protest: This affects the demonstrations, and independent media and human rights defenders; the victims are not receiving proper health care and their relatives are facing obstacles in accessing their right to justice.

2) Establishment of a terrorist State and the “Operation Clean-up”: Aimed at dismantling the roadblocks and barricades (tranques) using caravans of death (caravanas de la muerte) directed by paramilitary groups who abducted individuals, broke into houses, and conducted detentions, tortures, and imprisonments. As a result, many people were forced into internal migration or exile abroad.

3) Criminalization of social protest, arbitrary detentions and political prisoners: Several legal instruments were created to criminalize social protest, constituting the Government’s main strategy for imposing restrictions on the right to personal freedom, social and political participation, freedom of speech and freedom of association, while fomenting public campaigns against what the regime called ‘coup-mongering terrorism’. As a result, a massive exile took place, and many health care workers were dismissed for refusing to follow official orders against providing proper care to injured protesters.

4) Prohibition of social protest, heading towards a State of Exception: Hateful and violent speeches by President Ortega and Vice President Murillo made it impossible to move forward on the path toward dialogue. The corporate sector was expressly threatened and accused of destroying the economy. The co-optation of the National Assembly became evident when it passed two key laws which revealed the absolute concentration of power in the hands of the Ortega-Murillo regime.

5) Express kidnappings, torture and clandestine detention centers: A pattern of abduction and illegal house and workplace searches was observed. Thousands of individuals were forced to flee the country and appeal for international protection. The phenomenon of “express kidnappings” involved individuals being taken to unknown locations and only appearing several days later, having suffered abuse while their families were denied any information on their whereabouts. Human rights defenders were accused of common crimes, so that they would not be considered political prisoners. In addition to illegal and arbitrary detentions at border posts, ransacking and destruction of goods, houses and businesses took place.

6) Imprisonment and criminalization of political opponents during elections: The National Assembly approved a reform of the electoral system forbidding foreign financial support for political parties and restricting the involvement of international observers. Moreover, some political opponents were arbitrarily and illegally arrested; the charges against them violate fundamental rights.

Regarding violation of the right to life, the following patterns of action, show the widespread and systematic nature of the extrajudicial executions at different times, contexts and through different modalities: 1) attacks during demonstrations; 2) attacks against the tranques (barricades used for protection against security forces); 3) focused attacks (which can be distinguished based on the victim profile and the context of abduction, arrest and persecution sometimes leading to death); and 4) indiscriminate attacks on civilians (affecting individuals who were not protesting or demonstrating).



EXILE AND REFUGE

State repression and persecution unleashed throughout the country was, and still is, so substantial that **110 people were forced to flee from their homes, hide in safe houses or go into exile to appeal for international protection and seek refuge** abroad, to escape from illegal confinement and imprisonment and, in some instances, from torture, beatings and humiliation.



Barricades in the indigenous neighborhood of Monimbó, Masaya.

The United Nations High Commissioner for Refugees (UNHCR) observed a significant **increase in the number of Nicaraguans moving to other countries and of asylum-seekers in countries**

like Costa Rica, Panama, Mexico and the United States. The situation of the refugees and the population seeking refuge is deeply aggravated by social and legal vulnerabilities, exacerbated by the onset of the COVID-19 pandemic.

Over 400,000 Nicaraguans have been displaced abroad and most of them formally requested international protection of different kinds. Moreover, there has been a 20% increase in Nicaraguan detentions in the U. S. border, a record number in national history, as well as Nicaraguan migrants deceased in different countries.

It is significant to add that, recently, repressive measures have been taken, including the denaturalization and perpetual disqualification from civil rights, expulsion, and exile suffered by people born in Nicaragua and permanent residents. These measures are unconstitutional and breach international law. In addition, the denial of entry of Nicaraguans into the country further exacerbates the situation.



DENIAL OF THE RIGHT TO HEALTH CARE

Another of the government sectors that took part in a web of collaboration with repression and persecution is the Ministry of Health. **In Nicaragua, access to health care has been intentionally denied and obstructed.** There were many serious irregularities and instances of denial of state emergency medical services for individuals injured during the social protests that began on April 18, 2018 and continued later on, as a form of retaliation.

