

Gross Human Rights Violations in the Context of Social Protests in Nicaragua



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EXECUTIVE SUMMARY

1. The instant report is about the human rights situation in Nicaragua as observed by the Inter-American Commission on Human Rights (IACHR) during its working visit to the country from May 17 to 21, 2018, in relation to the violent events that have been taking place since the State repressed the protests on April 18, 2018, and subsequent events over the following weeks. According to figures gathered by the IACHR, the State's repressive action has led to at least 212 deaths, 1,337 persons wounded as of June 19, and 507 persons deprived of liberty as of June 6, and hundreds of persons at risk of becoming victims of attacks, harassment, threats and other forms of intimidation.
2. The findings of the working visit suggest that the violence perpetrated by the State has been aimed at deterring participation in the demonstrations and putting down this expression of political dissent and that it follows a common pattern, marked by: (a) the excessive and arbitrary use of police force, (b) the use of parapolice forces or shock groups with the acquiescence and tolerance of State authorities, (c) obstacles in accessing emergency medical care for the wounded, as a form of retaliation for their participation in the demonstrations, (d) a pattern of arbitrary arrests of young people and adolescents who were participating in protests, (e) the dissemination of propaganda and stigmatization campaigns, measures of direct and indirect censorship, (f) intimidation and threats against leaders of social movements, and (g) lack of diligence in opening investigations into the killings and bodily injuries taking place in this context.
3. The demonstrators, including university students who took refuge on university campuses, the persons guarding the roadblocks known as *tranques* in different parts of the country, human rights defenders, journalists, victims and members of religious orders, comprise the groups most affected by the different forms of repression to which the Nicaraguan State has resorted.
4. The Nicaraguan authorities have cited maintaining public order and social peace as justification for their actions. Nonetheless, the IACHR notes that, in view of the scope of the State's violence and the type of strategies implemented by the State, it is obvious that there is coordinated action to control public spaces and repress social protest and not just a few illegal acts perpetrated by a few members of the security forces. In fact, the information received describes a pattern of state agents, mainly members of the National Police of Nicaragua and its anti-riot brigades, parapolice forces, as well as strike groups or mobs, acting in concert with the Police, setting into motion a repressive response aimed at deterring society from participating in the demonstrations.
5. The IACHR notes that this pattern has been implemented with the excessive and arbitrary use of force, including the use of lethal force, deliberately and systematically, by the above-mentioned actors. The IACHR notices that the State responded to the demonstrations in different stages and with different levels of intensity and that different tactics and methods of repression have been deployed against the demonstrators, as well as against the civilian

population on the streets. Based on the information gathered by the IACtHR, on April 18, 2018, the first day of the protests, the State response was first characterized by the excessive use of force, mostly, through the use of firearms and excessive use of less lethal weapons, such as tear gas, rubber bullets and buckshot, by the National Police and anti-riot squad, in order to break up protests and demonstrations in different cities of the country. Because the protests continued, from April 19 to 22 the State adopted a more aggressive repressive strategy against the demonstrators and even against individuals who were not taking part in the protests.

6. According to the testimonies received during the visit, snipers were deployed as another means of repression and evidence suggests a link of the snipers to State agents. The information received by the IACtHR from staff members of public hospitals suggests that in the period referenced above numerous victims were treated for bullet wounds in the head, eyes, neck and the thorax, as well as in the back. The mechanics and trajectory of the shots would indicate arbitrary use of lethal force, or extrajudicial executions. According to the autopsy reports examined by the IACtHR, projectile entry orifices, in many instances, were located in highly lethal areas of the body, which points to lethal intent of the shots.
7. Furthermore, the IACtHR received extensive information and complaints of irregularities and denial of medical care and the blocking of humanitarian efforts to assist injured and wounded persons in the context of the violent events and repression occurring in the country on April 18, 2018. The restrictions reported on health care during the protests included not only obstacles within hospitals, but there were also reports about orders to restrict the departure and circulation of ambulances and humanitarian aid workers, such as firemen, Red Cross staff, as well as medical staff, paramedics, medical students and volunteers.
8. Additionally, a number of cases were identified where people did not go to State health care facilities out of mistrust or fear of being subjected to retaliation, and consequently they remained without any medical assistance or resorted to private hospitals, improvised health facilities or volunteer doctors, firemen and medical students, among others. According to testimonies received and public information, even schools, private homes and parishes were outfitted to tend to the wounded.
9. The IACtHR views with concern that the mental health and emotional wellbeing of the population is being seriously jeopardized by the context of violence, harassment, threats and repression, in particular, those who report being victims of human rights violations, their family members, as well as students and residents who demonstrate against the government.
10. Additionally, the IACtHR documented the existence of a pattern of arbitrary detentions occurring over the first days of the protests, mostly of individuals who were peacefully demonstrating, or were traveling on public roads in the area of the incidents. According to statistics, thus far, as of the date of the instant report, at least 507 individuals were arrested, 421 of which are young people and adolescents. These detentions were carried out through the arbitrary and disproportional use of force, and were not based on the grounds provided for under the law, nor did they fulfill formal statutory requirements, but instead amounted to a punishment.
11. The IACtHR also received many testimonies suggesting that most of the individuals detained in the context of the protests, that began on April 18, were subjected to different forms of cruel, inhuman and degrading treatment, with some of the treatment described beyond the

threshold of torture, at the time of their apprehension and while they were deprived of liberty. In particular, according to information that was made available to the Commission, during their deprivation of liberty at the respective detention facilities mainly, "El Chipote" and "La Modelo", as well as when they were transferred to those facilities, the detainees were subjected to beatings and threats. According to the testimonies, the security agents threatened the detainees with death, as well as with assaulting them, their family members, and friends. The IACtHR received complaints of the detainees being held incommunicado, inasmuch as they were not allowed to have any contact with their family members or legal representation.

12. Moreover, several testimonies taken by the IACtHR cite attacks, acts of intimidation, threats, including death threats, and smear campaigns against young demonstrators, student leaders, human rights defenders, family members of the victims and members of religious orders in the country. In this regard, the Commission notes that several human rights defenders have been identified and assaulted in the context of the protests, in addition to accused and singled out for supporting the demonstrations. This has all led the Commission to reach the conclusion that in Nicaragua human rights defenders, the victims' family members and witnesses to human rights violations are at serious risk. Accordingly, the IACtHR has requested the Nicaraguan State to immediately adopt precautionary measures to protect the lives and integrity of several individuals.
13. The Commission also received testimonies about state workers from different institutions, who reported being coerced into participating in pro-government acts, either under threat of being terminated or who actually have been terminated, under "orders from higher up" because they supported the protests. Some workers noted that the government has ordered the social media accounts of workers to be monitored in order to report who is sending messages or information perceived as running counter to the interests of the government.
14. The IACtHR noticed that the State's response also included the dissemination of propaganda and stigmatization campaigns. Since the start of the protests, information has been disseminated which fails to recognize the grievances of the protests, any information about police repression is left out and the protesters, especially young people who block roads, are accused of being "delinquents" or "vandals" who are committing "acts of terrorism and of organized crime" and causing "chaos, pain and death" in the country and of violating the right to work of Nicaraguan families.
15. Additionally, during the visit and subsequent to it, the IACtHR has noted that the State has adopted measures of direct and indirect censorship restricting the widest range of public information about what is happening in the country. Some media outlets or their journalists are being prevented from doing their job, especially the independent media. During the demonstrations some media outlets were taken off the air, one journalist was murdered and others were wounded.
16. There were also reported cases of homes being attacked and burned by State actors and armed third parties, which has forced people to be displaced from their homes in search of safety and refuge.
17. The Commission has also observed several serious violations of access to justice and the right to the truth of victims and their family members, which is reflected mostly in the lack of diligence of the State to investigate the deaths and injuries occurring in the context of the

protests, as well as serious irregularities in the recording of fundamental information for the elucidation of the facts, such as failure to conduct autopsies or conducting them based on documents (without any inspection of the bodies), untimely investigations and expert analysis, and shifting the burden of proof onto the victims or their family members. The IACHR ascertained with great concern the fact that the family members of the victims who died were instructed to sign waivers of transfer of the bodies to the Medical Examiner and to waive their right to file complaints as a requirement for receiving death certificates.

18. In particular, the IACHR underscores a climate of widespread distrust it has observed among victims, family members and representatives in filing complaints with the institutions in charge of investigating the crimes committed in the context of the protests. Victims and family members repeatedly cited a lack of trust in the National Police and the Office of the Public Prosecutor because these institutions would not offer any assurance of independence or impartiality. Additionally, the Commission notes that the victims' family members were afraid of filing complaints with the National Police because they felt intimidated by potential retaliation from this institution.
19. The IACHR identifies that there is growing violence in the country. The tension and reaction to the atmosphere of injustice and the failure of State actors to provide protection is leading to actions that fall outside the scope of peaceful protest. Social sectors sympathetic to the government and State agents in turn have been the targets of retaliation and harassment. According to figures provided by the State, from April 18 to June 6, 2018, at least 5 policemen have lost their lives and 65 have been injured in the context of the protests. The Commission also disapproves of these actions, which jeopardize the lives and safety of persons, and must be investigated and punished.
20. The IACHR condemns the escalation of State-perpetrated violence observed over the past weeks and reissues its call for the immediate cessation of repression. Likewise, it urges the Nicaraguan State to reach a constitutional, democratic and peaceful solution to this human rights crisis. The acts of violence must be investigated immediately, autonomously, independently and impartially, and with strict adherence to international norms and standards on seriousness, thoroughness and due diligence, in order to ensure the right to the truth and justice. In this context, the IACHR reiterates to the State the recommendations issued in its Preliminary Observations on the working visit and issues further recommendations.
21. In addition to providing a detailed analysis about the human rights situation in Nicaragua in the context of the protests that began in April, this report serves as a basis for the work of the GIEI in order to make a technical decision about the lines of investigation as well as issuing recommendations of actions at the different levels of legal responsibility. Likewise, the instant report serves as guidance for the creation of the Special Follow-Up Mechanism of Nicaragua (MESENI), the purpose of which is to follow up on compliance with the recommendations issued in the reports produced in this context and the precautionary measures granted in the context of this document, as well as to continue to monitor the human rights situation of the country.

CHAPTER 1: INTRODUCTION

22. In keeping with its mandate, the Commission has been monitoring the human rights situation in Nicaragua, particularly, since the violence broke out on April 18, 2018 in the context of the State's crackdown on protests in Nicaragua. In this regard, on April 26, 2018, the IACHR officially requested permission from the State to conduct a working visit to Nicaragua.¹ On May 3, 2018, the IACHR announced the creation of a Rapid and Integrated Response Coordination Unit (SACROI, its Spanish language acronym), in order to closely follow the human rights situation in Nicaragua through its different mechanisms.²
23. In a communication dated May 13, 2018, the State of Nicaragua gave its approval so that "as soon as possible the Commission may carry out said working visit, in order to observe *in loco* the human rights situation in Nicaragua, in the context of the events of April 18, 2018 to the present date."³
24. The IACHR carried out the working visit to Nicaragua from May 17 to 21, 2018. The purpose was to observe the human rights situation in the country on the ground in relation to the violent events cited above, document these events and issue preliminary recommendations to the State.
25. The visiting delegation was headed by Commissioner Antonia Urrejola, IACHR Rapporteur for Nicaragua, supported by Commissioner Joel Hernández, Rapporteur on the Rights of Persons Deprived of Liberty; and Commissioner Francisco Eguiguren, Rapporteur on Human Rights Defenders. She was also assisted by Paulo Abrão, Executive Secretary; María Claudia Pulido, Assistant Executive Secretary for Monitoring, Promotion and Technical Cooperation on Human Rights; the Special Rapporteurs for Freedom of Expression, Edison Lanza, and for ESCER, Soledad García Muñoz; and by specialists of the Executive Secretariat.
26. The Inter-American Commission met with government authorities and representatives of civil society and of the Catholic Church, international organizations and journalists. Additionally, testimony was taken from groups, witnesses, victims of human rights violation and their family members. The IACHR visited the cities of Managua, Masaya, Matagalpa and León, and conducted visits to the countryside at detention facilities and hospitals.
27. The Commission is grateful to the State of Nicaragua for the invitation to carry out this visit, as well as to civil society for the support in bringing it about. It also appreciates all of the information provided by the State authorities and the logistical facilities it provided. The Commission thanks all actors it met with during the visit. Likewise, it expresses special recognition to hundreds of victims, witnesses, family members, groups and organizations that shared their testimonies, complaints and detailed information about events with the

¹ IACHR, [CIDH expresa preocupación por muertes en el contexto de protestas en Nicaragua](#), ['IACHR Expresses Concern over Deaths in the Context of Nicaraguan Protests'], April 24, 2018.

² IACHR, [IACHR to Set Up a Coordination Unit to Monitor Events in Nicaragua](#), May 3, 2018.

³ Pursuant to Article 18, subsection 'g' of the Statute. Communication from the State of Nicaragua, Note MRE-DM-DMC/DGAJST/00202/05/18, May 13, 2018.

- delegation, in a complex environment that demanded great courage from them and commitment to justice.
28. When the working visit concluded, the IACHR issued its Preliminary Observations, listing 15 initial recommendations to be implemented by the State of Nicaragua. On May 30, 2018, the IACHR and the General Secretariat of the Organization of American States (OAS) obtained the approval of the Nicaraguan State to create an international investigation mechanism regarding the violent events that have been taking place since April 18 in the country.⁴ The IACHR submitted a proposal to create an Interdisciplinary Group of Independent Experts (GIEI), with assurances of autonomy and independence, to assist and support the investigations into the violence in accordance with recommendation number 3 of the IACR's Preliminary Observations and also a proposal for a follow-up mechanism (MESENI) in conjunction with the IACHR, to verify implementation of the recommendations issued in the instant report, pursuant to recommendation 15.
 29. The GIEI for Nicaragua will be made up of four highly qualified individuals in the technical fields with a proven track record in human rights protection. The attributions of the group will include the following: technically analyze lines of investigation and issue recommendations for action at the different levels of legal responsibility; analyze whether all lines of investigation are being exhausted and whether the appropriate charges are being used to encompass the potential crimes and those responsible for them and, when applicable, recommend actions to implement in order to ensure that these objectives are achieved. The IACHR will follow-up on the recommendations issued by the GIEI.⁵
 30. On June 18, 2018, the IACHR forwarded to the State of Nicaragua a copy of the preliminary draft of the instant report in accordance with its Rules of Procedure, and asked for it to submit its observations. On June 19, 2018, the State of Nicaragua requested an extension, which was granted by the IACHR for a period of 24 additional hours. On June 21, the State submitted its observations, which, in the relevant portions, were incorporated into this final version approved by the IACHR on June 21, 2018.⁶
 31. For the purposes of drafting this report, the IACHR has systematized and analyzed the information received prior to, during and subsequent to the working visit. The IACHR gathered 1007 testimonies of victims and family members; a total of 135 petitions were received; and a total of 188 requests for precautionary measures were received mostly in the context of the working visit.
 32. The instant report is also based on input from the different mechanisms the IACHR has been using to monitor the recent situation, including precautionary measures; *ex officio* investigations; press reports, the recommendations of specialized international agencies,

⁴ [Acuerdo entre la Secretaría General de la Organización de los Estados Americanos, la Comisión Interamericana de Derechos Humanos \(CIDH\) y el Gobierno de Nicaragua para apoyar la investigación de los hechos de violencia acaecidos en el periodo del 18 de abril de 2018 hasta la fecha en Nicaragua](#), [‘Agreement between the OAS General Secretariat, the Inter-American Commission on Human Rights and the Government of Nicaragua to support the investigation into the violent events, which occurred over the period of April 18, 2018 until the present date in Nicaragua’], May 30, 2018.

⁵ IACHR, [CIDH anuncia la creación de Grupo Interdisciplinario de Expertos Independientes para coadyuvar las investigaciones de los hechos recientes de violencia en Nicaragua](#), [‘IACHR to Create Interdisciplinary Group of Independent Experts to Help Investigate Recent Violence in Nicaragua’], May 30, 2018.

⁶ State of Nicaragua. [Observaciones del Estado de Nicaragua respecto del proyecto de informe de la Comisión Interamericana de Derechos Humanos](#), [‘Observations of the Nicaraguan State on the draft report of the Inter-American Commission on Human Rights’], June 21, 2018.

among other ones. The instant report is divided into five chapters. Firstly, Chapter II describes the context and main findings of the working visit. Chapter III examines specific infringements of the rights to life and personal integrity; health and medical care; liberty and personal integrity in the context of detentions; freedom of expression; free movement and residence; and the right to the truth and access to justice. Then, Chapter IV lays out the special situation of risk faced by human rights defenders, student leaders, members of religious orders and journalists. Lastly, the Commission lists conclusions and recommendations to assist the State of Nicaragua in complying with its international human rights obligations.

CHAPTER 2: CONTEXT AND MAIN FINDINGS

A. *Start of the Protests in April 2018*

- 33. Several sources identify the forest fire in Indio Maiz biological reserve as one of the main triggers of the protests. Said forest fire broke out in late March-early April, 2018, in one of the largest protected forest reserves of the country and was not properly extinguished.⁷ The fire was finally brought under control. According to the information we received, in protest of the weak State response, young people carried out mobilizations that were put down by the State.⁸
- 34. Days after the forest fire, without having been submitted to a process of prior public debate, the government published in the official gazette a reform of social security increasing workers and employers contributions and establishing a 5% deduction to the pensions of retirees, to be allocated to cover the medical assistance guaranteed in Article 3 of the Social Security Law.⁹ This triggered peaceful protests, which were convened by university students and older adults themselves.
- 35. According to information available to the public, on April 18, in Managua, groups of armed third party individuals, also known as strike forces or groups, parapolice groups or mobs (*turbas*), broke into the campus of Central American University in Managua to assault the students, workers and professors that were peacefully protesting. The demonstrators, who included older adults, headed toward the road known as Camino de Oriente, on the highway to Masaya, where they were heavily attacked by the national police forces and parapolice groups. In response, the protests spread to the National Engineering University (UNI), the National Autonomous University of Leon, the Agrarian University and the Polytechnic University of Nicaragua (UPOLI).¹⁰
- 36. In Leon, Radio Darío was set ablaze by groups of armed third parties who, according to the information received, were allegedly members of the so-called Sandinista *turbas* (mobs), with 11 broadcasters inside, who managed to escape the flames. As a result, two of the perpetrators died allegedly because the fuel cans they were handling caught fire. During the working visit, the Commission witnessed the totally destroyed facilities of the radio station.

