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Human rights situations that require the Council's attention

Report of the Group of Human Rights Experts on Nicaragua*

Summary

The present report, submitted to the Human Rights Council pursuant to its resolution 49/3, contains the findings of the Group of Human Rights Experts on Nicaragua. The report provides an overview of the Group's findings with regard to the serious human rights violations and abuses perpetrated in Nicaragua since April 2018, including extrajudicial executions, arbitrary detentions, torture and other cruel, inhuman, or degrading treatment, arbitrary deprivation of nationality, and violations of the right to remain in one's own country. The Group finds reasonable grounds to believe that these violations and abuses were perpetrated in a widespread and systematic manner for political reasons, and that, verified in all their elements, they support the existence of crimes against humanity.

* This report was submitted after the deadline to reflect recent developments.

I. Introduction

1. In its resolution 49/3, the Human Rights Council established the Group of Human Rights Experts on Nicaragua (hereinafter "the Group" or "the GHREN") for a period of one year, to investigate all alleged human rights violations and abuses committed in Nicaragua since April 2018, with a view to contributing to accountability and access to justice for victims.
2. The Council requested the Group to submit a written report to the Council at its fifty-second session. The GHREN produced the present report and an extended report, issued as a conference room paper, which elaborates on the investigation and factual findings, the analysis, and conclusions in further detail.
3. The Council also urged the Government of Nicaragua to cooperate fully with the GHREN, allowing the Group access to the country, including detention centers, and providing it with the information necessary to carry out its mandate.
4. Between June and December 2022, the GHREN sent 11 letters to the Nicaraguan authorities. However, it received no response. For its part, the Government of Nicaragua sent a communication to the President of the Human Rights Council in May 2022, copying the Secretary General of the United Nations, rejecting the mandate of the GHREN. The GHREN regrets the lack of cooperation of the Government of Nicaragua, and particularly the lack of access to the country. It also regrets that it was not able to meet with the Nicaraguan authorities to gather relevant information and establish a dialogue regarding the human rights situation in the country.
5. On 22 February 2023, the GHREN shared a draft of this report with the Government of Nicaragua.

II. Methodology and legal framework

6. Pursuant to resolution 49/3, the GHREN adopted a gender approach in order to collect and analyze the information and examined the impact of violations and abuses on specific population groups. The Group followed a victim-centered methodology, under the principles of "do no harm" and prioritization of the "best interests" of the victim.
7. The GHREN used the following methods to gather information: confidential interviews with victims, family members, witnesses, former and current public officials, and other individuals who have direct knowledge of the functioning of the State; exchanges with national and international human rights organizations; retrieval and analysis of verified digital information (videos, satellite imagery, photographs, and social networks); review of court records and Nicaraguan legislation; and analysis of public statements by government representatives and official documents.
8. The GHREN investigated 142 individual cases in detail. The Group also examined secondary sources to corroborate and contextualize the information gathered, including over 160 confidential documents received and databases shared by international agencies and human rights organizations. The GHREN rigorously evaluated these sources to establish their reliability.
9. Given the complexity of the facts, the time constraints, and the lack of access to the country, the GHREN was unable to address all the events and alleged human rights violations and abuses reported. In particular, the GHREN considers it important to further investigate violations and abuses committed against indigenous peoples and rural and agricultural workers and aspects related to corruption and the instrumentalization of the State apparatus, as well as the confiscation of assets.
10. In line with the general practice of other investigative bodies established by the Human Rights Council, the GHREN applied the "reasonable grounds to believe" standard of proof. While this threshold is admittedly lower than that required to establish liability in a criminal proceeding, it is sufficient to justify further investigation.

11. The GHREN assessed facts in the light of international human rights law and customary international criminal law (based primarily on the statutes and jurisprudence of international criminal tribunals). The GHREN also considered the human rights guarantees under domestic law and other relevant aspects of Nicaraguan legislation.

III. Legal and institutional factors contributing to violations and abuses

12. The ongoing human rights violations and abuses that have been perpetrated since April 2018 are not an isolated phenomenon, but the product of a dynamic process that involves the dismantling the separation of powers and democratic guarantees; a strong concentration of power in the figures of the President and Vice President of the Republic; and the confusion between the State and its institutions, and the ruling party. These factors allowed high-ranking Government authorities to instrumentalize the Executive, Legislative, Judicial, and Electoral Powers, in order to develop and implement a legal framework designed to repress the exercise of fundamental freedoms and to persecute real or perceived opponents.

13. Furthermore, there were significant precedents of human rights violations and abuses prior to 2018, including extrajudicial executions, excessive use of force, attacks on human rights defenders, attacks on protesters by pro-government groups, and arbitrary detentions. The prevailing impunity for these violations and abuses enabled and facilitated the escalation of violence and of the persecution of real or perceived Government opponents.

14. The extended version of this report elaborates on these factors and identifies areas where additional research is needed to comprehensively address the structural root causes of the violations and abuses.

IV. Findings

A. Extrajudicial executions

15. Faced with the outbreak of mass peaceful demonstrations in April 2018, the National Police and pro-government armed groups responded with violence to suppress them. The GHREN has reasonable grounds to believe that police officers and members of pro-government armed groups, acting jointly and in a coordinated manner, committed extrajudicial executions during the crackdown on the protests that took place between 18 April and 23 September 2018.

16. The GHREN investigated 40 deaths in the context of protests and concluded that extrajudicial executions had been committed in each of these cases. To corroborate the patterns identified in the cases investigated, it examined a further 75 deaths in the context of the 2018 protests. The GHREN has reasonable grounds to believe that the cases investigated are representative of broader patterns of conduct, which were replicated in a systematic and widespread manner over several months, and virtually throughout the entire national territory.

