



SILENCE AT ANY COST

STATE TACTICS TO DEEPEN THE REPRESSION
IN NICARAGUA

AMNESTY
INTERNATIONAL



Amnesty International is a global movement of more than 10 million people who campaign for a world where human rights are enjoyed by all.

Our vision is for every person to enjoy all the rights enshrined in the Universal Declaration of Human Rights and other international human rights standards.

We are independent of any government, political ideology, economic interest or religion and are funded mainly by our membership and public donations.

© Amnesty International 2021

Except where otherwise noted, content in this document is licensed under a Creative Commons (attribution, non-commercial, no derivatives, international 4.0) licence. <https://creativecommons.org/licenses/by-nc-nd/4.0/legalcode>

For more information please visit the permissions page on our website: www.amnesty.org Where material is attributed to a copyright owner other than Amnesty International this material is not subject to the Creative Commons licence.

First published in 2021

by Amnesty International Ltd

Peter Benenson House, 1 Easton Street

London WC1X 0DW, UK



Illustration: Repression in Nicaragua

© Itzel Plascencia López

Index: AMR 43/3398/2021

Original Language: Spanish

amnesty.org

**AMNESTY
INTERNATIONAL**



INDEX

1. INTRODUCTION	4
2. THREE TACTICS TO STIFLE PUBLIC SCRUTINY IN NICARAGUA	6
2.1 TACTIC 1: ARBITRARY ARRESTS, FALSE CHARGES AND JAIL	6
2.1.1 PRISONS, OVERCROWDING AND ABUSE	8
2.1.2 COVID-19, THE SILENT THREAT	14
2.2 TACTIC 2: PASS LAWS TO SILENCE CRITICISM AND DISSENT	15
2.3 TACTIC 3: CIVIL “DEATH”	19
3. RECOMMENDATIONS	24
4. METHODOLOGY	26

1. INTRODUCTION

When images of the violent repression of the mass protests that began in April 2018 over a series of reforms to Nicaragua's social security system filled the front pages of major newspapers around the world, it seemed that the human rights crisis in the country had reached its peak.

By the end of April 2018, it was hard to imagine that things could get any worse. President Daniel Ortega's government was using the entire security apparatus to punish those who dared to demonstrate in the streets to demand accountability. Two years later, reality continues to exceed the worst predictions.

The evidence and testimonies contained in this report show how the Government of Nicaragua has not only deepened but also perfected its repressive machinery, implementing a series of sophisticated tactics to silence any form of criticism and social demand, at any price.

Violations of human rights, including freedom of expression, are nothing new in Nicaragua. The use of new tools such as some of those described in this report, however, signals the start of a much bleaker chapter in the country's recent history.

During April and May 2018, the authorities used excessive, disproportionate and often unnecessary force, implementing a sometimes deliberately lethal strategy against protesters.¹

The government's refusal to halt the repression in the ensuing months continued to add to the number of deaths and injuries at the hands of State agents and pro-government armed groups with links to the government, increasing social outrage. Numerous neighbourhoods responded to the repressive strategy by erecting barricades and, on occasions, using homemade mortars to defend themselves.

In response, in July 2018, Ortega announced "Operation for the Peace" (Operación para la Paz), known as "Operation Clean Up". This consisted of forcibly destroying the barricades and sending combined groups of pro-government armed groups and national police officers to confront those who were demonstrating.²

At the time, the Inter-American Commission on Human Rights (IACHR) said that Operation Clean Up marked a turning point in Nicaragua's human rights crisis.³

A few months later, in December 2018, the Interdisciplinary Group of Independent Experts (GIEI for its Spanish acronym) for Nicaragua, set up under the auspices of the IACHR to assist in investigating acts of violence that had occurred during the protests, concluded that the State's repressive response was part of a widespread and systematic attack on the civilian population. The GIEI stated that the Nicaraguan authorities had engaged in "conducts that, according to international law, should be considered crimes against humanity, particularly murder, arbitrary deprivation of liberty and the crime of persecution."⁴

Despite international scrutiny, the repressive response to those who were demonstrating and promoting respect for human rights continued throughout 2019.

According to data from the Nicaraguan Centre for Human Rights (CENIDH for its Spanish acronym) targeted murders of those identified as participants in the protests or opponents of the government continued to be reported in 2019, including at least 40 cases of possible extrajudicial executions, many against peasant farmers.⁵

During the year, the government closed itself off from international scrutiny and refused entry to international human rights mechanisms, a situation that still remained ongoing at the end of 2020.

¹ Amnesty International. Shoot to kill. Nicaragua's strategy to repress protest AMR 43/8470/2018. May 2018.

² Amnesty International. Instilling terror. From lethal force to persecution in Nicaragua. AMR 43/9213/2018. October 2018.

³ IACHR. Special Monitoring Mechanism for Nicaragua. 24 June 2019.

⁴ GIEI Nicaragua. Report on the violent events that took place between April 18 and May 30 2018. Executive Summary. 21 December 2018. p. 4.

⁵ CENIDH. Bimonthly reports 2019.

Local organizations are reporting that the authorities are continuing to use the judiciary as a repressive arm, imprisoning activists by means of arbitrary processes.⁶ By the end of November 2020, date this report was completed, more than 100 people were still being held behind bars arbitrarily.⁷

Within prisons, those detained on potentially politically-motivated charges continue to report ill-treatment and harassment as further elements of punishment for their activities. In addition, outside of prison, those working to promote and defend human rights are suffering a systematic harassment campaign, designed to stop their activities.

Once released from prison, activists and their families are reporting such great harassment that it is preventing them from carrying out any human rights work or other activities. In some cases, this harassment takes the form of intimidation by the police, pro-government armed groups and local control networks linked to the authorities.

In other cases, the repression is more direct. Since 2018, the government has cancelled the legal registration and confiscated the assets of at least 10 human rights organizations. The authorities have also criminalized journalists and closed down media outlets considered critical of them.

During the second half of 2020, the National Assembly – largely controlled by members of President Daniel Ortega’s party, the Sandinista National Liberation Front (FSLN for its Spanish acronym) passed a series of laws that considerably restrict the exercise of human rights. The Foreign Agents Regulation Law,⁸ for example, ostensibly aimed at controlling the money organizations receive in order to avoid “foreign interference”, in practice might force these organizations to close down due to difficulties in financing their legitimate activities.

Under the pretext of preventing the spread of “fake news”, the Special Law on Cybercrime establishes a legal framework that can be used to criminally punish anyone expressing an opinion which, in the eyes of the authorities, “causes alarm, fear or anxiety”.⁹ Similarly, a constitutional reform, approved at first reading, allows for sentences of life imprisonment. Due to the ambiguity of the proposed reform, there is a valid fear that this is just another way of criminalizing those perceived as opponents.

Human rights defenders fear the worst is yet to come. They believe that, in the run-up to the November 2021 presidential elections, the ongoing human rights violations will intensify as the government seeks to silence any form of opposition, at any cost.

Meanwhile, justice, truth and reparation for the victims of extrajudicial executions and their families, people who have suffered arbitrary detention, torture and ill-treatment as well as other human rights violations or crimes under international law, remains an illusion.