Multiple deceased victims' family members reported that the public health care system obstructed and even hid information. **The system thus became distrusted and the individuals' right to truth was violated.** The serious irregularities revealed over time or fear of retaliation prompted many injured people to choose not to visit government-run health centers or hospitals. In addition, due to their humanitarian labor and honoring the Hippocratic Oath, many health care workers were dismissed from their jobs and were even forced to flee the country in fear of retaliation.



VIOLATION OF THE EXERCISE OF FREE SPEECH

The right to freedom of speech and the right to information are being violated in Nicaragua. Journalists and critical independent media have been a consistent target of attacks, intimidation, harassment, assault, legal persecution, threats and violence, stigmatization/defamation, siege and monitoring. There have also been physical attacks, theft of equipment and personal articles, and arbitrary house searches, seizure of goods and cancellation of operating permits, customs blockade to prevent the entry of paper and other raw materials necessary for printing newspapers, and even imprisonment of journalists, forcing 90 of them into exile.

Civilian censorship and self-censorship have increased, undermining freedom of speech, freedom of the press and freedom of information. In response, social media networks and the Internet have therefore become principal alternative channels for people to share information of public interest, demonstrate and express a wide range of ideas and opinions.

Ownership of most private **mass media is centralized** in two large business groups, who receive a great portion of official media buys. These **media are partisan** and the journalists who work there face many challenges to act independently.

Notwithstanding, **journalists continue resisting adversity** and informing the population in a truthful and objective manner, showing great resilience.



CRIMINALIZATION OF PROTEST

Another repressive strategy carried out by the regime was related to the arbitrary criminalization of legitimate social protests. This serious, perverse measure goes against the internal legal order itself, since the police force cannot prevent anyone from exercising a constitutional right, nor can they classify this action as a crime and make it illegal. By declaring the anti-government protests “illegal,” the regime reinforces the State of Exception that continues until today.

Despite this arbitrary policy, peaceful demonstrations at first continued taking place throughout the country, and they were violently repressed. In some other cases, the organizations decided not to hold demonstrations out of fear of possible retaliations.

The regime set and still follows a pattern of harassment and persecution towards any protester and any person identified as a protest leader or government opponent. This is carried out through illegal detentions across the country, generally handled by police officers dressed as civilians or in uniform, and paramilitary or quasi-governmental groups. Most of the time no information is shared with families or human rights defenders on the whereabouts of those arrested, nor is the reason for the arrest stated. Afterwards thoroughly irregular legal processes are brought against these victims. At the same time, pro-government mass media maintain a systematic campaign of stigmatization and defamation against so-called “coup supporting terrorism.”

Moreover, there is **continuous harassment and attacks against victims of repression and their family members**, including threats, media exposure and public intimidation, permanent surveillance and persecution. The regime has also blocked any initiatives around memorializing the victims and access to truth and justice regarding the murders has been denied. The denial of the human rights violations that their loved ones have suffered clearly leads to revictimization.



RESISTANCE

State repression in Nicaragua did spur resistance to the regime. The Nicaraguan crisis was key to the reconfiguration of the human rights movement in the country and gave rise to new kinds of organizations.

The creation and action of civil society can be divided into two main moments: 1) those historical organizations (of workers, peasant farmers, women and traditional human rights organizations), who aimed at transforming relationships based on political, economic and sociocultural dominance and demanding a more just, democratic and honorable society; and 2) those organizations created as part of the resistance, seeking truth, memory, justice and reparations, within the framework of the political, social, institutional and human rights crisis of the last three years. In this context, **human rights organizations**, social movements of workers and women, as well as Indigenous peoples, Afro-descendants, students, victims' mothers and family members and the rural social movement have become the **collective expression of political, economic and cultural interests of traditionally marginalized groups**.

Nicaraguan civil society has played an essential role in the national history of the last three years, documenting and denouncing the regime's atrocities, while trying to cross national borders with their legal reports and advocacy. The **central role of the human rights movement** during the whole crisis is clearly reflected in the government's multiple attempts to fragment it.