17. The Government of Nicaragua officially recognizes 198 deaths in the context of the protests. However, it attributes responsibility to the people who participated in the protests, which it characterizes as a "attempted coup". In the absence of reliable official data, human rights bodies and civil society organizations developed their own records of deaths and injuries:

Table 1
Numbers of deceased persons, according to different sources

<i>Source</i>	<i>Period</i>	<i>Fatalities</i>	<i>Deceased civilians</i>	<i>Deceased police officers</i>
Government of Nicaragua ¹	19 April – 13 September, 2018	198	176	22
GIEI Nicaragua ²	18 April – 30 May, 2018	109	106	3
IACHR ³	18 April – 1 October, 2018	350	332	23
Truth, Justice, and Peace Commission (CVJP) ⁴	18 April 2018 – 15 July, 2019	251	229	22
CEJIL ⁵	18 April – 1 October, 2018	342	319	23

1. Victim profiles

18. The majority of the people killed in the context of the 2018 protests, including in marches and demonstrations, occupations of public spaces such as university facilities, and "*tranques*"⁶ and barricades, were protesters. People who were in the vicinity of the protests, sympathizers of the Sandinista National Liberation Front (FSLN) and/or members of pro-government armed groups, and 22 National Police officers were also deceased.⁷ Young men accounted for the highest percentage of deaths and serious injuries. Fifteen or 16 deaths of women were reported (depending on the source); however, there is little information regarding the circumstances of these deaths.

19. Out of the 115 deaths analyzed, the GHREN was able to establish that 77 correspond to demonstrators, 24 to people who were in the vicinity of protest sites, four were police officers, two were people providing humanitarian support to demonstrators, and one was a journalist; in six cases the profile of the victim could not be established.

2. Patterns of violations

a) Use of lethal weapons

20. The Group noted the consistent use of firearms by Police and pro-government armed groups to repress protests since 19 April 2018, including handguns, shotguns, assault rifles, sniper rifles, and machine guns. Multiple credible sources referred to the presence of armed individuals on rooftops of houses and buildings, which they identified as "snipers". This positioning denotes the intention to employ combat tactics and produce the death of demonstrators, instead of using crowd control techniques or other appropriate tactics to de-escalate situations.

¹ Report of the State of Nicaragua Regarding the Joint Communication of the Special Procedures of the United Nations Human Rights Council (26 November 2018).

² GIEI Nicaragua, Report on the violent events that took place between April 18th and May 30th, 2018, p. 178.

³ MESENI database shared by the IACHR with the GHREN.

⁴ CVJP, Fourth Preliminary Report, Annex II.

⁵ Record provided by CEJIL to the GHREN.

⁶ In Nicaragua "*tranque*" refers to a common form of protest which consists in holding road and street blockades. Especially since May 2018 onwards, there was a phenomenon of barricading of the protest, to protect themselves against the violence perpetrated by the Police and armed pro-government groups.

⁷ The GHREN requested information from the Government on the deaths of people with these last three profiles but did not receive a response.

21. Records compiled by various sources show a high number of deaths by firearms. It is estimated that between 70 and 80 percent of the deaths were caused by gunshot wounds, and most of them by bullet wounds in vital areas. The cases investigated by the GHREN confirm these patterns: of 40 cases investigated in-depth, 39 victims died due to gunshot wounds, all of them presenting impacts in vital areas.

b. Coordination between the National Police and pro-government armed groups

22. The GHREN's analysis of 40 extrajudicial executions identified that in most cases, police agents and members of pro-government groups acted jointly and in a coordinated manner. In four cases there are no elements that point to the direct participation of police agent; however, the pro-government armed groups acted with total impunity.

23. The Government has denied the arbitrary use of force by the Police and the existence of pro-government armed groups. High-ranking Government officials justified the actions of non-uniformed armed persons, identifying them as "volunteer police officers".⁸ However, according to the Organic Law of the Police, volunteer police officers can only assist the police in prevention tasks, must be duly uniformed, and are not authorized to use firearms.⁹

24. Numerous sources, including testimonies of former members of pro-government armed groups, indicated that these groups were integrated by FSLN sympathizers, including Sandinista Youth, employees of public institutions, ex-military, and gang members, and that they were recruited and coordinated by persons trusted by high-level government officials.

25. Most of the people who participated in the demonstrations did so peacefully. However, repression by police and pro-government armed groups caused clashes with protesters. While the protest movement remained predominantly peaceful, some protesters committed acts of violence such as stone-throwing, and the use of homemade mortar devices and, in some cases, firearms, to repel attacks by police and pro-government armed groups. In some cases, criminal practices took place in the context of the roadblocks, such as unlawful toll collection, robbery, and even kidnapping.

26. Such acts do not justify the actions of the police who fired on demonstrators in a systematic manner and jointly with armed groups that are not authorized to use force. The GHREN concluded that in all cases investigated, extrajudicial executions were committed by the police and/or pro-government armed groups. The Group did not receive information regarding any incidents in which it may be possible to assert that the death was the result of the proportional or lawful use of force by the police.

27. High levels of organization, coordination, and repressive capacity were observed from mid-June onwards in the actions of the Police and pro-government groups, which materialised in a series of joint operations popularly known as the "Clean-Up Operation". These were carried out in different departments of the country with the goal of dismantling the roadblocks and barricades and were characterized by the use of substantial material and logistical resources and weapons, and of highly specialized and predominantly violent tactics.

28. Most of the attacks against roadblocks and barricades took place in the early hours of the morning or during the night, and in some cases were preceded by power and telephone outages. This hindered the protesters' ability to react and communicate, and to record photographic and video evidence. The operations carried out in Carazo on 8 July; at the National Autonomous University of Nicaragua and the adjacent Church of the Divina Misericordia in Managua on 13 July; in Masaya on 17 July; and in Jinotega on 23 July, were particularly violent.

29. After these violent operations, which were accompanied by mass arrests, acts of social protest decreased considerably. The last large-scale march took place on 23 September; on 28 September the Police declared public demonstrations illegal.

⁸ Interview with Daniel Ortega in Euronews, July 30, 18, available at: <https://www.youtube.com/watch?v=NiR0R4hYCuA>; interview with Francisco Diaz, Chief of the National Police, 11/30/2018, available at: https://youtu.be/zB_VD2JuGG0.)

⁹ Law No. 872, arts. 23-26.

c. Denial of medical care

30. The GHREN has reasonable grounds to believe that following orders from the Minister of Health, the directors of health centers and hospitals throughout the country were instructed to deny entry and medical attention to protesters and to report persons arriving at health centers to the police.

31. Injured persons and their families suffered discrimination at medical facilities, and some of them were subjected to intentional medical malpractice, including denial of care and lack of specialized care and treatment commensurate with the severity of their injuries. Health professionals who challenged the instruction suffered reprisals, including detentions, threats, harassment, and dismissal.

d. Impunity and obstruction of access to justice

32. The GHREN requested information from the Government on the progress of investigations into killings committed by police and members of pro-Government armed groups, but at the time of writing, it had not received a response. The Group is not aware of any convictions of police agents or members of pro-Government groups for the violations and abuses committed. On the contrary, several high-ranking officials allegedly involved in the repression were promoted.