⁷ Confidencial, [Tres escenarios tras la insurrección de abril en Nicaragua](#), [‘Three scenarios after the April insurrection in Nicaragua’], Analysis of the Center for Communications Research (CINCO), May 8, 2018.

⁸ Confidencial, [Tres escenarios tras la insurrección de abril en Nicaragua](#), [‘Three scenarios after the April insurrection in Nicaragua’], Analysis of the Centro de Investigación de la Comunicación (CINCO), May 8, 2018; La Prensa, [Así te contamos la marcha de los jóvenes que exigen una respuesta al incendio en Indio Maíz](#), [This is how we report to you the march of youths who demand a response to the Indio Maiz fire], April 12, 2018; Hoy! [Marchas y contramarchas en Managua, y el incendio sigue en reserva Indio Maíz](#), [‘Marches and counter-marches in Managua, and fire continues on Indio Maiz reserve’], April 13, 2018.

⁹ Resolution 1-317, Gaceta No. 72, published April 18, 2018.

¹⁰ CENIDH, CENIDH denounces systematic violations of the human rights of Nicaraguans by the dictatorial regime of Daniel Ortega and Rosario Murillo.

- The University Center of the National University (CUUN) was also set on fire, and one body was found inside; however, no details were provided with regard to the circumstances.¹¹
37. Over the following days, the protests in Nicaragua spread to several locations in the country such as León, Masaya, Granada, Matagalpa, Estelí, Carazo, Rivas, Bluefields, Ocotal and Camoapa and to other cities.¹² In Managua, the protests grew at different locations in the city.
38. The State response through the police forces, anti-riot squads and parapolice groups, using firearms, teargas and rubber bullets, was disproportionate. Furthermore, the government's failure to recognize and condemn the repression also led to greater outrage. The Commission observed during the visit that acts of violence also were perpetrated by unidentified persons.
39. In the context of the protests, 29 of the works known as "trees of life" were destroyed. These sculptures are metal structures, which were placed by the government throughout Managua over the past years and are considered by citizens to be a symbol of the current government.¹³
40. As a consequence of the State response, the protests spread throughout the country and to sectors of workers, peasants, environmentalists and citizens in general.
41. In its observations on the draft of the instant report, the State noted that as of April 18, 2018, several events unfolded in the country, aimed at creating a situation of chaos and social, economic and political instability and disrupting citizen security, the lives and safety of people, public and private property, the tranquility of families, the normal functioning of government and its institutions, private institutions and entities, and the right to free movement of all Nicaraguan people, thus seeking to undermine the legitimacy of the Government of Nicaragua, citizen security and Constitutional order.¹⁴
42. The Commission was able to determine through approximately 200 testimonies, that on April 20, in Managua, widespread repression was unleashed. On the one hand, police forces and parapolice groups entered through a back door of the UNI, opening fire and setting the facilities of the Postgraduate building of the National Engineering University on fire. According to the information received, there was a massive exit of students, but many were trapped in the premises and several lost their lives or sustained serious injury. While adolescent Alvaro Conrado was bringing water into the building, he was mortally wounded in his neck and face; several witnesses claim that snipers posted in the Denis Martinez National Stadium fired the shots. A few blocks from there, hundreds of students were stockpiling foodstuff and materials to support the occupation of the universities and, according to several testimonies received by the IACHR, at approximately 4 p.m., they were attacked on the

¹¹ Q'hubo, [Encuentran cuerpo calcinado](#), ['Burned body found'], April 22, 2018.

¹² CENIDH, CENIDH denounces systematic violations of the human rights of Nicaraguans by the dictatorial regime of Daniel Ortega and Rosario Murillo

¹³ Univisión, [Por qué los manifestantes en Managua derriban árboles metálicos de colores al grito de "hay libertad?"](#), ['Why are demonstrators in Managua knocking down the colorful metal trees while crying out "there is freedom"]], April 22, 2018; Estrategias y Negocios, [Nicaragua: los "árboles de la vida: símbolos caídos del poder de Ortega](#), ['Nicaragua: trees of life: fallen symbols of Ortega's power'], April 23, 2018; France24, [Los "árboles de la vida", símbolos del poder de Ortega destruidos en Nicaragua](#), ['"Trees of Life," symbols of Ortega's power destroyed in Nicaragua'], April 24, 2018. State of Nicaragua. Observations of the Nicaraguan State with respect to the draft report of the Inter-American Commission on Human Rights, June 21, 2018.

¹⁴ Observations of the Nicaraguan State with respect to the draft report of the Inter-American Commission on Human Rights, June 21, 2018.

esplanade of the Cathedral by dozens of anti-riot agents, who were allegedly working in coordination with irregular mobs.¹⁵

43. In the context of this crisis, the IACHR also received testimony and information about damages to personal and real property of individuals, burning of properties, robberies, looting, usurpation of residences, harassment and threats of damage to property, among other ones.
44. Even though the government withdrew the social security reform on April 22, 2018, the protests continued, and extended to other complaints against the government.¹⁶ In a press release dated April 24, 2018, the IACHR condemned the deaths of at least 25 individuals, dozens of people wounded, injuries to journalists, and taking off the air four television stations that were reporting on the protests, under orders of the government. Official government media reported that an official investigation was ordered into the repression of the demonstrations and the deaths of at least 25 people, including one member of the police. The government justified the actions of the police forces as legitimate self-defense against some groups that were promoting violence.¹⁷
45. The IACHR conducted the working visit to Nicaragua from May 17 to 21, 2018. At the end of its working visit on May 21, it noted that in the context of the protests, the death toll stood at 76 and the number of wounded people, at 868. Out of the total number of wounded, five remained in the hospital in serious condition. Additionally, 438 individuals were arbitrarily detained. The preliminary observations of the visit were published in a press release on that same date.¹⁸
46. In its observations on the draft of the instant report, the State noted the following: “aware that the solution to this situation must be of constitutional order, we are working to restore social order, so that the truth and justice prevail in response to the events [that] transpired, for the preeminence of full respect for human rights.”¹⁹

B. Events Subsequent to the Working Visit

47. Following the working visit and the observations issued, the IACHR issued a press release condemning renewed acts of violence, which transpired in Managua, León, and Chinandega. According to the information it received, private groups, known in Nicaragua as “strike groups” (*grupos de choque*), who allegedly act with the acquiescence of State’s agents, attacked demonstrators, who were maintaining barricades in León. Similar events were reported in Chinandega.²⁰

¹⁵ The Commission will explain in detail the events involved in the incident of the Cathedral in the section on “Arbitrary deprivation of life and/or infringement of personal integrity by third parties.”

¹⁶ El Nuevo Diario, [Ortega retira reforma al INSS y rechaza condiciones del COSEP](#), [‘Ortega withdraws reform of INSS and rejects the conditions of COSEP’], April 23, 2018.

¹⁷ IACHR, [CIDH expresa preocupación por muertes en el contexto de protestas en Nicaragua](#), [‘IACHR Expresses Concern over Deaths in the Context of Nicaragua Protests’], April 24, 2018.

¹⁸ IACHR, [Observaciones preliminares de la visita de trabajo de la CIDH a Nicaragua](#), [‘Preliminary Observations on the IACHR working visit to Nicaragua’], May 21, 2018.

¹⁹ State of Nicaragua. State of Nicaragua’s observations on the draft report of the Inter-American Commission on Human Rights, June 21, 2018.

²⁰ IACHR, [CIDH condena nuevos hechos de violencia en Nicaragua](#), [‘IACHR Condemns Renewed Violence in Nicaragua’], May 25, 2018.

48. Then, on June 1, 2018, the IACHR issued another press release condemning the deaths and renewed violence in the country.²¹ In particular, the IACHR recounted that during a peaceful march on May 30, 2018, in support of the Mothers of April, which was held on Mothers' Day in Nicaragua, strike groups and armed third parties put down the marchers by shooting firearms at them. According to official figures, 15 people were killed and 199, wounded, in Managua, Estelí and Masaya. Additionally, according to a release of the Central American University (UCA), thousands of people entered the premises of UCA to seek refuge from the attacks and the wounded were treated on the campus. Elsewhere, according to publicly available information, strike forces attacked the facilities of broadcast channel 100%Noticias with rocks and mortar shells.²²
49. Also, on May 26, the municipal building of the Sandinista Front, located in the municipality of Altagracia, Ometepe, was set on fire by unidentified third parties. In addition, during the early morning hours of May 27, hooded individuals fired mortar shells at two watchmen, who were guarding the main gate of Central American University in Managua.
50. Furthermore, on May 28, it was reported that students took over the Simon Bolivar Campus of the National Engineering University (UNI) in Managua. According to the information received, parapolice groups and anti-riot forces of the State attacked the students, who were present at said location, using bullets, tear gas and mortar shells. On that same date, the IACHR received a report about confrontations between demonstrators and the National Police in the traffic circle of Metrocentro of the same city, where it was reported that 20 people were wounded and several, detained. That same day, there were also attacks on journalists and media outlets in Managua.²³
51. Violence and repression have escalated in recent days. In a press release of June 13, 2018, the IACHR voiced its alarm and deep concern over the persistence and worsening of the violence in Nicaragua, which as of that date, had taken the lives of 143 people, and constitutes a serious human rights crisis, that must be addressed by the Nicaraguan State with the utmost urgency. The IACHR also forcefully condemned a rise in the use of excessive force and continued attacks by parapolice and armed third parties, which the State has the obligation to dismantle. The IACHR urged the State of Nicaragua once again to immediately cease the repression of the demonstrators and opposition, and to investigate and punish all incidents of violence that have taken place. The Commission condemned every type of practice of humiliation and harassment that may be used, inasmuch as it amounts to disgraceful conduct in violation of human rights, which are valid for everyone without distinction. Lastly, the Commission urges the State to seek a peaceful, constitutional and democratic solution to the current crisis and commends the efforts of the Episcopal Conference of Nicaragua for resuming the national dialogue.²⁴

²¹ IACHR, [CIDH urge a Nicaragua a desmantelar grupos parapoliciales y proteger derecho a protesta pacífica](#), ['IACHR Urges Nicaragua to Dismantle Parapolice Groups and Protect Right to Peaceful Protest'], June 1, 2018.

²² IACHR, [CIDH urge a Nicaragua a desmantelar grupos parapoliciales y proteger derecho a protesta pacífica](#), ['IACHR Urges Nicaragua to Dismantle Parapolice Groups and Protect Right to Peaceful Protest'], June 1, 2018.

²³ IACHR, [CIDH urge a Nicaragua a desmantelar grupos parapoliciales y proteger derecho a protesta pacífica](#), ['IACHR Urges Nicaragua to Dismantle Parapolice Groups and Protect Right to Peaceful Protest'], June 1, 2018.

²⁴ IACHR, [CIDH condena el recrudecimiento de la violencia en Nicaragua](#), ['IACHR Condemns Increased Violence in Nicaragua'], June 13, 2018.

52. In its observations on the draft of the instant report, the State noted the following:

It fully rejects the report submitted by the IACtHR, inasmuch as it regards it as subjective, biased, prejudiced and blatantly partial, written under the influence of sectors linked to the opposition [...].²⁵

53. The State asserted that the events analyzed by the IACtHR are not taking place in the context of the social protests but “are taking place in the context of an attempt at constitutional and institutional rupture in order to remove the legitimately elected authorities and oust the government” (see, Coup d'état).²⁶

C. State Response to the Social Protests

54. The Inter-American Commission has recognized that public protest is one of the usual ways of exercising the right of assembly and the right to freedom of expression, as well as a mechanism of political participation of defense of human rights,²⁷ which has an essential social interest in guaranteeing the proper functioning of the democratic system and the defense of human rights.²⁸ In this regard, it has held that public demonstrations and other forms of protest against government plans or policies, far from being a provocation of violence, are common to any pluralistic democracy and deserve maximum protection.²⁹
55. Likewise, the Inter-American Court has held that the relationship between the rights of assembly, freedom of expression and political participation, taken as a whole, make the democratic process possible³⁰ and “it is even clearer, especially when they are all exercised at the same time in order to protest against actions by the public authorities that are contrary to the constitutional order, and to reclaim the return to democracy.”³¹
56. The compelling social interest overlaying the right to participate in public demonstrations, triggers a general presumption in support of the exercise thereof³² and of the State’s obligation to promote a safe and favorable setting for individuals and groups to be able to use public space to express their opinions and make demands, in accordance with, international norms and standards on the subject matter. The excessive use of force, criminalization and other inappropriate responses of the State to social protests not only undermine rights to

²⁵ State of Nicaragua. State of Nicaragua’s observations on the draft report of the Inter-American Commission on Human Rights, June 21, 2018.

²⁶ State of Nicaragua. State of Nicaragua’s observations on the draft report of the Inter-American Commission on Human Rights, June 21, 2018.

²⁷ IACtHR, [Segundo Informe sobre la Situación de las Defensoras y los Defensores de Derechos Humanos en las Américas](#), [Second Report on the Situation of Human Rights Defenders in the Americas], 2011, par. 106; IACtHR, Annual Report. Volume II. [Informe de la Relatoría para la Libertad de Expresión, Cap. V, "Las Manifestaciones como Ejercicio de la Libertad de Expresión y la Libertad de Reunión"](#), [Report of the Office of the Special Rapporteur for Freedom of Expression, Chapter V, “Statements as Exercises of Freedom of Expression and Freedom of Assembly], 2005, par. 91, and IACtHR, [Informe Anual, Capítulo IV. A "Uso de la Fuerza"](#), [Annual Report, Chapter IV. A “Use of Force”], 2014, par. 64 and following.

²⁸ IACtHR, [Segundo Informe sobre la Situación de las Defensoras y los Defensores de Derechos Humanos en las Américas](#), [Second Report on the Situation of Human Rights Defenders in the Americas], 2011, par. 106.

²⁹ IA Court of HR. Case of López Lone et al v. Honduras. Preliminary Objection, Merits, Reparations and Costs. Judgment of October 5, 2015. Series C No. 302, par. 160.

³⁰ IA Court of HR. Case of López Lone et al v. Honduras. Preliminary Objection, Merits, Reparations and Costs. Judgment of October 5, 2015. Series C No. 302, par. 160.

³¹ IA Court of HR. Case of López Lone et al v. Honduras. Preliminary Objection, Merits, Reparations and Costs. Judgment of October 5, 2015. Series C No. 302, par. 160.

³² IACtHR, [Informe Anual, Capítulo IV. A "Uso de la Fuerza"](#), [Annual Report, Chapter IV. A “Use of Force”], 2014, par. 121.

freedom of expression and assembly, but also cause serious violations of other fundamental rights such as the right to life, integrity and personal liberty and due process of law and can seriously impact the exercise of social rights.

57. As is described in this report, the State of Nicaragua has not fulfilled its international obligations to respect, protect and ensure human rights in the context of the social protests that began on April 18. On the contrary, the IACHR ascertained that the State response has been marked by repression and criminalization of the demonstrators and the social movement that they represent, which has resulted in gross human rights violations. According to statistics documented by the IACHR, as of June 19, 2018, the repressive action of the State has led to at least 212 deaths, 1,337 wounded persons and 507 persons deprived of liberty reported as of June 6, 2018, and hundreds of persons at risk of being victims of attacks, harassment, threats and other forms of intimidation. In its observations on the draft of the instant report, the State noted that as of June 6 it reported to the IACHR 98 deaths linked to the current state of affairs "among whom there are also policemen, Sandinistas and the population in general," and therefore it suggests that the figures reported by the IACHR have not been properly verified.³³
58. The findings of the working visit suggest that State-perpetrated violence has been aimed at deterring participation in the demonstrations and putting down this expression of political dissent and that it follows a common pattern, marked by (a) the excessive and arbitrary use of police force, (b) the use of parapolice forces or shock groups with the acquiescence and tolerance of State authorities, (c) intimidation and threats against leaders of social movements, (d) a pattern of arbitrary arrests of young people and adolescents who were participating in protests, (e) irregularities in opening investigations into the killings and bodily injuries taking place in this context, (f) obstacles in accessing emergency medical care for the wounded, as a form of retaliation for their participation in the demonstrations, (g) the dissemination of propaganda and stigmatization campaigns, measures of direct and indirect censorship. The IACHR notes that based on the magnitude of the State violence and the strategies implemented, it is obvious that there is coordinated action to control the public space and repress social demands and it is not just the illegal acts of a few members of the security forces. In its observations on the draft of the instant report, the State asserted that repression of social protests, much less the excessive and arbitrary use of force by the National Police, is not a State policy.³⁴
59. The IACHR has viewed with concern how the State response of repression has escalated tension among the demonstrators, the security forces and strike groups; in addition, polarization has become sharper in the country, causing heavy disturbances and attacks in several cities of the country. According to the information available to the Inter-American Commission, some demonstrators have begun to employ violent means.
60. In fact, it has come to the attention of the IACHR that private individuals and groups of civilians have attacked the public security forces, strike groups and individuals and media outlets sympathetic to the government. According to figures provided by the State, from April 18 to June 6, 2018, at least 5 police officers have lost their lives and 65 have been injured in the context of the protests.

³³ State of Nicaragua. State of Nicaragua's observations on the draft report of the Inter-American Commission on Human Rights, June 21, 2018.