After the cut-off date for this document in November 2020, reports of increased harassment against persons identified as opponents of the government, human rights defenders, journalists, as well as victims of human rights violations and their families, continued unabated. Additionally, in December 2020, the National Assembly approved the “Law for the Defence of the Rights of the People to Independence, Sovereignty and Self-Determination for Peace”. The passing of this law was criticized by the IACHR, which noted that its content limited the exercise of political rights protected by international human rights law.¹⁰

6 IACHR. Press Release. 18 April 2020.

7 More information: <https://presasypresospoliticosnicaragua.org/>

8 More information: <http://legislacion.asamblea.gob.ni/normaweb.nsf/9e314815a08d4a6206257265005d21f9/3306286cd4e82c5f06258607005fdf6b?OpenDocument>

9 More information: <https://www.lagaceta.gob.ni/2020/10/201/>

10 IACHR. The IACHR rejects the approval of the norm that restricts political rights in Nicaragua. January 6, 2021.

2. THREE TACTICS TO STIFLE PUBLIC SCRUTINY IN NICARAGUA

2.1 TACTIC 1: ARBITRARY ARRESTS, FALSE CHARGES AND JAIL

The Nicaraguan authorities are waging a war against anyone who criticizes their policies. Using the courts seems to be one of their favourite weapons.

Since the start of the mass protests in April 2018, the authorities have made hundreds of arbitrary arrests in which the security forces have ignored basic guarantees.¹¹ In some cases, alleged members of pro-government armed groups, dressed in civilian clothing, have been accused of making the arrests and then placing the victims at the disposal of the police authorities.¹²

The most frequently violated guarantees, as documented by local organization, include: the presumption of innocence; the need for a court order; the right to be tried before an independent and impartial judge; the right to access detailed information about the accusation being made; the right to a legal defence; and the right to free and private communication with a lawyer of their choice.

Once arrested, most of those identified as opponents of the government are charged with fabricated crimes and taken to detention centres where they report being abused.

The IACHR reported that, between April 2018 and October 2020, at least 1,614 people were arbitrarily imprisoned for their participation in the demonstrations.¹³

Despite the government's commitment, in March 2019, to release all those detained in the context of the protests, it is estimated that as of November 2020 there are still more than 100 such people in prison.¹⁴ International human rights bodies, including the IACHR and the UN Working Group on Arbitrary Detention, state that they are continuing to receive complaints of arbitrary detentions of people who have taken part in public demonstrations or of individuals seen as critical of government policies.¹⁵

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, labour, fiscal, or any other nature.

American Convention on Human Rights, article 8.1.

11 IACHR. Press Release. 23 June 2020.

12 For example, Kevin Solís was arrested by individuals in plain clothes, more information available at: <https://newsweekspanol.com/2020/08/carcel-covid-19-gobier-no-nicaragua/>

13 IACHR. Persons Deprived of Liberty in Nicaragua in connection with the Human Rights Crisis that Began on April 18, 2018, October 2020.

14 More information: <https://www.alianzacivicanicaragua.com/acuerdo-para-la-facilitacion-del-proceso-de-liberacion-de-personas-privadas-de-libertad-deconformidad-al-ordenamiento-juridico-del-pais-y-las-respectivas-obligaciones-internacionales-de-nicaragua-en/> and <https://presasypresospoliticosnicaragua.org/lista-mensual-de-personas-presas-politicos/>

15 IACHR. Press Release. 18 April 2020 and Working Group on Arbitrary Detention, Opinion No. 39/2020 concerning Kevin Roberto Solís (Nicaragua), A/HRC/WGAD/2020/39, 9 October 2020.

Lawyers representing dozens of people imprisoned for their activism say that the crimes people viewed as government opponents are most frequently charged with currently include extortion and drug trafficking. They state that, in addition to punishing them, these kinds of charge seek to damage the reputation of the defenders.

“In 2018, most politically-motivated prisoners were accused of complex offences such as organized crime and terrorism, and were all being held together in the same cell blocks,” explained a Nicaraguan lawyer representing detainees, in an interview with Amnesty International.

“Now they are accusing opponents of common crimes such as robbery with intimidation, drug possession and trafficking. The authorities imprison them separately from each other and alongside common prisoners, making it difficult for them to organize.”

Jhon Christopher Cerna Zúñiga, a 24-year-old activist who was studying engineering in 2018 was arrested while walking with two friends near his former university, in Managua, on 28 February 2020.

His arrest was the culmination of a campaign of harassment and attacks, ranging from threats to shots fired at him during a demonstration.

“The police wouldn’t let us go to the campus in peace, there were patrols outside the university and on the streets outside our houses,” explained a friend of Jhon’s.

“In the days following the arrest there were police at every corner of the street.”

Jhon was accused of drug trafficking. The Public Prosecutor said the two police officers who arrested him found nearly 1,300 grams of marijuana and 41 grams of cocaine in his backpack.¹⁶

His lawyer says there was virtually zero opportunity to defend him during the trial. The police officers who arrested Jhon, for example, did not explain what they were accusing him of, and the only witnesses presented by the prosecution were the police officers, an investigator and two laboratory experts.

At the end of May, Jhon was sentenced to 12 years in prison,¹⁷ a term he is currently serving in one of the country’s main jails, along with a fine of almost 37,500 Córdoba (approximately US\$ 1,080).

As of the date of this report, his lawyer is still appealing the sentence.

Jhon’s story is repeated time and again in Nicaragua. Since the start of the protests, in particular, Amnesty International and national and international bodies have documented cases of people being criminalized as a way of repressing or intimidating activists and human rights defenders.

María Esperanza Sánchez García, a political activist who actively participated in the demonstrations that began in 2018, was arrested on 26 January 2020 near a house where she was being protected following a wave of threats and acts of harassment at her home.¹⁸

People with direct information on her situation say that men in plain clothes took her, without much explanation, to a police station. Eventually, María was accused of drug trafficking.

One month after a trial that local organizations criticized as being riddled with irregularities,¹⁹ she was sentenced to 10 years in prison and fined 31,000 Córdoba (nearly US\$ 900).²⁰

“The interrogations had nothing to do with the crimes she was being accused of, they only asked about political issues, who she worked with politically, what opposition groups she worked with, that’s what the interrogation and threats against her family focused on,” said a person close to María Esperanza in conversation with Amnesty International.

2.1.1 PRISONS, OVERCROWDING AND ABUSE

Most of those detained for political reasons are first taken to the Judicial Assistance Department, a police station in Managua known as “El Chipote” and notorious for allegations of ill-treatment, torture and other abuses.²¹

16 Court proceedings.

17 More information: <https://www.laprensa.com.ni/2020/05/21/politica/2676194-juez-condena-a-12-anos-de-prision-a-universitario-autoconvocado>

18 More information: <https://im-defensoras.org/2020/07/alerta-urgente-nicaragua-sentencian-a-10-anos-de-prision-y-multan-a-activista-politica-maria-esperanza-sanchez/>

19 More information: <https://www.youtube.com/watch?reload=9&v=PikDZ8WkJi4>

20 More information: <https://im-defensoras.org/2020/07/alerta-urgente-nicaragua-sentencian-a-10-anos-de-prision-y-multan-a-activista-politica-maria-esperanza-sanchez/>

21 “Never Again Nicaragua” Human Rights Collective, Torture, Cruel, Inhuman and Degrading Treatment Watchdog, July 2020.