33. The authorities obstructed efforts to ascertain the circumstances of the deaths in cases of extrajudicial executions. Medical and police personnel demanded that victims' relatives sign declarations waiving their rights to denounce the events and to request an autopsy in order to be able to retrieve the body of their relative or to obtain a death certificate. The authorities also attempted to manipulate death certificates to hide the fact that the cause of death was due to gunshot wounds.

34. Furthermore, in several documented cases, the Public Prosecutor's Office refused to receive complaints regarding the deaths of demonstrators. In the cases in which it did register the complaint, the Prosecutor's Office did not take the necessary steps to further the investigation. In several cases, civilians proceeded to clean the streets of bullet casings, blood, and other evidence hours after the armed attacks.

35. Finally, the adoption of the Amnesty Law on 8 June 2019 entailed the closure of all investigations into deaths during the protests, guaranteeing impunity for police and members of pro-government groups allegedly involved in the killings, unlawful arrests and detention, and torture.

B. Systematic violations of civil and political rights

36. After the April 2018 protests, attacks on civic and political pluralism in Nicaragua accelerated and intensified. Throughout the period under review, the authorities caused the total closure of the civic and democratic space, through the persecution of individuals and organizations that expressed or held positions different from the line of the Government.

37. The GHREN investigated 102 cases of serious violations and abuses of civil and political rights, and identified the main patterns, which allowed it to confirm that the Government responded to expressions of social discontent with increasingly articulated repressive measures. These violations were committed as part of a plan or policy promoted by the State authorities at the highest level, in order to maintain power and suppress any form of dissent.

38. The Group identified a variety of parties and institutions involved in the commission of serious and systematic violations of the rights to liberty and security; freedom from torture and cruel treatment; freedom from arbitrary deprivation of nationality; freedom to remain in one's own country; to participate in public life; education and academic freedoms; and to freedoms of expression, opinion, association, peaceful assembly, thought, conscience, and religion, among others. The extended report provides a detailed analysis of the violations of these rights and freedoms.

39. The continuous and discriminatory violation of these rights, directed towards real or perceived opponents, generated a persecutory climate based on the suppression of dissent in all spheres of social and political life. Thousands of human rights defenders, NGO workers, activists, journalists, student leaders, religious figures, and artists, as well as the main national and territorial leaders of the political opposition, were forced to leave the country.¹⁰ Virtually all independent media and human rights organizations now operate from abroad. Those who remain in Nicaragua have been forced to practice self-censorship.

40. Some of the human rights violations and abuses had clear gender dimensions and generated differentiated impacts on men, women, and LGBTI people. A particular victimization of some categories of women for intersecting reasons was also identified: they were women, feminists, leaders, human rights defenders, and/or critics of the Government. Relatives of victims, predominantly women, were subjected to violations and abuses due to their activities to demand justice. The closure of women's organizations, preceded by stigmatization campaigns, has generated setbacks in women's access to their rights.

1. Victim profiles

41. The patterns of human rights abuses and violations identified by the GHREN were directed against a heterogeneous group of individuals, leaders, organizations, and entities. Individuals were victimized because of their political opposition to the government, whether this position was real or a perception of the authorities. Therefore, the GHREN refers to violations and abuses committed against "critical voices" or "real or perceived opponents".

42. During and immediately after the 2018 protests, protesters and especially those who had assumed a leadership role in the protests, were the main target of human rights violations and abuses. Over time, the profiles of the victims subjected to violations and abuses evolved and expanded to a broader group of critical voices, including human rights defenders, students, feminists, social organizations, journalists and independent media employees, and members of political parties.

43. Women and women's organizations were specifically targeted, in retaliation for their important contributions to the protest movements and their role in accompanying and advising victims and their families, but also for their critical stance towards the government since before 2018. A pattern of particularly severe violations against people who participated in the Sandinista revolution, or who at some point in their lives were part of the FSLN, was also identified.

44. The closure of the civic and democratic space intensified in the context of the 2021 presidential elections, with the cancellation of three opposition parties and the criminal prosecution of the main opposition political figures, journalists, and social, business, and local leaders.

45. From 2022 to the date of writing of this report, an increasingly large group of people were victimized for expressing critical positions, including in social networks, or for being active in organizations and social movements, including people of faith and members of the Catholic Church, and relatives of political opponents or of victims of human rights violations and abuses. The cancellation of the legal status of hundreds of civil society organizations was part of this dynamic.

46. In February 2023, the Nicaraguan authorities arbitrarily deprived 316 people of their nationality, accusing them of being "traitors to the homeland", and expelled 222 of them, in violation of their right to remain in their own country.¹¹ The common denominator to all of them is that they were perceived by the Government as a threat to its control of the State.

¹⁰ According to UNHCR, as of June 2022, over 260,000 Nicaraguans had been forced to flee their country. HCR/PC/NIC/2023/01, p. 32.

¹¹ In violation of art. 13 of the Universal Declaration of Human Rights and art. 12 para. 4 of the International Covenant on Civil and Political Rights. See CCPR/C/21/Rev.1/Add.9, paras. 20-21.

2. Patterns

a) *Violent arrests, without arrest warrants, incommunicado and without due process guarantees*

47. The arrests and detentions of real or perceived opponents, were characterized by the use of violence by the police and members of pro-government armed groups. In some cases, people were deprived of their liberty by members of these groups, interrogated and tortured, and then handed over to the police. In other cases, the arrests were carried out by means of large-scale police operations and, on several occasions with violence, in the presence of the arrested person's family members.

48. In general, arrests of opponents or perceived opponents were carried out without producing an arrest warrant. They were often followed by raids and searches of properties that were carried out without presenting a warrant.

49. The constitutional right of detainees to be brought before a judge within 48 hours of their arrest was also systematically violated. In all cases investigated by the GHREN, the victims were first brought before a judicial authority and informed of the reasons for their detention several days, or even weeks, after their arrest.

