



A CRY FOR JUSTICE:
5 YEARS OF OPPRESSION AND RESISTANCE
IN NICARAGUA

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1. INTRODUCTION

Photo: Fernanda LeMarie

Nicaragua has been in a social, political, and human rights crisis since at least April 2018, when the government responded with violence and unjust criminalization to mass protests against a proposal for social security reform. Since then, civic space has been systematically eroded by the government, which has persecuted those perceived as dissidents or opponents.

At the head of the government are Daniel Ortega, who is serving his fourth consecutive term as president, and Rosario Murillo, who has served as vice-president since 2017. The state apparatus has unwaveringly followed their policies in a context where national institutions to act as a counterweight are absent.

Attacks on human rights are nothing new in the country, but the scale on which they have occurred in recent years is. The regime's crackdown has targeted more people and taken more violent forms and different government bodies have been involved in undermining human rights. Actions by state agents – such as torture and other ill-treatment, enforced disappearances and extrajudicial executions – constitute crimes under international law.

The decline in respect for and guarantees of human rights in the country has occurred in the context of legislative reforms that have eroded the independence of the judiciary¹ and withdrawal from the scrutiny of international organizations.

In addition to this institutional fragility, between 2018 and 2023 the government has used various techniques to silence protest and undermine all criticism and political opposition. Notable among these are the unlawful use of force by law enforcement officials; arbitrary arrest and detention without fair trial; attacks on the rights to freedom of expression, assembly and association; a crackdown on political dissent; the withdrawal of civil society organizations' legal status; as well as, more recently, the mass deportation of dissidents, who were also deprived of their nationality².

The repression has hampered the work of human rights NGOs and journalists and hindered the exercise of the rights to freedom of expression, association and assembly, making peaceful protest an increasingly dangerous undertaking. Thousands of people have fled the country because of violence by the authorities.

The magnitude of the crisis has led international human rights bodies to react in line with their mandates, including creating ad hoc bodies, such as the Special Monitoring Mechanism for Nicaragua, established by the Inter-American Commission on Human Rights, and the Group of Human Rights Experts on Nicaragua, established by the United Nations Human Rights Council³.

During this crisis, Amnesty International has researched the situation in the country and presented its findings in various forums. This document is based on information gathered over the past few years, as well as new research on emblematic cases and recent events. Between November 2022 and March 2023,

¹ The constitutional reform of 2000 increased the number of members of the Supreme Court, allowing the appointment of justices linked to the government. Presidential Decree 03/2010 of 2010 extended the expired terms of various officials, including Supreme Court justices, preventing their rotation and increasing the control of the Executive over the Court. The Special Rapporteur on the Independence of Judges and Lawyers further cautioned that selection processes and competitive examinations were not adhered to and that flaws in the text of the law affected the principle of the irremovability of judges and magistrates (Human Rights Council, Report of the Special Rapporteur on the independence of judges and lawyers, Gabriela Knaut, Annex: Subregional consultation on the independence of the judiciary in Central America (A/HRC/23/43/Add.4), 2 April 2013, paras 66 and 67).

² On the latter form of repression, see: Amnesty International, Nicaragua: Replacing prison by forced exile, Daniel Ortega's government's new pattern of repression, News, 17 February 2023, <https://www.amnesty.org/en/latest/news/2023/02/nicaragua-exilio-forzado-por-carcel-el-nuevo-patron-represivo-del-gobierno-de-daniel-ortega/>

³ On 3 April 2023, the Human Rights Council decided to renew the mandate of the Group of Experts for two more years.

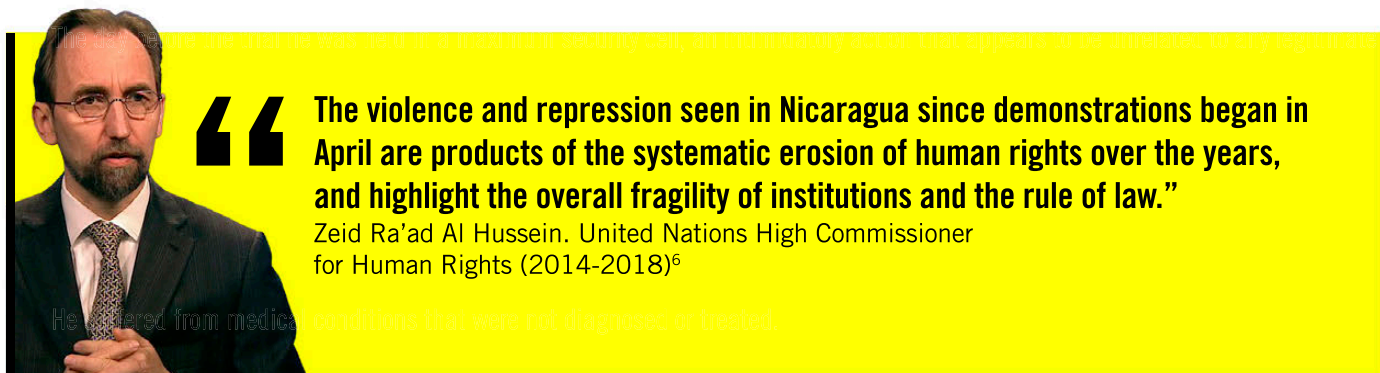
the organization’s research team conducted interviews remotely both with human rights defenders and victims of repression, including with those Individuals whose cases are highlighted in this document. We also reviewed court records, analysed national laws and other relevant publications, verified audiovisual information and monitored social media and press sources. The organization is grateful to the individuals and organizations who provided information for this research, some of whom have requested that their identity be withheld for fear of retaliation.

This document presents an account of the main milestones and repressive processes witnessed in the country in the last five years which have culminated in a bleak scene of massive and systematic human rights violations that were continuing at the date that research for this report concluded, 13 April 2023.



The political and social crisis that exploded in 2018 emerged in a context of a gradual collapse of the rule of law in Nicaragua⁴ to which other specific triggers were added, such as the social security reform published on 18 April 2018 in the country’s Official Journal⁵. The reform proposed increasing the social security contributions of employers and workers and imposing a 5% contribution on pensioners.

These changes, coupled with growing public discontent with the government, in turn, resulted in the start of social protests led by pensioners, retirees and workers who began demonstrating against the reform on 18 April. They were joined the following day by students from the country’s various universities.



Some of the places which saw greater public participation in protests were: Bluefields, Ciudad Sandino, Estelí, León, Managua (the capital) and Masaya. During those first two days, at least three deaths and dozens of injuries due to the violent response of the National Police were reported⁷.

⁴ The undermining of the rule of law in the country has been marked by several processes, including: i) unlimited re-election of the president (authorized in 2009 by the Supreme Court and in 2014 by constitutional reform); ii) the Supreme Electoral Council’s lack of neutrality (IACHR, Annual Report 2021, Chapter IV, Special reports, B. Nicaragua (OEA/Ser.L/V/II, Doc. 64 rev. 1), 26 May 2022, para. 39); iii) The Executive’s control over the security forces, for example, Law 872, published on 7 July 2014, subordinated the police to the president, and iv) the concentration of power in the hands of the Executive, including undue influence over the General Assembly, the Judiciary, and the Attorney General’s Office (IACHR, Nicaragua: Concentration of power and undermining of the rule of law (OEA/Ser.L/V/II, Doc. 288), 25 October 2021, para. 173).

⁵ Official Journal of Nicaragua, Presidential Decree No. 03/2018 (Spanish only), 17 April 2018, https://www.ilo.org/dyn/natlex/natlex4.detail?p_lang=en&p_isn=107422 (Spanish only).