They are then transferred to one of the country's main prisons where the detention conditions, including a lack of access to drinking water, quality food and high levels of overcrowding, have made them infamous as some of the most brutal in Latin America.²²

Jhon, for example, was taken to the Jorge Navarro prison complex, known as “La Modelo”, the largest and one of the oldest prisons in Nicaragua.²³

La Modelo has a total capacity of 2,400 people but, by 2013, it was holding almost double, around 4,600 inmates, according to a report by the human rights organization CENIDH.²⁴ They also say the government no longer publishes data and, since 2010, it has not permitted human rights organizations to visit prison facilities.

For part of his sentence, Jhon shared a cell measuring 5m² with 22 other people, according to people who know him. To sleep, they placed a few mats on the floor and improvised hammocks with their sheets.

Most prisoners sleep, eat and live every hour of the day inside their cells. A person close to John, said that he was only allowed to go out into the yard to get air for 60 minutes once every two weeks.

The prison provides them with small and precarious rations of food, supplemented where possible by what their families are able to bring them during the family and conjugal visits permitted, or packages they leave them in the intervening weeks. In practice, many families do not have enough resources to be able to make these trips.

Such detention conditions are in violation of a whole range of international standards.

The Inter-American Court of Human Rights, for example, has noted that detention in overcrowded conditions, held in a small cell without sufficient ventilation, natural light, bedding or adequate conditions of hygiene, constitutes a violation of personal integrity.²⁵

The UN Standard Minimum Rules for the Treatment of Prisoners states that every person in detention should be provided with good quality food of “nutritional value adequate for health and strength” and be provided with safe drinking water whenever needed.²⁶

All accommodation provided for the use of prisoners and in particular all sleeping accommodation shall meet all requirements of health, due regard being paid to climatic conditions and particularly to cubic content of air, minimum floor space, lighting, heating and ventilation. [...] Every prisoner who is not employed in outdoor work shall have at least one hour of suitable exercise in the open air daily if the weather permits.

United Nations Standard Minimum Rules for the Treatment of Prisoners, known as the Mandela Rules

In addition to the squalid accommodation, there have been reports of violence against prisoners.

In May 2019, Eddy Montes, an activist arrested during the protests, died after being shot by a police officer during a protest inside La Modelo prison. At least 11 detainees and six officers were injured. The authorities claimed that Montes had been attempting to steal a gun from an officer but the Office of the United Nations High Commissioner for Human Rights (OHCHR) stated that it had received information indicating that Montes was shot from a distance of approximately four metres.²⁷

²² More information: https://www.prisonstudies.org/highest-to-lowest/occupancy-level?field_region_taxonomy_tid=All

²³ More information: <https://www.elnuevodiario.com.ni/nacionales/492467-modelo-prision-anastasio-somoza-nicaragua/>

²⁴ CENIDH. Annual Report 2015.

²⁵ Inter-American Court of Human Rights., case of García Asto and Ramírez Rojas v Peru. Judgment 25 November 2005, para. 221.

²⁶ UN Standard Minimum Rules for the Treatment of Prisoners. Rule 20.

²⁷ OHCHR, Situation of human rights in Nicaragua. Report of the United Nations High Commissioner for Human Rights (A/HRC/42/18), 17 September 2019, para. 32.



←  Managua Judicial Assistance Directorate, known as “El Chipote”, Loma de Tiscapa, Managua.



←  New Judicial Assistance Directorate “Evaristo Vásquez Sánchez”, Memorial Sandino, Managua.



←  Integrated Women’s Prison, known as “La Esperanza”, Tipitapa.



←  “Jorge Navarro” Prison Complex, known as “La Modelo”, Tipitapa.

In 2014, the government opened an annex to La Modelo, commonly known as “La 300” and comprising maximum security cells. The authorities gave assurances that the sector would be reserved for particularly dangerous prisoners. In practice, according to the lawyers consulted, it is also used as a punishment area for anyone who raises their voice against or is considered an opponent of the government.

The State is guarantor of the rights of detainees, and must offer them living conditions compatible with their dignity.

Inter-American Court of Human Rights, Case of Montero Aranguren et al (Detention Centre of Catia) v Venezuela.

The COVID-19 pandemic has exacerbated the historical problems related to prison conditions in Nicaragua and has been a catalyst that has generated even more alarm among both prisoners’ families and human rights organizations - inside and outside the country - concerned for those being held in detention. In this context, in June 2020, 4,515 male and female prisoners were released from prison.²⁸ In mid-July, the authorities approved the release of another 1,605.²⁹ However, only four out of at least 80 people being held on politically-motivated charges at that time were released, according to local media.³⁰

This distinction, and the lack of explanation for the differentiated releases, are just some of the actions demonstrating the authorities’ unequal treatment of people who are detained for their activism.

People who have spent time behind bars as punishment for reporting human rights violations told Amnesty International of harassment and ill-treatment during which the guards and other prison staff would comment on their activism. In addition, people with direct information said that guards would encourage other prisoners to mistreat them.

In mid-September 2020, Jhon was transferred to a punishment cell in “La 300” after complaining about the abuses being suffered by prisoners, according to people who know him.

Relatives of people detained for raising their voice are often forced to wait for hours when they visit; the supplies they bring their loved ones - including food, medicine and disinfection materials - are not always delivered; and guards monitor their conversations, according to different sources consulted.

For transgender women activists, things are much more difficult. They are taken to La Modelo and forced to share cells with men. The IACHR has pointed out in this regard that: “Trans women are at a heightened risk of sexual violence because of their routine imprisonment in male facilities, without regard to the specificities of the person or the case.” In addition, recommendations from international bodies require that housing for transgender people be provided in an environment that ensures their safety.³¹

A transgender activist who was imprisoned in August 2018 told Amnesty International that the authorities were denying trans women like her access to women’s clothing, were using their birth names (instead of their current ones), referring to them with male pronouns, sexually harassing them and denying them access to essential medicines.

Everyone deprived of liberty shall be treated with humanity and with respect for the inherent dignity of the human person. Sexual orientation and gender identity are integral to each person’s dignity.

Yogyakarta Principles on the application of international human rights law in relation to sexual orientation and gender identity, 2006. Principle 9

28 More information: <http://www.oacnudh.org/wp-content/uploads/2020/06/Nicaragua-Bulletin-N.-16-April-May-2020-REV1.pdf>
29 More information: https://www.icrc.org/es/document/nicaragua-1605-personas-privadas-de-libertad-regresan-sus-hogares?utm_source=twitter&utm_medium=social&linkId=10000013574557
30 More information: <http://www.radiocamoapa.com/noticias/nacionales/bajo-regimen-de-convivencia-familiar-liberan-a-oscar-centeno/>
31 IACHR. Violence against LGBTI persons. 12 November 2015, para. 155 and United Nations Office on Drugs and Crime. Handbook on Prisoners with Special Needs. p.116.

Celia Cruz, a trans woman and activist from Ometepe, an island in Lake Cocibolca, has also suffered these abuses.

On 21 April 2020, two police officers came to her house looking for her, saying that the local police chief wanted to talk to her. Celia agreed to go with them but soon after realized she was being detained.