³⁴ State of Nicaragua. State of Nicaragua's observations on the draft report of the Inter-American Commission on Human Rights, June 21, 2018.

61. In particular, the State has denounced to the IACtHR increased violence against the public security forces, the strike groups, government sympathizers, as well as acts of vandalism.³⁵ Most of these acts allegedly involved “armed” and “hooded” groups, and were mostly concentrated in the departments of Managua, León, Carazo and Jinotega.
62. The more than 100 acts of violence reported by the State include 40 burning incidents or damages to the facilities on government or FSLN property; 29 kidnappings, mostly of members of the police forces or personnel working for local government entities; 33 robberies of government property, mostly vehicles such as vans and motorcycles; 17 murders or violent deaths of individuals linked to the government and the FSLN, most of which were caused by firearm wounds; and 13 attacks on public officials.

³⁵ State of Nicaragua. Communications received from June 10 to June 20, 2018. Press reports of the National Police: No.12 of April 19, 2018, No.13 of April 19, 2018, No.47 of June 9, 2018, No.52 of June 11, 2018, No.66 of June 16, 2018 and No. 68 of June 18, 2018. Information Bulletins from the Office of the Public Prosecutor: 001-2018 of May 28, 2018, 002-2018 of May 28, 2018 and 003-2018 of May 28, 2018. Press Report of the Government from National Reconciliation and Unity of June 18, 2018. Notes to the IACtHR from the Ministry of Foreign Relations: MRE/DM-DMC/0938/06/18 of June 10, 2018, MRE/DM-DMC/0940/06/18 of June 11, 2018, MRE/DM-DMC/0941/06/18 of June 11, 2018, MRE/DM-DMC/0942/06/18 of June 11, 2018, MRE/DM-DMC/0943/06/18 of June 11, 2018, MRE/DM-DMC/0944/06/18 of June 11, 2018, MRE/DM-DMC/0945/06/18 of June 12, 2018, MRE/DM-DMC/0946/06/18 of June 12, 2018, MRE/DM-DMC/0947/06/18 of June 12, 2018, MRE/DM-DMC/0948/06/18 of June 12, 2018, MRE/DM-DMC/0949/06/18 of June 12, 2018, MRE/DM-DMC/0950/06/18 of June 12, 2018, MRE/DM-DMC/0951/06/18 of June 12, 2018, MRE/DM-DMC/0952/06/18 of June 12, 2018, MRE/DM-DMC/0954/06/18 of June 12, 2018, MRE/DM-DMC/0955/06/18 of June 12, 2018, MRE/DM-DMC/0956/06/18 of June 13, 2018, MRE/DM-DMC/0957/06/18 of June 13, 2018, MRE/DM-DMC/0958/06/18 of June 13, 2018, MRE/DM-DMC/0959/06/18 of June 13, 2018, MRE/DM-DMC/0960/06/18 of June 13, 2018, MRE/DM-DMC/0961/06/18 of June 13, 2018, MRE/DM-DMC/0962/06/18 of June 13, 2018, 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MRE/DM-DMC/1080/06/18 of June 20, 2018.

63. For its part, the IACHR notices that in six of the reported cases of kidnapping, evidence of torture is alleged. In particular, in a video provided by the State there appears a woman, who is interrogated blindfolded, surrounded by people whose faces are covered, and is threatened with a blade weapon. The interrogation is focused on extracting from her the names and locations of different people. Likewise, the State of Nicaragua reports threats and intimidation of local and departmental government agency workers and their family members. The State also submits information about physical assaults on the next of kin of FSLN members and government employees, roadblocks on public thoroughfares, and vehicles being held up for several hours. The State submits reports of desecration of a cadaver, which was burned and left on a public road. Additionally, in its observations on the draft of the instant report, the State reported that third parties located at roadblocks in different parts of the country, are financed by organized crime and drug trafficking.³⁶
64. In the same vein, the State submitted press reports from the Truth, Justice and Peace Commission voicing its concern over several acts committed by third parties. In particular, in its press reports of June 18, 2018, said Truth Commission reports killings taking place throughout the north of the country and in the capital, as well as alleged kidnappings, arson, threats and “exposures of persons to danger” for sympathizing with the FSLN. It also highlights the seriousness of the attacks against the National Police of Matagalpa, Masaya and Jinotepe.³⁷
65. Furthermore, according to local media reports, there have been incidents of anti-government groups acting with violence and intimidation. In this regard, there are reports of fuel robbery, looting of public institutions and businesses, and assaults on passersby at the scenes of the events. In addition, there are press reports claiming that individuals allegedly belonging to parapolice groups or who are government sympathizers have been arrested, were forced to remove their clothing and walk naked in public.
66. In this context, the Commission reiterates its appeal to cease acts of violence committed by third parties, and recalls that respect for human rights is for everyone. In this regard, the IACHR stresses that Article 15 of the American Convention applies only to peaceful assembly, without arms, in other words, assemblies of a non-violent nature. When violent incidents break out at peaceful gatherings, authorities have the duty to differentiate between peaceful and non-peaceful demonstrations, investigate acts of violence committed and take measures to manage the conflict and dissipate tensions. Notwithstanding the foregoing, the Commission is emphatic in asserting that although a group of demonstrators acts with violence and thereby, exceeds the bounds of its right to peaceful assembly, it does not justify police abuse. The State is still obliged to respect and ensure all of the other rights of the non-peaceful demonstrators, especially their right to life and personal integrity.
67. As the Commission has asserted on other occasions, it is the obligation of the State to ensure proper handling of the demands and social and political conflicts at the root of protests in order to channel the grievances of the demonstrators. “When a demonstration or protest leads to situations of violence it should be understood that the state was not capable of guaranteeing the exercise of this right.”³⁸ The situation described above reflects the

³⁶ State of Nicaragua. State of Nicaragua’s observations on the draft report of the Inter-American Commission on Human Rights, June 21, 2018. Pg. 43.

³⁷ Truth, Justice and Peace Commission. Press Report 0005, and Press Report 0006 of June 18, 2018.

³⁸ IACRH, [Informe Anual, Capítulo IV. A “Uso de la Fuerza”](#), [Annual Report, Chapter IV. A “Use of Force”], 2014, par. 68.

seriousness of the political crisis the country is going through and the high levels of violence therein, which imposes special obligations on the State to resolve the conflicts and facilitate dialogue. The existence of these violent incidents does not justify the State's repressive response to the extent and with the characteristics documented by the Commission. Repression and violence cannot be the response of a democratic State to the demands of its people.

D. About National Dialogue

68. In this context of alarming levels of violence and repression, and considering the dire urgency to find a peaceful solution to this crisis, the need to open a National Dialogue has been established. In this regard, on April 21, the president of the country expressed his receptiveness to a National Dialogue, in which the Catholic Church would take part as mediator. The Church set the visit by the IACtHR as one of the main conditions to move forward at the table in the talks. Because the State announced on May 14 that it was giving its consent for the IACtHR to visit Nicaragua, the Episcopal Conference announced that the talks would begin on May 16. Sitting at the table in the talks are representatives of the government, private business, universities, students, social organizations and indigenous and Afro-Nicaraguan communities, along with the Episcopal Conference as mediator and witness.
69. On May 16, the students requested immediate cessation of the attacks taking place throughout the country and for the government to step down. The national dialogue session of May 18 was attended by the delegation of the Inter-American Commission on Human Rights. This stemmed from a request by the Episcopal Conference for the Commission to attend in order to report on the purpose of its visit. At said meeting, which took place on May 19 and 20, the government pledged to "call the Police back to its barracks, withdraw the strike groups, and government sympathizers." For its part, civil society pledged on May 21 to join efforts to make conditions ripe for dialogue, bring traffic movement back to normal and "continue in a better climate."³⁹ On May 23, 2018, the National Dialogue indefinitely suspended its plenary sessions due to a lack of consensus between the government and civil society.⁴⁰
70. On May 28, 2018, the Joint National Dialogue Commission, made up of three members of the Nicaraguan Government and three members of Civic Alliance for Justice and Democracy, agreed to resume the National Dialogue of Nicaragua. On that same date, in a press release of the National Dialogue Mediation and Witness Commission, it was reported that the Joint National Dialogue Commission agreed to issue a call for the immediate cessation of all forms of violence and compliance with recommendations 1, 2, and 3 of the IACtHR, which are:

³⁹ Diario Las Américas, [Gobierno de Nicaragua acuerda detener actos de violencia y tregua de dos días](#), ['Government of Nicaragua agrees to stop acts of violence and to a two-day truce'], May 18, 2018; La Prensa, [Diálogo en Nicaragua acuerda un fin de semana en paz](#), ['Talks in Nicaragua agree on a weekend of peace'], May 18, 2018.

⁴⁰ According to an official communiqué of the Mediation and Witness Commission, the Dialogue Commission (Mesa de Diálogo) submitted two proposals to a vote, which did not obtain a consensus. The government's proposal consisted of 1) immediate suspension of the roadblocks in the country to enable free movement of the Nicaraguan family and normalization and tranquility; 2) immediate cessation of all acts of violence regardless of where they come from and 3) guarantee the jobs of all Nicaraguans. For its part, the proposal of the Civic Alliance for Justice and Democracy consisted of 1) That the delegation of the Government accept the discussion of items 1,2 and 3 and B-11 of the agenda of May 23, 2018 in accordance with the reflections of the working groups. Mediation and Witness Commission, National Dialogue, Official Communiqué, May 23, 2018. Also see: Diario Las Américas, [Suspender el diálogo nacional en Nicaragua ante falta de consenso](#), ['National dialogue suspended in Nicaragua after lack of consensus'], May 23, 2018; El Nuevo Diario, [Diálogo en Nicaragua: Sin consenso para adelantar elecciones y suspender trancas](#), ['Dialogue in Nicaragua: No consensus on holding early elections and suspending roadblocks'], May 23, 2018.

immediately cease repressing demonstrators and arbitrarily detaining those who participate in protests; respect and guarantee the full enjoyment of the right of the population to protest, to freedom of expression, to peaceful assembly and to political participation and to create an international investigative mechanism on the acts of violence that occurred, with guarantees of autonomy and independence to ensure the right to the truth and to duly identify the persons responsible.⁴¹ Additionally, they expressed their willingness “to resume the national dialogue at the full table to get back to the topic of democratization on the agenda.”⁴²

- 71. Nonetheless, considering the continuous repression by the State on the streets, despite the talks between the members of the Joint Commission, particularly the repression used on the Mothers of April march, the bishops of the Episcopal Conference of Nicaragua announced that the dialogue would not resume because “national dialogue cannot resume while the people’s right to freely demonstrate continues to be denied and it [the people] continues to be repressed and murdered.”⁴³
- 72. On June 6, 2018, the Episcopal Conference of Nicaragua announced that it would hold a meeting with the President of the Republic. At the meeting, which was held the next day, the Episcopal Conference proposed the agenda reached by consensus at the Full Table of the National Dialogue regarding democratization of the country and the formal response of the Presidency of the Republic for continuation of the National Dialogue.⁴⁴ On June 12, after the president’s response, the Full Table National Dialogue was convened for June 15.⁴⁵
- 73. On June 15, the National Dialogue resumed after have been suspended for lack of consensus. The Mediation and Witness Commission chaired the meeting, which was attended by the representatives of the different segments involved. At this meeting, progress was made on the agenda item pertaining to “Human Rights.” In particular, the following agreements were reached: 1. Encourage the presence of the IACHR and urge it to announce the members of the GIEI and to put it into operation, as well as the follow-up mechanism (MESENI); 2. Immediate invitation from the Government to the United Nations High Commissioner for Human Rights and to the European Union; 3. The importance of the presence of the OAS General Secretariat; 4. A call for the cessation of all forms of violence and threats, regardless of where they come from; 5. The Verification and Security Commission is created, made up of representatives of the National Dialogue, having the Church as a witness and the aforementioned international agencies as observers, in order to make sure that there is an atmosphere of peace and security for all Nicaraguans; 6. The cessation of all forms of violence and threats throughout the national territory and a plan for the removal of the roadblocks [drawn up] by the Verification and Security Commission and the Mediation and Witness Commission.⁴⁶
- 74. On June 16, the following agreements were reached: a) the establishment of the Verification and Security Commission, made up of 12 members –six from the Government and six from the

⁴¹ Mediation and Witness Commission, National Dialogue, [Comunicado Oficial](#), [‘Official Communiqué], May 28, 2018.

⁴² Mediation and Witness Commission, National Dialogue, [Comunicado Oficial](#), [‘Official Communiqué], May 28, 2018.

⁴³ El Nuevo Diario, [Obispos de Nicaragua dicen que no reanudarán diálogo tras ataque armado](#), [‘Bishops of Nicaragua say that they will not resume dialogue following armed attack’], May 31, 2018; El Comercio, [Conferencia Episcopal no reanudará el diálogo con el Gobierno](#), [‘Episcopal Conference will not resume the dialogue with the government’], May 31, 2018; CNN, [Nicaragua: Al menos 11 muertos y 79 heridos en protestas del Día de la Madre](#), [‘Nicaragua: At least 11 deaths and 79 wounded in Mothers’ Day protests’], May 31, 2018.

⁴⁴ Episcopal Conference of Nicaragua, [Comunicado](#), June 07, 2018.

⁴⁵ Episcopal Conference of Nicaragua, [Comunicado](#), June 13, 2018.

⁴⁶ National Dialogue, [Comunicado Oficial](#), June 15, 2018.

Civic Alliance for Justice and Democracy– with the appointment of its members and of the mediator and witness; b) the creation of the Electoral Table, made up of six members –three from the Government and three from Civic Alliance for Justice and Democracy–, with the appointment of its members and of the mediator and witness and “the agenda of the electoral table, according to a road map to operationalize the agreements;” and c) the formation of the Judicial Table, made up of six members –three from the Government and three from Civic Alliance for Justice and Democracy,- with the appointment of its members and of the mediator and witness.⁴⁷

- 75. In a release of the Episcopal Conference of Nicaragua on June 18, and in the context of the National Dialogue, a summary is provided on the agreements reached between the Civic Alliance for Justice and Democracy and the Government Commission on the Verification and Security Commission, on the Electoral Table and on the Judicial Table. Additionally, through said release, the Church issues a request to the Government to extend an urgent invitation to the United Nations High Commissioner and the European Union, as well as a request to the IACHR, to dispatch technical advisory teams for the Verification and Security Commission.⁴⁸
- 76. The IACHR hopes that the conditions for continuing the National Dialogue are fulfilled and that progress can be made in building a peaceful, democratic and constitutional solution to overcome the serious political and human rights crisis that the country is experiencing.

⁴⁷ Mediation and Witness Commission, National Dialogue, [Comunicado Oficial](#), [‘Official Communiqué], June 16, 2018.

⁴⁸ Episcopal Conference of Nicaragua, [Comunicado](#), [Communiqué], June 18, 2018.

CHAPTER 3 GRAVE HUMAN RIGHTS VIOLATIONS

A. *Rights to Life and Humane Treatment*

77. The IACtHR considers that the right to life constitutes the essential basis for the exercise of all other rights. In the same vein, the Inter-American Court of Human Rights has held that the right to life plays a fundamental role in the American Convention, as it is the condition *sine qua non* for the exercise of all other rights. When the right to life is not respected, all other rights lack meaning.⁴⁹
78. The fundamental rights to life and humane treatment/personal integrity upheld in Articles 4 and 5, respectively, of the American Convention on Human Rights include not just the State's negative obligation not to deprive persons under its jurisdiction of their life and not to inflict suffering on them, but also the positive obligation to protect and preserve those rights. Thus, the Commission deems it necessary to reaffirm the Inter-American Court's finding that the rights to life and humane treatment are central to the American Convention and form part of its non-derogable core of rights that, pursuant to Article 27.2 of that Convention may not be suspended in time of war, public danger, or other threats or emergencies.⁵⁰ It follows from the above that, to fulfill its functions of providing security and public order, the State must minimize any threat to those rights by exercising careful scrutiny abiding strictly by the international principles and standards described below.
79. This pro-active protection of the right to life by the State is embedded in its duty to guarantee the full and free exercise of the rights of all persons under its jurisdiction,⁵¹ including the right to take part in meetings and public demonstrations; and it encompasses all state institutions and those responsible for providing security, be they its police forces or the armed forces. In light of the above, States must take all necessary precautions not just to prevent, try, and punish those responsible for depriving others of their lives as a result of criminal acts, in general, but also to prevent arbitrary executions by their own security agents.
80. In this regard, the IACtHR considers it necessary to underscore that violation of the rights to life and humane treatment through failure to comply with the duties to respect and guarantee them render the State internationally responsible for acts or omissions by agents of any State branch or organ, irrespective of their rank, committed by virtue of their official status, even if they act beyond their sphere of competence, that violate the American Convention.⁵² Indeed,

⁴⁹ I/A Court H.R., Case of the Yakyé Axa Indigenous Community v. Paraguay. Judgment of June 17, 2005. Series C No. 125, par. 161; Case of the Gómez Paquiayuri Brothers v. Peru. Judgment of July 8, 2004. Series C No. 110, par. 128; Case of the “Juvenile Reeducation Institute” v. Paraguay. Judgment of September 2, 2004. Series C No. 112, par. 156, among others. See IACtHR: Report on Honduras: Human Rights and the Coup d'État, OEA/Ser.L/V/II. Doc. 55, December 30, 2009, par. 236.

⁵⁰ I/A Court HR. Case of Zambrano-Vélez et al. v. Ecuador. Merits, Reparations, and Costs. Judgment of July 4, 2007. Series C No. 166, par. 78.

⁵¹ IACtHR, Truth, Justice and Reparation: Fourth Report on the Human Rights Situation in Colombia.” December 31, 2013, par. 127.