50. The GHREN also found a pattern whereby detainees were held in incommunicado detention and the authorities refused to provide their relatives or legal representatives with information about their whereabouts. The Group also documented how judicial, police and prison authorities hindered or prevented the execution of *habeas corpus* petitions on behalf of detainees, denying them their right to appear and challenge the legality of their detention before a court. In several cases, these events can be technically qualified as forced disappearances.

b. *The instrumentalization of criminal law*

51. The Government of Nicaragua used criminal law to persecute real or perceived opponents, and to suppress any criticism or opposition. Unfounded or disproportionate criminal charges, and charges brought on the basis of laws that violate human rights and/or of false evidence, were used as instruments for political persecution. The accused were deprived of their rights to due process and to a defense, leaving them defenseless against such charges.

52. The Group investigated 44 cases of arbitrary detentions and criminal prosecutions of real or perceived Government opponents. These cases were not isolated or random actions, but part of a State policy with the reiteration of patterns of behavior, an evolution of the strategy over time, and the concerted intervention of multiple institutions, including the National Assembly, the Police, the Judiciary, the Public Ministry, the Public Defender's Office, the Penitentiary System and the Institute of Forensic Medicine. Officials received instructions from the highest authorities of the State. As of the time of writing of this report, 37 people who self-identified as "political prisoners" continue to be detained.

Adoption of laws to restrict and criminalize the exercise of fundamental freedoms

53. The National Assembly adopted a series of laws that were used to cancel non-profit organizations and political parties, shut down media outlets, and criminalize real or perceived opponents. The extended version of this report provides a detailed analysis of these laws and their application. The "Anti-Money Laundering Law", the "Cybercrime Law", and the "Sovereignty Law" were particularly relevant for the instrumentalization of criminal law.

Instrumentalization of detention

54. In February 2021, the National Assembly reformed the Criminal Procedural Code, introducing the concept of "judicial detention" and allowing the Public Prosecutor's Office to request the extension of the period between the arrest and the preliminary hearing for up to 90 days "*whenever [...] it considers that [...] they require more time to supplement*

information or sufficient evidence to substantiate and formulate accusations".¹² Thereafter, the judicial authorities systematically authorized judicial detention in favor of the Public Prosecutor's Office, leaving detainees under prolonged police custody.

55. The courts also made excessive and arbitrary use of pretrial detention, imposing it in a generalized manner, without considering the specific circumstances of each case. Likewise, they systematically declared the cases "complex proceedings", doubling the maximum duration of the judicial process, and deliberately delaying criminal proceedings under an argument of legality.

Instrumentalization of criminal charges

56. The profiles of the victims and the charges used for the instrumentalization of criminal law evolved over time. During the 2018 demonstrations, mass arrests of protesters were reported; they were released without charges between 24 and 48 hours later. Furthermore, a pattern of selective criminalization of people who assumed a leadership role during the demonstrations was observed from June 2018 onwards, accused of charges of obstruction of public services (in relation to roadblocks and barricades), and serious crimes such as terrorism; criminal association; organized crime; kidnapping; and crimes related to the carrying or possession, trafficking, manufacturing, and use of weapons, among others.

57. The first half of 2019 saw hundreds of releases from prison in the context of the efforts of the Negotiation Roundtable established between the Civic Alliance and the Government, and the adoption of the Amnesty Law, which rendered the charges and investigations against all persons involved "*in the events that occurred throughout the national territory from April 18, 2018, until the date of entry into force of the [...] Law*" null and void.¹³ However, from July of the same year, such releases were followed by new arrests and re-incarcerations of persons previously imprisoned in connection to their participation in the demonstrations.

58. Starting in the second half of 2019, and continuing through April 2021, the prosecution charged real or perceived opponents with ordinary crimes such as drug trafficking, illicit firearms trafficking and unlawful possession, and aggravated robbery. During this period, a "revolving door" phenomenon was also identified, which continued over time, whereby authorities detained and released a similar number of people, thus maintaining stability in the numbers of detainees.

59. In 2021 the policy of persecution targeted persons linked to the presidential elections, which included the seven opposition pre-candidates who had announced their willingness to participate in the elections, many of the main leaders of the political opposition, people active in political movements and parties, journalists, and academics.

60. Starting from the second half of 2021, most of the arrests were conducted on the basis of charges brought under the offenses of spreading false news through the use of technology (Cybercrime Law) and/or conspiracy to undermine Nicaragua's national integrity (Criminal Code in connection with the Sovereignty Law). In several cases, the penalty was accompanied by the absolute disqualification from holding public office, from employment by the public sector, and carrying out public duties. Real or perceived opponents were also charged with other crimes, including with money, property, or asset laundering, "ideological falsehood" (analogous to forgery), organized crime, and illicit firearms trafficking.

61. From August 2022 onwards, the criminalization was directed against other profiles of critical voices, with the detention of 12 religious leaders and members of the Catholic Church, one academic and at least eight relatives of real or perceived opponents, including relatives of victims of human rights violations and abuses who had demanded justice.

The instrumentalization of the criminal process

62. Indictments were brought based on laws that were contrary to international human rights standards, on unfounded charges that did not correspond to the facts described or were based on false evidence. In the majority of the legal case files analyzed, the participation of

¹² Law No. 1060, Law of reform and addition to Law No. 406, Criminal Procedural Code of the Republic of Nicaragua.

¹³ Law No. 996, Amnesty Law, art. 1.

the accused was not established in a clear, specific, and detailed manner; instead, there were notorious discrepancies in relation to the persons, places, and times of the commission of the alleged crimes, and evident gaps in the supporting evidence. In addition to this, the accusations were based on weak and insufficiently rigorous evidence, including manipulated documentation and evidence and testimonies of police officers. Multiple witnesses reported that police officers planted weapons or drugs in their vehicles.

63. Faced with these types of criminal accusations, the courts generally failed to observe due process and to comply with the principle of equality of the parties. In most of the cases analyzed, the judges accepted the entirety of the evidence presented by the prosecution and systematically dismissed the defense's rebuttal evidence, allegations, and objections, including in relation to irregularities in the process and the legality of the evidence.

64. The hearings were held behind closed doors, without prior notification, and at unusual times and places, in an attempt to avoid public scrutiny and prevent the presence of the attorney of the accused's choice. In several cases, this favored the appointment of a public defender during the preliminary hearing.