Masked young man protest against the government of Nicaraguan President Daniel Ortega in front line of riot police blocking street in Managua, on September 13, 2018. Inti Ocon/AFP.



TARGETS OF REPRESSION AND PERSECUTION

Human Rights Organizations and other civil society organizations

Civil society organizations who criticize the government and, particularly, **human rights organizations and human rights defenders, have been and continue to be the main targets of official persecution.** They have been victims of persistent and systematic abuse, facing defamation, harassment, attacks and threats perpetrated by government agents as well as paramilitary and quasi-governmental groups, thus violating the right to freedom of association, to the collective protection of human rights and the right to defend rights, among others. Concurrently, the role of these organizations as spokespersons and their duty to publicly denounce oppressors have been obstructed and criminalized.

Because of this persecution, thousands of organizations have been arbitrarily and unconstitutionally cancelled or proscribed, particularly those related to the defense of human rights, who have been subjected to the most severe persecution. This diminishes freedom of association and pluralism in the country, hindering the enjoyment of human rights for the Nicaraguan people.

Furthermore, the institutional framework has limited the freedom of NGOs, organizations and other groups of human rights defenders. As a result, this has reduced their access to external sources of funding, thereby restricting their ability to seek, obtain, use resources and make other efforts, which is an integral part of the right to freedom of association and the right to defend human rights.

Many of them were forced into exile for protection, while others decided to face the risk and continue working in Nicaragua. Several organizations were made illegal, and their property was invaded, confiscated and stolen. In contrast, quasi-governmental organizations were legally incorporated. As a result, this climate of terror serves as an intimidation campaign against society while leaving thousands of victims defenseless.

Students

Students, leaders of the student movement and the academic community as a whole have been, and still are, a **favorite target** of the regime's **repression and persecution.** They were victims of murder and attacks, illegal detentions, threats, harassment, on-going surveillance, and criminalization, especially as of the April 2018 demonstrations. In addition to the deaths, several young suffered serious injuries that resulted, for example, in the loss of eyes or a large part of their vision.

Therefore, many of them were forced into displacement: they had to drop out of school, go underground or migrate to other countries seeking international protection, even traveling under irregular circumstances. Likewise, hundreds of students were arbitrarily and illegally expelled from universities as of April 18th, 2018. Up until 2021, the student movement is still being persecuted. Student leaders were illegally arrested and criminalized, and many layoffs of university professors

and administrative staff also took place; even some universities, institutions of higher education and academic centers were closed.

Women and the LGBTIQ+ community

Women in opposition and resistance to the government have been and still are a common target of persecution, violence, harassment, surveillance, threats, siege, illegal deportations and unjust imprisonment—and they are exposed to a greater risk due to gender issues.

At the same time, Nicaraguan women are deeply unprotected because of a decade-long process of dismantling the legal and institutional framework for protecting and promoting women's rights.

The crisis that started in April 2018 has exposed women to greater violence from the State and paramilitary groups. Women who were imprisoned in this context have suffered torture and cruel, inhumane and degrading treatment.

Lesbian, gay, bisexual, transexual and intersexual (LGBTIQ+) people have also been disproportionately harmed. There are reports of a pattern of violence against this community, including physical abuse, death threats, crimes against their personal property and criminalization usually based on prejudice and discrimination. In Nicaragua, hate speech campaigns focusing on sexual orientation and gender identity have increased in this repressive context, introducing double discrimination (as opponents to the regime and as part of a sexually diverse community).

Indigenous peoples and Afro-descendants

Indigenous peoples and Afro-descendants in the Caribbean coast have been particularly affected in repressive contexts. Their collective and territorial rights are being violated and they suffer from threats, persecution and racism, leaving them in a more vulnerable and unstable position.

The creation of governments parallel to the regional and local ones undermines the autonomous power of these communities and results in **full vertical control by the prevailing political party**. The presence of "settlers" who enter their territory and occupy their lands represents a threat to public safety. In addition to legal insecurity, there is also illegal trafficking of Indigenous land in these territories.