⁵² I/A Court HR. Case of González et al. (“Cotton Field”) v. Mexico. Preliminary Objection, Merits, Reparations and Costs. Judgment of November 16, 2009. Series C No. 205, par. 234; I/A Court H.R. Case of Cantoral Huamaní and García Santa Cruz v. Peru. Preliminary Objection, Merits, Reparations and Costs. Judgment of July 10, 2007. Series C, No. 167, par. 79 and I/A Court H.R. Case of Kawas-Fernández v. Honduras. Merits, Reparations, and Costs. Judgment of April 0, 2009. Series C No. 196, paras. 72 and 73.

any situation that impairs the human rights recognized in the American Convention that can be attributed, under international law, to an action or omission committed by a public authority constitutes a deed that can be ascribed to the State and for which it is internationally responsible under the provisions of the Convention itself and of general international law. That being so, in order to establish whether a violation of the human rights established in the Convention has occurred, it is not necessary to determine, as it is in domestic criminal law, the guilt of the authors or their intention; nor is it necessary to identify individually the agents to whom the acts that violate the human rights embodied in the Convention are attributed. It is sufficient that a State obligation exists and that the State failed to comply with it.⁵³

81. Likewise, given that many of the human rights violations addressed in this report are attributed to unofficial or "parapolice" groups, the IACtHR deems it necessary to point out that, as the I/A Court H.R. has ruled, assigning responsibility to the State for acts committed by private individuals may be legitimate in cases in which the State, through acts or omissions of its agents that are supposed to be acting as guarantors, fails to comply with the obligations set forth in Articles 1.1 and 2 of the American Convention.⁵⁴ Therefore, States are duty-bound to investigate and punish all acts of violence that occur, punish their perpetrators, and make appropriate reparation to the victims.
82. As regards the right to demonstrate, it is a core part of the right to participate in any democratic body or system.⁵⁵ Social tools, such as protests and demonstrations, have developed into important channels for public denunciation of abuse or human rights violations,⁵⁶ and have even led to the incorporation of numerous rights in the progressive development of international human rights law.⁵⁷
83. In that regard, this Commission has previously pointed out that "[p]olitical and social participation through the exercise of freedom of assembly is critical to the consolidation of democratic life in societies and thus contains a keen social interest."⁵⁸ This means that States should act on the basis that protests are legitimate and assume that they do not pose a threat to public order.⁵⁹

⁵³ IACtHR, Report on Citizen Security and Human Rights. OEA/Ser.L/V/II.Doc. 57, December 31, 2009, par. 39.

⁵⁴ I/A Court HR. Case of the "Mapiripán Massacre" v. Colombia. Judgment of September 15, 2005, Series C No. 134, paras. 111 and 112; and Case of the Moiwana Community v. Suriname. Judgment of June 15, 2005, Series C No. 124, par. 211; Case of the Gómez Paquiyauri Brothers v. Peru. Judgment of July 8, 2004, Series C, No. 110, par. 91; Case of the 19 Merchants v. Colombia. Judgment of July 5, 2004, Series C, No. 109, par. 183; Case of Maritza Urrutia v. Guatemala. Judgment of November 27, 2003, Series C, No. 103, par. 71; Case of Bulacio v. Argentina. Judgment of September 18, 2003, Series C No. 100, par. 111.

⁵⁵ United Nations General Assembly, Report of the Special Representative of the Secretary-General on the situation of human rights defenders, 13 August 2007, A/62/225, par. 5; General Assembly, Report of the Special Representative of the Secretary-General on the situation of human rights defenders, 5 September 2006, A/61/312, par. 56

⁵⁶ IACtHR, Annual Report 2005, Volume III, Report of the Office of the Rapporteur for Freedom of Expression, February 27, 2006, OEA/Ser.L/V/II.124 Doc. 7, Chapter V, "Public Demonstrations as an Exercise of Freedom of Expression and Freedom of Assembly," par. 1.

⁵⁷ United Nations Human Rights Council, Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions, Christof Heyns, A/HRC/17/28, 23 May 2011, par. 31. They have likewise been considered to perform a decisive role in the protection and promotion of a wide range of human rights. Human Rights Council, Joint report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association and the Special Rapporteur on extrajudicial, summary or arbitrary executions on the proper management of assemblies, A/HRC/31/66, 4 February 2016, par. 6.

⁵⁸ IACtHR, Second Report on the Situation of Human Rights Defenders in the Americas, December 31, 2011, OEA/Ser.L/V/II. Doc. 66, par. 128.

⁵⁹ Human Rights Council, Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association, Maina Kiai, 24 April 2013, A/HRC/23/39, par. 50.

84. With regard to the above, it has repeatedly been pointed out that breaking up a demonstration may only be justified by the duty to protect people,⁶⁰ and that any kind of decision concerning the use of force in such contexts must consider the risks involved that could contribute to an escalation of tensions,⁶¹ the idea being to favor facilitation rather than containment or confrontation.⁶²
85. The IACHR has previously established that, based on the general principles of necessity and proportionality, there are no grounds authorizing the use of lethal forces to break up a protest or demonstration, or for firing indiscriminately at the crowd.⁶³ Here, the IACHR has maintained that prohibiting the bearing of arms and the use of lead shot as ammunition by agents who could come into contact with demonstrators is the best way to prevent lethal violence and deaths during protests.⁶⁴
86. As mentioned in the foregoing section, as of the date this report was adopted, the Commission had received information regarding 212 deaths⁶⁵ between April 18, 2018 and June 19, 2018, and documented reports of 1,337 people wounded through June 6, 2018, in the context of the suppression of social protests in Nicaragua.⁶⁶ With respect to the wounded, the IACHR estimates that the number is larger than that registered by the State, given that the latter is based on reports from the country's public and private hospitals. It does not, however, include the large numbers of injured people who were reportedly denied care in hospitals or who sought care from improvised medical teams set up in universities and religious centers for fear of being arrested in hospitals, a pointed out in hundreds of testimonies received during the IACHR visit.
87. Based on information provided by the State, the IACHR was also told of the deaths of 5 policemen and of 65 officers wounded between the start of the protests and June 6, 2018.⁶⁷ The IACHR was also told about situations in which persons identified as being government supporters had been detained and then tied to posts or trees and threatened with firearms when they were released. The IACHR also took note of acts of harassment and other forms of

⁶⁰ IACHR, Report on Citizen Security and Human Rights, OEA/Ser.L/V/II. Doc. 57, December 31, 2009, par. 133; 2015 Annual Report, Chapter IV, A, par. 67.

⁶¹ Amnesty International, Use of Force – Guidelines for Implementation of the UN Basic Principles on the Use of Force and Firearms by law enforcement officials, Guideline 7 e).

⁶² Amnesty International, Use of Force – Guidelines for Implementation of the UN Basic Principles on the Use of Force and Firearms by law enforcement officials, p. 150.

⁶³ IACHR, 2015 Annual Report, Chapter IV, A, par.81. At its 25th period of sessions, the United Nations Human Rights Council stated with respect to "The promotion and protection of human rights in the context of peaceful protests" (paras. 11 and 9): that it "Affirms that nothing can ever justify shoot-to-kill practices, nor the indiscriminate use of lethal force against a crowd, which are unlawful under international human rights law; and that it " Urges all States to avoid using force during peaceful protests and to ensure that, where force is absolutely necessary, no one is subject to excessive or indiscriminate use of force."

⁶⁴ IACHR, 2015 Annual Report, Chapter IV, A, par. 82; Report on the Situation of Human Rights Defenders in the Americas, 2006, par. 68 a); United Nations Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions, Christof Heyns, "Use of force during demonstrations", A/HRC/17/28, 23 May 2011 par.75). Amnesty International has also pointed out that "firearms must never be used as a tactical tool for the management of public assemblies." (Amnesty International, Use of Force – Guidelines for Implementation of the UN Basic Principles on the Use of Force and Firearms by law enforcement officials, pp 148 i).

⁶⁵ IACHR, List of deaths in Nicaragua since the start of protests in April 2018. The Inter-American Commission on Human Rights has compiled information on the number of deceased based on information provided by the Nicaraguan State, civil society organizations, such as the Nicaraguan Human Rights Center (CENIDH), and on media and press reports. The Commission points out that since the violence was ongoing at the time this report was adopted, the figures and details on the list of deaths is subject to changes and updates.

⁶⁶ Information provided by the State. Note from the Permanent Mission of Nicaragua to the OAS, MPN-OEA-0063,June 8, 2018.

⁶⁷ Information provided by the State. Note from the Permanent Mission of Nicaragua to the OAS, MPN-OEA-0063,June 8, 2018.

maltreatment of mayors, policemen, and government supporters during that same period of time.

88. The IACHR notes that, since protests began, most of these violations of the rights to life and humane treatment were the result of the excessive and arbitrary use of force by state agents or by third parties with the acquiescence and tolerance of state authorities. In the context of the widespread violence in numerous parts of the country, massive human rights violations, and serious disruptions of public order in Nicaragua since April 18, 2018, the IACHR has also received information regarding violent acts by armed third parties not associated with the State and regarding accidental deaths.

1. Arbitrary Deprivation of Life and/or Inhumane Treatment as a Result of the Arbitrary and Disproportionate Use of Force by State Agents

89. The IACHR has been able to ascertain the use of various forms of violence by the Nicaraguan State against its population, thanks to more than 1,000 witnesses' statements and abundant documentation provided by state institutions and civil society organizations, in the form of videos, photographs, recordings, and ballistic evidence that the IACHR received during its visit to Nicaragua, apart from information received since the visit.
90. The information provided reveals a pattern in which state agents -- mainly police officers pertaining to the Nicaraguan National Police⁶⁸ and its anti-riot squads, parapolice groups acting in connivance with the police, and pro-government mayors and political secretaries -- have orchestrated a response designed to suppress, dissuade, and punish participation in demonstrations and stifle this expression of political dissent. In its observations on the draft version of this Report, the State said that, pursuant to relevant legislation, the National Police does not resort to civilian personnel, third parties, or civilian organizations to restore legitimately constituted order.⁶⁹
91. Demonstrators, including university students who took refuge inside universities; persons guarding the so-called barriers (*tranques*)⁷⁰ put up in various parts of the country; journalists; and human rights defenders have borne the brunt of the various types of repression to which the Nicaraguan State has resorted.
92. The IACHR notes that this pattern developed through the excessive and arbitrary use of force, including the use of lethal force, which, judging by the testimonies received and the information available, appears to have been systematic. This pattern was observed since the initial responses to the protests as of April 18, 2018 and became more marked up to the date this report was adopted.
93. According to official information provided in connection with the IACHR visit, between April 18 and May 19, 2018, the violence generated in the context of the protests and subsequently

⁶⁸ The IACHR notes that, under Article 97 of the Political Constitution of the Republic of Nicaragua, the National Police shall be subject to civilian authority exercised by the President of the Republic through the appropriate ministry.

⁶⁹ The State likewise denied the existence of so-called parapolice groups, mobs, or riot squads. State of Nicaragua. Observations of the State of Nicaragua on the draft report of the Inter-American Commission on Human Rights, June 21, 2018.

⁷⁰ Regarding the barriers, the State of Nicaragua maintains that in several departments where they have been set up, hooded individuals armed with guns and mortars continue to damage road infrastructure and both private and government vehicles, violating the constitutional right to freedom of movement throughout the national territory. State of Nicaragua. Observations of the State of Nicaragua on the draft report of the Inter-American Commission on Human Rights, June 21, 2018.

led to the deaths of 76 people and left 868 people injured.⁷¹ Those numbers increased in the weeks thereafter owing to the scaling up of the acts of violence and repression by State security forces and armed civilian third parties against the demonstrators.⁷² According to information furnished by the State, through June 6, the total number of people who died during the protests and thereafter was 96⁷³ and the number of wounded increased to 1,337.⁷⁴ For its part, the list drawn up by the IACtHR as it monitored the situation in Nicaragua showed 212 people murdered between April 18, 2018, the date on which the first deaths occurred as part of the State's suppression of the protests, and June 19, 2018.⁷⁵

94. The IACtHR notes that the State's response to the demonstrations begun on April 18 appears to have gone through different stages and levels of intensity in its actions directed against the demonstrators, as well as against the civilian population on the streets. According to information in the public domain, on April 18, the first day of demonstrations, no deaths were reported. Nevertheless, one of the first acts of aggression was allegedly perpetrated by riot squads (*grupos de choque*) supported and tolerated by the National Police.⁷⁶ In Managua, according to various witnesses' statements, riot squads on motorbikes and in pick-up trucks marked with the National Police logo drove to the "Camino de Oriente" district, escorted by state agents. There, anti-riot police reportedly made excessive and indiscriminate use of tear gas and rubber bullets in order to disperse the demonstrators. They were accompanied by parapolice groups armed with pipes, sticks, clubs, and stones and together they attacked and rounded up demonstrators in the presence of the police. Some witnesses' accounts cite a refusal by the National Police to intervene when this happened.

"[...] in Camino de Oriente the march began at 4:00 p.m. and at 4:20 we were attacked by the Juventud Sandinista [...]. At that point, I ran to a policeman to ask for help, but he didn't do anything. Suddenly, 30 visibly armed men on motorbikes appeared. They parked right in front of the policeman, got off their bikes without removing their helmets, and began beating all the demonstrators. I ran off because they were coming after me."⁷⁷

95. Bearing in mind the potentially irreversible consequences of the use of force, the IACtHR considers that "[t]he use of force is a last resort that, qualitatively and quantitatively limited, is intended to prevent a more serious occurrence than that caused by the state's reaction."⁷⁸ Within that clearly exceptional framework, both the Commission and the I/A Court of H.R. concur that, for the use of force to be justified, it must meet the criteria of legality, absolute

⁷¹ IACtHR, Press Release 113/18, - [Preliminary observations on the IACtHR working visit to Nicaragua](#) Washington, D.C., May 2, 2018.

⁷² IACtHR, Press Release 118/18 - [IACtHR Condemns Renewed Violence in Nicaragua](#), Washington, D.C., May 25, 2018.

⁷³ In an earlier communication, the State reported that 104 people had died in connection with the protests. Some of the people excluded from its final communication are: Roberto García Paladino, Daniel Sánchez López, Erick William Espinoza Mendoza, Apolonio Delgadillo, Jimmy Jaime Paiz Barahona, Richard Javier Bustamante López, Gilberto de los Ángeles Sánchez García, Eduardo Jessi Spiegler Szejmer, and Lilian Jaquelin Martínez. Information provided by the State. Note from the Permanent Mission of Nicaragua to the OAS, MPN-OEA-0061, June 2, 2018.

⁷⁴ Information provided by the State. Note from the Permanent Mission of Nicaragua to the OAS, MPN-OEA-0063, June 8, 2018.

⁷⁵ La Vanguardia, "[Número de muertos por crisis en Nicaragua se eleva a 135, según el CENIDH](#)", June 8, 2018; Agencia EFE, "[Nicaragua aún en expectativa por el diálogo mientras sube la cifra de muertos](#)", June 8, 2018.

⁷⁶ La Prensa, "[Así te contamos las agresiones orteguistas a la resistencia ciudadana en Managua](#)", April 18, 2018.

⁷⁷ Testimony by a person who took part in the demonstration in Managua on April 18, received by the IACtHR in Managua, on May 20, 2018.

⁷⁸ IACtHR, *Report on the Situation of Human Rights Defenders in the Americas* OEA/Ser.L/V/II.124. Doc. 5 rev. 1, adopted on March 7, 2006, par. 64.

necessity, and proportionality.⁷⁹ Broadly speaking, this would imply that it is backed by law and pursues a legitimate purpose; that an assessment is made to verify the existence and availability of less harmful measures; and that the level of force used is proportional to the real risk posed by the person and his or her degree of resistance, which would entail a balance between the situation the officer faces and his response, considering the potential harm that could be done.⁸⁰ The above is based on the international human rights obligations incurred by States in such international instruments as the United Nations Basic Principles on the Use of Force and Firearms by Law Enforcement Officials⁸¹ and the Code of Conduct for Law Enforcement Officials⁸², which have helped shape those obligations.

- 96. Thus, and in keeping with the above-mentioned exceptionality principle, States should, to the extent possible, use nonviolent methods rather than resorting to the use of force and firearms.⁸³ As one might suppose, this restriction on the use of forces does not refer only to lethal weapons. Restricted-use measures also include those considered "non-lethal" or "less lethal." This category could encompass a whole range of devices from rubber and rubber-coated bullets, tear gas, electric shock dart guns (tasers), water cannons, plastic bullets, to high sound and heat devices, and others. For the IACtHR, almost all use of force may cause serious injury or even the death of a person. This means that, under certain circumstances, the lethal nature of a weapon may depend on how it is used and controlled.
- 97. Some examples of this have to do with firing rubber bullets at short range and pointing to the upper part of a person's body; the use of tear gas fired directly at people or used against children or older persons, as was observed in the State's suppression of protests in Nicaragua.
- 98. The Commission has stressed that the breaking up of a demonstration can only be justified by the duty to protect people.⁸⁴ Therefore, the Commission considers that the breaking up of a protest demonstration does not in itself constitute a legitimate purpose justifying the use of force by the security forces; much less, the use of lethal or potentially lethal force.⁸⁵ Moreover, the Commission observes with concern that the actions taken by the security forces in connection with the protests in Nicaragua, fail to abide by the principles of necessity and

⁷⁹ IACtHR: Report No. 90/14, Admissibility and Merits, Luis Jorge Valencia Hinojosa, Ecuador., November 4, 2014, par. 181; [Report on terrorism and human rights](#), October 22, 2002, par. 87; IACtHR, [Report on Citizen Security and Human Rights](#), December 31, 2009, par. 114. See also: I/A Court HR, *Case of Cruz Sánchez et al. v. Peru*. Preliminary Objections, Merits, Reparations, and Costs. Judgment of April 17, 2015. Series C No. 292, par. 265; Case of J. v. Peru. Preliminary Objections, Merits, Reparations, and Costs. Judgment of April 17, 2015. Series C No. 275, par. 330, and Case of Nadege Dorzema et al. v. Dominican Republic Merits, Reparations and Costs. Judgment of October 24, 2012, Series C No. 251, par. 85.

