



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

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CONTENTS

1. INTRODUCTION	3
2. THE START OF THE CRISIS	4
3. CONTINUING REPRESSION	6
3.1 VIOLENCE BY POLICE AND PRO-GOVERNMENT ARMED GROUPS EXCESSIVE USE OF FORCE	6
3.2 MISUSE OF THE CRIMINAL JUSTICE SYSTEM	9
3.3 ATTACKS ON CIVIL SOCIETY	14
3.4 FORCED DISPLACEMENT, EXILE, AND ARBITRARY DEPRIVATION OF NATIONALITY	17
4. DEFENCE OF HUMAN RIGHTS	21
5. RECOMMENDATIONS	23



Photo: Fernanda LeMarie

1. INTRODUCTION

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 2009 increased the number of members of the Supreme Court, allowing the appointment of justices loyal to the government. Presidential Decree 003306 of 2010 reduced the required terms of service 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 stated that such reduction processes and composition mechanisms were not allowed to and that laws in the form of the law affected the integrity of the responsibilities of judges and magistrature (Human Rights Council, Report of the Special Rapporteur on the Independence of Judges and Lawyers, Gabriela Heron, Annex, Subsequent events to the independence of the judiciary in Central America PARROTE/AMR/14/L. 2 April 2013, paras 68 and 69).

2 In the latter form of repression, see Amnesty International, Nicaragua: Registering prison by forced exile: Daniel Ortega's government's new pattern of repression, News, 11 February 2021, <https://www.amnesty.org/en/latest/news/2021/02/nicaragua-repression-by-forced-exile/>.

3 On 8 April 2022, 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.

“ The violence and repression seen in Nicaragua since demonstrations began in April are products of the systematic erosion of human rights over the years, and highlight the overall fragility of institutions and the rule of law.”

Zeid Ra’ad Al Hussein, United Nations High Commissioner for Human Rights (2014-2018)⁶

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 impartiality (IACM, Annual Report 2021, Chapter 9, Special reports, 9. Nicaragua: IACM/CEA/CEA/CEA, Doc. 04 rev. 23 May 2022, para. 39); (iii) The Executive’s control over the security forces, for example, Law 872, published on 7 July 2014, which limited the power to fire the president, and led 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 (OAGH, Nicaragua: Concentration of power and undermining of the rule of law (ENACT/ENPH, Doc. 5300, 25 October 2022, para. 173).

⁵ Official Journal of Nicaragua, Presidential Decree No. 037818 (Social Security Law), 17 April 2018, <http://www.cnic.gub.ni/contenido/actualidad/actualidad/2018/04/17/037818> (accessed 17 July 2022).

⁶ UNCHR, Human rights violations and abuses in the context of the protests in Nicaragua, <https://www.ohchr.org/NewsEvents/Pages/Display.aspx?NewsID=24113&Lang=en>, 17 July 2018, p. 6.

⁷ Amnesty International, Nicaragua: Street violence during protests, 29 May 2018, <https://www.amnesty.org/en/documents/NR41/018/2018/>.

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 Assembly International: Nicaragua: Shoot to kill: Nicaragua's strategy to repress protest, 29 May 2018, DocId: 388430947020285, p. 11 <https://www.assembly.org/investigation/nicaragua/388430947020285/>

⁹ IACHR: Cases Human Rights Violations in the Context of Social Protests in Nicaragua (OEA/Ser.L/V/II Doc. 10/21 June 2018), para. 56.

¹⁰ Human Rights Council, Report of the Group of Human Rights Experts on Nicaragua, 2 March 2020 (A/HRC/52/20), para. 25.

¹¹ Interdisciplinary Group of Independent Experts for Nicaragua (GIE) Nicaragua, Report on the violent events that took place between 18/4 April and 30/5 May 2018, December 2018, pp. 34 and 35. https://gdnhr.org/wp-content/uploads/2019/06/GIE_REPORT_FINAL.pdf

¹² Interdisciplinary Group of Independent Experts for Nicaragua (GIE) Nicaragua, Report on the violent events that took place between 18/4 April and 30/5 May 2018, December 2018, https://gdnhr.org/wp-content/uploads/2019/06/GIE_REPORT_FINAL.pdf

Assembly International: Nicaragua: Shoot to kill: Nicaragua's strategy to repress protest, 29 May 2018, DocId: 388430947020285, p. 8 <https://www.assembly.org/investigation/nicaragua/388430947020285/>, and Human Rights Council: Report of the Group of Human Rights Experts on Nicaragua, 2 March 2020 (A/HRC/52/20), para. 135.



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://presaspresopoliticosnicaragua.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 Muestra de los casos de encarcelamiento de personas privadas de libertad, Lista de personas privadas de libertad en Nicaragua febrero 2021. <https://www.observatorio.org/observatorio/informacion/encarcelamiento-de-personas-privadas-de-libertad-en-nicaragua>

²⁰ Interdisciplinary Group of Independent Experts for Nicaragua (IGI) Nicaragua, Report on the violent events that took place between 15th April and 30th May 2018, December 2018, p. 201 and OHCHR, Situation of Human Rights in Nicaragua – Report of the United Nations High Commissioner for Human Rights, E/CN.HR/47/24/Annex para. 58.



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.



REUTERS/Carlos Herrera

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 control within the office of the KRASO LITV, INC.*, 2016, 25 October 2011, para. 56.
22 Committee against Torture, *Concluding observations on the second periodic report of Nicaragua*, 1 December 2022, CAT/C/NIC/2022, 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.



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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-Sending Legal Personality to Non-profit Organizations, Executive Decree No. 8573, of July 16, 2022, published in the Official Gazette on July 19, 2022. Available at: <http://legislacion.asamblea.gub.ni/derechos/04/41141/SoC/04/2022/07/16/8573>



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.

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.



4. DEFENCE OF HUMAN RIGHTS

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, 4th session of the Human Rights Council, 7 March 2022. <https://www.ohchr.org/en/press/docs/20220307bachelet-report1-en.pdf> and/or address: high-commissioner-bachelet-ignores-violations-nicaragua
47 For an account of decisions relating to cooperation, assistance and representation see, for example, “Barridos de la memoria”, *Diario 16 de Septiembre*, 1 October 2022. <https://diario16deseptiembre.com/temas/2022-10-01/barridos-de-la-memoria/>



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.