There have been 90 attacks towards members of indigenous communities registered, including 32 murders, 19 kidnappings and 15 injuries, which remain unpunished. It is also worth mentioning the cancellation of the legal status of the Nicaraguan Atlantic Coast Centre for Justice and Human Rights (CEJUDHCAN), which left the 97 communities supported by this organization unprotected.

The peasant farmer movement

The Nicaraguan State pursues a strategy of persecuting, criminalizing, repressing and terrorizing the rural community who opposes the Government. The peasant farmer movement has been subjected

to an unusually selective criminalization. Some of its members were illegally arrested for short periods of time; others were incarcerated, tortured and sometimes faced arbitrary criminal charges in which the principles and guarantees of due process were compromised. Repression in rural areas and in the interior of the country has been more serious than in the capital city.

The effectiveness of these operations can be illustrated with the large numbers of deaths in a short period of time. None of these crimes has been properly investigated to support the demands for justice. Impunity prevails. Nonetheless, the Nicaraguan peasant movement is still present in social protests.

Religious Leaders

There is evidence that **religious leaders are under persecution** as well. Since 2018, Catholic bishops and priests have been accused of assisting “coup-supporting terrorism,” which provoked violent attacks against them and their supporters, followed by a climate of tension, polarization and ungovernability that has deeply damaged religious freedom. Harassment and repression are becoming more frequent and violent, escalating from verbal to physical incidents.

There have also been violent attacks on the Catholic church buildings. Harassment and repression have been most recurrent at the Metropolitan Cathedral of Managua. Its surroundings are under constant siege by armed police officers and hit squads, who have abducted, arbitrarily arrested and attacked protesting opponents.

The persecution has involved the detention and forced displacement of religious figures and individuals, the proscription of hundreds of religious organizations, the raiding and damaging of certain temples, the closure of Church-affiliated media outlets, and the prohibition of religious celebrations such as processions and other Catholic traditions, among other actions.

Journalism

Being a journalist in Nicaragua is a dangerous job, due to the **systematic and continuous persecution, repression and harassment of media personnel** who attempt to report on, disseminate and document the crimes against humanity taking place in the country. Intimidation, harassment, siege, censorship, threats, legal persecution, stigmatization, exile and physical violence that in some cases have escalated to murder are some of the pains that independent journalism has suffered under Ortega’s regime.

Hundreds of cases of intimidation, harassment and persecution of journalists have been documented, and dozens of them have resulted in forced exile. In this line, the risk for female journalists is proportionally higher than that for their male colleagues. It is also worth noting that media outlets were closed or raided, and their assets confiscated.

Consequently, it is evident that the right to information is being violated in Nicaragua, where journalism cannot be conducted and opposing views cannot be expressed. Violence has been inflicted both by Government agents and quasi-governmental and paramilitary groups.

Political opponents

There has been a steady persecution of political opponents to Ortega's government throughout this process. Electoral reforms can be added to these attacks. By forbidding foreign financial support for political parties and restricting the involvement of international observers, the regime sought to prevent a legitimate and transparent contest in the electoral processes in Nicaragua.

As a result, political opponents have been a favorite target of the regime's political repression strategy, under which they have been arbitrarily and illegally arrested, violating their right to freedom. The criminalization of opponents should not be considered in isolation, but rather as an evident and deliberate strategy of the ruling power. Yet, the Government shrouds its actions with rhetoric denying any responsibility and justifying these measures by classifying these opponents as 'traitors'



Marcha en busca de justicia por la muerte de protestantes en manos de las fuerzas de seguridad. *Derechos humanos en un "estado de excepción".*



HUMAN RIGHTS VIOLATIONS IN THE CONTEXT OF ELECTIONS

On November 7, 2021, Nicaragua held general presidential and vice-presidential elections, as well as for the 92 members of the National Assembly and the 20 members of the Central American Par-

liament; yet, this process was riddled with irregularities and obstacles to prevent the free exercise of political rights. For instance, the arbitrary cancellation of the legal status of three opposition parties (Union for Democratic Renewal - PRD, Conservative Party - PC and Citizens for Freedom - CXL) and the systematic persecution, illegal detention and arbitrary criminalization of political opponents, electoral candidates, social and student leaders, and journalists. Other issues included the approval and use of legal rules with ambiguous language that arbitrarily restrict the political rights of the Nicaraguan population, electoral law reforms contrary to international human rights standards, limited access to party proposals, extremely limited public debate between parties, and obstacles to impartial monitoring of the electoral process and its international news coverage.