⁸⁰ I/A Court HR. *Case of Landaeta Mejías Brothers et al v. Venezuela*. Preliminary Objections, Merits, Reparations, and Costs. Judgment of August 27, 2014. Series C No. 281, par. 134.

⁸¹ United Nations, Basic Principles on the Use of Force and Firearms by Law Enforcement Officials. Adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held in Havana, Cuba, 27 August to 7 September 1990.

⁸² United Nations, Code of Conduct for Law Enforcement Officials. Adopted by the United Nations General Assembly in its Resolution 34/169 of 17 December 1979.

⁸³ United Nations, Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, Principle 4.

⁸⁴ IACtHR, [Report on Citizen Security and Human Rights](#), December 31, 2009, par. 133.

⁸⁵ The OSCE Office for Democratic Institutions and Human Rights (ODIHR) and the Council of Europe's Commission for Democracy through Law (Venice Commission), *Guidelines on Freedom of Peaceful Assembly*, second edition (Warsaw/Strasbourg, 2010). Section B, "Explanatory Notes" points out that the inherent imprecision of the term "public order" must not be exploited to justify the prohibition or dispersal of peaceful assemblies (par. 71) and that the dispersal of assemblies should be a measure of last resort and should be governed by prospective rules informed expressed in domestic law-enforcement guidelines. Guidelines should specify the circumstances that warrant dispersal and who is entitled to issue dispersal orders. Par. 165.

proportionality in the use of force.⁸⁶ What is more, the "keen social interest" associated with the right to take part in public demonstrations implies a widespread presumption in favor of the exercise of that right.⁸⁷

2. Deprivation of Life and/or Inhumane Treatment/Impairments of Personal Integrity through the Use of Lethal Weapons

99. According to information garnered by the IACtHR, on April 18, 2018, the first day of the protests, the State's response began to be characterized by excessive use of force, mainly through the use of firearms and excessive use of less lethal weapons, such as tear gas and rubber bullets and pellets, by the police and by anti-riot squads to break up protests and demonstrations in various cities. As the protests continued, between April 19 and 22 the State activated a more aggressive strategy to put them down, attacking demonstrators and even people who were not demonstrating. According to numerous witnesses' accounts received during the visit, another tactic used to quell the protests was the deployment of snipers in such places as the "Denis Martínez" National Stadium.⁸⁸ The Commission observed with deep concern that during those four days the intensity of the State's repressive actions against the protests had resulted in at least 49 deaths, more than half the total number recorded by the State for the period from the beginning of the protests through May 20, 2018.⁸⁹ During that same period, two policemen died as a result of attacks using firearms.⁹⁰
100. In its comments on the draft version of this report, the State asserted that the police use neutralizing non-lethal weapons, firearms with non-lethal ammunition, and dissuasive weapons (stun guns, tear gas) in order to minimize the risk of death or injury, in keeping with

⁸⁶ The first principle means that for the degree of force exercised by State officials to be considered in line with international parameters, it must not exceed what is absolutely necessary, while the second principle means that force must be exercised in moderation and to an extent proportionate to the legitimate objective sought, as well as with care to reduce to a minimum injuries to people and the loss of human lives (IACtHR, Democracy and Human Rights in Venezuela, OEA/SER.L/V/II, Doc. 54, December 30, 2009, par. 133].

⁸⁷ Accordingly, the United Nations Human Rights Council called upon States to "promote a safe and enabling environment for individuals and groups to exercise their rights to freedom of peaceful assembly, of expression and of association, including by ensuring that their domestic legislation and procedures relating to the rights to freedom of peaceful assembly, of expression and of association are in conformity with their international human rights obligations and commitments, clearly and explicitly establish a presumption in favour of the exercise of these rights, and that they are effectively implemented." Resolution A/HRC/25/L.20, March 2014, Article 3. Emphasis added.

⁸⁸ See: Revista 5W, Marta del Vado, "[Ortega devora a sus hijos](#)", May 29, 2018.

⁸⁹ Persons who died between April 19 and 22, 2018: Richard Bermúdez Pavón, Hilton Rafael Manzanares Alvarado, Darwin Manuel Urbina Urbina, Álvaro Manuel Conrado Dávila, José Amador Abraham, Carlos Alberto Bonilla López, Christian Emilio Cadenas, Michael Humberto Cruz Sánchez, Erick Andrés Cubillo Salís Orlando Francisco Pérez Corrales, Franco Alexander Valdívía Machado, Gerardo Antonio Castillo Mendoza, Hammer Jhoel García Salinas, Harlington Raúl López García, Jairo Mauricio Sandino Hernández, Jimmy José Parajón Gutiérrez, Juan Carlos López Martínez, Alvis Yamil Molina Hodgson, Moroni Jacob López García, Jimmy Jaime Paiz Barahona, Marlon Manases Martínez Ramírez, Francisco Giovanny Sobalvarro Altamirano, Olvin Samir Solano García, Jairo Mauricio Hernández Useda, Álvaro Alberto Gómez Montalván, José Adán Bone Díaz, Gerald Antonio Campos, Juana Francisca Aguilar Cano, Jeysón Antonio Chavarría Urbina, Ángel Eduardo Gahona López, Lester José Flores Bracamonte, Marcos Antonio Samorio, Eduardo Antonio Sánchez Flores, Carlos Manuel Sandino Hernández, Lester Adán Vindell Picado, Álvaro Gómez Montalván, Alfonso José Ramírez González, Jonathan Steven Valerio, and Danny Stanley Rivas.

⁹⁰ On April 19, deputy police inspector Hilton Rafael Manzanares Alvarado was reportedly murdered by "groups of hooligans coming out of the Universidad Politécnica and disturbing the peace," and, on April 21, while she was on patrol doing surveillance work, police inspector Juana Francisca Aguilar Cano was shot and wounded. Information provided by the State. Report entitled "Actuación de la Policía Nacional ante graves alteraciones al orden público" (Actions by the National Police during grave disturbances of the peace) (April 19 to May 17, 2018), pp. 9 and 10.

the high levels of armed violence and the principles of coherence, timeliness, and proportionality.⁹¹

101. In that context of suppression of social protest, the Commission resolutely condemns the indiscriminate attacks with lethal weapons by members of the National Police and anti-riot squads against both reportedly unarmed demonstrators and against persons who were not taking part in the demonstrations. According to the information available, the IACtHR noted that between April 19 and 22, the disproportionate use of force by the police resulted in the deaths of at least 35 men, aged between 15 and 45, who were killed with one or two bullets to the head, throat, and chest, in a way that indicates that the aim was to exterminate the demonstrators, which clearly rules out any legitimate purpose.
102. Following is a Table, giving the date of the events, the name, age, and cause of death of the victims recorded between April 19 and 22, 2018, who, according to the information received, allegedly died in the kind of circumstances described above. In addition, Appendix I lists the deaths recorded by the IACtHR.

	Name	Age	Cause of death reported to the IACtHR
April 19	Darwin Manuel Urbina Urbina	31	The official version indicates that he died from a gunshot wound. Family members say that he was shot.
	Richard Eduardo Pavón Bermúdez	17	Shot in the chest
April 20	José Amador Abraham	16	Shot in the chest
	Carlos Alberto Bonilla Lopez	17	Shot in the forehead
	Michael Humberto Cruz Sánchez	30	Shot in the chest
	Erick Andrés Cubillo Salís	36	Died from a shot in the chest
	Orlando Francisco Pérez Corrales	23	Shot in the chest
	Franco Alexander Valdivia Machado	24	Shot in the head
	Gerardo Antonio Castillo Mendoza	41	Shot in the chest
	Hammer Jhoel García Salina	19	Shot
	Harlington Raúl López García	18	Shot near the UNI. Died in hospital.
	Jairo Mauricio Sandino Hernández	24	Severe brain damage The x-ray shows a bullet in the brain.
	Jimmy José Parajón Gutiérrez	35	Shot in the chest
	Juan Carlos López Martínez	23	Shot
	Alvis Yamil Molina Hodgson	35	Died from a bullet wound on the left side of his chest
	Moroni Jacob López García	23	Shot
April 21	Marlon Manases Martínez Ramírez	28	Shot in the head
	Francisco Giovanny Sobalvarro Altamirano	24	Shot
	Ángel Eduardo Gahona López	42	Shot in the back of the head
	Lester Josué Flores Bracamonte	18	Shot in the chest
	Marcos Antonio Zamorio Anderson	30	Shot in the chest
April 22	Carlos Manuel Sandino Hernández	40	Shot in the chest
	Lester Adan Vindel Picado	37	Shot in the chest
April 22	Bismarck Antonio Cuadra Castro	27	Shot in the chest and abdomen
	Ismael Josué Pérez Vilchez	32	Shot in the face and chest

⁹¹ State of Nicaragua. Observations of the State of Nicaragua on the draft report of the Inter-American Commission on Human Rights, June 21, 2018.

	Celso José Díaz Sevilla	19	Shot
	José David Morales Pérez	35	Shot
	Jerson Alexander Flores Medrano	26	Shot in the head
	Ramón Antonio Rodríguez	45	Shot in the forehead
	Richard Javier Bustamante López	31	Shot in the abdomen
	Josué Rivas Yesner	16	Shot in the neck
	Dany Stalin Rivas	26	Shot in the abdomen
	Eduardo Antonio Sánchez Flores	30	Shot in the chest
	Jonathan Steven Valerio	20	Shot
	Nesker Eliezer Velasquez	27	Shot in the head

103. Typical of this pattern is the murder of Michael Humberto Cruz Sánchez, who was reportedly killed on April 20 in the vicinity of the technical college (UPOLI). According to the complaint filed by family members, "he was shot in the chest, next to his heart, by one the policemen using an AK-47 rifle."⁹² Also murdered on April 20 was Moroni Jacob López, who was in the vicinity of the National Engineering University (UNI) helping take care of students in the health posts, when he was hit by two shots fired by National Police officers from the National Stadium.⁹³ Likewise on April 20, Nelson Enrique Téllez Huete was shot while driving a taxi in Ciudad Sandino. According to his wife, the victim said that the attacker had been "a man on a motorbike dressed in civilian clothes, but who in fact was a policeman, because he had recognized him."⁹⁴
104. In Estelí, on April 20, Orlando Francisco Pérez Corrales and Franco Alexander Valdivia Machado reportedly died in the central park from gunshot wounds, while they were taking part in one of the protests. According to witnesses' accounts garnered by the Commission and press accounts, Orlando Pérez had been shot in the chest and Franco Alexander Valdivia Machado in the head. Neither one had been armed at the time and the shots had allegedly been fired by state agents in the Mayor's Office in Estelí.⁹⁵
105. The IACHR also received abundant information about the murder of journalist Ángel Eduardo Gahona López in Bluefields on April 21. He was shot in the head while broadcasting live on *Facebook Live*. According to several sources, at the time he was shot there were no clashes going on nearby, so that reportedly there are indications that it was an attack perpetrated by a sniper because he was doing his job as a reporter.⁹⁶
106. According to testimony received by the Commission from members of the medical staff at public hospitals, numerous victims had been treated at the time for bullet wounds to the head, eyes, neck and chest, as well as in the back. The mechanics and flight paths taken by the

⁹² "On April 20 this year, at approximately 3:00 p.m., my son Michael Humberto Cruz Sánchez was at the UPOLI , protesting against the social security amendments (...) As two women students told us, he had just told them to move out of that place and go down a path because the Police were attacking them with tear gas to prevent them from seeing and moving, when, a few minutes later, he was hit by a bullet to the chest, next to the heart, fired by one of the policemen with an AK-47." Complaint filed with the Public Prosecutors' Office (*Ministerio Público*) by the mother of Michael Humberto Cruz Sánchez on April 27, 2018, provided to the IACHR in Managua on May 19, 2018.

⁹³ Complaint filed with the Public Prosecutors' Office (*Ministerio Público*) by the mother of Michael Humberto Cruz Sánchez on Thursday, May 03, 2018, provided to the IACHR in Managua on May 19, 2018.

⁹⁴ Testimony from the wife of Nelson Enrique Téllez Huete, received by the IACHR in Managua, in May 2018.

⁹⁵ Testimony by a student who took part in the demonstration in Managua on April 18, received by the IACHR in Managua on May 20, 2018; *El Nuevo Diario*, "[Dos familias piden justicia por la muerte de sus hijos](#)", May 19, 2018.

⁹⁶ *El País*, "[Un periodista muere de un tiro en la cabeza mientras filmaba disturbios en Nicaragua](#)", April 22, 2018; BBC, "[El periodista Ángel Gahona muere mientras transmite en directo las protestas en Bluefields, Nicaragua](#)", April 22, 2018; Amnesty International, [Disparar a matar, estrategias de la represión de la protesta en Nicaragua](#), May, 2018, p. 25.

bullets would suggest a pattern of extrajudicial executions.⁹⁷ Judging by the autopsies analyzed by the IACHR, in numerous cases the bullets had entered the body at its most lethal spots, which would suggest that the shots had been intended to kill. In eight cases documented by the same organization, the wounds were to the head, neck, or upper chest. In at least four cases, the path flight of the bullet had been from above, which suggests the possibility of snipers or persons shooting from an advantageous position.⁹⁸ Likewise, a news report based on the study of several CAT scans of persons with bullet wounds to the head points out that the nature of the wounds and downward flight path of the bullets from higher ground would constitute circumstantial evidence of the use of snipers by the National Police.⁹⁹

107. In addition to the denunciation regarding the use of snipers, the IACHR received hundreds of witnesses' accounts alleging that National Police officers and their anti-riot squads had shot at short range with firearms and rubber bullets at persons taking part in the protests or who were in the vicinity of universities or the Cathedral in Managua.¹⁰⁰ Once again, in those instances, State agents were firing shots aimed at the head, throat, and chest of the demonstrators. One such case is that of 18 year-old Jimmy de Jesús Sánchez, who received 60 pellet wounds all over his body on May 12. One pellet is still lodged in his left eye. Two other cases were Franklin Nemesio Gutiérrez and José Antonio Gondoya, who were shot point blank with pellets, even though neither was taking part in the protests. David Mayorga Díaz, aged 16, was another person hit by a rubber bullet fired at short range.¹⁰¹ A 19 year-old youth injured in the protests on April 20 at the National Engineering University (UNI) told how:

They wounded me around 4:50 or 5:00 p.m. That day I was taking part in a protest inside the UNI. After a while, we left the precincts and went to the street leading to the Cathedral behind the UNI campus. We were protesting about the [Tr. social security law] amendments and they were suppressing the protests, with anti-riot squads firing to kill. Things turned very ugly. We took up the whole street, but I moved off. That is to say, I went to the main university gate. The ones firing were the anti-riot squads. When I moved, along the path next to the university, heading for the main entrance, I was coming from the part behind. There were snipers above the Dennis Martínez National Stadium. I continue walking and get inside. When I got to the back gate into the university, the Juventud Sandinista, the Police and the anti-riot squads break open the lock on the back gate of the university and enter the precincts.

⁹⁷ See also, Amnesty International, [Disparar a matar: estrategias de la represión de la protesta en Nicaragua](#), 2018. p.32.

⁹⁸ Amnesty International, [Disparar a matar: estrategias de la represión de la protesta en Nicaragua](#), 2018. p.32.

⁹⁹ Confidencial, [¡Disparaban con precisión: a matar!](#), May 26 – June 2, pp. 9 and 10.

¹⁰⁰ "Ernesto Téllez was running as fast as he could to take shelter at the National Engineering University (UNI). A sniper was firing at the demonstrators from the National Stdium. It was 11:00 a.m. on the morning of Friday, April 20. He managed to cross the street, then the parking lot and the football field and reached one of the UNI buildings. A group of students were trying to revive a youth lying on the pavement. Ernesto, a volunteer for the Managua fire brigades and trained in first aid, joined in to help. Suddenly I saw a policeman yelling at us to leave the wounded youth. He began shooting at us. We ran off. Several police officers took the boy away: we don't know where to. The clashes died down for a while. After a while, they shouted that another person had been wounded and he ran to help. The young man was lying on the ground, holding a molotov cocktail in one hand. Ernesto took it away from him n order to try and lift him up. At that moment, another policeman appeared, pointing his gun at him. Maybe it was the same policeman, who knows? He didn't give me time to react and suddenly I heard a shot. First, I thought he had hit the molotov cocktail, but I looked and it was still intact on the pavement. Then I felt pain in my arm. The bullet had gone through his arm above the left elbow. He collapsed on to the ground, next to the other wounded youth. Seconds later, the same sound. Another shot, another bullet. This one entered the right side and came out through the left one." See: Revista 5W, Marta del Vado, "[Ortega devora a sus hijos](#)", May 29, 2018.

¹⁰¹ Testimony received by the IACHR in Managua on May 19, 2018.

When we were in the back part of the university, opposite the Stadium, before they all came in, a bus arrived carrying small arms and began handing them out to certain people with hoods marked with the symbols of the National Police, wearing Juventud Sandinista tea shirts, jeans, and tennis shoes. It was at the back, where they gave them small arms. The bus drove off and the people with the small arms entered the university. As they did, I begin to hear shouts of "here they come, here they come" [...] As they run, the anti-riot squad officer hands an AK to one of the Juventud Sandinistas wearing a hood. He grabbed the AK-47 rifle and began shooting at the people running away. The anti-riot squad officer also took out his weapon and began shooting at anyone he could. In the rush, I didn't feel the bullet penetrate; I just felt its impact as it hit me. In my mind I thought I had been hit by a rubber bullet. I ran half a block more and my leg went stiff and I couldn't keep running. Then the pains in my stomach began. When I fall, my friends ahead came back, but had to use sheets of zinc to protect themselves from bullets because they were still shooting. We didn't know where to go but a woman living in the block where we were helped me and opened the door to her house. I was calm and then I felt the heat in my pants, in my leg, and realized. I pulled down my pants and found I had been hit by a bullet and the blood kept coming out. I tried to stay calm, took off my shirt, and tried to put pressure on the wound to stop the bleeding, but the blood just kept coming out anyway. The woman who had taken us in called an ambulance. They shot at the face of the house and at the ambulance while the paramedics were trying to give me emergency aid. When they did that, one of the paramedics got into the ambulance and went off with the driver to try and distract or mislead the attackers, while the other one stayed with me inside the lady's house to try and stop the hemorrhage, because I was losing blood fast. When they start taking me out of the house, they began shooting at the ambulance and the door of the house to prevent them from taking me out. That was when the ambulance came back. They managed to get me out of the house and were just closing the last door of the ambulance when I was hit by another bullet here, from the left side toward the right. Another shot from the back to the front of the ambulance wounded the paramedic.