⁶ OHCHR, Human rights violations and abuses in the context of the protests in Nicaragua, https://www.ohchr.org/sites/default/files/Documents/Countries/Ni/HumanRightsViolationsNicaraguaApr_Aug2018_EN.pdf

⁷ Amnesty International, Nicaragua: Shoot to kill: Nicaragua’s strategy to repress protest, 29 May 2018, (Index: AMR 43/8470/2018), p. 6 <https://www.amnesty.org/en/documents/amr43/8470/2018/en/>

From the outset there were signs of a crackdown on protests by police forces and pro-government armed groups, shock groups that act with at least the acquiescence of the authorities and sometimes on government orders.

The available information indicates that the government has effective control over the actions of armed pro-government groups, many of whose members are supporters of the ruling party and are integrated into its structures⁸.

The IACHR determined that these groups act “with the acquiescence and tolerance of State authorities.”⁹ The Group of Human Rights Experts on Nicaragua found that police officials and members of pro-government armed groups acted jointly and in a coordinated manner in several cases of extrajudicial executions¹⁰. The Interdisciplinary Group of Independent Experts established that the pro-government armed groups “acted in coordination and simultaneously with the National Police” and that public officials and people close to the ruling party were involved in their creation, recruitment and management¹¹.

In response to continuing attacks by state officials, some protesters retreated initially on to university premises and, later, set up tranques, (roadblocks) barricades erected by members of the public on public roads in various parts of the country. These improvised constructions served both as a form of protection and also as a form of organization and protest.

During May 2018, the government and the Civic Alliance for Justice and Democracy (Alianza Cívica por la Justicia y la Democracia) – made up of members of civil society, businesspeople and social leaders – met in the “National Dialogue” to seek a way out of the crisis. However, this space temporarily closed in June 2018 amid a marked lack of political will on the part of the government and constant repression of the population.

When the protests did not stop, the government intensified the violence during June and July 2018 with the aim of removing the roadblocks and other barricades. The authorities arbitrarily detained protesters, used torture and other ill-treatment and carried out enforced disappearances and extrajudicial executions¹².

At the same time, the government used criminalization and smear campaigns to silence critical voices. Hundreds of politically motivated arbitrary arrests were recorded against activists, students and human rights defenders, among others. Those who were not arrested were subjected to attacks in the form of harassment by authorities and pro-government groups. Instead of seeking a quick and respectful solution to the human rights crisis, the government opted to redouble the repression, which was continuing at the time of the publication of this document.

⁸ Amnesty International Nicaragua: Shoot to kill: Nicaragua’s strategy to repress protest, 29 May 2018, (Index: AMR 43/8470/2018), p. 11 <https://www.amnesty.org/en/documents/amr43/8470/2018/en/>

⁹ IACHR, Gross Human Rights Violations in the Context of Social Protests in Nicaragua (OEA/Ser.L/V/II, Doc. 86), 21 June 2018, para. 58.

¹⁰ Human Rights Council, Report of the Group of Human Rights Experts on Nicaragua, 2 March 2023 (A/HRC/52/63), para. 22.

¹¹ Interdisciplinary Group of Independent Experts for Nicaragua (GIEI Nicaragua), Report on the violent events that took place between 18th April and 30th May 2018, December 2018, pp. 54 and 55, https://gjeinicaragua.org/gjei-content/uploads/2019/05/GIEI_REPORT_ENGLISH_simplepage.pdf

¹² Interdisciplinary Group of Independent Experts for Nicaragua (GIEI Nicaragua), Report on the violent events that took place between 18th April and 30th May 2018, December 2018, https://gjeinicaragua.org/gjei-content/uploads/2019/05/GIEI_REPORT_ENGLISH_simplepage.pdf; Amnesty International, Nicaragua: Shoot to kill: Nicaragua’s strategy to repress protest, 29 May 2018, (Index: AMR 43/8470/2018), p. 6 <https://www.amnesty.org/en/documents/amr43/8470/2018/en/>; and Human Rights Council, Report of the Group of Human Rights Experts on Nicaragua, 2 March 2023 (A/HRC/52/63), para. 118.



3. CONTINUING REPRESSION

3.1 EXCESSIVE USE OF FORCE

The use of force was excessive and widespread during the first months of the crackdown. Even though the frequency of the use of force has decreased, it has not stopped and the threat of further repression remains. In addition, President Ortega's government has shown no concern or reluctance about using police forces to repress, including lethally, those it considers political enemies. The IACHR has documented that at least 355 people died between 18 April and 31 July 2019, more than 2,000 were injured and more than 1,614 were arrested during the crackdown.

The presence of pro-government armed groups coordinated by the authorities has resulted in serious injuries and even deaths. These groups generally attack target populations, for example those on the barricades or in universities where people took refuge from the crackdown. They use firearms and less-lethal weapons, causing enormous harm to victims, including serious injuries and, at times, deaths.

Police and pro-government armed groups have made use of lethal weapons in contexts not authorized by international law or national norms, on some occasions using firearms in an intentionally lethal manner¹⁵... For example, during the period in 2018 when barricades were used, clashes continued with protesters, some of them using handmade artillery, and government forces using more sophisticated weapons, including lethal weapons, some that are of military calibre¹⁶...

In several cases this use resulted in the deaths of protesters and third parties unconnected to the protests. International organizations and local human rights organizations have reported more than 300 deaths in the context of the crackdown, many of which could be considered extrajudicial executions, a crime under international law¹⁷. The Group of Human Rights Experts on Nicaragua found that at least 40 cases of extrajudicial executions occurred, all involving pro-government armed groups¹⁸.

“ Everyone has the right to life, liberty and security of person.”

Article 3 of the Universal Declaration of Human Rights

Protesters and government opponents have been subjected to constant arbitrary detention. Some were released after a short time, but hundreds faced criminal charges based on fabricated evidence and long

13 IACHR, Special Monitoring Mechanism for Nicaragua, “Fatal Victims Registry: Deceased persons”, <https://www.oas.org/en/iachr/jsForm?File=en/iachr/meseni/registro.asp>

14 IACHR, Annual Report 2021, Chapter IV, Special reports, B. Nicaragua (OEA/Ser.L/V/II, Doc. 64 rev. 1), 26 May 2022, para. 3.

15 Amnesty International, Shoot to Kill: Nicaragua's Strategy to Repress Protest, May 29, 2018, index AMR 43/8470/2018, p. 9

16 Amnesty International, Nicaragua: Instilling terror: from lethal force to persecution in Nicaragua, 18 October 2018, (Index: AMR 43/9213/2018), <https://www.amnesty.org/en/documents/amr43/9213/2018/en/>

17 See the report of a broad group of social organizations: Dictadura y represión en Nicaragua: lucha contra la impunidad, 18 November 2021, pp. 52 and following. (Spanish only).

18 Human Rights Council, Report of the Group of Human Rights Experts on Nicaragua, 2 March 2023 (A/HRC/52/63), para. 22.

19 Mecanismo para el reconocimiento de personas presas políticas, Lista de personas presas políticas en Nicaragua: February 2023. <https://presasypresopoliticosnicaragua.org/lista-mensual-de-personas-presas-politicos/> (Spanish only).

periods of incarceration and some were detained on several occasions. Nicaraguan civil society organizations have documented that at least 1,310 people have been arbitrarily imprisoned on the basis of unfair criminal proceedings, of whom 72 have reportedly been deprived of their liberty on more than one occasion¹⁹.

As explained later, the nature of the charges faced by these individuals is diverse and includes common crimes such as assault or robbery, or political offenses such as undermining national integrity and spreading false news.

The use of detention to intimidate dissidents continues to this day; the mere possibility of arrest has a chilling effect on the expression of ideas and the organization of protests and other forms of citizen participation.

Amnesty International – like the Interdisciplinary Group of Independent Experts on Nicaragua and the United Nations High Commissioner for Human Rights –²⁰ has concluded that state officials have subjected protesters to torture as a form of punishment and also to obtain information regarding the organization of the protests.

The crackdown extends to relatives or people close to protesters or those critical of government policies, in an attempt to frighten society into silence. Physical attacks are often accompanied by threats and public intimidation, for example through vilification in the media and permanent or intermittent police surveillance.