65. The lack of equality before the courts also included the lack of equality of procedural means. In the cases in which the lawyers chosen by the defendants were able to act as the defense attorneys in the proceedings, they performed their work under extremely limiting conditions. They did not have access to the complete case files nor were they able to visit their clients to confer on the case and prepare the defense. During the hearings, representatives and clients did not enjoy privacy in their communications, as police officers photographed and recorded their conversations. Since 2022, the courts have also failed to provide copies of the sentences, preventing defense attorneys from drafting well-substantiated and reasoned appeals.

66. In general, the defense teams were subjected to mistreatment and intimidation by judges, prosecutors, and police. They were also subjected to reprisals, including attacks, threats against their lives and their families, criminal prosecution, surveillance, intimidation, smear campaigns, and disbarment from practicing law.

c. Torture and other cruel, inhuman, and degrading treatment

67. During the period under review, police and prison system officers and members of pro-government armed groups committed acts of physical and psychological torture, including sexual and gender-based violence, and other cruel, inhuman, or degrading treatment, in the context of the apprehension, interrogation, and detention of real or perceived opponents.

Physical and sexual torture in police custody

68. The use of physical and sexual torture techniques was particularly prevalent between April 2018 and June 2019, during extensive interrogations carried out while in police custody, with the objective of obtaining information. Torture and ill-treatment were also aimed at punishing people who had participated in the protests.

69. Most of the acts of torture and cruel, inhuman, or degrading treatment documented between April 2018 and June 2019 were perpetrated in police stations and especially in the DAJ, also known as "El Chipote". Torture techniques documented by the Group included: beatings; different forms of sexual violence (rape, threat of rape, sexual torture, and forced nudity); application of electric shocks, including to the genitals; acid and cigarette burns; asphyxiation; simulated drowning (waterboarding); penetrating injuries with a sharp weapon; pulling out fingernails; and stress positions.

70. In several cases, the acts of torture and ill-treatment were committed in the presence of high-ranking police officers, who incited or permitted such acts. The people who assumed leadership or coordination roles during the protests, the most visible students, and those considered "traitors" (former officials and former FSLN members) were subjected to particularly severe forms of torture and ill-treatment.

71. Pro-government groups also detained real or perceived opponents in secret places of detention and subjected them to torture, with the knowledge and acquiescence of the authorities. After periods that ranged from hours to days, they handed the individuals over to the police with visible signs of violence.

Torture and discriminatory treatment in the National Penitentiary System

72. Real or perceived opponents who were transferred to Penitentiary System facilities were subjected to discriminatory treatment and detention conditions that were contrary to international standards, which amounted to inhuman, cruel, or degrading treatment and, in some cases, torture.

73. Between April 2018 and June 2019, most of the male detainees were transferred to the Jorge Navarro prison complex, known as "La Modelo" and the women to the "La Esperanza" Integral Penitentiary Center for Women. In these centers, persons were held in separate cells or galleries in overcrowded conditions and deprived of any interaction with ordinary prisoners. Starting in July 2019, persons detained for political reasons were held in Penitentiary System facilities in various parts of the country, including in La Modelo and La Esperanza prisons.

74. The detainees in La Modelo and La Esperanza were subjected to mistreatment and discrimination as punishment for their real or perceived political views, including through beatings; threats; insults; the prohibition of all communication with other detainees; isolation in punishment cells; inadequate food and in some cases in smaller portions than those provided to ordinary prisoners; water and electricity interruptions in their cells; and the refusal to deliver the parcels with food and basic supplies brought by their families. Access to medical attention was very limited and was provided only on rare occasions, or when the person's medical situation had worsened.

75. Several detainees at La Modelo were subjected to a long-term and indefinite isolation regime in the maximum-security section, known as "La 300" and in punishment cells known as "El Infiernillo". The detainees were placed in segregated cells, shared by two prisoners, or in solitary confinement. The cells were 3x2 square meters, closed with metal doors, dark, unsanitary, without ventilation or sufficient natural light, and exposed to humidity, cold and extreme heat. The cells at El Infiernillo reached temperatures of 40 degrees and had limited access to water. They were not allowed to leave the cell regularly; some people were unable to leave the cells to go to the courtyard, receive visitors or communicate with their families for weeks or even months. Some detainees remained in this regime for over two years. Starting in 2020, cameras were installed in each cell, denying any moment of privacy.

White torture and cruel, inhuman, or degrading treatment at El Nuevo Chipote

76. Starting in May 2021, many of the most important leaders of the country's political opposition, people active in political movements and parties, journalists, academics, and religious leaders were detained. Most of the real or perceived opponents who were detained during this period remained deprived of their liberty in a new compound of the DAJ – the Evaristo Vásquez Police Complex, inaugurated in 2019 and known as "El Nuevo Chipote" - with the exception of some individuals who were held in La Esperanza and La Modelo prisons, and some local political leaders who were held in Penitentiary System facilities in other regions of the country.

77. The Group identified an evolution in the methods used against the group of detainees in El Nuevo Chipote, favoring practices such as prolonged and indefinite isolation, including in some cases incommunicado detention, sensory irritation, threats, insults and the creation of an "environment of torture"; that is, the generation of a variety of situations and combination of methods deliberately designed to inflict pain and mental and physical suffering (limited access to natural light, food restrictions, sleep deprivation, prohibition of any recreational activity, and of access to reading material, writing, television, radio, correspondence or calls from relatives). In some cases, such treatment reached the threshold of torture, due to its combination, prolonged nature, the presence of other stressors or vulnerabilities, and the severe psychological damage inflicted on the victims. Such practices were aimed at punishing and breaking people, and not necessarily at obtaining information.

78. Medical attention was generally inadequate, insufficient, and even denied, which aggravated the situation of people suffering from chronic illnesses. In February 2022, Hugo Torres, one of the emblematic leaders of the Sandinista revolution and a member of UNAMOS, died after eight months in detention. There are indications that the precarious conditions and lack of medical attention accelerated the deterioration of his health. Hugo Torres had precautionary measures from the IACHR since August 2021.

79. At El Nuevo Chipote, after spending anywhere from a few weeks to several months in isolation, most of the detainees were placed in cells shared by two people; however, they were not allowed to talk to each other. The Group identified a particularly harsh treatment against four women political leaders of UNAMOS, who were held in separate cells for the entirety of their detention, for over 18 months.