Furthermore, during the electoral process, many different restrictions on freedom of the press were enforced: the prohibition of journalists from approaching polling stations, harassment towards media outlets and journalists, temporary detention of journalists and the confiscation of personal and work equipment, among others. These efforts aimed at hindering the participation of genuine opposition and competition in the elections.

The political persecution in the context of elections resulted in a series of arbitrary detentions, which included a total of 7 opposition presidential candidates and 29 government critics. These detentions targeted political opponents, journalists, human rights defenders, students, community leaders and private sector representatives. Cristiana Chamorro Barrios, Arturo Cruz Sequeira, Félix Maradiaga Blandón and Miguel Mora were detained at this time.

All of them were illegally detained and arbitrarily criminalized under unfounded charges, without due judicial guarantees. The requests for habeas corpus filed on their behalf were denied. Several individuals are still deprived of their liberty and some have provisional measures dictated by the Inter-American Court of Human Rights. They were often subjected to exhaustive interrogations, deprived of contact with their family and kept in abusive detention conditions, including prolonged isolation and food restrictions.

Human rights violations in the days leading up to the elections and during the electoral process included harassment, threats, detentions, raids, electoral law irregularities, physical assaults and even a violent death —mostly perpetrated by police officers, paramilitary groups and government supporters. As a result, a widespread fear gripped the nation, leading to low turnout at polling stations, despite the government's strategies throughout the country to compel people to vote.

The repression of political dissent continued in the "trials" —referred to as "false trials" or "null trials"— conducted in 2022 against political, social, business and peasant leaders, university students, human rights defenders and journalists, including seven opposition candidates who were detained since May 2021. It is estimated that over 60 individuals were prosecuted and convicted, mostly for the crimes of "conspiracy to undermine national integrity" and "spreading fake news," resulting in sentences ranging from 8 to 13 years and absurdly high fines. These "trials" violated

all legal principles for a fair trial, such as the presumption of innocence, the right to a timely judgment conducted by a competent authority, the principle of publicity, the right to effective judicial protection, the access to adequate defense, and the right to communicate freely and privately with the appointed legal counsel.

As a result, international human rights organizations called for the rejection of the election results, and over 50 countries expressed their refusal to recognize the election, characterizing the process as illegitimate and emphasizing the absence of conditions for the development of free, transparent and fair elections in Nicaragua. The seriousness of this situation was denounced by Human Rights Watch, the OAS, the IACHR, the OHCHR, the UN High Commissioner for Human Rights, among others. Therefore, it could be asserted that it **was a farce and an electoral simulation** that established an **illegitimate government** imposed through armed violence and terror.

Finally, it is worth mentioning that the electoral farce was repeated the following year, in the 2022 municipal elections, which were also riddled with irregularities. During this process, the repression and detention of political opponents increased.



FIGHTING FOR FREEDOM, FULL DEMOCRACY AND AGAINST IMPUNITY

The territorial and chronological breadth of the events, the number of victims, the severity of repressive actions, and the presence of patterns of behavior implemented using government resources, corresponding to a deliberate and officially endorsed strategy, provide evidence of the **widespread and systematic nature of the attacks against civil society**.

Establishing a State of Exception has deeply wounded and outraged victims, victims' family members and society as a whole. It has harmed coexistence, affected daily living and intensified social polarization. **It is essential to move forward towards memory, truth, justice and reparation processes** that allow for victims and their family members to heal, and also for society as a whole to renew bonds of peace and democratic coexistence.