A couple of days earlier, on April 19, according to her legal advisor, Celia had broadcast a video on social media showing the police violently repressing a group of people who had unfurled a banner commemorating the second anniversary of the start of the national protests.

After spending more than a week in El Chipote, Celia appeared before a judge where she was accused of a series of crimes, including the kidnapping of one of the officers who, according to her legal advisor, had been repressing the protest on the 19.

Yonarqui Martínez García, a human rights defender and legal advisor of detainees' relatives, says that despite a lack of evidence of the kidnapping, on July 21 the judge found her guilty and sentenced her to 11 years in prison.

"The only thing that condemned her was the fact that she had her mobile in her hand and was denouncing what was happening on the island of Ometepe, how the national police were attacking the people," Martínez García told Amnesty International.

In September 2020, Celia and other activists began a hunger strike to protest at their unjust imprisonment and prison conditions. Her legal advisor told Amnesty International that during that period, prison authorities were force-feeding her and threatening to cancel her family's visits.³²

"There's huge discrimination in the prison," recounts the lawyer. "Celia is constantly complaining of mistreatment from the guards and serious discrimination due to the fact that she is a trans woman. They insult her, make fun of her. Trans women experience great psychological torture inside prisons."

2.1.2 COVID-19, THE SILENT THREAT

For those who were not released, the latent threat of COVID-19 has exposed the vulnerability of those trying to survive in Nicaragua's prisons.

The impossibility of implementing social distancing guidelines, the lack of the most elemental hygiene products and the limited availability of medical care for inmates have made these establishments particularly dangerous.

In May 2020, the OHCHR responded to reports that some 40 people detained for reasons it considered to be political had symptoms compatible with COVID-19 or health conditions that increased the risk of more acute symptoms should they become ill.³³ In November 2020, the IACHR granted precautionary measures to 41 people detained for political reasons who did not have access to quality medical care and demanded that the Nicaraguan State adopt the necessary measures to ensure they had immediate access to health checks and the necessary medical care.³⁴ The beneficiaries of the measures included activists who are in detention and mentioned in this report.³⁵

María Esperanza, who is being held in the Integrated Women's Prison in Tipitapa, suffers from a number of health conditions that would make her particularly vulnerable if she were to contract the virus.

Prisoners life in this prison, commonly and ironically known as "La Esperanza" ("Hope") is, at best, difficult - overcrowding and a lack of clean water, adequate food, beds and medical treatment are a constant problem – and, at worst, unbearable, according to different sources consulted.

María Esperanza sleeps in a block with 75 other women, making social distancing difficult. "Her blood pressure is still not under control and she suffers from asthma attacks," explained those who know her.

According to testimonies gathered by Amnesty International, although many prisoners in La Modelo were showing symptoms of the virus, testing was virtually non-existent, as was medical care and sanitation, even for those who were showing symptoms compatible with the virus.

³² More information: <http://im-defensoras.org/2020/10/alerta-urgente-nicaragua-celia-cruz-presa-politica-transgenero-permanece-en-huelga-de-hambre-des-de-el-30-de-septiembre-en-demanda-de-libertad/>.

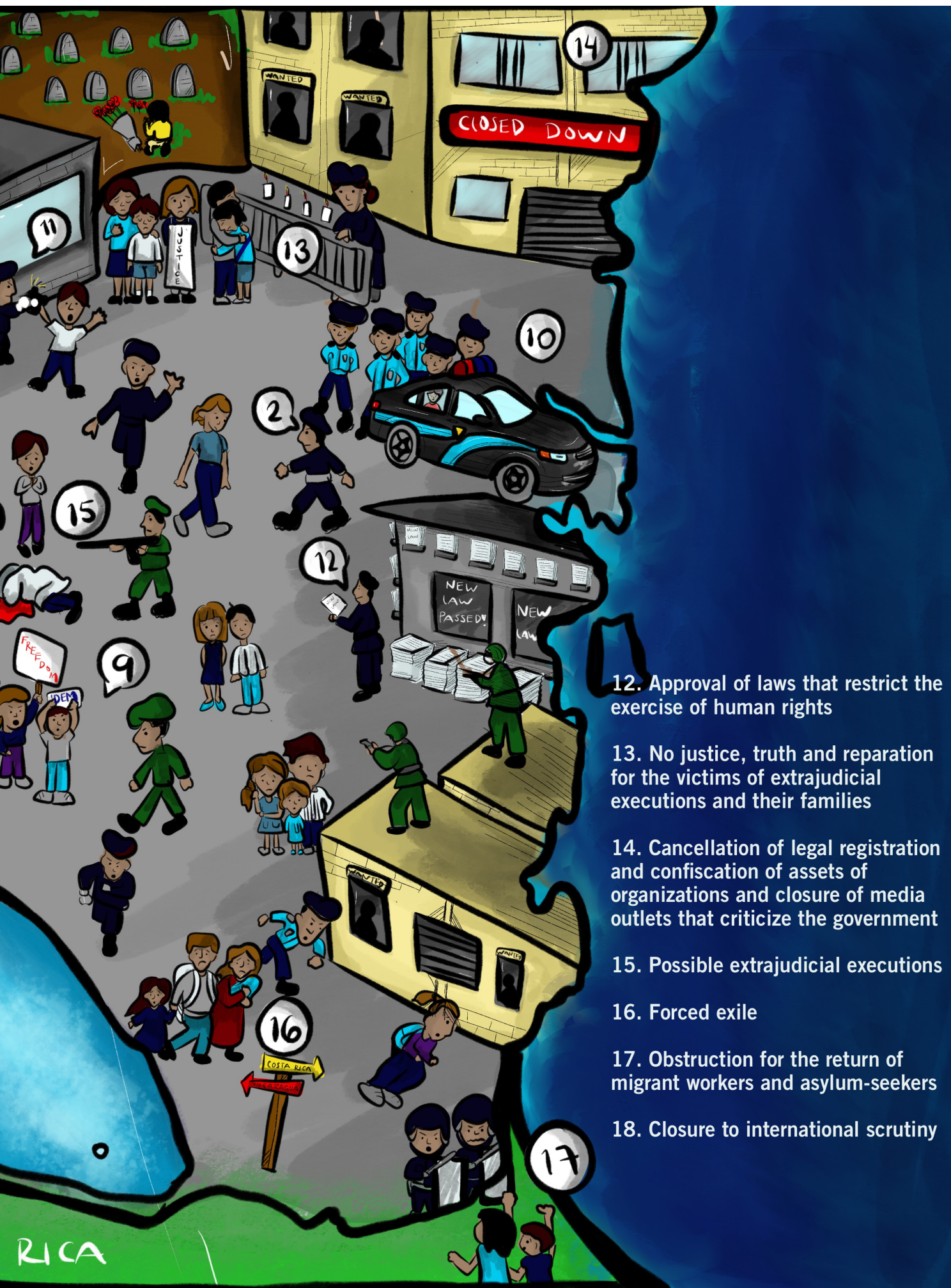
³³ OHCHR. Seguimiento al a situación de derechos humanos en Nicaragua [Monitoring the human rights situation in Nicaragua]. Bulletin No. 16 April- May 2020.