¹⁹ Mecanismo para el reconocimiento de personas presas políticas. Lista de personas presas políticas en Nicaragua: February 2023. <https://presasypresopoliticosnicaragua.org/lista-mensual-de-personas-presas-politicos/> (Spanish only).

²⁰ Interdisciplinary Group of Independent Experts for Nicaragua (GIEI Nicaragua), Report on the violent events that took place between 18th April and 30th May 2018, December 2018, p. 283 and OHCHR, Situation of human rights in Nicaragua – Report of the United Nations High Commissioner for Human Rights, 17 September 2019 (A/HRC/42/18) para. 30.



DENIS GARCÍA

Denis Antonio García Jirón is a vet who in 2018 decided to use his general knowledge of medicine to provide emergency assistance in medical emergencies caused by the Nicaraguan authorities' violent crackdown on protests in the context of the Nicaraguan political crisis.

Denis' job was to provide immediate help to students and other protesters who were injured or had a medical emergency, as well as to organize hospital care in the most serious cases. Several human rights defenders familiar with the case believe it was his involvement in anti-government protests, including his humanitarian work, that angered the authorities and made him a target of political repression.

When the health post where he provided assistance was dismantled due to increasing government repression, Denis decided to travel to Costa Rica to be safer. He stayed there for four months, but returned to Nicaragua to re-establish his ordinary life in his own country.

On 12 October 2019, police officers arbitrarily detained him, using excessive force, on the road to the city of Managua and he was transferred to the Dirección de Auxilio Judicial facility, commonly known as "El Chipote". Despite the evidence, the authorities recorded the arrest as having occurred in a different place on 15 October 2019 and he was not presented to a judge immediately. The manner of his detention and the initial refusal to acknowledge his whereabouts constitute enforced disappearance.

To justify his imprisonment, the government alleged that he was carrying explosives in a taxi and accused him of "manufacturing, trafficking, possession and use of restricted weapons, explosive substances or devices", a crime that carries heavy penalties.

His defence lawyer was unable to meet with him confidentially before the trial hearings, and the introduction of evidence of his innocence, including a video of his detention, was refused. He was finally sentenced to five and a half years in prison in proceedings that fell far short of a fair trial.

During his deprivation of liberty he was subjected to conditions that posed serious health risks and intense overcrowding, he was kept for days in a small cell with more than 20 people. He was only allowed out into the open air for at most about 15 or 20 minutes twice a month.

Visits to the prison are arbitrarily restricted, but despite this he was able to see relatives a couple of times a month when they were able to bring him food and other basic supplies.

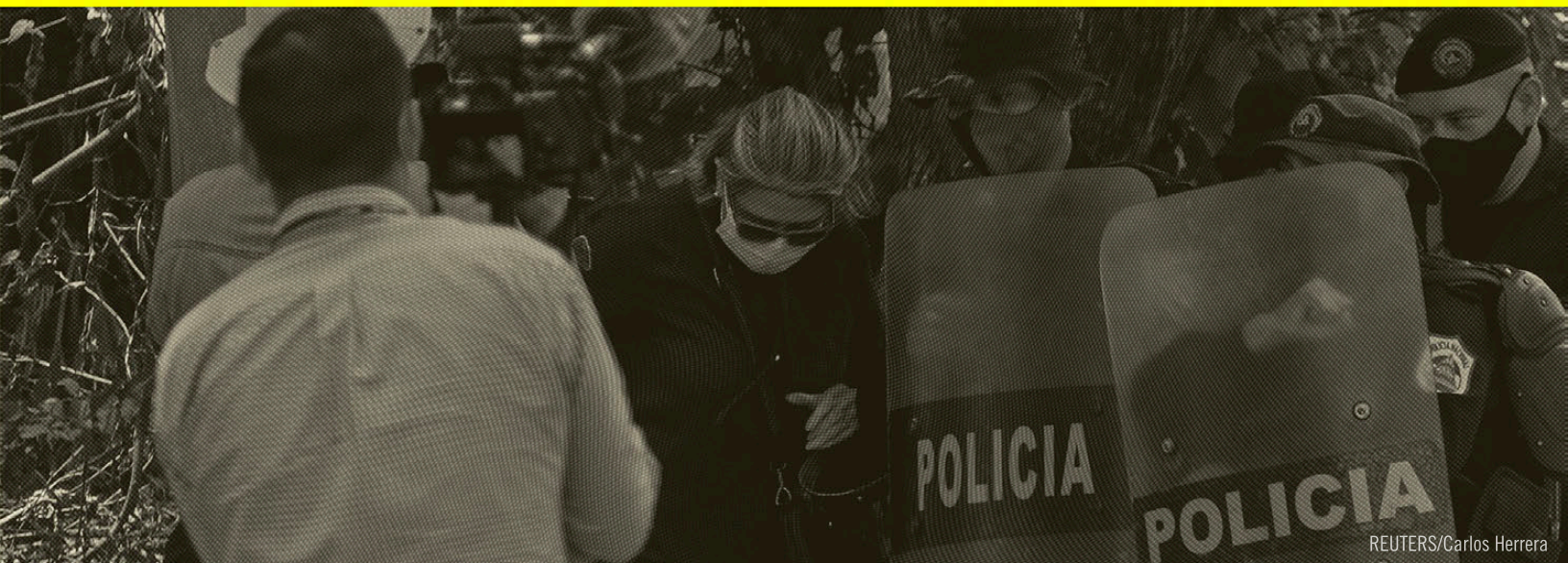
Due to the conditions in the cell and the quality of food and water available, he suffered medical problems that the authorities did not treat, although his relatives managed to bring him some medicines. Due to the symptoms he presented, he believes that, during his time in prison, he fell ill with Covid-19 twice, in addition to suffering from other diseases.

During his years in prison, he was intimidated by state officials and beaten and assaulted by ordinary prisoners, often at the instigation of the prison authorities.

The Inter-American Commission on Human Rights and the Inter-American Court of Human Rights ordered protection measures on his behalf, which were repeatedly ignored by the government.

Amnesty International considers that his right not to be subjected to torture or other cruel, inhuman or degrading treatment was violated; as well as his right to freedom, to not be subjected to enforced disappearance, and to a fair trial.

He was one of 222 people released, stripped of their nationality and expelled from the country; he was put on a flight to the USA on 9 February 2023, where he remains currently awaiting resolution of his immigration status and seeking family reunification.



3.2 MISUSE OF THE CRIMINAL JUSTICE SYSTEM

Dissidents and critics of government policies are investigated and unfairly criminalized by the justice system in collaboration with other national authorities. The cases of dissidents or opponents studied by Amnesty International illustrate the lack of judicial independence that exists in Nicaragua.

The criminal proceedings to which they are subjected do not respect internationally recognized guarantees of fair trials and judgments are determined from the outset. These trials are politically motivated and are initiated on the basis of fabricated accusations and, often, on the basis of felonies that contravene international human rights law.

International organizations have underscored the lack of judicial independence in Nicaragua. The IACHR has warned that the processes for appointing judges and magistrates are “impacted by factors such as nepotisms and official party influence and manipulation²¹.” The Committee against Torture reiterated its concerns about the lack of independence of the judiciary and the Attorney General’s Office, a situation that “facilitates efforts to make dissent a crime, leads to violations of the rules of due process and contributes to impunity²².”

In this institutional context, criminal law is weaponized as a tool of control and repression in the hands of the government. Judges justify the decisions of Attorney General’s Offices and the police, as documented in this report. The judiciary used pre-trial detention indiscriminately and sometimes issued arrest, search

²¹ IACHR, Nicaragua: Concentration of power and undermining of the rule of law (OEA/Ser.L/V/II, Doc. 288), 25 October 2021, para. 96.

²² Committee against Torture, Concluding observations on the second periodic report of Nicaragua, 7 December 2022 (CAT/C/NIC/CO/2), para. 11.

or confiscation warrants after these actions had been carried out²³. In addition, as explained by the Group of Human Rights Experts on Nicaragua, unfounded charges and laws that violate human rights are used as instruments of political persecution²⁴.