80. Family visits to detainees at El Nuevo Chipote were authorized in an inconsistent manner, at intervals of between 45 and 75 days, and by notification a few hours before the visit. The victims and their families had no possibility to communicate outside of the visits; the delivery of parcels was also obstructed. This generated a lot of tension and stress for the victims. At least four of the detainees were deprived from all contact with their children for periods ranging from 15 to 18 months.

81. The lack of regulation regarding prolonged deprivation of liberty in El Nuevo Chipote, a police precinct that is not part of the Penitentiary System, placed detainees in a position of vulnerability and created a generalized climate of insecurity. In the absence of rules, the authorities exercised their power arbitrarily, constantly changing the rules, applying punishments, and restricting the rights of detainees at will. This situation, combined with the arbitrary nature of the criminal proceedings and the difficulties in communicating with the outside world and with their families, caused extreme anxiety to the detainees.

Punishment through relatives

82. Throughout the period under review, and in the various places of detention, real or perceived opponents were subjected to punishment and threats against the life and integrity of their family members. Psychological torture often had a gender component, with sexist insults, threats, and blaming women using their sons and daughters.

83. The use of cruel, inhuman, or degrading treatment also extended to the relatives of detainees. Family members reported having suffered physical and/or psychological violence at the hands of the personnel of El Nuevo Chipote, La Modelo, and La Esperanza; including humiliating or degrading treatment, sexual and gender-based violence during searches, and threats of reprisals against their detained family members if they denounced the conditions of detention.

Sexual violence as a form of torture

84. Police and Penitentiary System officers and, in some cases, members of pro-government armed groups, perpetrated different forms of sexual violence against detainees. Many of these acts constituted torture since their purpose was to punish the detainees and to break them physically and psychologically in order to obtain information.

85. The use of rape and other forms of sexual torture (such as the application of electric shocks, or kicks or blows to the genitals) was more frequent between April and August 2018, and generally occurred in the context of interrogations and detention in police stations and in the DAJ. Rapes of men were mostly carried out by penetration with objects (pipes or firearms), while women were generally penetrated by the perpetrators' sexual organ, and in some cases repeatedly over several days. The threat of rape was also frequently used, particularly against women, during apprehensions and interrogations, and was also extended to family members of the detainees. Cases were reported of women who suffered miscarriages as a result of the treatment received during detention.

86. The use of forced nudity was also identified in many places of detention - both clandestine and official-, including during searches, in the cells, during interrogations, or at court. Some people were interrogated and/or photographed naked, and/or forced to remain naked for several days. Some forms of sexual violence, such as non-consented sexual

touching and forced nudity during searches, have also targeted family members and lawyers of detainees.

Serious impacts on physical and mental health

87. Detainees suffered serious physical and psychological sequelae due to the torture and ill-treatment they suffered. Some of the documented impacts included chronic conditions such as hearing and visual loss, body aches, respiratory, gastrointestinal, and dermatological problems, high blood pressure, post-traumatic stress, insomnia, panic attacks, anxiety, propensity to self-injury and suicide, nightmares, stress, depression, and difficulties in interacting with other people.

Impunity

88. The authorities failed to protect individuals from torture and other cruel, inhuman, or degrading treatment or punishment, and deliberately and systematically obstructed accountability processes. Most victims were brought before a judicial authority for the first time several days, even weeks, after their arrest to hide the physical marks of torture. In addition, the victims were prevented from informing their defense about the abuse, since no confidential meeting spaces were allowed. In some cases, lawyers complained about the apparent signs of torture and mistreatment of detainees; however, these were ignored by the courts and suppressed from the records of the hearings.

d. Cancellations of parties, organizations, and media closures

89. As part of its strategy to suppress all dissidence, the government also canceled political organizations and parties, and arbitrarily closed media outlets, causing the collapse of the associative and political space, and seriously affecting the right of the population to obtain reliable information.

90. The GHREN documented the cancellation of the legal personalities of over 3,144 national and international nonprofit organizations between December 2018 and February 2023; that is, almost half of the 7,227 organizations registered with the Ministry of Interior in 2017. The legal personalities were cancelled via decrees of the National Assembly or resolutions of the Ministry of Interior.

91. The first organizations canceled in 2018 were nine human rights organizations that had been vocal in their criticism of the government.¹⁴ Five of them were headed by women. Over time, the authorities developed new regulations that imposed overly burdensome requirements on organizations, including the "Foreign Agents Law", the "Anti-Money Laundering Law", and the "Non-Profit Organizations Law", forcing several organizations to close their doors due to difficulties in complying with such legislation.

92. From 2021 onwards, a dynamic of mass cancellations of the legal personalities of organizations emerged. The Group documented how the Ministry of the Interior stopped receiving documentation or constantly requested additional documents from the organizations, forcing them into non-compliance with their legal obligations. This is how the authorities justified the cancellations, intervention, and subsequent liquidation of the assets of many of the organizations in favor of the State.

93. The GHREN concluded that the Government's cancellation of civil society organizations is arbitrary and is aimed at reconfiguring the civic space and guaranteeing the State's monopoly of community, development, and social assistance activities. These actions were part of a strategy to reinforce the links of dependency and the vulnerability of the population to the politics of patronage.

94. The departure of international organizations from the country, and the cancellation and closure of national civil society organizations not only violates the right of association

¹⁴ Centro de Información y Servicios de Asesoría en Salud, Centro Nicaragüense de Derechos Humanos, Instituto de Estudios Estratégicos y Políticas Públicas, Centro de Investigación de la Comunicación, Hagamos Democracia, Instituto para el Desarrollo y la Democracia, Popol Na, Instituto de Liderazgos de la Segovia, and Fundación del Río.

of the affected organizations but also has a negative impact on the enjoyment of human rights by Nicaraguans. For example, the over 200 women's organizations that were canceled, played a fundamental role in the protection of children, the care of women victims of violence and the promotion of sexual and reproductive rights. Canceling these organizations has left the women and girls they served without the possibility to file a complaint, or seek assistance or protection.

95. Law No. 1070, adopted in May 2021, also restricted the right to political participation by incorporating the prohibitions contained in the Foreign Agents Law and the Sovereignty Law as grounds for disqualification for the registration of candidatures. A few days after the approval of the law, the Supreme Electoral Council issued resolutions canceling the legal personality of the Democratic Restoration Party and the Conservative Party; in August, it canceled the Citizens for Liberty party (CxL), the vehicle chosen by the opposition to run in the elections as a unitary party. The GHREN analyzed the resolutions cancelling these parties and concluded that they presented substance and/or formal defects.