³⁴ The precautionary measures mechanism established in the IACHR's Regulations is intended to avoid irreparable harm in the face of grave and urgent situations. States are required to adopt these measures. More information: <https://www.oas.org/es/cidh/decisiones/sobre-cautelares.asp>

³⁵ IACHR. Precautionary Measures No. 489-20, 2 November 2020.

REPRESSION TACTICS IN NICARAGUA

-
1. Smear campaigns and stigmatization
 2. Harassment, intimidation and attacks
 3. Arbitrary detention
 4. Politically motivated charges / false charges
 5. Lack of opportunity for defense
 6. Mistreatment and harassment in prisons
 7. Lack of conditions in prisons
 8. Threat of possible reincarceration
 9. Harassment of released activists and their families
 10. Re-arrest
 11. Attacks against journalists



12. Approval of laws that restrict the exercise of human rights

13. No justice, truth and reparation for the victims of extrajudicial executions and their families

14. Cancellation of legal registration and confiscation of assets of organizations and closure of media outlets that criticize the government

15. Possible extrajudicial executions

16. Forced exile

17. Obstruction for the return of migrant workers and asylum-seekers

18. Closure to international scrutiny

“If (prisoners) complain, they are told their conditions are psychological,” said a lawyer representing prison activists. “The prison system’s explanation is that this [COVID-19] is the common flu.”

Without medical care, the only alternative prisoners have is to take care of each other with medicines that they manage to obtain through their families, although many do not have sufficient resources and simply have to hope that they do not become infected.

Now, more than ever, governments should release every person detained without sufficient legal basis, including political prisoners and others detained simply for expressing critical or dissenting views.

United Nations High Commissioner for Human Rights, Michelle Bachelet, 25 March 2020

2.2 TACTIC 2: PASS LAWS TO SILENCE CRITICISM AND DISSENT

Defending human rights is a high-risk job in most Latin American countries. From Mexico to Colombia, Brazil to Honduras, lawyers, defenders and journalists who investigate and denounce human rights violations suffer harassment, attacks and imprisonment under false pretences as a way of punishing them and putting a stop to their work. These actions send a dangerous message to others aimed at deterring them from getting involved in human rights advocacy.

Everyone has the right, individually and in association with others (...) to complain about the policies and actions of individual officials and governmental bodies with regard to violations of human rights and fundamental freedoms.

Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms

In Nicaragua, the escalating repression has been reflected in the use of new strategies, in cooperation with the legislature and judiciary, aimed at creating an environment of harassment and violence against journalists and human rights defenders and their organizations.

One of the tactics used has been to remove human rights organizations legal registrations, raid their offices and seize their property. Between November and December 2018, authorities cancelled the legal registration of at least nine organizations. By the end of 2020, at least one more organization had joined the list.³⁶ Without registration, their activities become “irregular” in the eyes of the law and their staff become the target of further attacks.

The National Assembly -- largely controlled by members of President Ortega’s party, the FSLN -- has also passed laws seeking to restrict the work of individuals and organizations considered critical of the government.

On 19 October 2020, following several weeks of intensified State repression against activists and journalists,³⁷ the National Assembly approved the so-called **“Foreign Agents Regulation Law”**.³⁸

Under this law, people working for organizations that receive funding from international organizations must register as “foreign agents” with the Ministry of Interior and submit detailed reports of their activities. Organizations that are not approved will be subject to penalties that may include loss of their legal status. Those who fail to register may be fined or criminally punished for acts that threaten the “sovereign security of the nation”.³⁹

³⁶ More information: <https://ondalocal.com.ni/noticias/1009-asamblea-nacional-nicaragua-cancela-personeria-asociacion-hermanamientos-municipales-daniel-ortega-organizaciones-civiles/>

³⁷ For example, in September, activists linked to civil organizations, journalists, released prisoners and their families reported suffering arrest, excessive use of force, house searches, criminalization, harassment, death threats, damage to their property, smear campaigns and stigmatization on social media. More information: <https://www.amnesty.org/es/documents/amr43/3083/2020/es/>

³⁸ Available at: <https://www.lagaceta.gob.ni/2020/10/192/>

³⁹ Foreign Agents Law, Article 15.

The law covers social and human rights organizations and excludes, among others, factories and industries with foreign investment and people who establish commercial relations by means of current trade agreements, treaties or contracts.⁴⁰

While the law is supposed to prevent “foreign interference”,⁴¹ a detailed analysis of its articles suggests that it is a new tool for curbing the activities of organizations perceived as critical of the government and dependent on external funding to carry out their research, provide free legal defence or implement human rights promotion activities.

The law was approved despite the fact that, while it was being debated, the IACHR pointed out that it “would seriously affect the work of Nicaraguan organizations receiving foreign funding and support for the pursuit of their causes such as social promotion and development or the defence of human rights,” thus restricting the rights to freedom of association, to defend human rights and to participate in the conduct of public affairs.⁴²

Activists and local organizations said they feared that this law could be used as a tool to increase harassment and threats and affect the possibility of exercising civil and political rights, particularly as Nicaragua prepares for presidential elections in November 2021.

“While we’ve already been at risk since 2018, it’s worse now because they’ve legalized the repression,” human rights lawyer Yonarqui Martínez told Amnesty International.

Natural or legal persons, Nicaraguans or other nationalities acting as foreign agents must refrain, under penalty of legal sanctions, from intervening in internal and external political issues, activities or matters. Furthermore, they may not finance or promote the financing of any type of organization, movement, political party, coalition or political alliance or association that is implementing internal political activities in Nicaragua.

Foreign Agents Law, Article 14.

Prior to its adoption, the OHCHR noted that “the breadth of its provisions and the ambiguous formulation of some of its content could be used to target civil society organizations, including those engaged in human rights advocacy, the media and other dissident voices.”⁴³

A few days after passing the Foreign Agents Regulation Law, on 27 October, the National Assembly approved the **Special Law on Cybercrime**.⁴⁴ This provides a legal framework that can be used to criminally punish those who express opinions which, in the eyes of the authorities, “may cause alarm, fear or anxiety”,⁴⁵ under the pretext of avoiding the publication or distribution of fake information. In practice, its wording suggests that it is also seeking to punish those who criticize government policies.

In public statements following the approval of this law, the media reported that the President of the National Assembly’s Economic Commission had said: “The only people who could be against such a law are those who want to continue promoting hatred, disinformation, destruction, terror and death, and to those people we say: ‘Never again in this country!’”⁴⁶

The IACHR noted that, by failing to limit the scope of its application, the law gives the authorities the discretion to criminally sanction freedom of expression.⁴⁷

40 Law 1040. Foreign Agents Law, Article 5.

41 More information: <https://www.lagaceta.gob.ni/2020/10/192/>

42 More information: <http://www.oas.org/es/cidh/prensa/comunicados/2020/249.asp>

43 OHCHR expresses its concern about the approval of the Foreign Agents Law, 16 October 2020.

44 Available at: <https://www.lagaceta.gob.ni/2020/10/201/>

45 More information: <https://www.lagaceta.gob.ni/2020/10/201/>

46 More information: <https://www.el19digital.com/articulos/ver/titulo:108826-asamblea-nacional-aprueba-ley-especial-de-ciberdelitos-en-nicaragua>

47 More information: <https://twitter.com/CIDH/status/132147396226186240?s=20>

Similarly, in November 2020, the National Assembly approved a constitutional reform at first reading that would allow for the application of the penalty of life imprisonment. In view of the current circumstances in Nicaragua, there is a valid fear that it will be used to punish those who are perceived as opposing the government. For CENIDH, this reform represents “a regressive step in criminal matters, its objective being to intimidate and to weaponize the country’s legal institutions to continue the repression”.⁴⁸

“[The reform] is a threat to people who are fighting for their rights by civic means because, although it is envisaged that the application will be determined by a law, it is not possible to trust in the reliability of legal norms that would involve implicit names and surnames to be applied dangerously and aggressively at the discretion of a judiciary that has lost its independence”

CENIDH, November 2020.