Hundreds of people have been imprisoned at various times just for their participation in demonstrations or their opposition – real or perceived – to the government. At the end of 2022, national human rights organizations recorded that 225 people were deprived of their liberty for political reasons. This number fell recently following the mass deportation and arbitrary deprivation of nationality of several dissidents and critics. However, as of March 2023, local organizations had identified 37 people who continued to be arbitrarily deprived of their liberty (10 of them detained before 2018)²⁵.

A first round of releases occurred when the “National Dialogue”, suspended in 2018, resumed and 492 people who had been detained in the context of the protests were released in February 2019²⁶. However, the government was displeased that people released from prison continued to defend human rights, and many of them were re-apprehended. Such was the case of Kevin Roberto Solís who, after being released in April 2019, was redetained in February 2020 on false charges of theft and causing injury and subjected to an unfair criminal process and inhumane prison conditions.

“ Every person has the right to a hearing, with due guarantees and within a reasonable time, by a competent, independent, and impartial tribunal, previously established by law, in the substantiation of any accusation of a criminal nature made against him or for the determination of his rights and obligations of a civil, labor, fiscal, or any other nature.”

Article 8.1 of the American Convention on Human Rights

The Nicaraguan state uses two criminal prosecution strategies against people persecuted for political reasons. The first is to make use of criminal offenses that supposedly protect the security of the State, but their formulation is so vague that they can be used to violate the legitimate exercise of human rights. This is the case of the “conspiracy to undermine national integrity” that in fact is applied to sanction any attempt to organize to defend human rights and the rule of law, and the crime of “spreading fake news” that is used to criminalize people for content critical of the government published on social media²⁷

23 OHCHR, Situation of human rights in Nicaragua, 17 September 2019, A/HRC/42/18, para. 40, <https://www.ohchr.org/en/documents/country-reports/ahrc4218-situation-human-rights-nicaragua-report-united-nations-high>

24 Human Rights Council, Report of the Group of Human Rights Experts on Nicaragua, 2 March 2023 (A/HRC/52/63), para. 51.

25 Mecanismo para el reconocimiento de personas presas políticas, Cifras de personas presas políticas, <https://presasypresospoliticosnicaragua.org/> (Spanish only).

26 OHCHR, Situation of human rights in Nicaragua, 17 September 2019 (A/HRC/42/18), <https://www.ohchr.org/en/documents/country-reports/ahrc4218-situation-human-rights-nicaragua-report-united-nations-high>

27 “conspiración para cometer menoscabo a la integridad nacional” and “propagación de noticias falsas”. The state has varied its prosecution strategies, initially using complex criminal offences (such as organized crime or terrorism) and subsequently using ordinary criminal offences (such as theft or drug possession) and finally including criminal offences that are clearly political. See Amnesty International, Nicaragua: Silence at any cost. State tactics to deepen the repression in Nicaragua, 2021 (Index: AMR 43/3398/2021), p. 7.

At other times, prosecutors make unsupported accusations of injuries, theft, or possession of weapons or other common crimes, but they do so through fabricated charges, either because the incident did not occur or because there is nothing to suggest that the accused person had any involvement in it.



KEVIN SOLÍS

Kevin Roberto Solís is a human rights activist. Since 2018 he has participated in many peaceful protests calling for a change of direction in the country and respect for human rights. At that time, he was a law student and worked as a judicial notification agent and with a human rights NGO. Kevin was arbitrarily detained twice.

On 20 September 2018, he was arbitrarily detained and, after a judicial process that lacked fair trial guarantees, sentenced to 23 months in prison for the alleged crimes of obstructing public services and unlawful carrying of a firearm. On 4 April 2019, he was released from prison to a family living arrangement.

On 3 February 2020, protesters noticed someone taking photographs of them who they thought could be an infiltrator acting on behalf of the government. They stopped her briefly, before letting her go shortly afterwards. On 6 February, police officers, who were not in uniform, arrested Kevin at the gates of the Central American University (UCA), accusing him of aggravated robbery and causing injuries in relation to this incident, in which he did not take part, judging from the audiovisual and other information to which the organization has had access.

During his criminal trial he was unable to meet privately and in advance with his defence; the place, date and time of his arrest were not correctly recorded; evidence in his favour was rejected or dismissed, including videos that his lawyer considered should be sufficient for an acquittal; and his defence only had access to his case file on the day of the hearing.

The day before the trial he was held in a maximum security cell, an intimidatory action that appears to be unrelated to any legitimate need for security on the part of the government.

During his time in prison, he was subjected to beatings, threats and harassment. Prison staff constantly threatened him, as did prisoners who appeared to act on the orders of government agents. He was interrogated to try to obtain information about the protests and, in general, about opposition to the government. He was held in punishment cells in unsanitary conditions with inadequate natural light and ventilation.

He suffered from medical conditions that were not diagnosed or treated. Visits and the basic necessities brought by his family were arbitrarily restricted, while the authorities limited his access to food.

During the interview that Kevin Solís sustained with Amnesty International, he referred to a series of very serious events that occurred during his deprivation of liberty. Based on this and other available information, the organization believes that he is a survivor of torture and other ill-treatment prohibited under international human rights law.

The United Nations Working Group on Arbitrary Detention found that his detention was arbitrary because it lacked a legal basis and because of fair trial violations. The Inter-American Commission on Human Rights and the Inter-American Court of Human Rights granted protection measures in his favour that were ignored by the authorities.

On 9 February 2023, he was released along with 221 others and expelled from the country and the authorities announced that he was being stripped of his nationality. He is currently outside Nicaragua trying to resume his studies.

Whichever prosecution strategy is adopted, cases are heard by courts that do not meet the requirement of impartiality. In reality, the criminal justice system acts as a government processing office that secures the convictions of those persecuted by the government. The judicial authorities show a worrying total deference to the government, aligning their decisions with the interests of the latter.

In general, defendants are held incommunicado for a time and are only able to speak to their lawyers minutes before hearings begin, so they have no real chance of preparing a defence strategy or gathering evidence to support their case. In any event, the evidence they present is summarily dismissed while that of the prosecution is admitted and given full probative value, even if it is contradictory or implausible.

Prison conditions are poor in Nicaragua. The country has a prison system in which people deprived of their liberty are not guaranteed their most basic needs. Even so, the conditions of people arbitrarily imprisoned, such as human rights defenders, activists, journalists and political opponents, are often worse. For example, they may be held for long periods of time in solitary confinement, subjected to torture and other ill-treatment, or are not granted rights that other inmates enjoy, such as receiving visitors or having access to reading material.

The authorities do not transfer all those detained for political reasons to ordinary places of detention. Many of them remain for periods longer than a year in the Dirección de Auxilio Judicial, known as the “El Chipote”, a police detention centre that does not come under the jurisdiction of the penitentiary system. Sixty of the 222 people released in February 2023 were held in this centre at the time of their release²⁸. In El Chipote people do not have a standardized regime of visits and permissions and are at the mercy of the whim of the authorities. In this centre, people experience constant isolation from the outside world and a prohibition on talking to other prisoners. According to available information, some individuals have been held incommunicado for weeks.

Information gathered by Amnesty International shows that prison visits became a way to exert greater pressure and punishment on detainees, by allowing visits only sporadically, without a clear rights regime. On occasion, relatives who came to visit were mistreated and harassed, some were threatened and urged to abandon their loved ones there.

People interviewed by Amnesty International have consistently reported that those deprived of their liberty in the prison system suffer from overcrowding²⁹. According to reports received, in some places of detention, cells designed for five or six people can hold more than 20. Ventilation and natural light are inadequate. There are also problems with the electricity supply and sanitary facilities. Food and water are insufficient and of poor quality. Health services do not adequately serve all people.