96. As part of the Government's strategy to silence journalists and independent media, the authorities canceled dozens of media outlets. In addition, restrictions were imposed that made the work of several media outlets impossible, including through censorship and by preventing private newspapers from obtaining the materials necessary to print copies. The Nicaraguan Institute of Telecommunications and Postal Services (TELCOR) played an instrumental role in the censorship and cancellations of media outlets, through threats to their directors, the suspension of broadcasts, and the closure of media outlets. The GHREN also documented the police raid and the de facto confiscation of the assets, equipment, documentation, and real estate of three of the country's most influential independent media outlets: Confidential, 100% Noticias and La Prensa.

e. Stigmatization, harassment, and intimidation

97. Senior government officials, representatives of public institutions, pro-government media, and social media users, used inflammatory rhetoric that stigmatized and incited hatred against real or perceived opponents. The speeches described were part of a communication strategy that included the implementation of disinformation and stigmatization campaigns through social networks, institutional spaces, and pro-government media. For this purpose, instructions were issued to government officials and pro-government media on the information to be disseminated and how it should be articulated.

98. During the 2018 protests, the authorities developed a discursive construction of the enemy, ascribing responsibility for the acts of violence to government opponents, or those who were perceived as such, whom they labeled as "coup perpetrators" and "traitors." As time passed, they expanded this category to include an ever-wider group of people who were the object of defamation, insults, and serious public accusations by the authorities. Many individuals were also subjected to targeted smear campaigns and harassment through social networks and official and pro-government media. Given the general context of repression and impunity in the face of attacks by the government-aligned sector of the population against the population perceived as government opponents, the GHREN considers that the described discourse may constitute incitement to violence.

99. Real or perceived opponents were subjected to intimidation, threats, surveillance, and assault by the police, members of pro-government groups, and local structures linked to the FSLN - Citizen Power Councils, Electoral Victory Units and Sandinista Youth, among others. The Sandinista Leadership Committees and unions maintained constant surveillance of the activities of those employed by the State.

100. The GHREN documented over 100 cases of individuals, including journalists, feminists, religious leaders, students, artists, members of political parties, political movements and civil society organizations, lawyers, and relatives of victims of human rights violations and abuses, who were subjected to intimidation and harassment by the police, pro-government groups and local FSLN structures.

101. The criminalization, stigmatization, threats, and constant harassment of opponents meant that not only were they unable to participate freely in the social and political life of the country, but they were also unable to live their lives normally. People interviewed by the

GHREN expressed that they were afraid to leave their homes, and some people were forced to change their residence several times due to fear of reprisals. Many had to leave the country.

102. The patterns of harassment were particularly severe for those released from prison, who were subjected to constant surveillance, attacks, threats, and loss of employment and access to higher education. This prevented them from rebuilding their lives and their family lives were severely affected.

103. These attacks also targeted individuals associated with real or perceived opponents. Thus, the relatives of victims of violations and abuses, and the organizations that provided them with support, were specifically targeted. This affected women disproportionately, as they often led efforts to demand justice. Similarly, lawyers representing political prisoners were subjected to reprisals.

f. Arbitrary deprivation of nationality and violation of the right to remain in one's own country

104. The GHREN documented violations of the rights of real or perceived opponents and their families in the context of migratory processes or of travel outside of the country, including prolonged unjustified detentions, interrogations, arbitrary confiscation of passports, and denial of the right to leave and/or enter one's own country.

105. The patterns of violations of the rights of real or perceived opponents worsened in February 2023 with the discriminatory and arbitrary deprivation of the Nicaraguan nationality of 316 persons, in violation of due process guarantees, leaving most of them stateless and violated their right not to be arbitrarily deprived of their nationality. Likewise, the authorities sought to produce the civil death of affected persons by erasing them from the birth records and civil registry, confiscating their assets, and expelling them.

106. On 9 February, the Government of Nicaragua expelled 222 political prisoners who fled to the United States under a deportation order issued by the Court of Appeals of Managua, which declared them traitors to the homeland. At the same time, the National Assembly adopted a constitutional reform and specific legislation to deprive persons declared traitors to the homeland of their nationality.

107. In a public speech, President Daniel Ortega described the departure of these individuals as a "banishment." For his part, the president of the National Assembly confirmed that the different institutions and branches of the government worked in a synchronized manner under one single order, in order to deport and deprive the affected persons of their nationality.

108. On 15 February 2023, the same court issued a resolution declaring another 94 persons, both resident in Nicaragua and abroad, traitors to the homeland and stripping them of their nationality and ordering the forfeiture of their assets in favor of the State. The forfeiture order was executed immediately, and it was issued without holding any proceedings to allow the affected individuals to exercise their right to a defense.

C. Crimes against humanity

109. The GHREN has reasonable grounds to believe that in the Republic of Nicaragua since April 2018 and up to the time of writing this report, a widespread and systematic attack has been directed against a part of the Nicaraguan population. This attack has been implemented through various prohibited or inhumane means and methods that have been developed and further expanded over time. Far from having ceased, this attack continues to be perpetuated. The GHREN also concluded that the violations, abuses, and crimes documented in this report were committed intentionally as part of this attack, and that the material and intellectual authors knew of the attack and that their acts were part of it.

110. This is consistent with the elements that constitute the framework for the international prohibition and the international criminal definition of crimes against humanity. The crimes against humanity committed in Nicaragua include murder, imprisonment, torture, deportation, rape, and other forms of sexual violence of comparable gravity. The GHREN

has reasonable grounds to believe that these crimes against humanity were committed in the context of a discriminatory policy, intentionally orchestrated by the highest echelons of the Government of Daniel Ortega and Rosario Murillo, against part of the population of Nicaragua, for political reasons, constituting *prima facie*, the crime against humanity of persecution.

V. Responsibility

111. The GHREN has reasonable grounds to believe that since April 2018, a variety of State actors and institutions, following orders issued by the Presidency and Vice Presidency, participated in the commission of crimes and serious human rights violations and abuses as part of a discriminatory policy to systematically persecute and silence any person and disarticulate any civic or political organization that maintains a position different from that of the Government, or that is perceived as critical or adversarial to the Government.