For some of the leading human rights organizations that have been documenting human rights compliance in Nicaragua for decades, this package of laws represents the latest blockage in a road full of obstacles.

“The Foreign Agents Regulation Law and the Special Law on Cybercrime approved by the Nicaraguan Parliament present serious and fundamental problems of compatibility with Nicaragua’s obligations under international law”

Comunicación de Relatores y Relatoras Especiales de Naciones Unidas y la CIDH, noviembre 2020.

Gonzalo Carrión, who worked in CENIDH’s legal department for three decades and is currently a member of the “Never Again Nicaragua” Human Rights Collective (Colectivo de Derechos Humanos “Nicaragua Nunca Más”) says that the Foreign Agents Law formalizes in writing the kind of extreme control that organizations and defenders have long experienced.

From the start of the mass protests in 2018, CENIDH, one of Nicaragua’s oldest and most respected human rights organizations, with staff and volunteers in every corner of the country, was at the forefront of documenting the hundreds of cases of crimes under international law and human rights violations that were taking place.

Its members have suffered regular harassment and attacks. They report being filmed during the demonstrations and while going about their daily business, and harassed on social media and during public speeches.

Carrión says that when the National Assembly removed CENIDH’s legal status in December 2018, effectively closing down the organization legally, many defenders felt that the circle was closing in on them. The National Assembly argued that the organization had not submitted financial reports since 2017 and that its Board of Directors was due for re-election. And yet CENIDH was not notified of any prior administrative proceedings against it.⁴⁹

CENIDH members say that, two days later, on 14 December, police officers entered the organization’s offices without a warrant and searched through papers and personal belongings.⁵⁰

The signs were clear. Organizations were losing their legal status and, with this, an important element of their safety. In addition, dozens of activists and journalists who had been identified as government opponents were leaving the country for fear of reprisals due to their work. Arbitrary arrests, meanwhile, were continuing unabated.

48
49
50

More information: <https://www.cenidh.org/noticias/1221/>

More information: <https://www.amnesty.org/download/Documents/AMR4395922018ENGLISH.pdf>

Interview with Vilma Nuñez, October 2019.

For Carrión, the strongest indication of the danger faced by those seen as critical of the government came when the police arrested Lucía Pineda, a well-known journalist from 100% Noticias, in her office on the night of 21 December 2018.

Pineda and the channel's director, Miguel Mora, were accused of "fomenting and inciting hatred and violence" and "provocation, suggestion and conspiracy to commit terrorist acts". After spending 40 days in a police cell where she says she was interrogated and tortured, Lucía was transferred to La Esperanza, where she was held in solitary confinement for 132 days.⁵¹

A few months later, the police chief publicly accused Carrión of covering up responsibility for the deaths, on 16 June 2019, of six people, including a three-year-old boy and a four-month-old baby, in a fire in the Karl Marx neighbourhood on the outskirts of Managua⁵². He also accused Vilma Nuñez, president and founder of CENIDH, who has worked as part of Nicaragua's human rights movement for 60 years, of having kept the survivors in a house against their will.⁵³

Despite public accusations, including a smear campaign on social media, the authorities did not bring criminal charges against either Carrión or Nuñez. This suggests that the purpose of the complaints was to frighten them and to continue to damage their reputation, and also demonstrates that they had no evidence against them.

Such public accusations not only stigmatize defenders and their work but also increase the risk of attacks against them and their families.

The monitoring, reporting and education activities carried out by human rights defenders form an essential contribution to the observance of human rights, as they act as guarantors against impunity.

Inter-American Court of Human Rights, Case of Valle Jaramillo et al. Colombia.

Concerned for his safety, Carrión had to leave his home, move to another house and eventually leave Nicaragua.

"The options were jail, death or exile," Carrión explained in an interview with Amnesty International. "I never imagined I'd go into exile. I'm almost 60, how am I going to start a new life in exile? Exile is devastating, it is a form of punishment in itself."

Carrión arrived in Costa Rica at the end of December 2018. From there, he is continuing to document human rights violations as part of the "Never Again Nicaragua" Human Rights Collective. Lucía Pineda also managed to leave for Costa Rica once she was released from prison in June 2019.⁵⁴

Vilma Nuñez is continuing her work inside Nicaragua.

"Fear has been the main weapon that Daniel Ortega has used over this period to break people. I decided to stay and face anything," she explained in conversation with Amnesty International.

"We have to become immune to the almost constant smear campaign being run by the [State] media on social networks. All this has changed our way of life. I can't go anywhere, have a coffee or go to a restaurant, because they take pictures of me. If I go to the doctor's they take pictures of me and then publish them, ridiculing me. Everything is very difficult and painful," she explains.

Lawyers and human rights advocates who continue to defend those imprisoned for political reasons talk of the laws being a new tool in a long list of tactics that the government has implemented to intimidate them.

51 More information: <https://cpj.org/awards/lucia-pineda-ubau-and-miguel-mora-nicaragua/> and Interview with Lucia Pineda, July 2020

52 More information: <https://colectivodhnicaragua.org/impunidad-en-caso-del-incendio-del-barrio-carlos-marx/>

53 <https://www.youtube.com/watch?v=46LKTjmKGiw>

54 More information: <https://www.nacion.com/el-pais/politica/lucia-pineda-es-liberada-despues-de-permanecer/COLVDXNC2BA6ZAPEFRBDNL CYLU/story/>

“The regime is putting laws in place to imprison anyone who doesn’t like them,” explains a Nicaraguan lawyer. “There is widespread intimidation through these laws, you can see the patrols in the courts, the security guards around the lawyers at the hearings. It’s difficult psychologically, seeing them hooded with AKs [machine guns] in the hearings.”

Many people are saying that the passing of this package of laws in a pre-election period (the presidential election is scheduled for November 2021) is no coincidence. They point out that barriers to independent funding of political movements, freedom of expression and harassment, along with the risks faced by defenders and political activists, are putting the exercise of civil and political rights at risk.

“When they know that there is a meeting of opponents they swarm all over it or seek to prevent it. They do not allow free exercise with a view to electoral participation. There is zero tolerance,” one human rights defender explained.

These laws that Daniel Ortega’s government wants to promote are conceived, designed and approved to repress. They are adopting instruments of repression with the intention of giving legal form to all the aggressions that have long been committed against human rights.

Vilma Nuñez, president of the Nicaraguan Centre for Human Rights.

2.3 TACTIC 3: CIVIL “DEATH”

In June 2019 Daniel Ortega’s government passed an Amnesty Law.⁵⁵ Following its approval, 104 people detained for their political activism were released from prison.⁵⁶ And yet many of them still do not fully enjoy their freedom, despite being out of jail.