After all that we arrived at a hospital and they did not want to take care of me. From there they took me to the Manolo Morales Hospital, where four anti-riot squad officers were restricting entry and preventing those with bullet wounds from receiving medical care. Despite that, some doctors rebelled against the ban on helping and began caring for those who needed it. The anti-riot police threatened the doctors, pointing their rifles at them. Even so, the doctors managed to get the officers to leave the emergency rooms, but they stayed at the entrance to the hospital. They interrogated those arriving with bullet wounds, asking them where they had been shot, and began separating them off. After that some doctors arrived and protested, saying that they had sworn an oath to help and they had to attend to us. They said that the demonstrators had also been fighting for their rights and for our country as well. The anti-riot police tried to isolate those with bullet wounds, but the doctors did not let them do so. While this was going on, someone in civilian clothes and a Juventud Sandinista tea shirt, and wearing a medical mask, began labeling people by the place where they had been injured. They stuck a label on me saying "UNI". Another got a label

saying "Cathedral", because he had been there when he was shot. I removed the label just in case. [...] My operation took about 9 hours, from 6:00 p.m. to around 2:30 a.m. and they had to keep me hospitalized from April 20 to May 9, when I was released. The medical certificate just says "bullet wound to the abdomen plus grade III damage to the small intestine and Grade II damage to the colon." The bullet is still lodged in my body. As the doctors explained to me, this is because the bullet is lodged in the perineal sigmoid colon, an area difficult to operate on without causing internal bleeding that could endanger my life. Moreover, the bullet is very close to the fifth lumbar vertebra, which could cause me problems if the bullet is displaced. For that reason, the doctors have told me that I will have to undergo two more surgeries to make sure that the bullet does not move. They also performed an ileostomy, which is why I have part of my intestine in a bag outside my body. [...] The Forensic Medicine Institute never examined my wounds. Nor did I file a complaint. Currently, the law is not on our side.¹⁰²

108. Another pattern identified with regard to the infliction of severe injuries by state agents has to do with the shooting of rubber bullets by anti-riot squad personnel straight at young demonstrators, sometimes aiming for their eyes, during the first days of the protests. In connection with its visit to Nicaragua, the IACtHR received abundant information regarding this modus operandi and heard testimony from nine young people who had lost one of their eyes after being shot with rubber bullets and pellets by anti-riot squad personnel. A young university student told the IACtHR:

On Thursday, April 19 we were at the National Agrarian University march. The Police arrived around 8: a.m. Then the anti-riot squads arrived and began firing tear gas, rubber bullets, and mortars. At that point, we moved inside the university. From the outside, they continued firing at us inside the university. I was sitting next to a friend and suddenly I felt something hit me in the face. I began bleeding a lot and then we saw that they had truck me with a rubber bullet. I told a teacher that they had taken out my eye. That was around 8:50 in the morning. The anti-riot squads would not let us leave. I had to walk about two kilometers and jump down from a wall, and a university pick-up truck took me to a hospital. There they gave me injections against tetanus and the pain and then they took me to the Nicaraguan Ophthalmology Center (CENAO). There I underwent the first surgical operation at 11:50 and a second one on Saturday. I was left with 16 stitches in the eye and lost all vision in that eye.¹⁰³

109. The IACtHR also took testimony from a doctor at a hospital in Managua who had treated many of the wounded. He stated that:

"On Thursday, April 19, when I was treating people coming with injuries from the Agrarian University, I was struck to see two patients with rubber bullet wounds straight to the right eye. [...] On Friday, April 20, at 2:00 p.m. we were told that the Police were attacking the technical university (UPOLI) and 15 to 20 minutes later we started to receive people with rubber bullet wounds: 6 patients

¹⁰² Testimony by a university student who took part in the demonstration in Managua on April 20, received by the IACtHR in Managua, on May 19, 2018.

¹⁰³ Testimony by a university student who took part in the demonstration in Managua on April 19, received by the IACtHR in Managua, on May 19, 2018.

in all. I was struck by the fact that the rubber bullet wounds were not above or below, or to the right or left of the eye, but straight in it: that was the work of an expert sniper. All in all, there were about eight people shot in the right eye. But that day, I treated four. We had received two the previous day."¹⁰⁴

110. The Commission once again points out that the United Nations' Basic Principles on the Use of Force and Firearms allow law enforcement officials to use firearms "to arrest a person presenting such a danger and resisting their authority."¹⁰⁵ That notwithstanding, as part of the requirements for use of force to be permissible under that hypothetical circumstance, the Principles say that: (i) [use of] it may be made only when less extreme means are insufficient to achieve these objectives; (ii) it "may only be made when strictly unavoidable in order to protect life"; (iii) law enforcement officials must give a "clear warning of their intent to use firearms"; and (iv) said warning must be given with sufficient time, unless to do so would endanger the law enforcement officials or other persons.¹⁰⁶
111. Regarding the principle of absolute necessity, the Inter-American Court has pointed out that, in keeping the circumstances of the case, it is "must be verified whether other means are available to protect the life and safety of the person or situation that it is sought to protect."¹⁰⁷ It has also specifically established that such a required circumstance cannot be alleged when the persons involved do not pose a direct danger, "even if a failure to use lethal force might have resulted in the opportunity to arrest the fugitive being lost."¹⁰⁸
112. At the same time, the Commission is of the view that the proportionality principle requires moderation on the part of security agents and an effort to minimize the damage and injuries that could result from their intervention, while guaranteeing immediate assistance for persons injured and striving to inform family members and associates of what happened as quickly as possible.¹⁰⁹ Circumstances such as "the level of intensity and danger of the threat; the attitude of the individual; the conditions of the surrounding area, and the means available to the agent to deal with the specific situation"¹¹⁰ are determinants when it comes to evaluating the proportionality of the interventions by the authorities. Agents who may legitimately make use of force should "apply a standard of differentiated use of force, determining the level of cooperation, resistance, or aggressiveness of the person involved and, on this basis, use tactics of negotiation, control or use of force, as appropriate,"¹¹¹ for the

¹⁰⁴ Testimony by a doctor at a hospital in Managua, received by the IACtHR on May 19, 2018.

¹⁰⁵ Principles 9 AND 10 of the United Nations' Basic Principles on the Use of Force and Firearms, adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, Cuba, 27 August to 7 September 1990.

¹⁰⁶ IACtHR, Report No. 80/17, Case 12.662, Robert Ignacio Díaz Loreto, David Octavio Díaz Loreto, Octavio Ignacio Díaz Álvarez and Family Members v. Venezuela, July 5, 2017, par. 85.

¹⁰⁷ I/A Court HR. Case of Montero Aranguren et al. (Detention Center of Catia). Preliminary Objections, Merits, Reparations, and Costs. Judgment of July 5, 2006. Series C No. 150, paras. 67-68, and Case of Nadege Dorzema et al. v. Dominican Republic. Merits, Reparations and Costs. Judgment of October 24, 2012, Series C No. 251, par. 85. Cf. IACtHR, 2015 Annual Report, Chapter IV.A. Use of Force.

¹⁰⁸ I/A Court HR. Case of Landaeta Mejías Brothers et al v. Venezuela. Judgment of August 27, 2014. Preliminary Objections, Merits, Reparations, and Costs. Series C No. 281, par. 134; Case of Nadege Dorzema et al. Merits, Reparations and Costs. Judgment of October 24, 2012, Series C No. 251, par. 85; ECHR, Case of Kakoulli v. Turkey, No. 38595/97. Judgment of November 22, 2005, par. 108. Cf. IACtHR, 2015 Annual Report, Chapter IV.A. Use of Force.

¹⁰⁹ IACtHR, [Report on Citizen Security and Human Rights](#), December 31, 2009, par. 119. Cf. IACtHR, 2015 Annual Report, Chapter IV.A. Use of Force.

¹¹⁰ Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, Principle No. 9. Cf. IACtHR, 2015 Annual Report, Chapter IV.A. Use of Force.

¹¹¹ I/A Court HR. Case of Landaeta Mejías Brothers et al v. Venezuela. Judgment of August 27, 2014. Preliminary Objections, Merits, Reparations, and Costs. Series C No. 281, par. 134, and Case of Nadege Dorzema et al. v. Dominican Republic. Merits, Reparations and Costs. Judgment of October 24, 2012, Series C No. 251, par. 85. Cf. IACtHR, 2015 Annual Report, Chapter IV.A. Use of Force.

principle of proportionality requires law enforcement officials deploying force "to reduce to a minimum the harm or injuries caused to anyone... at all times."¹¹²

113. The Commission has pointed out that moderation in the use of force must be adjusted constantly during an operation in accordance with changes in the specific circumstances and to abide by the criteria of necessity and proportionality. Thus, the use of force against persons who no longer pose a danger cannot be considered authorized.¹¹³ With regard to this obligation to protect the right to life, the European Court of Human Rights has held that it is necessary to examine "not only whether the use of potentially lethal force against the applicant was legitimate but also whether the operation was regulated and organized in such a way as to minimize to the greatest extent possible any risk to his life."¹¹⁴
114. In line with international standards, for law enforcement officials in Nicaragua, the National Police Act¹¹⁵ establishes a series of core principles to govern actions by the police and, in particular, the use of force and of firearms. Numbered paragraph 1 of Article 7.5 of that Act establishes that police officers shall "only use the force needed to avoid serious immediate and irreparable harm; and in so doing should abide by the principles of coherence, timeliness, and proportionality in using the means at its disposal, when other means turn out to be ineffective." As for firearms, numbered paragraph 2 of the same provision establishes that police officers:

"shall only make use of them when there is serious risk to their lives, bodily integrity, or to those of third parties; or in order to prevent the commission of a particularly serious crime that poses a threat to life, or in order to detain a person who poses that danger, who resists the authorities, or to prevent his escape, and only when less extreme measures are unable to achieve those objectives; or in circumstances that pose a grave risk to public order, and in keeping with the principles enunciated in the foregoing paragraph."

115. The Commission observes that none of the demonstrations, which were conducted peacefully, meets the legal requirements authorizing the police to use firearms against the demonstrators; and yet they were suppressed by the State in a disproportionate manner, including even firing directly at the demonstrators' vital organs.
116. As the United Nations Special Rapporteur on the rights to freedom of peaceful assembly and of association and the Special Rapporteur on extrajudicial, summary or arbitrary executions pointed out in their Joint Report on the proper management of assemblies, "[t]he protection of the right to freedom of peaceful assembly extends only to those assemblies that are peaceful." To determine whether a meeting qualifies for protection of that right, the peacefulness of an assembly should be presumed, and a broad interpretation of the term "peaceful" should be afforded. Regard must be given to the manner in which the assembly is held and to the intentions of the participants.¹¹⁶ The rapporteurs also asserted that "Acts of

¹¹² I/A Court HR. Case of Landaeta Mejías Brothers et al v. Venezuela. Judgment of August 27, 2014. Preliminary Objections, Merits, Reparations, and Costs. Series C No. 281, par. 136. Cf. IACtHR, 2015 Annual Report, Chapter IV.A. Use of Force.

¹¹³ IACtHR, Report on admissibility and merits 90/14, Case 11.442, Valencia Hinojosa v. Ecuador, Report on Merits, par. 99.

¹¹⁴ ECHR, Case of Makaratzis v. Greece. Application no. 50385/99/95, December 20, 2004, par. 60.

¹¹⁵ Law No. 228, adopted on July 31, 1996, and published in the Official Gazette (*La Gaceta*) No. 162 of August 28, 1996.

¹¹⁶ United Nations. General Assembly. Human Rights Council, Joint report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association and the Special Rapporteur on extrajudicial, summary or arbitrary executions on the proper management of assemblies, A/HRC/31/66, 4 February 2016, par. 18.

sporadic violence or offences by some should not be attributed to others whose intentions and behaviour remain peaceful in nature."¹¹⁷ Nevertheless, they pointed out that "[e]ven if participants in an assembly are not peaceful and as a result forfeit their right to peaceful assembly, they retain all the other rights, subject to the normal limitations. No assembly should thus be considered unprotected." (Tr.:paragraph 9]

117. In short, the Commission considers that the acts of violence aimed directly at the vital organs of people who did not pose an imminent threat to the lives of the State security agents constitute arbitrary use of force and, where they resulted in deaths, extrajudicial executions. All of the above violates the rights to life and humane treatment recognized in the American Convention on Human Rights, as well as international and inter-American standards.

3. Use of Lethal Weapons against Children and Adolescents

118. The IACtHR voices its profound concern at the particular impact that the excessive use of force has had on the rights of children and adolescents, owing, to a large extent, to the major part played by the student movement in the demonstrations. The information and witnesses' accounts received by the IACtHR reveal that young people and children were especially vulnerable victims of the repressive violence used by the State during and after the protests. According to information documented by the Commission, by June 20, 16 children and adolescents had died violent deaths associated with the State's suppression of the demonstrations. Moreover, according to information provided by civil society organizations, by May 17, five of them had bullet wounds to the head, neck, and chest.¹¹⁸
119. The IACtHR was deeply disturbed to hear the testimony of family members of a 15 year-old boy, Álvaro Manuel Conrado Dávila, who, on April 20, was shot in the neck while carrying "water to help the UPOLI students" and when he arrived at the Cruz Azul (public) hospital reportedly was at first denied medical care.¹¹⁹
120. The Commission was also told that, on April 19, Richard Bermúdez Pavón, aged 17, was hit by bullets in the chest opposite the Mayor's Office in Tipitapa.¹²⁰ The following day, two 17 year-olds, Carlos Alberto Bonilla López and José Abraham Amador, were shot dead. The death of Juan Rivas, aged 16, was reported on April 22, after he had been shot in the chest.¹²¹
121. In this context, the Commission has pointed out that when the State is in the presence of a child, in addition to the duties specified for every person, there are the additional duties under both Article 19 of the American Convention and Article VII of the American Declaration. That being so, the State must assume its special status as guarantor with greater care and responsibility because a child is involved, and must adopt special measures guided by the

¹¹⁷ United Nations. General Assembly. Human Rights Council, Joint report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association and the Special Rapporteur on extrajudicial, summary or arbitrary executions on the proper management of assemblies, A/HRC/31/66, 4 February 2016, par. 20.

¹¹⁸ CODENI, Informe sobre violaciones de Derechos Humanos contra la Niñez y la Adolescencia Nicaragüense, May 18, 2018; Movimiento Mundial por la Infancia, Visibilizando la situación de niñas, niños, adolescentes y jóvenes durante la crisis social en Nicaragua – April 2018, May 20, 2018.

¹¹⁹ Testimony received by the IACtHR in Managua on May 20, 2018.

¹²⁰ Univisión, "[Les dije 'soy el pueblo' y se me tiraron encima": suman cuatro muertos y decenas de heridos al tercer día de protestas en Nicaragua](#)", April 20, 2018.

¹²¹ El Nuevo Diario, [Adolescente muere atropellado por bus ceca de la UPOLI](#), May 17, 2018.

principle of the child's best interest.¹²² In light of the above, the IACtHR underscores that the Nicaraguan State has a duty to take all necessary steps to prevent any abuse or excesses against the rights of the child by its agents or third parties. In particular, the Commission condemns and repudiates the use of lethal force against children and adolescents by state agents and armed third parties.