People deprived of their liberty remain for days in their cells, allowed out only for short periods to go to the courtyard or to see their families or their lawyers. Statements collected by the organization indicate that, overall, some people are able to leave their cells for 15 hours a month in best case scenarios, although some almost never leave their cells.

Amnesty International considers that the conditions to which people detained solely for exercising their human rights have been subjected are a violation of the state’s duty not to commit torture and other cruel, inhuman or degrading acts. They also constitute a violation of the principle of non-discrimination, which includes the prohibition of discrimination based on political opinion.

²⁸ Mecanismo para el reconocimiento de personas presas políticas, Lista de personas presas políticas en Nicaragua: February 2023. <https://presasypresospoliticosnicaragua.org/lista-mensual-de-personas-presas-politicos/> (Spanish only). <https://presasypresospoliticosnicaragua.org/lista-mensual-de-personas-presas-politicos/>

²⁹ This concern has been taken up by international bodies, see IACHR, Resolution No.37/2021, Precautionary Measures 37/2021 – Gustavo Adolfo Beteta and familia, Nicaragua, 30 April 2021, and Inter-American Court of Human Rights, Matter of Juan Sebastián Chamorro et al. regarding Nicaragua, Provisional Measures, Order of the Inter-American Court of Human Rights of 8 February 2023, para. 22 (Spanish only).

³⁰ This concern has been taken up by international bodies, see IACHR, Resolution No.37/2021, Precautionary Measures 37/2021 – Gustavo Adolfo Beleta and familia, Nicaragua, 30 April 2021, and Inter-American Court of Human Rights, Matter of Juan Sebastián Chamorro et al. regarding Nicaragua, Provisional Measures, Order of the Inter-American Court of Human Rights of 8 February 2023, para. 22 (Spanish only).



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3.3 ATTACKS ON CIVIL SOCIETY

Both freedom of association and participation in public affairs are internationally recognized human rights, but, like many others, they are not respected in Nicaragua. During these five years of repression of dissident voices, or those perceived as such, the government has implemented measures to try to systematically silence all criticism.

Human rights organizations and journalists have faced smear campaigns, unlawful intervention by the authorities in their operations and the unfair criminalization of their members.

One of the methods most frequently used by the Nicaraguan government to crack down on them is stripping their organizations of their legal status, raiding their facilities and seizing their assets, severely limiting their ability to function.

Initially the authorities withdrew the legal status of a handful of highly visible organizations, but over time they have generalized the measure to include any institution they consider “problematic”, cancelling in total more than 3,000 legal entities linked to the media; human rights; cultural, educational organizations; and business associations, among others. The withdrawal of legal status is ordered by the National Assembly, which instructs the Ministry of the Interior to carry them out within a certain period of time³⁰.

In 2020 the National Assembly, controlled by the ruling party, passed laws affecting the exercise of human rights such as freedom of association and expression. The Foreign Agents Act (Ley de Agentes Extranjeros) imposed severe and disproportionate restrictions on organizations’ ability able to fund their legitimate activities. The Special Cybercrime Law uses the pretext of a need to prevent the spread of fake news to criminalize expressions/statements that the government considers “produce alarm, fear or anxiety”. On 21 December 2020, the Law for the Defence of the Rights of the People to Independence, Sovereignty and Self-determination for Peace was passed, a single article law that makes people who commit any of the listed actions “traitors to the homeland” imposing sanctions on them including debarring them from elected office. Certain of these actions are legitimate activities (such as receiving international funding or proposing measures of international pressure) and the laws are formulated in such an ambiguous way that they facilitate arbitrariness and undermine legal certainty (for example, acts that “harm the supreme interests of the nation”). The purpose of the law seems to be to give carte blanche to the authorities to legalize the persecution of anyone they consider an opponent or who carries out actions contrary to the interests of the government.

30 See, for example, the Decree Cancelling Legal Personality for Non-profit Organizations, Decree A.N. No. 8820, of July 18, 2022, published in the Official Gazette on July 20, 2022. Available at: <http://legislacion.asamblea.gob.ni/normaweb.nsf/9e314815a08d4a6206257265005d21f9/8e943a9f2604a69e0625888a006d4117?OpenDocument>

Freedom of expression in the country has suffered greatly because of these laws and, in general, the repressive environment created by the government. Journalists and others involved in communication, as well as the media in which they work, have been subjected to harassment and pressure. The IACHR has documented acts of harassment, raids, arrests, threats, summons to testify before the authorities and the use of the laws described above as measures to exert pressure on the free exercise of journalism in the country³¹.

The publication of these laws not only increases persecution and repression but they also send a clear message that there are no counterbalances or measures to contain the government. In the case of Nicaragua, we can assert that repressive measures have been clothed in ostensible legality without institutional resistance by the legislature or the judiciary.

In addition to attacks of a legal nature, human rights organizations and independent media have been the targets of harassment, threats, including attacks against human rights defenders and journalists. Hundreds have had to flee the country or have decided to temporarily stop their work because of fears of their safety. Members of the press, political movements, social organizations and the Catholic Church have been imprisoned following arbitrary trials with the effect of reducing the ability of their organizations to carry out their legitimate work.

Local human rights organizations have documented that women defenders experience differentiated violence, such as gender-based violence, and that they are constant targets of government repressive actions³². Amnesty International has documented reports that women human rights defenders were subjected to police harassment, unfair criminalization, smear campaigns and threats³³.

Many people have faced legal proceedings for the crime of spreading fake news simply for sharing their ideas or concerns about the situation in the country on social media. The cases border on the absurd, such as imprisonment for sharing a tweet from a dissident or the case of Nidia Barbosa, documented in this report, whose imprisonment was justified in her criminal proceedings for the publication of a religious prayer calling for peace in the country and other legitimate expressions on her social media.

Political parties have also been the target of persecution and many parties who were registered before the start of the crisis in 2018 have lost their legal status and their legal registration³⁴, which prevents them from participating in electoral processes. Others, who have kept their status, face harassment and attacks, especially in the context of electoral processes. For example, in November 2022 the government arbitrarily cracked down on and arrested supporters of the political party YATAMA (Yapti Tasba Masraka Nanih Aslatakanka) who were protesting against what they considered the unlawful conduct of the elections³⁵.

31 IACHR, Annual Report 2021, Chapter IV, Special reports, B. Nicaragua (OEA/Ser.L/V/II, Doc. 64 rev. 1), 26 May 2022, paras 65 to 75.

32 See the report presented by the Colectivo Nicaragua Nunca Más, the Registration Unit, the Legal Defence Unit (UDJ), the Iniciativa Nicaragüense de Defensoras de Derechos Humanos (INDDH), the Iniciativa Mesoamericana de Mujeres Defensoras de Derechos Humanos (IMDefensoras), the Movimiento Autónomo de Mujeres (MAM) and the Centro de Información y Servicios de Asesoría en Salud (CISAS) before the United Nations Human Rights Committee on the occasion of the periodic evaluation of Nicaragua, September 2020, https://ccprcentre.org/files/documents/INT_CCPR_CSS_NIC_43384_E.pdf (Spanish only).

33 Amnesty International, Amnesty International Report 2021/22 The state of the world's human rights, March 2022 (Index: POL 10/4870/2022), p. 272.

34 On 5 May 2021, the Law Amending and Annex to Law 331, Electoral Law (Law No. 1070) was published which increased the grounds on which political parties' legal status can be withdrawn.

35 Amnesty International, Amnesty International Report 2022/23 The state of the world's human rights, March 2023 (Index: POL 10/5670/2023), p. 272.



VIOLETA GRANERA

Violeta Mercedes Granera Padilla is a Nicaraguan sociologist, activist and politician. Violeta was in exile in the 1980s because of the politically motivated killing of her father, who was a senator in the Congress. She returned to Nicaragua in 1990 and continued to participate in political and social processes to defend the rule of law and human rights.

Violeta Granera's efforts did not stop with the resurgence of political repression in 2018 and she continued her work and activism. The authorities subjected her to smear campaigns and harassment, including surveillance and monitoring, which intensified in the lead up to her arbitrary detention.