They and their families suffer acts of aggression, intimidation and harassment by the police, pro-government armed groups and local control networks linked to the government. The scaling-up of harassment against people released from prison is just one of the tactics that has characterized this State repression.⁵⁷

Expressions of harassment have included excessive immigration and police checks at the borders with neighbouring countries, police harassment of religious services, continuous surveillance of their homes by police officers, arrests, physical attacks, direct verbal threats from police officers, daubing of threats or the words “Golpistas” (coup instigators) on their homes and attacks or damage to their property and sources of income.⁵⁸

In some cases, the harassment has been so severe that the IACHR has issued precautionary measures on behalf of released prisoners.⁵⁹

⁵⁵ On 8 June 2019, Nicaragua’s National Assembly approved the Amnesty Law (Law 996) “which will benefit those who were involved in acts of violence and crimes relating to the failed coup d’état perpetrated by opposition sectors”, available at: <http://legislacion.asamblea.gob.ni/normaweb.nsf/3133c0d121ea3897062568a1005e0f89/e077ec7257ded9b-406258415007b6225?OpenDocument>

⁵⁶ More information: https://www.oas.org/en/iachr/media_center/PReleases/2019/172.asp

⁵⁷ CENIDH. Bimonthly Report. July-August 2019. p. 16.

⁵⁸ References to these acts of harassment and bullying can be found at: OHCHR. Seguimiento al a situación de derechos humanos en Nicaragua [Monitoring the human rights situation in Nicaragua]. Bulletins No.10 and No.12, CENIDH. Bimonthly Report. July-August 2019 and IACHR. Newsletter of the Special Monitoring Mechanism for Nicaragua September 2019.

⁵⁹ This includes: Resolution 52/2019, Resolution 61/2019, Resolution 62/19, Resolution 46/19, Resolution 45/19, Resolution 5/19 and Resolution 37/19.

The IACHR has received information on persistent arbitrary detentions and criminalization of opponents, including those who have been released from prison, by means of arbitrary and illegal processes.

IACHR, 18 April 2020.

Additionally, implementation of the much criticized and questioned Amnesty Law has exposed a number of problems.

The law contains a dangerous “non-repetition” clause by which those released from prison “must abstain from committing further repeated acts that result in the crimes noted herein. Failure to comply with the principle of Non-Repetition will result in the revocation of the benefits offered by this law”. In addition to failing to admit that the activists should never have been imprisoned for exercising their rights in the first place, this is in fact a barrier to exercising freedom of expression and the right of assembly in the future, and puts these individuals at risk of being sent back behind bars for *fabricated* crimes.

Moreover, many of those released have not been informed of the status of their trials, are awaiting resolutions from judicial proceedings, or have not had their trials definitively shelved. There is therefore still widespread concern about the lack of closure of their legal cases once and for all.⁶⁰ This situation also affects their employment prospects and their ability to continue with their daily lives.

For most of the human rights activists released, their living conditions have been extremely difficult since.

Public expressions of harassment include smear campaigns by public officials. In addition, harassment campaigns prevent them from working, studying or even leaving home. In almost all cases, families are also targeted. Everyone lives in fear of their safety and their lives.

This constant harassment and repression is compounded by the vulnerability and legal uncertainty with which they live on a daily basis.⁶¹ Local groups estimate that at least 30 of the people who were held behind bars in November 2020 were people who had been released and then re-arrested.⁶²

Victoria Obando, an activist from León, a city in western Nicaragua, who was released from prison under the Amnesty Law, says she still has to hide in public places because she is afraid of harassment and public attacks.

“I sometimes feel just like a prisoner,” she says. “Going out in disguise, walking around with a hat on, wearing glasses, not being able to mention my name because there is always an underlying fear of being identified as the opposition”.

“I feel I am not a part of this society, that my right to be Nicaraguan has been taken away from me. It is too unjust a sentence.”

Police officers and, in some cases, pro-government elements continued to intimidate, threaten and attack peaceful protesters [...], as well as individuals previously detained in the context of the protests.

United Nations Office of the High Commissioner for Human Rights, 2019

60 CENIDH. Bimonthly Report. July-August 2019. p. 23 and Amnesty International. Nicaragua: Human Rights Council must respond to gravity of OHCHR report. 10 September 2019.

61 Mechanisms for recognizing political prisoners Preliminary list/report on political prisoners in Nicaragua as of 7 November 2020

62 More information: <https://presasypresospoliticosenicaragua.org/lista-mensual-de-personas-presas-politicos/>

Victoria's story was repeated in most of the interviews that Amnesty International conducted with released activists. Their testimonies show how the authorities and related groups use harassment as a tactic to prevent activism and to discourage others from becoming involved in these movements.

The harassment and smear campaigns and the constant threat of being sent to prison are so strong that, since the beginning of the crisis, some 100,000 people have been left with no option but to leave the country.⁶³ Others continue their activism away from their families in places that might provide more security in an attempt to protect their lives and physical integrity.

Bayron Corea Estrada is 25 years old and, when the protests began in April 2018, he was a dental student at the National Autonomous University of Nicaragua in León, and a human rights activist.

In a telephone conversation with Amnesty International, he says that after he joined the protests, men armed with bats and presumably government supporters started harassing him in the streets and at the house where he was living with his mother, grandmother, sister and younger brother.

On 25 August 2018, this harassment took a much more frightening turn. Plainclothes men in a police car stopped the vehicle in which Bayron and seven other people were returning from participating in a peaceful march. They were arrested violently and without explanation, Bayron explained.

"They shouted at me: 'We're going to kill you because the comandante must be respected'," he recalls.

Bayron spent seven days in El Chipote, where he says he was mistreated and tortured. He explains that he was beaten, forced to do naked squats, made to balance on one knee, and had his testicles burned with a cigarette while being asked where the money was, where the weapons were and who he worked with. They also threatened his family with death. He was held in a small dark cell without a bathroom, alone. The guards only came to throw water on him or take him to the interrogations.

He was eventually transferred to La Modelo, where he was imprisoned for nine months and 11 days. On 11 July 2019, without warning, he was told that he would be released.

"I looked forward to spending some quality time with my family. I couldn't have imagined what was going to happen," he explains.

Bayron's expectations could not have been further from the truth.

Groups of men with sticks circled on motorcycles near his home. Police officers stood on the opposite side of the road. Police cars parked outside the house constantly. People were watching all the time, as if criminals lived in the house. Hooded men followed his family everywhere, to the supermarket, to work. The family's business was attacked with stones and seriously damaged.

Bayron says that people in the area now look at him suspiciously, that he was accused on the radio of murdering another young activist, and that the police are constantly stopping outside his grandmother's business, deterring potential customers.

"They have turned my house into a prison for my family. Even the priest can't go to see my grandmother," he says.

The lack of judicial independence in Nicaragua means that threatened activists have nowhere to go to file complaints or seek protection. Human rights organizations have covered part of this need for documentation and reporting but they are also being harassed and, without the power to influence beyond public denunciation, their effectiveness is limited.