4. Arbitrary Deprivation of Life and/or Inhumane Treatment/Impairment of Personal Integrity by Third Parties

122. Analysis of witnesses' accounts, a variety of information sources, and photographs received by the Commission all show that, from the start of the protests, groups of armed third parties and parapolice groups intervened, taking part with the National Police or with its acquiescence in violent acts designed to intimidate, keep an eye on, and quell demonstrators opposed to the government. Based on the information available to the Commission, it transpires that in many cases those groups act on instructions from the National Police, or else are organized and armed, and act on instructions from local mayors or district political secretaries.
123. The Commission received dozens of accounts denouncing the attack on Managua Cathedral on April 20, 2018 as one of the events best illustrating the severity of the repression and the coordination between armed civilian third parties and state agents, that left so many people wounded.
124. According to the information available, on April 20 hundreds of people went to the Cathedral terrace to support the students and demonstrators with food, provisions, and medical supplies. Doctors, paramedics, medical students and other volunteers likewise organized medical teams and improvised health posts to receive medicines and care for the wounded.
125. Even though the Cathedral had been set up as an assistance and humanitarian aid center for the wounded and others seeking protection, around 2:00 p.m. police officers, their anti-riot squads, and parapolice groups began carrying out indiscriminate attacks against the volunteers inside and in the vicinity of the Cathedral. For several hours shots were fired and rubber bullets and tear gas used by the anti-riot squads as groups of thugs tried to get into the building. Testimonies from persons sheltering in the Cathedral tell how at nightfall, the National Police stepped up its attacks and even cut off the electricity. According to those witnesses' accounts, they were surrounded and, given the intensity of the attacks by the police they decided to put their names on their arms so that their bodies could be identified if they were murdered.¹²³

"I took part by delivering provisions to the people in the UNI on April 20, 2018. When we were done, the anti-riot police arrived tossing tear gas at us to disperse us and get to where we were. Several police dressed in blue and light blue arrived on motorbikes with rifles and behind them was a pick-up truck full of police. Those policemen began firing both rifles and rubber bullets, all at the same time. [...] Around 4:40 p.m. there were policemen and the Juventud Sandinista (JS) near the National Stadium trying to make their way from there to the UNI and they began tossing mortars and stones toward the UNI and at those

¹²² IACtHR, [Report on Violence, Children, and Organized Crime](#), 2015, p. 354

¹²³ La Prensa, [Juventud Sandinista mantuvo bajo asedio a jóvenes en la Catedral de Managua](#), April 21, 2018.

of us who were near the Cathedral. [...] The priest in the Cathedral asked us to go inside so as to protect ourselves from the JS and the police. The JS got to the Cathedral and broke the lock on the West gate. They then fired at two vehicles there and set fire to two motorbikes. After that both the priest and the nuns came out to put a stop to the attack. By then they had already cut off the electricity in the Cathedral. [...] Inside the Cathedral many people were crying and marking their arms so that they could be identified, because we were thinking by then that they were going to set fire to the Cathedral with us inside. The parish priest was trying to calm us down, telling us to pray." ¹²⁴

126. The IACHR was also told about the cases involving Eduardo Antonio Sánchez Flores, who was attacked by parapolice groups near the Cristo Rey traffic circle, who fired four bullets at him at point-blank range;¹²⁵ and Kevin Joel Valle Aguilar, murdered near the UPOLI university by individuals shooting from a vehicle:¹²⁶

"My son was playing on the block with some friends when a white pick-up truck passed by with armed individuals dressed in civilian clothes, firing their guns. A bullet hit him in the pelvis and he was taken to the German-Nicaraguan Hospital where surgeons opened him up to extract the bullet [...]. Eye witnesses said it was a government pick-up truck and that those inside it were Sandinista Youths, better known as pro-Ortega mobs."¹²⁷

127. The IACHR notes that as civilian resistance continued following the initial protests in April, parapolice groups have engaged in new forms of violence, leaving demonstrators ,and even students and civilians not taking part in the protest or putting up any form of resistance, either dead or with both physical and psychological injuries. Thus, some dozen testimonies received by the IACHR told how, in various cities in Nicaragua, groups of thugs (*grupos de choque*) went about intimidating demonstrators and tearing down barricades by firing off bursts of gunfire at short range from moving vehicles at people manning the barricades and civilians near universities and public squares. The Commission was told:

"In the last few days, we have been receiving people with bullet wounds every day, but there's a difference now; these victims are not protesters, they are the victims of delinquents who move around in groups of four and shoot to kill [...]. This is a new development. Now the shots are bursts of gunfire, typically from handguns, they are no longer mostly bullets aimed at the head."¹²⁸

128. The IACHR also received abundant information regarding the events of May 30, 2018, during the Mother's Day march in Nicaragua. In Managua that march was brutally put down by parapolice groups using firearms to shoot indiscriminately at hundreds of demonstrators.¹²⁹ There is plenty of video material documenting these facts. According to official data, as a

¹²⁴ Testimony received by the IACHR in Managua in May 2018.

¹²⁵ Testimony from a family member received by the IACHR in Managua in May 2018.

¹²⁶ El Nuevo Diario, "[Nos rafaguearon](#)", dice amigo de Kevin Valle, muerto en protesta en la Upoli", May 11, 2018.

¹²⁷ Testimony from a family member of a young man murdered, received by the IACHR in Managua, on May 20, 2018.

¹²⁸ Testimony from a doctor at a hospital in Managua, received by the IACHR on June 6, 2018.

¹²⁹ Amnesty International, [Honduras: Violento ataque a multitudinaria marcha de las madres en Managua](#)", May 30, 2018.

consequence of those events, 15 people lost their lives and 199 were wounded in Managua, Estelí, and Masaya.¹³⁰

129. The IACtHR also received information regarding the events of June 16, 2018, when the Velásquez Pavón family's home was set fire to in the Carlos Marx district in Managua, leaving six people dead: four adults and two children: Oscar Velásquez Pavón (the father), Maritza Muñoz (the mother), Alfredo Velásquez (son), Mercedes Raudez (Alfredo's wife), Daryelis Velásquez Muñoz (daughter, aged two and a half), and Matías Velásquez Muñoz (a five-month old baby son), who had reportedly been prevented from getting out of the house, and whose neighbors were allegedly prevented from helping them. According to testimony in the public domain, the fire had been started by parapolice groups. In its observations to the draft version of this report, the State indicated that it was investigating these lamentable facts to ascertain who was responsible.¹³¹
130. Regarding the participation of third parties in domestic security operations, the IACtHR has already stated that "citizens must not be incorporated into any kind of domestic security strategy" and that, on the contrary, the State has an obligation to adopt all necessary measures to prevent them, as well as to investigate, try, and punish those responsible, when such acts do occur.¹³² The State must abstain from any form of acquiescence, collaboration, or joint actions with such groups, in addition to taking steps to dissolve them. For its part, the Inter-American Court of Human Rights has established that the State is directly responsible, either as a result of its acts or omissions, for all the activities undertaken by these private individuals who collaborate with or take part in the exercise of certain functions that generally pertain exclusively to the sphere of competence of the State and where the State takes on the role of guarantor, such as the functions relating to the preservation of public order, "particularly if it is taken into consideration that private individuals are not subject to the strict control exercised over public officials regarding the performance of their duties."¹³³
131. Accordingly, the IACtHR reiterates that the State of Nicaragua has an obligation not to permit the existence of groups of third parties for suppressing protests; to investigate the actions they have taken part in, and to identify and punish those who, within the State apparatus, have been coordinating their modus operandi; and to restore the legitimate and proportional use of force within a constitutional state governed by the rule of law..
132. In the same vein, the Commission issues a reminder that States are obliged, through their security forces, to guarantee security and preserve public order.¹³⁴ From this general obligation arises the power of states to make use of force, a power that is limited by the observance of human rights, for: "While state agents may have recourse to the use of force, and in some circumstances this might require even the use of lethal force, the state's power is

¹³⁰ IACtHR, Press Release 124/18 -[IACtHR Urges Nicaragua to Dismantle Parapolice Groups and Protect Right to Peaceful Protest](#), Washington, D.C., June 1, 2018.

¹³¹ State of Nicaragua. Observations of the State of Nicaragua on the draft report of the Inter-American Commission on Human Rights, June 21, 2018.

¹³² IACtHR, Democratic Institutions, the Rule of Law and Human Rights in Venezuela, December 31, 2018, par. 359.

¹³³ I/A Court HR, Case of the Rochela Massacre v. Colombia. Preliminary Objections, Merits, Reparations, and Costs. Judgment of May 11, 2007. Series C No. 163, par. 102.

¹³⁴ IACtHR, [2006 Annual Report, Chapter IV. Human Rights Developments in the Region, Venezuela](#), par. 208. See also: I/A Court HR. Case of Montero Aranguren et al. (Detention Center of Catia) v. Venezuela. Judgment of July 5, 2006. Series C No. 150, par. 70. Cf. IACtHR, 2015 Annual Report, Chapter IV.A. Use of Force.

not unlimited so as to attain its aims independent of the seriousness of certain actions and the culpability of their perpetrators."¹³⁵

133. Given the irreversible nature of the possible consequences of the use of force, the IACtHR conceives of it as "a last resort that, qualitatively and quantitatively limited, is intended to prevent a more serious occurrence than that caused by the state's reaction." ¹³⁶ For the exceptional use of force to be justified, the principles of legality, absolute necessity, and proportionality¹³⁷ must be met and there must be a legitimate purpose.¹³⁸
134. The Commission notes with concern that a large number of the deaths that occurred during the protests were perpetrated directly by agents of the State or by groups of third parties acting with its acquiescence. Moreover, under international human rights law, the circumstances surrounding the events described in this section exhibit features proper to extrajudicial executions, against young people in particular.
135. In light of all that has been described in this section, the Commission concludes that the State of Nicaragua is failing to comply with its duties to respect and guarantee the right to life and humane treatment. In particular, the existence of dozens of people killed and wounded by fire arms, stun guns and the like in the context of demonstrations; the gravity and ongoing nature of attacks perpetrated by anti-riot squads, the national police and groups of thugs; and the absence of effective actions to dismantle those groups and stop the disproportionate use of force, including lethal force, all violate international human rights law.
136. The Inter-American Commission likewise condemns the fact that the policy of repression via the use of lethal force has become more widespread even in the weeks following its visit to the country, at a very high cost in terms of the loss of human lives and the number of people injured. The Commission urges the Nicaraguan State, once again to cease all forms of violence against the population, to abide by its international obligations, and protect and respect the lives and personal integrity of those under its jurisdiction; to conduct prompt, impartial, and effective investigations aimed at prosecuting and punishing its agents and civilian third parties guilty of human rights violations; and to make full reparation to victims and their family members. In that connection, the IACtHR underscores the importance of the establishment of the Interdisciplinary Group of Independent Experts (GIEI) to assist and support investigations into what happened.
137. Finally, as it pointed out above, civilians (both individuals and groups) have also committed acts of violence against the security forces, and pro-government individuals and media. Those acts have included damaging and setting fire to government facilities, the kidnapping of policemen or personnel working for local government entities, and the robbing and pillaging

¹³⁵ I/A Court HR. Case of Cruz Sánchez et al. v. Peru. Preliminary Objections, Merits, Reparations, and Costs. Judgment of April 17, 2015. Series C No. 292, par. 262. See also: IACtHR, [Report on terrorism and human rights](#), October 22, 2002, par. 89. Cf. IACtHR, 2015 Annual Report, Chapter IV.A. Use of Force.

¹³⁶ IACtHR, Report on the Situation of Human Rights Defenders in the Americas, 2006, par. 64. Cf. IACtHR, 2015 Annual Report, Chapter IV.A. Use of Force.

¹³⁷ IACtHR. Report No. 90/14, Admissibility and Merits, Luis Jorge Valencia Hinojosa v. Ecuador, November 4, 2014, par. 181; [Report on terrorism and human rights](#), October 22, 2002, par. 87; IACtHR, [Report on Citizen Security and Human Rights](#), December 31, 2009, par. 114. See also: I/A Court HR, Case of Cruz Sánchez et al. v. Peru. Preliminary Objections, Merits, Reparations, and Costs. Judgment of April 17, 2015. Series C No. 292, par. 265; Case of J. v. Peru. Preliminary Objections, Merits, Reparations, and Costs. Judgment of April 17, 2015. Series C No. 275, par. 330, and Case of Nadege Dorzema et al. v. Dominican Republic. Merits, Reparations and Costs. Judgment of October 24, 2012, Series C No. 251, par. 85. Cf. IACtHR, 2015 Annual Report, Chapter IV.A. Use of Force.

¹³⁸ IACtHR, Report No. 80/17, Case 12.662, Robert Ignacio Díaz Loreto, David Octavio Díaz Loreto, Octavio Ignacio Díaz Álvarez and Family Members v. Venezuela, July 5, 2017, par. 83.

of government property. As a result of those acts, 5 policemen have lost their lives, and 65 people have been wounded. In that context, the IACHR calls for the cessation of hostilities and reminds the State of its obligation to investigate and punish all acts of violence.

138. As the Commission has pointed out on other occasions, the State's obligation is to ensure the processing of the demands and the underlying social and political conflicts so as to channel and resolve the claims of demonstrators. "When a demonstration or protest leads to situations of violence it should be understood that the state was not capable of guaranteeing the exercise of this right."¹³⁹ The situation described above reflects the gravity of the political crisis in Nicaragua and the high levels of violence in the country. That makes it even more imperative that the State resolve the conflict and channel demands through dialogue. In a democratic State, repression and violence are no way to respond to the demands of its citizens.

B. Right to Health and Health Care

139. The IACHR received abundant information and complaints about irregularities, denial of medical care, and obstruction of humanitarian efforts to help the wounded and injured in connection with the acts of violence and repression in Nicaragua since April 18, 2018. The IACHR has recorded complaints against at least the following hospitals: Cruz Azul, which is part of the Nicaraguan Social Security Institute; and Antonio Lenin Fonseca, Alemán Nicaragüense, Manolo Morales, Roberto Calderón, Hospital Escuela Oscar Danilo Rosales Argüello, and San Juan de Dios de Estelí, all of which are Ministry of Health hospitals.¹⁴⁰ Numerous cases have also been identified of people who did not go to state health centers out of mistrust or fear of reprisals and therefore either went without medical care or else resorted to private hospitals, improvised health posts, medical volunteers, fire brigade volunteers, medical students, and so on. According to testimonies received and information in the public domain, even schools, private homes, and parishes were turned into centers for receiving the wounded.¹⁴¹
140. More than 800 testimonies and complaints regarding the wounded were received by the Commission during its visit. However, given that the acts of violence in different parts of the country have continued,¹⁴² information provided by the State of Nicaragua lists 1,337 people wounded through June 5, 2018.¹⁴³ For its part, the Nicaraguan Red Cross reported approximately 1,081 outpatient care visits, 554 of whom needed to be transferred to a medical center.¹⁴⁴

¹³⁹ IACHR, [Annual Report, Chapter IV A. "Use of Force"](#), 2015, par. 68.

¹⁴⁰ Testimonies by the wounded, demonstrators, and family members received by the IACHR in Managua and León, in May 2018.

¹⁴¹ El Nuevo Diario.. [Colegio Salesiano Don Bosco sirve como hospital en Masaya](#). June 6, 2018. El Nuevo Diario.. [Paramilitares asedian parroquia San Cristóbal en Managua](#). June 12, 2018.

¹⁴² IACHR, Press Release 118/18, [IACHR Condemns Renewed Violence in Nicaragua](#), Washington D.C., May 25, 2018; Press Release 124/18, [IACHR Urges Nicaragua to Dismantle Parapolice Groups and Protect Right to Peaceful Protest](#), Washington DC, June 1, 2018; and Huffpost. [Al menos 10 muertos, 62 heridos y 10 desaparecidos en las últimas protestas de Nicaragua](#). June 5, 2018.

¹⁴³ Information provided by the State. Note from the Permanent Mission of Nicaragua to the OAS, MPN-OEA-0063, June 8, 2018. (Annex 3) June 8, 2018.

¹⁴⁴ La Prensa: [Cruz Roja pide que denuncien a ambulancias que sirvan a paramilitares](#). June 13, 2018.

1. Irregularities and Denial of Medical Care

141. In light of the seriousness of the wounds and state of health of the injured, during its visit the IACHR was able to corroborate information regarding frequent instances of failure to provide medical care, unwarranted delays in providing it, and inappropriate care for patients, as a form of reprisal for demonstrating against the government.¹⁴⁵ In its observations on the draft version of this report, the State, for its part, denied the existence of the irregularities and refusal to provide medical care cited by the IACHR. According to the State, the Ministry of Health furnished proof to the IACHR that patients were and are being looked after in its various health units and that follow-up is being provided in hospitals' outpatient departments. State hospitals had received patients from private hospitals and had continued to provide them with medical care. No patient had ever been denied care. The State reported that on June 6, it had provided the IACHR with detailed information on the 1,337 injured persons, with details of the health unit that had treated them, the state in which they had arrived, and the care they received.¹⁴⁶ The State further pointed out that the statements [that the IACHR had received] "are designed to maintain a permanent campaign to discredit the care provided by health units."¹⁴⁷
142. One of the most serious cases has to do with Alvaro Conrado, aged 15, who, according to his parents, died from a bullet wound after not being treated by staff at the Cruz Azul hospital, when he was still alive. "My child would still be alive if they had stabilized his condition [...]. It's a pity that some people exist who deny help for someone wounded, especially a child," said the father of the victim.¹⁴⁸ When that happened, several citizens protested in the vicinity of that hospital.¹⁴⁹
143. Following are a few extracts from testimonies describing this situation:

"Essentially, the boy had fainted from loss of blood and they took us to the Antonio Lenin Fonseca Hospital, where, around 6:00 to 6:20 p.m., they refused to treat him. There were several people not being treated because the President had issued an order not to help them. No State hospital was treating them."¹⁵⁰

"I received a shot in the arm from an AK-47 rifle and was taken to the Hospital Alemán. The X-ray showed a broken bone. They gave me a splint, which filled with blood in a matter of minutes. I told the doctors that it hurt a lot, but they ignored me. I spent several days without them cleaning the wound. It got infected. The splint was green, looked like fungus. They told me there was no plaster in the hospital."¹⁵¹

¹⁴⁵ Testimonies received by the IACHR in May 2018; Amnesty International. [Disparar a matar](#). May 2018. CENIDH. [Informe No 2](#), May 17, 2018, pp. 6-7. CENIDH. [Comunicado No 5](#). May 31, 2018.

¹⁴⁶ State of Nicaragua. Observations of the State of Nicaragua on the draft report of the Inter-American Commission on Human Rights, June 21, 2018.

¹⁴⁷ State of Nicaragua. Observations of the State of Nicaragua on the draft report of the Inter-American Commission on Human Rights, June 21, 2018, p. 53.

¹⁴⁸ El Nuevo Diario. [Padre de Alvaro Conrado: No quiero mártires, quiero justicia](#). May 2, 2018.

¹⁴⁹ La Prensa. [Hospital Cruz Azul debe responder por la muerte del adolescente Álvaro Conrado](#). May 1, 2018. El Diario, November 6, 2013. [Reclaman a clínica de Managua por no atender a joven herido en protestas](#). May 3, 2018.

¹⁵⁰ Testimony from a student received by the IACHR in Managua in May 2018.

¹⁵¹ Testimony from a wounded person received by the IACHR in Managua on May 20, 2018.