On 8 June 2021, a large contingent of police arrived at her house, she went outside to prevent them from entering violently and was arrested. Government agents threatened and beat her, including while she was handcuffed. Later they searched the house, taking documents and some objects, and informed her that she was under house arrest, so police personnel were stationed at her house.

Three days later, on 11 June 2021, she was transferred to the Dirección de Auxilio Judicial, "El Chipote". From that day until February 2023, she was deprived of her liberty, despite the fact that she suffered from chronic health conditions and turned 70 while in detention and that Nicaraguan law provides that elderly people or those with chronic diseases should remain at home.

On 3 March 2022, a judicial farce culminated in Violeta Granera being sentenced to eight years in prison for the alleged crime of conspiracy to undermine national integrity. Several people well known for criticizing repressive state policies were tried and these proceedings were designed to frighten the public.

The authorities prevented Violeta and her lawyer from speaking before the hearing, allowing only a brief exchange of a few minutes, which hindered the chances of preparing her defence properly. In addition, they faced a biased court that favoured the government's position. The charge was essentially based on police testimonies.

The government presented as evidence of the alleged crime public communications and alleged meetings with other members of the opposition, international organizations and various governments to talk about the delicate political situation in Nicaragua. Such acts, even if they had occurred, involve the exercise of human rights and should never have been regarded as criminal offences.

Violeta is an elderly person with several medical conditions that require ongoing treatment, which was not adequately provided by the prison authorities. In fact, the precarious conditions during her incarceration negatively impacted her physical health and emotional integrity.

Her family was only able to make infrequent visits, usually months apart, which were brief and lacked privacy due to permanent surveillance. They had to fight to bring her medicines and some basic necessities, other items, such as reading or writing material, including a Bible, that she requested on several occasions, were prohibited during the 20 months that she was incarcerated. Amnesty International considers that these conditions of detention constituted a violation of the prohibition of cruel, inhuman or degrading treatment clearly established in international human rights law. The Inter-American Commission on Human Rights and the Inter-American Court of Human Rights issued protective measures in her favour, with which the government did not comply.

On 9 February 2023, she was released from prison and immediately expelled from her country on a flight to the USA. Shortly after her departure, Nicaragua stripped her of her nationality, in addition her old age pension has been withdrawn.



Matt McClain/The Washington Post

3.4 FORCED DISPLACEMENT, EXILE, AND ARBITRARY DEPRIVATION OF NATIONALITY

Since the beginning of the crisis in 2018, thousands of people have been forced to leave the country due to social and economic instability and government persecution of people it considers adversaries or opponents.

Numerous affected people have had to leave behind their means of subsistence, families, and support networks to flee state persecution and violence. According to UNHCR, some individuals are particularly at risk, including those who oppose the government or are perceived as opponents, members of indigenous and Afro-descendant populations, returnees, leaders and members of the peasant movement, LGBTI individuals, and Catholic Church leaders³⁶. These individuals, and possibly their family members, have international protection needs and may be recognized as refugees under the Geneva Convention on the Status of Refugees. In any case, the situation in the country can be characterized as amounting to a massive violation of human rights or as circumstances that seriously disturb public order, as stipulated in the Cartagena Declaration on Refugees, which includes a broader definition of refugees³⁷.

This phenomenon of human mobility, which in some cases constitutes forced displacement, has had profound consequences for the people affected who have had to leave their livelihoods and their families and support networks to flee state violence. Due to the unstable situation in the country and continued state violence, they may qualify as people in need of international protection, asylum seekers and political refugees³⁷.

People have fled to several countries, with Costa Rica a common destination due to its geographical proximity (both countries share a border of just over 300 km) and historical links between their two populations. During the onset of the crisis in 2018, UNHCR announced that more than 23,000 Nicaraguans had applied for asylum in Costa Rica³⁸; by December 2022 this had risen to nearly 200,000 people³⁹.

The Inter-American Commission on Human Rights (IACHR) has drawn up a profile of the people who are forced to migrate, including: human rights defenders, civil society leaders, journalists and others working in the media, health personnel, people who participated in or supported the protests, state officials who

³⁶ UNHCR, International Protection Considerations with Regard to People Fleeing Nicaragua. Enero 2023. Disponible en: <https://www.refworld.org/docid/63bc17264.html>

³⁷ UNHCR, Persons in need of international protection, June 2017. <https://www.refworld.org/docid/596787734.html>

³⁸ UNHCR, "UNHCR steps up its response as thousands flee violence in Nicaragua", Press release, 31 July 2018, https://www.unhcr.org/news/briefing/2018/7/5b601e44/unhcr-steps-its-response-thousands-flee-violence-nicaragua.html#_ga=2.136942832.1935261332.1680896945-730477349.1680896945

³⁹ This figure is arrived at using UNHCR data as of March 2022 of an estimated 150,000 people, plus official statistics from April to December 2022, which recorded 59,771 refugee applications made by Nicaraguans ("Number of displaced Nicaraguans in Costa Rica doubles in less than a year" Press release, 25 March 2022, <https://www.unhcr.org/uk/news/briefing/2022/3/623d894c4/number-displaced-nicaraguans-costa-rica-doubles-year.html#:~:text=The%20number%20of%20Nicaraguan%20refugees,total%20population%20of%20five%20million%20and%20Solicitudes%20y%20aprobaciones%20y%20denegatorias%20de%20Refugio%20A%C3%B1o%202022%20database%20of%20Costa%20Rica's%20Directorate%20of%20Migration%20and%20Aliens,https://www.migracion.go.cr/Paginas/Centro%20de%20Documentaci%C3%B3n/Estad%C3%ADsticas.aspx> (Spanish only).

refused to participate in the repression and members of the political opposition to the ruling party⁴⁰.

Some people have been prevented from entering or leaving the country, for example, because the authorities have stripped them of their travel documents or have not allowed them to enter Nicaraguan territory⁴¹.

The measures taken by the government to disrupt the work of civil society took a new turn on 9 February 2023 when the government released 222 people previously arbitrarily imprisoned following politically motivated legal proceedings⁴². These people were transferred to a military air base where they boarded a plane that transported them to the USA. People were not informed of what was happening until moments before boarding the flight and many thought their lives were at risk.

“ We have now ceased to exist in our country and we have to begin to exist in another. We are asking for conditions and ad hoc migratory treatment, which allow us to integrate ourselves into a new society and have access to a decent life.”

Person expelled from Nicaragua, interviewed by Amnesty International.

Hours after leaving Nicaraguan territory, the State arbitrarily stripped them of their nationality, and a few days later, it also revoked the nationality of 94 additional people, most of whom could have been left stateless. In both cases, these were judicial decisions made through procedures that were not regulated by law, without a hearing for the affected parties and without any investigation or opportunity to exercise the right of defense. Preventing statelessness is a fundamental principle of international law. As a general rule, the Convention on the Reduction of Statelessness of 1961, of which 65 states are parties, including Nicaragua, obliges states not to deprive anyone of nationality if such action would render the person stateless. States may not use their powers to determine their nationality system in a way that is discriminatory – for example, stripping people of their nationality because of their political views – or that has the effect of increasing cases of statelessness because such individuals do not qualify for the nationality of another state⁴³. In addition, deprivation of nationality should not be carried out arbitrarily, as set out in Article 20.3 of the American Convention on Human Rights, a treaty to which Nicaragua is a state party.

“ No one shall be arbitrarily deprived of his nationality or of the right to change it.”

Article 20.3 of the American Convention on Human Rights

40 IACHR, Forced Migration of Nicaraguans to Costa Rica, 7 September 2019, <http://www.oas.org/en/iachr/reports/pdfs/ForcedMigration-Nicaragua-CostaRica.pdf>

41 Deutsche Welle (DW), “Régimen de Ortega niega la entrada de nicaragüenses al país”, 30 September 2022, <https://p.dw.com/p/4HYuW> (Spanish only).