In this regard, the IACHR said that two years after the start of the human rights crisis there is still a "persistent violation of the principle of a separation of powers [...] through the concentration of power in the Executive and a lack of independence of the Judiciary and the Public Prosecutor."⁶⁴

63
64

More information: https://www.oas.org/es/cidh/actividades/visitas/2018Nicaragua/BOLETIN-MESENI-2020_08_09.pdf
IACHR. Press Release. 18 April 2020.

Eventually, Bayron decided that his only option was to leave León in order to protect his family. He says he tries to ensure that no one recognizes him on the street and that he has distanced himself from public activism.

“Bayron’s life has been totally destroyed. He has recorded more than 200 instances of harassment. He has been the victim of assault, persecution, and has been illegally detained. They have ended his career, his family. Now his family lives in different places and he is at risk of losing his life if he goes to León”.

Yonarqui Martínez, Bayron Corea’s attorney

In December 2019, following his release from prison, the IACHR issued precautionary measures in favour of Bayron and his family after receiving information about the harassment, death threats and acts of violence in which State agents and armed third parties, seeking to enter his home, have allegedly participated.⁶⁵

“This has all affected me greatly, including financially. It has been a major change. They have destroyed everything I’ve built up. I can’t even go and buy food let alone go and vote. I’m still locked up, just in a bigger cell,” he explained.

65

IACHR. Protection Measure No. 1045-19, 24 December 2019.

THE HUMAN RIGHTS CRISIS IN

NICARAGUA

IN FIGURES SINCE
APRIL 2018

328
deaths

2K
injured
people

+100
are still in
prison

1614
persons arbitrarily
detained

150
students expelled
from universities

+100K
people forced to
leave the country

+90
journalists and
communicators
in exile

+87
IACHR precautionary
measures for the
protection of hundreds
of people

+400
health professionals
fired

SOURCE: IACHR, various publications.

3. RECOMMENDATIONS

For years, Nicaragua has been on a dangerous path. The human rights violations that Amnesty International and other national and international organizations have documented, the lack of justice, truth and reparation for victims, and the use of numerous tactics to harass and punish those whom the authorities label as critical voices have all radically reduced the civic space.

Since the start of the crisis, Amnesty International has visited Nicaragua several times and issued recommendations which, thus far, have been ignored by the State authorities. The organization continues to strongly call on the Nicaraguan authorities to respect the human rights of all people in the country.

The organization therefore urges the government authorities to:

1. Halt the harassment of people for political reasons

This includes public attacks, harassment and criminalization of activists, journalists, human rights defenders and those exercising their right to freedom of expression and peaceful assembly. In addition, the authorities must repeal laws that run counter to international standards and which unduly limit the exercise of the right to defend rights and the freedom of the press, including those provisions of the Foreign Agents Regulation Law and the Special Law on Cybercrime that violate international human rights standards; they must refrain from approving any legal framework that does not respect their human rights commitments; and they must return confiscated assets to local organizations, while re-establishing their legal status.

The authorities must also guarantee the safety and freedom of activists who, following their release from prison, continue to suffer harassment.

2. End arbitrary detention and release those detained for exercising their rights

The strategy of criminalization and arbitrary detention of students and other activists must be immediately halted. Any person detained solely for exercising their rights to freedom of expression and peaceful assembly must be immediately released and the charges against them, dropped.

3. Dismantle pro-government armed groups

Groups of people who act with the tolerance, acquiescence or in coordination with State authorities to commit human rights violations must be dismantled immediately.

4. Justice, truth and reparation

Any person suspected of individual criminal responsibility for crimes under international law (such as torture or arbitrary detention) or for human rights violations must be independently and impartially investigated and, if sufficient admissible evidence is found against them, promptly tried by a civilian and ordinary court. If found guilty, they must be punished with a penalty proportionate to the severity of the crime.

5. The Rome Statute of the International Criminal Court and the International Convention for the Protection of All Persons from Enforced Disappearance

The Nicaraguan authorities must promptly accede to the Rome Statute of the International Criminal Court and the International Convention for the Protection of All Persons from Enforced Disappearance, recognizing in the latter case the competence of the Committee on Enforced Disappearances to receive and consider any communication submitted by a victim or his or her family members or representatives.

6. Guarantee international scrutiny

It is essential that the Nicaraguan authorities cooperate with regional and international mechanisms for accountability. The government must ensure that both the Inter-American Commission on Human Rights and the Office of the United Nations High Commissioner for Human Rights, along with other international bodies, enjoy all the conditions necessary to be able to carry out their work. The authorities must also obtain and permit entry to any organization or procedure attached to international and regional human rights protection mechanisms that requires entry into the country in order to observe and document the human rights situation, including non-governmental organizations.

Given the lack of options for effective remedy at the national level, the authorities' constant refusal to cooperate with regional and international human rights mechanisms, and the continuing severity of the situation, the international community also has a key role to play in supporting the work of activists, journalists, and human rights defenders.

In this context, we call on the international community, multilateral organizations and international human rights bodies to:

Keep the human rights crisis in Nicaragua firmly on their agenda and to urge the Nicaraguan authorities to comply with the recommendations made by the Inter-American Commission on Human Rights, the Interdisciplinary Group of Independent Experts and the UN Office of the High Commissioner for Human Rights. Furthermore, to continue to promote, in a sustained way, all diplomatic steps possible to allow the entry of any international human rights body or related procedure when it requests entry into the country to monitor and document respect for and guarantees of human rights.

4. METHODOLOGY

Since the start of the current human rights crisis in April 2018, Amnesty International has conducted three fact-finding missions to Nicaragua and two to Costa Rica. During these visits, a research team spoke with dozens of victims of human rights violations and human rights organizations. In none of the cases did the authorities respond to repeated requests for meetings and information.

This document, which was completed in November 2020, is based on 18 interviews (conducted by telephone due to the restrictions on movement imposed by the COVID-19 pandemic) along with a review of judicial files, an analysis of domestic legislation according to human rights standards, reports from international organizations and news reports. Amnesty International would like to thank those who have trusted the organization by providing valuable information and documentation for the preparation of this document.

Some of the names of those interviewed have been omitted to avoid putting their safety and personal integrity at risk.

**AMNESTY INTERNATIONAL
IS A GLOBAL MOVEMENT
FOR HUMAN RIGHTS.
WHEN INJUSTICE HAPPENS
TO ONE PERSON, IT
MATTERS TO US ALL.**

CONTACT US



info@amnesty.org



+52 (55) 4747 1600

FOLLOW US



[@AmnistiaAmericas](https://www.facebook.com/AmnistiaAmericas)



[@AmnistiaOnline](https://twitter.com/AmnistiaOnline)

SILENCE AT ANY COST

STATE TACTICS TO DEEPEN THE REPRESSION IN NICARAGUA

When images of the violent repression of the mass protests that began in April 2018 over a series of reforms to Nicaragua's social security system filled the front pages of major newspapers around the world, it seemed that the human rights crisis in the country had reached its peak.

By the end of April 2018, it was hard to imagine that things could get any worse. President Daniel Ortega's government was using the entire security apparatus to punish those who dared to demonstrate in the streets to demand accountability. Two years later, reality continues to exceed the worst predictions.

The evidence and testimonies contained in this report show how the Government of Nicaragua has not only deepened but also perfected its repressive machinery, implementing a series of sophisticated tactics to silence any form of criticism and social demand, at any price.