112. The GHREN found that the police and pro-government armed groups committed extrajudicial executions in the context of the repression of protests, acting in most cases, in a joint and coordinated manner. Pro-government groups acted on instructions given by State authorities at the national and local levels and/or by local leaders of the ruling party. The GHREN also documented the role played by the Ministry of Health during the protests, by denying care to those injured. Further investigations are required in order to ascertain the extent of the involvement of the Nicaraguan Army in the repression of social protests.

113. The GHREN found that the justice system became a structured and organized mechanism to detain real or perceived opponents, acting in a concerted and systematic manner, and to accuse them, prosecute them, and execute the sentences against them, on the basis of legal processes based on *ad hoc* fabricated evidence, or on legislation interpreted and/or designed by the National Assembly in order to execute instructions from the Presidency of the Republic.

114. The GHREN documented how various government institutions, including the Police, the Public Prosecutor's Office, and the Judiciary, participated in the commission of arbitrary detentions and violations of due process in an articulated manner. The GHREN also documented the participation of National Penitentiary System officers and Police agents in the commission of acts of torture and other cruel, inhuman, or degrading treatment, including acts of sexual and gender-based violence, committed against real or perceived opponents.

115. The violations, abuses, and crimes investigated by the GHREN and described in this report trigger both the responsibility of the State of Nicaragua, as well as individual criminal responsibility, either under international criminal law, or in accordance with the criminal definitions in Nicaraguan or third country legislation.

A. State Responsibility

116. As the principal duty bearer under international human rights law, the State of Nicaragua is responsible for the violations of its human rights obligations committed through the acts and omissions attributable to it, as documented in this report. Actions attributable to the State of Nicaragua are those committed by the different government branches and by other public authorities, whether at the national, regional, or local level, as well as by non-State actors or groups acting on the instructions or under the effective direction or control of the State, or with the consent or acquiescence of the State.

117. The State of Nicaragua has failed to fulfill its obligation to prevent the violations, abuses, and crimes documented in this report, and to guarantee accessible and effective remedies to victims whenever such violations, abuses and crimes have been committed. The State has also failed to investigate these violations, abuses, and crimes and to punish those responsibly.

B. Individual criminal responsibility

118. The GHREN has reasonable grounds to believe that public officials and authorities of all branches of the government and at all levels participated in the commission in human rights violations, and that verified in all their elements, these violations support the conclusion that the crimes against humanity of murder, imprisonment, torture, rape, or any other form of sexual violence of comparable gravity, forced deportation, and politically motivated persecution were committed in Nicaragua.

119. The GHREN has not established the individual criminal responsibility in which officials and former officials of the State agencies and institutions mentioned throughout the report may have incurred. However, GHREN has registered the names of individuals identified by the victims as directly responsible for the documented violations, abuses, and crimes in its database. The Group has also identified individuals whose contributions within the State machinery could give rise to individual criminal responsibility at the international and national levels.

120. During the period analyzed, high-ranking officials exercised control over the State agencies and dependencies identified in the report as responsible for human rights violations. These include the National Police, the Public Prosecutor's Office, the Judiciary, the National Penitentiary System, the Ministry of Health, the National Assembly, and the Ministry of the Interior. The direct perpetrators of the documented crimes, including police agents, members of pro-government armed groups, judges, prosecutors, and officials of the Penitentiary System, among others, are responsible for their actions. Their immediate supervisors and others up the chain of command are also responsible for their criminal conduct.

121. The GHREN has reasonable grounds to believe that authorities at the highest level of the State structure, including President Daniel Ortega and Vice President Rosario Murillo, as well as senior members of the National Police, participated in the crimes documented in the report. In addition, GHREN has reasonable grounds to believe that the superior officers and the chiefs of the Police and the Penitentiary System knew or should have known about the crimes and violations committed by their subordinates and failed to take preventive and punitive measures, despite having the effective capacity to do so.

122. The GHREN needs to conduct additional investigations to reach specific conclusions about the responsibilities of individual perpetrators. The GHREN needs to further investigate the command structures responsible for the violations, abuses, and crimes and the links between direct perpetrators and others in these structures, which continue to perpetrate the violations described at the time of writing this report.

VI. Conclusions and recommendations

123. **The Group concluded that President Daniel Ortega, Vice President Rosario Murillo, agents and public officials of various agencies and structures of the Government, and non-State actors participated, and continue to participate as of the date of writing of this report, in serious and systematic human rights violations and abuses against a sector of the Nicaraguan population, including extrajudicial executions, arbitrary detentions, torture, and cruel, inhuman or degrading treatment, arbitrary deprivation of nationality, and violations of the right to remain in one's own country, as well as violations of the right to participate in public affairs and the freedoms of expression, opinion, association, assembly, conscience, and religion.**

124. **The Group concluded that such violations and abuses, being prohibited acts, constitute a systematic and generalized attack against a civilian population through a discriminatory policy that includes the commission of human rights violations and crimes under international law and that have not only resulted in the destruction of the civic and democratic space in Nicaragua, but verified in all their elements, also allow to affirm that crimes against humanity were perpetrated.**

125. The extended report prepared by the GHREN contains detailed recommendations on measures that should be taken by the State of Nicaragua and the international community to address the documented violations, abuses, and crimes.

126. The Group highlights the following key recommendations to the Government of Nicaragua:

- (a) Immediately release all individuals arbitrarily deprived of their liberty.
- (b) Immediately cease politically motivated persecution, including through criminalization and arbitrary detention, arbitrary deprivation of nationality, and forced deportation
- (c) Undertake thorough, independent, and transparent investigations of documented violations, abuses, and crimes to hold those involved in their commission accountable, including those with the highest levels of responsibility.
- (d) Guarantee full reparation, redress, and non-repetition, and the right of victims to know the truth.
- (e) Implement legislative and public policy measures in order to guarantee democratic principles and the separation of the Executive, Legislative, Electoral, and Judicial Branches of Government.

127. The Group recommends that the international community:

- (a) Initiate legal action against individuals responsible for the violations, abuses, and crimes documented, in accordance with domestic legislation.
- (b) Extend sanctions to institutions and individuals involved in the commission of violations and crimes under international law.
- (c) When negotiating development cooperation and investment projects in Nicaragua, governments and multilateral organizations should include human rights guarantees, and prioritize actions aimed at improving the situation in Nicaragua.