The fight to move forward towards the **investigation and criminal prosecution of those responsible for the crimes committed over these last five years** —crimes for which there is no time prescribed for prosecution and for which amnesty cannot be recognized— will be a guiding force in advancing towards democratic reconstruction of our country.

To follow this **path of relentless resistance and fight for a country committed to guaranteeing human rights, protecting peace, justice and democracy, we issue the following social demands:** 1) democratic transformation of our public institutions, to promote the independence and impartiality of branches of government and aiming at guaranteeing the human rights of all

Nicaraguans; 2) guarantee of freedom of speech, freedom of association and freedom of thought; 3) protection of the right to work for all the people who have been affected during this period and also of their right to education; and 4) special protection for vulnerable groups particularly affected by the violent and repressive actions of the Government, such as human rights defenders, political prisoners, women, Indigenous peoples and Afro-descendants, students, the LGBTIQ+ community, internally displaced persons, migrants, asylum seekers, refugees and beneficiaries of complementary forms of protection; 5) the immediate and unconditional release of all individuals arbitrarily deprived of their physical liberty, the dropping of charges against them and the immediate cessation of persecution based on political reasons, including arbitrary detentions and criminalization, arbitrary denaturalization and forced deportation; 6) the restoration of the legal status to all civil society organizations, political parties and media outlets that have been arbitrarily dissolved or sanctioned, ensuring the return of all their assets; 7) the reestablishment of the rule of law, the elimination of any domestic legislation that constitutes a Criminal Law of the Enemy and the adherence to relevant international human rights law for any legislation that unduly restricts civic space; 8) the initiation of thorough, independent and transparent investigations into the human rights violations and crimes against humanity committed, aiming at holding accountable and sanctioning those individuals involved, even those with the highest level of responsibility; and 9) the guarantee of comprehensive reparations, non-repetition, and the right of victims, their families and the entire community to know the truth about the events.

For the defense of human rights and the restoration of democracy in Nicaragua, the transforming force of the international, regional and national human rights community continues to be fundamental. For this reason, we emphasize our call for the cooperation of the States and international organizations, particularly the Inter-American Human Rights System —by means of sustaining its priority actions in the country— and the Universal Human Rights System —through the installation of an Independent International Mission to determine the facts about Nicaragua. Likewise, we appeal to the solidarity of the Latin American human rights movement, which is renewed and strengthened in resistance to the massive and systematic violations of human rights committed in the framework of dictatorships and the violent internal armed conflicts of our region. Finally, we call on Nicaraguans to strengthen their fight against impunity and renew their commitment to their actions for freedom, justice, human rights and democracy in our country. Therefore, we strongly request the collaboration of the States and international organizations, particularly the Inter-American System of Human Rights, to sustain their priority actions in the country and the Universal System of Human Rights through the renewal of the mandate of the Group of Human Rights Experts on Nicaragua (GHREN).



Cartel sostenido por joven manifestante. *Libro Blanco. Las evidencias de un Estado Autoritario: violaciones de los derechos humanos en universidades públicas en Nicaragua.*

We urge the international community, as the GHREN has done, to comply with the following requests: 1) Measures to protect and guarantee the rights of stateless individuals following the arbitrary denaturalization of Nicaraguan individuals, as well as the rights of those who were forced to flee Nicaragua; and 2) the filing of legal actions against individuals who have been responsible for human rights violations and crimes against humanity.

The aim of this report is to serve as a valuable tool for the political, social, economic, cultural and democratic transformation of our country. It will be a living instrument in the fight for freedom, full democracy and against impunity **for present generations and those to come**; a docu-

ment that puts faces to the victims and that is useful for preserving collective memory, strengthening protection of the right to truth, to justice, to non-repetition, to reparation for victims and their family members, and to society as a whole.

Despite the dictatorship and the violent repression we suffer in this country, we express in this Truth Report that the DEMOCRATIC RESISTANCE IS STILL ALIVE in Nicaragua. We therefore strive to raise awareness and strengthen our efforts to enforce the international obligation of accountability for serious human rights violations, and to guarantee the right to non-repetition.



Three organizations that are under threat within the country and, thus, are forced to omit their names.



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NICARAGUA
LUCHA