42 Of the 222 people released: 60 were held in the Dirección de Auxilio Judicial “El Chipote”, 10 were under house arrest, 131 were in various facilities in the penitentiary system and 19 were in municipal cells; the place of detention of two individuals has not been confirmed (Mecanismo para el reconocimiento de personas presas políticas, Lista de personas presas políticas en Nicaragua: febrero de 2023, <https://presasypresospoliticosenicaragua.org/lista-mensual-de-personas-presas-politicos/> (Spanish only)). <https://presasypresospoliticosenicaragua.org/lista-mensual-de-personas-presas-politicos/>

43 Inter-American Court of Human Rights, Case of the Girls Yean and Bosico v. Dominican Republic, Judgment of 8 September 2005, Series C No. 130, paras 141 and 142.

Although people were stripped of nationality in contravention of international law and this should be reversed immediately, in cases where people remain in a situation of statelessness, other countries have a shared legal obligation to provide them with protection. To date, both the USA – where they arrived – and other countries in the Americas and Spain have offered different degrees of assistance, from temporary residence permits to the offer of a new nationality.

People expelled from the country are in a delicate legal situation, which places them in a situation of increased vulnerability, since the decisions implemented by Nicaragua affect their rights and disrupt their relationships and way of life. Some people interviewed by the organization expressed their anxiety about being away from their usual places of residence, without clear work prospects, with significant economic losses, among other reasons because their property, pensions and other assets have been seized, and without knowing when or how they will be able to be reunited with their families or return to Nicaragua.

Taking into account the situation of statelessness Nicaragua has created to the detriment of the rights of hundreds of people, other states of the international community have the duty to apply their norms relating to recognition of nationality so that, where beneficial, the situation of statelessness of these individuals ends as soon as possible and, in any event, that their rights are respected⁴⁴. In addition, states should protect these individuals through other legal provisions, such as those relating to asylum and refuge, in view of the fact that they are being persecuted for political reasons and prevented from returning to their country of origin⁴⁵.

⁴⁴ See also the provisions of the Convention on the Reduction of Statelessness and the Convention relating to the Status of Stateless Persons.

⁴⁵ See also the Convention Relating to the Status of Refugees.



NIDIA BARBOSA

Nidia Lorena Barbosa Castillo is a Nicaraguan citizen, aged 66 at the time of her arrest, a human rights defender and a critic of the repressive policies of the Nicaraguan government. She was departmental coordinator for Masaya of the Civic Alliance for Justice and Democracy (Masaya de la Alianza Cívica por la Justicia y la Democracia).

Since 2018, she has been a victim of harassment and various acts of intimidation by authorities, including threatening graffiti outside her home, surveillance by police patrols, which, even prevented her from leaving her home. On June 16 of that year, she was forcibly taken from her home by paramilitary groups and later released through the efforts of human rights organizations and the parish priest of the San Miguel Arcángel church in Masaya.

In September 2021, police harassment intensified through unjustified summons for questioning and surveillance of her person and home by police officials. She was violently detained inside her home in Masaya on November 6, 2021, even though authorities claimed she was arrested on November 19 on the streets.

She was subjected to criminal proceedings on charges of conspiracy to undermine national integrity and spreading fake news. Such charges are commonly used in Nicaragua in politically motivated cases and the way in which these laws are written and applied facilitates profound level of arbitrariness.

These charges were false and part of a pattern of unfair trials, with predetermined convictions, that the government uses against people it considers opponents or enemies. Among the facts that the Nicaraguan judiciary considered criminal were social media posts calling for political prisoners to be released and a prayer to St Michael the Archangel, a Christian religious figure, asking for better social conditions in Nicaragua.

During the trial, her defence faced obstacles in performing its function before a court that seemed to have decided beforehand to convict her. For example, important evidence in her favour was not assessed and she was not allowed to meet with her lawyer in time to prepare a legal strategy; however full probative value was given to the evidence presented by the prosecution, which was essentially the testimony of police and other government officials. She was sentenced to eleven years in prison for "undermining national integrity" and "spreading false news through information and communication technologies."

During her time in detention, her relatives were able to visit her on several occasions, but they experienced aggressive and intimidating treatment from the authorities.

Nidia presented with heart and other health problems that required specialized medical interventions, which the authorities did not provide adequately, although she did receive a medical consultation and was transferred to hospital on several occasions.

She remained detained until 9 February 2023, when she was released and expelled from her country to the USA as part of the government's strategy of exiling 222 people and stripping them of their nationality.



Despite the enormous obstacles they face, human rights defenders, activists and journalists have not stopped their work. On the contrary, they have sought new ways of linking together and working to ensure that international scrutiny continues of respect for and the enjoyment of human rights in Nicaragua. As described, this work has come at a very high cost for people who, nevertheless, continue to believe that the peaceful defence of rights is the way to return the country to the rule of law.

It should be noted that local organizations are the last bastion of defence of the rights of the population and, at the same time, are the main source of information to the world about what is happening in the country. Their ability to function must be guaranteed by the international community as they work towards the realization of the human rights of all.



I am concerned by the continued failure to ensure accountability for human rights violations committed since April 2018. Accountability is the core of rule of law."

Michelle Bachelet, United Nations High Commissioner for Human Rights (2018-2022)⁴⁶

Both organizations that existed before the crisis and others formed in response to it have managed to forge links to share information, enhance their capacities and achieve better implementation of their activities. These actions are carried out by human rights organizations and others whose work is focused on other processes or communities, for example, in the defence of Indigenous peoples, urban movements, campesino movements and youth groups, among others.

The Nicaraguan government has also been hostile to advocacy from international organizations and the international community. The state has decided to close itself off to international scrutiny and the support that the international community could offer to achieve a solution to the crisis that privileges respect for human rights.

Just as the government persecutes local organizations and media, it ignores and hinders the work of international bodies and diplomacy. The Ortega government has expelled ambassadors, broken off international relations, prevented the entry of international organizations and has been hostile to any form of international scrutiny⁴⁷.

⁴⁶ Speech delivered by Michelle Bachelet, 49th session of the Human Rights Council, 7 March 2022, <https://www.ohchr.org/en/statements/2022/03/annual-report-united-nations-high-commissioner-human-rights-situation-human>

⁴⁷ For an account of decisions relating to diplomatic relations and representatives see, Wilfredo Miranda, "Daniel Ortega escala la crisis diplomática con la Unión Europea y Estados Unidos", in El País, 1 October 2022, <https://elpais.com/internacional/2022-10-01/daniel-ortega-escala-la-crisis-diplomatica-con-la-union-europea-y-estados-unidos.html> (Spanish only).

On 18 November 2021, the government announced Nicaragua's withdrawal from the Charter of the Organization of American States in an effort to limit forums where scrutiny is exercised over the situation in the country and it has ignored the recommendations of the Inter-American Commission on Human Rights, resolutions and rulings of the Inter-American Court of Human Rights and pronouncements by United Nations mechanisms⁴⁸.

Despite this, monitoring and scrutiny by international bodies has been instrumental in documenting human rights violations in the country. For example, the work of the Inter-American Commission on Human Rights has included constant monitoring of the situation and led to the creation of the Interdisciplinary Group of Independent Experts (GIEI) and subsequently the installation of the Special Monitoring Mechanism for Nicaragua (MESENI), which operated for a time in the country until the government terminated its presence in the country and which follows up on the recommendations made by the Commission to Nicaragua⁴⁹.

Additionally, the Inter-American precautionary system was activated; the Inter-American Commission on Human Rights issued precautionary measures ordering the protection of dozens of people, cases that were elevated to provisional measures before the Inter-American Court of Human Rights. Nicaragua's failure to take action to comply with these measures shows unseemly contempt⁵⁰.

The United Nations Human Rights Council issued Resolution 49/3 in March 2022 urging the government, among other things, to reform or repeal laws restricting the rights to freedom of expression and assembly, to stop the use of arbitrary detention, to restore the legal status of human rights organizations⁵¹.

In that resolution, the Council decided to create a Group of Human Rights Experts on Nicaragua, whose members were appointed in May 2022. The Group of Experts has produced important findings on the extent and mechanisms of repression in the country and has determined that the government has committed "widespread human rights violations that constitute crimes against humanity."

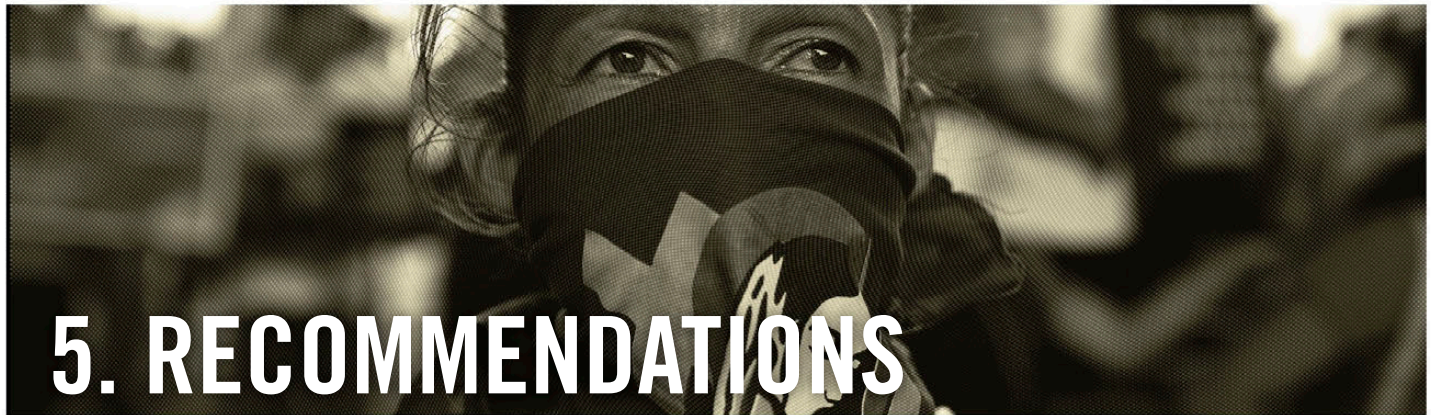
Amnesty International believes the defence of human rights must continue through the actions of Nicaraguan organizations. To this end, the international community must maintain and increase its vigilance regarding the situation in the country and support the work of international human rights bodies.

48 The Inter-American Court of Human Rights has determined that Nicaragua is in permanent contempt due to its failure to comply with the provisional measures ordered by the Court and has requested that the Permanent Council of the OAS intervene in this situation by activating the "collective guarantee" of the American Convention on Human Rights (Inter-American Court of Human Rights, Presentation by the President of the Inter-American Court of Human Rights, Judge Ricardo C. Pérez Manrique to the Permanent Council of the OAS in the context of the mandate set out in the Resolution of 22 November 2021 in the Matter Juan Sebastián Chamorro et al. regarding Nicaragua, 29 March 2023, (Spanish only)). Similarly, Nicaragua has adopted a position of non-compliance with the Court's rulings (Inter-American Court of Human Rights, Case of Roche Azaña et al. v. Nicaragua, Monitoring Compliance with Judgment, Order of the Inter-American Court of Human Rights of 17 November 2021, para. 3 (Spanish only)).

49 IACHR, "Two Years After the Creation of MESENI, IACHR Recalls Nicaragua's Pending Human Rights Obligations", 23 June 202, https://www.oas.org/en/iachr/media_center/PReleases/2020/146.asp

50 See, for example: the Inter-American Court of Human Rights, Matter of Juan Sebastián Chamorro et al. and 45 inmates in eight prisons, regarding Nicaragua, Provisional Measures, Orders by the Inter-American Court of Human Rights, 22 November 2022, 1 January 2023 and 8 February 2023.

51 Human Rights Council, Resolution adopted by the Human Rights Council on 31 March 2022 (A/HRC/RES/49/3), <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G22/303/66/PDF/G2230366.pdf?OpenElement>



5. RECOMMENDATIONS

Over the past five years, the human rights situation in Nicaragua has deteriorated dramatically. The authorities are responsible for serious human rights violations and crimes under international law. In view of the seriousness of the situation, Amnesty International makes the following recommendations:

To the State of Nicaragua:

- Put an end to all forms of discrimination and violence based on people's opinions and fully guarantee the rights to freedom of expression, peaceful assembly and association.
- Rescind any measures aimed at arbitrarily and discriminatorily stripping Nicaraguans of their nationality and other human rights and allow them, if they so wish, to return to the country safely and without reprisals.
- Withdraw legislation that limits the exercise of human rights recognized in international law, in particular repeal or reform the Foreign Agents Act, the Special Cybercrime Law on and the Law for the Defence of the Rights of the People to Independence, Sovereignty and Self-determination for Peace to bring the Nicaraguan legal system into line with the norms and standards of international human rights law.
- Stop unfairly criminalizing, stigmatizing and harassing human rights defenders, journalists and those who undertake, or are viewed as undertaking, actions critical of the government.
- Ensure that law enforcement officials do not use unlawful force and that any abuse is properly investigated and, where appropriate, punished.
- Promptly and impartially investigate acts of torture, enforced disappearance, extrajudicial executions and other crimes under international law and, where appropriate, bring those suspected of criminal responsibility to justice in fair trials.
- Restore without delay legal status to human rights, media and other organizations that have been affected and ensure the prompt return of their assets.
- Open the country to international scrutiny, which includes ensuring Nicaragua's continued presence in the Inter-American Human Rights System and ensuring adequate state cooperation with its bodies, including unrestricted compliance with its protection orders.
- Accede promptly to the Rome Statute of the International Criminal Court and incorporate its rationale into domestic law.

To the international community:

- Maintain efforts to monitor the situation in Nicaragua through relevant institutional and diplomatic mechanisms, including those of the Inter-American Commission on Human Rights, the Human Rights Council and the Office of the United Nations High Commissioner for Human Rights.
- Urge the authorities to comply with their human rights obligations through the implementation of the recommendations made or formulated by multilateral organizations in this area.
- Ensure that Nicaragua complies with its obligation to investigate and prosecute crimes under international law and, if this does not happen, exercise universal jurisdiction to bring those suspected of criminal responsibility to justice in fair trials.
- Continue efforts to accommodate people expelled or displaced from Nicaragua, including measures to provide them with emergency assistance, access to international protection procedures, family reunification, residence and work permits and prompt access to public health systems, where necessary.

AMNESTY INTERNATIONAL IS A MOVEMENT OF 10 MILLION PEOPLE WHICH MOBILIZES THE HUMANITY IN EVERYONE AND CAMPAIGNS FOR CHANGE SO WE CAN ALL ENJOY OUR HUMAN RIGHTS.

OUR VISION IS OF A WORLD WHERE THOSE IN POWER KEEP THEIR PROMISES, RESPECT INTERNATIONAL LAW AND ARE HELD TO ACCOUNT.

WE ARE INDEPENDENT OF ANY GOVERNMENT, POLITICAL IDEOLOGY, ECONOMIC INTEREST OR RELIGION AND ARE FUNDED MAINLY BY OUR MEMBERSHIP AND INDIVIDUAL DONATIONS.

WE BELIEVE THAT ACTING IN SOLIDARITY AND COMPASSION WITH PEOPLE EVERYWHERE CAN CHANGE OUR SOCIETIES FOR THE BETTER.



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A CRY FOR JUSTICE: **5 YEARS OF OPPRESSION AND RESISTANCE IN NICARAGUA**

Nicaragua is experiencing a grave human rights crisis characterized by a crackdown on protest and constant attacks on political dissidents, journalists and human rights defenders. This document explores five years of repression (2018-2023) against thousands of people.