"I was shot in the hip, and still have the bullet lodged in my right buttock. I can't walk normally, I cannot remain standing, and I'm vulnerable to an infection. I was received at the Manolo Morales Hospital and had to walk into the emergency room. Five different doctors asked for my data. When they saw that it was a bullet wound, they kept me waiting. Nobody changed the bandage full of blood. At 11 p.m. they called to tell me that an order had been given to take the wounded out of hospital, especially those with bullet wounds."¹⁵²

144. For the Commission, the complaints stating that the Government had given orders not to treat the wounded in State hospitals are especially worrisome.¹⁵³ According to testimony from medical student, teaching staff, and doctors at the Escuela Óscar Danilo Rosales Argüello Hospital, the health authorities had helped make arrangements to ensure that demonstrating students attacked in the vicinity of the hospital and wounded would not be treated, by preventing access to hospital facilities and driving medical students out of them.¹⁵⁴ It was pointed out that:

"The students seeking shelter in the HEODR (Hospital Escuela Óscar Danilo Rosales) were physically assaulted [...] Given the refusal to treat victims of repression by the police and mobs, medical students, hospital interns, with the help of four resident doctors and some of their teaching staff went out into the streets, to look for and treat the wounded."¹⁵⁵

145. Despite the allegations of denial of medical care, the IACtHR did also ascertain that several wounded persons were treated in public hospitals, which received those in very serious condition. In its preliminary observations, the IACtHR drew attention to the very delicate health condition of René Martín Torres Montenegro and Jaime José Reyes Téllez, in the Antonio Lenin Fonseca Hospital; of Néstor Sotelo Ortega and Eddy Javier Hernández, in the Alemán-Nicaragüense Hospital; of David Lizano Altamirano, in the Manolo Morales Peralta Hospital; and of Wilner Josué Rivas, Santa Fe de Matagalpa Health Clinic.¹⁵⁶ Subsequently, it transpired that Jaime José Reyes Téllez had died.¹⁵⁷
146. On the other hand, information received by the IACtHR during its visit indicates that several patients who were operated on were released prematurely; in some cases they had to go back or look for other forms of medical treatment given their precarious state of health¹⁵⁸. According to complaints filed with local human rights organizations, some hospitals authorized the release of still seriously wounded patients. That would appear to be the case, for instance, of Mr. Cesar Castillo Castillo, who died on May 12, 2018, after being treated at the Escuela Regional San Juan de Dios de Estelí Hospital.¹⁵⁹ Some testimonies from wounded people culled by the IACtHR read as follows:

¹⁵² Testimony from a wounded person received by the IACtHR in Managua in May 2018.

¹⁵³ Contacto Hoy. [Universitarios critican actuación de ministra de Nicaragua durante protestas](#), May 19, 2018.

¹⁵⁴ La Prensa. [Exigen investigar negligencias médicas en hospitales de Nicaragua durante protestas](#), MAY 3, 2018; CENIDH. [Informe No 2](#), May 17, 2018, pp. 15-16; Contacto Hoy. [Universitarios critican actuación de ministra de Nicaragua durante protestas](#), May 19, 2018; La Prensa. [Los médicos que han salvado vidas en la crisis de Nicaragua](#), May 20, 2018; La Prensa. [Las denuncias de los nicaragüenses demuestran la deshumanización del Sistema de Salud en el país, según especialista](#), June 15, 2018.

¹⁵⁵ CENIDH. [Informe No 2](#), May 17, 2018, pp. 15-17.

¹⁵⁶ IACtHR, Press Release 113/18, - [Preliminary observations on the IACtHR working visit to Nicaragua](#) Washington, D.C., May 2, 2018.

¹⁵⁷ Confidencial. [Muere uno de los heridos reportados por la CIDH](#), May 26, 2018.

¹⁵⁸ Testimonies received by the IACtHR in May 2018.

¹⁵⁹ CENIDH. [Informe No 2](#), May 17, 2018, pp. 6 and 7.

"I heard 'target, target' and then just remember an impact to the head. I don't remember what happened after that; just that I was at the Hospital Alemán. They then transferred me to the Lenin Fonseca Hospital. They took me there, where I spent three days in a coma. They released me the next day after just treating the pain and infection. I left with nose plugs; they told me I should come to have them taken out four days later. My family took me to another doctor, who looked after me properly.¹⁶⁰

"The National Police attacked those of who were inside the University. The Police and Juventud Sandinista came in shooting. I was hit by two bullets. The Red Cross took me to a hospital where I was released in an hour. The medical treatment was very poor and they released me very quickly."¹⁶¹

147. In this context, the IACtHR heard about a communique issued by the Nicaraguan Medical Association condemning the denial of emergency medical care for persons wounded in the demonstrations.¹⁶² The World Medical Association also condemned the attacks on health personnel and the restrictions on medical care for the wounded.¹⁶³ The IACtHR is likewise aware that, faced with the crisis and conflict in the country, health personnel came out in favor of attending to all the wounded, without distinctions; many of those health professionals provided humanitarian aid to all the wounded and called for the hospitals to attend to emergencies effectively and at no charge.¹⁶⁴ For example, health personnel at the Bertha Calderón Hospital in Managua lamented the events surrounding the protests and announced publicly that: 'as a medical body we reiterate our commitment to continue treating the population, without distinction as to race, social class, sexual [orientation], religion, or political affiliation [...]. We stand ready to provide first aid to any citizen who needs it.'¹⁶⁵
148. Information transmitted by civil society organizations indicates that the restriction on medical treatment included lack of access to serum, blood transfusions, the timely and appropriate cleaning and stitching of wounds.¹⁶⁶ Civil society organizations also pointed out that in many cases the wounded are not receiving proper medical care because they do not go to health centers for fear of being identified and attacked by groups of thugs.
149. Most of the injuries reported have to do with traumas, burns, and cuts or wounds caused by explosions, sulfuric acid, tear gas, bullets, blunt objects, and beatings.¹⁶⁷ People interviewed by the delegation from the Commission said that there had been people infiltrated into the protests to hand out adulterated water and bananas, which had triggered stomach aches and vomiting among many of the youths protesting.¹⁶⁸

¹⁶⁰ Testimony from a wounded person received by the IACtHR in Managua on May 19, 2018.

¹⁶¹ Testimony from a wounded student received by the IACtHR in Managua on May 20, 2018.

¹⁶² La Prensa. [Exigen investigar negligencias médicas en hospitales de Nicaragua durante protestas](#), May 3, 2018.

¹⁶³ World Medical Association. [Asociación Médica Mundial condena colapso de sistema de salud](#). June 15, 2018

¹⁶⁴ Hoy. [Médicos del Heodra de León prometen dar atención médica](#). May 12, 2018; La Prensa. [Los médicos que han salvado vidas en la crisis de Nicaragua](#). May 20, 2018. El Nuevo Diario. [Marcha de las batas blancas en León](#). May 16, 2018

¹⁶⁵ La Prensa. [Médicos del hospital Bertha Calderón aseguran que atenderán a todo el que necesite ayuda](#). June 12, 2018.

¹⁶⁶ CENIDH, [Informe sobre represión y violencia contra manifestantes](#), Nicaragua, May 4, p. 15.

¹⁶⁷ Testimonies by the wounded and demonstrators received by the IACtHR in Managua, Masaya, and León, in May 2018. See also: Confidencial. [Atacan con ácido sulfúrico a manifestantes de Boaco](#). June 14, 2018.

¹⁶⁸ Testimony from demonstrators received by the IACtHR in Managua in May 2018.

150. The IACHR likewise received information from family members of the deceased complaining that in the hospitals where the bodies were they had had to sign a document to be able to withdraw the corpse. In those documents, they had been pressed into waiving their right to file a complaint and to desist from taking the bodies to a forensic medicine institute for the autopsy or to hold the authorities responsible. In other cases, there were complaints of manipulation of clinical files and false medical certificates.¹⁶⁹ In its observations on the draft version of this report, the State rejects that claim.¹⁷⁰
151. The IACHR points out that the wounded are particularly vulnerable to the risks of impairment of their rights to health, personal integrity, and even, in some cases, their life. Under certain circumstances, denying medical treatment to these people may constitute cruel, inhuman, or degrading treatment, and even torture, if the required criteria are met. Here, the IACHR stresses that the State's obligation to prohibit torture applies not only to law enforcement officials, but also to health professionals and social workers, including those working in private hospitals.
152. Pursuant to the right to health,¹⁷¹ States have an obligation to safeguard the right to access to health facilities, assets, and services.¹⁷² When individuals are unable to assert this right themselves, as may be the case with the sick or wounded, States must adopt the measures needed to facilitate that access, which may include looking for and taking in such persons, as well as providing them with immediate treatment.
153. As established by the organs of the Inter-American Human Rights system, the rights to life and humane treatment are closely related to the right to health, so that failure to provide appropriate medical care may violate those rights.¹⁷³ Accordingly, health services must be adequate, immediate, and non-discriminatory, and they must be ready to address emergency situations, which may include the contexts surrounding social protests and widespread violence, above all the guarantee the rights of the wounded, the injured, and persons at high risk of losing their life. To that end, law enforcement officers and health personnel have an obligation to facilitate and make arrangements to ensure prompt assistance and medical services for such persons and to quickly notify next of kin and close friends of persons wounded.¹⁷⁴

2. Obstruction of the Work of Humanitarian Personnel

154. The complaints about restrictions on health care during the protests did not just encompass obstacles inside hospitals. Information was also received regarding orders to restrict ambulances from leaving hospitals or circulating and the work of humanitarian personnel

¹⁶⁹ Testimony from family members of persons killed received by the IACHR in Managua in May 2018. See also: Confidencial. [Victimas de la represión sin autopsias](#). April 28, 2018. Q'hubo. [Hospitales, en la mira por actas falsas](#). May 19, 2018.

¹⁷⁰ State of Nicaragua. Observations of the State of Nicaragua on the draft report of the Inter-American Commission on Human Rights, June 21, 2018, p. 59

¹⁷¹ The right to health is provided for specifically in Article 10 of the Protocol of San Salvador and Article 11 of the American Declaration of the Rights and Duties of Man. Article 26 of the American Convention also mentions economic, social, and cultural rights.

¹⁷² Committee on Economic, Social and Cultural Rights (CESCR). General Comment No. 14, United Nations document E/C.12/2000/4, 11 August 2000, par. 12-b

¹⁷³ I/A Court HR. Case of Suárez Peralta v. Ecuador. Preliminary Objections, Merits, Reparations, and Costs. Judgment of May 21, 2013. Series C No. 261, par. 130

¹⁷⁴ Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders. Basic Principles on the Use of Force and Firearms by Law Enforcement Officials. September 7, 1990. Art.5 c) and d)

such a firefighters, Red Cross workers, as well as medical and paramedical personnel, medical students, and volunteers. In its observations to the draft version of this report, the State reported that those who had limited the free circulation of ambulances and of humanitarian assistance had been "groups of vandals", who had hindered the free transportation of patients.¹⁷⁵ Accordingly, the IACtHR observes with special concern the denunciations regarding the entry into and capture of the Santiago Regional Hospital in Jinotepe by para-statal groups in the early hours of June 12, 2018, with a view to preventing and obstructing the entry of wounded people.¹⁷⁶

155. The Commission also had access to information about threats to persons who were facilitating the provision of medical care to wounded people in the San Cristobal parish in Managua¹⁷⁷, and about the kidnapping of 15 medical students who had been caring in a house for persons wounded during the clashes in León¹⁷⁸, and of another three students helping to get provisions to a health post in Tipitapa¹⁷⁹
156. For their part, emergency medical personnel, who also testified before the Commission, stated that:

"As paramedic volunteers we went out with the medical students to care for the wounded in the street in the middle of the firing by the police at the unarmed civilian population. Many of the doctors and paramedical staff helping the wounded were attacked by the police and a lot were arrested. The Ministry of Health ambulances did not help with the transfers. Only the Red Cross units were available."¹⁸⁰

157. A women studying medicine likewise testified as follows:

"They didn't say anything, they answered that this was what we deserved for going out in the protests. That we were ungrateful to the Government and were going to learn a lesson. When the pick-up truck stopped and they took us out, I realized that we were in the departmental house of the Front [...] I remember that they went in, searched everything and broke things. When they were piling us into the truck, we opened our rucksacks to show them that all we were carrying were gauze and bandages."¹⁸¹

158. The IACtHR underscores that States must not prevent health personnel from providing medical care to persons needing it. Detaining or harassing health personnel for providing medical treatment must not be permitted. Nor should health personnel be punished for activities compatible with medical ethics or forced to commit acts that contravene those standards. The IACtHR also stresses that States are duty-bound to provide humanitarian

¹⁷⁵ State of Nicaragua. Observations of the State of Nicaragua on the draft report of the Inter-American Commission on Human Rights, June 21, 2018, p. 57.

¹⁷⁶ La Prensa. [Al menos un muerto tras ataque de turbas orteguistas en un trunque en Jinotepe](#). June 12, 2018. El Nuevo Diario. [Dos muertos durante ataque armado está madrugada en Jinotepe, Carazo](#). June 12, 2018.

¹⁷⁷ El Nuevo Diario. [Paramilitares asedian parroquia San Cristobal en Managua](#). June 12, 2018.

¹⁷⁸ Confidencial. [Turbas FSLN imponen terror, muerte y secuestro en León](#). May 25, 2018

¹⁷⁹ El Nuevo Diario. [Estudiantes secuestrados denuncias torturas y amenazas de turbas](#). June 5, 2018; La Prensa. [Torturan y abandonan en la cuesta El Plomo a estudiantes de la UNAN secuestrados por la noche](#). June 5, 2018. El Nuevo Diario. [Universitarios secuestrados relatan torturas](#). June 6, 2018.

¹⁸⁰ Testimony from medical emergency personnel received by the IACtHR in Managua on May 20, 2018.

¹⁸¹ Confidencial. [Turbas FSLN imponen terror, muerte y secuestro en León](#). May 25, 2018.

organizations and personnel with all the facilities they need to conduct their activities and perform their functions and have access to the population in need of help. The State must refrain from obstructing such work and protect humanitarian assistance personnel, their installations and vehicles.

3. Impairment of Mental Health and Emotional Wellbeing

159. Based on the hundreds of testimonies it received during its official visit, the IACtHR notes that the mental health and emotional wellbeing of the population is being gravely undermined by the current environment of violence, harassment, threats, and repression. This situation is particularly serious in respect of the people who denounce having been victims of human rights violations, their family members, and students and members of the general public demonstrating against the government. Some of the testimonies gathered by the IACtHR mentioned the following:

"It has affected me psychologically. I find it hard to sleep. I remember how my fellow student died and how we were kidnapped. At times, I get deeply depressed, thinking of everything that is happening in the country."¹⁸²

"I was suffering from depression and a frustrated state of mind because I could not seek help because the people supposed to provide it, like the police and the hospitals, were not helping."¹⁸³

"I feel damaged psychologically. I get up at midnight, thinking how my fellow student died. I'm a wreck and feel followed and persecuted."¹⁸⁴

"I'm suffering from the aftermath of the demonstrations. The sounds of shells exploding and demonstration prevent me from living in calm."¹⁸⁵

"Most general practitioners told us angrily that my child was going to die. Talking among themselves they commented that what was happening to our children was right because they were just going around throwing stones."¹⁸⁶

160. In light of the above, the Commission emphasizes that the short and long-term sequels of serious human rights violations and situations posing threats to life and personal integrity involve traumas that usually translate into intense stress, extreme suffering, anxiety, humiliation, and radical changes in the lives of victims who survive and their next of kin. These effects also impact society and the community because of the collective and widespread nature of the violations committed and the traumas that go with them.¹⁸⁷

¹⁸² Testimony from a student received by the IACtHR in Managua on May 20, 2018.

¹⁸³ Testimony from a demonstrator received by the IACtHR in Managua on May 20, 2018.

¹⁸⁴ Testimony from a student received by the IACtHR in Managua on May 20, 2018.

¹⁸⁵ Testimony from a demonstrator received by the IACtHR in Masaya on May 19, 2018.

¹⁸⁶ Testimony from a family member of someone killed, received by the IACtHR in Managua, on May 18, 2018.

¹⁸⁷ Here it is worth stressing that the Inter-American Court has been mindful of the suffering endured by family members of victims because of the particular circumstances of the acts of violence committed and the deeds and omissions of States in reacting to them and to the collective and community impacts they produce, as it has sought to obtain appropriate reparation for persons affected. Cf. I/A Court HR. Case of Landaeta Mejías Brothers et al v. Venezuela. Preliminary Objections, Merits, Reparations, and Costs. Judgment of August 27, 2014. Series C No. 281, paras. 279 and 303; I/A Court H.R. Case of the Massacres of El Mozote and Nearby Places v. El Salvador. Merits, Reparations, and Costs. Judgment of October 25, 2012. Series C No. 252. Paras. 197 and 352.

161. In conclusion, from information in the public domain, the hundreds of testimonies gathered, and verification of the facts during the working visit by the IACtHR, it is evident that irregularities were committed and actions taken to obstruct medical care and that no guarantees were in place for exercise of the right to physical and mental health in connection with the protests that began on April 18, 2018. This situation contravenes not just the international obligations of the State but its own legislation as well, because the law in Nicaragua states that users of health services have the right "to a record in their clinical file of all care received, in each and every health sector facility" and to "receive, in any public or private health establishment, emergency medical or surgical care [...] while any grave risk to their life or health subsists."¹⁸⁸
162. The Commission underscores the urgent need for the State to take steps to ensure that appropriate, immediate, and high quality emergency medical care is provided in public and private hospitals and health centers in the country, without any kind of discrimination under the circumstances described above. In the same vein, the State must not only refrain from obstructing the humanitarian work of health personnel, but also protect them from possible attacks or acts of aggression. In particular, the Nicaraguan State needs to keep prompt track of the medical care needed by persons treated in connection with the protests and, if necessary, facilitate and seek international cooperation in order to guarantee those persons' right to health and access to medicines.
163. As for mental health and emotional wellbeing, given the facts described, the Commission deems it necessary to implement a program to ensure multidisciplinary treatment of the traumas resulting from the events described in this report. Such a program should be based on a human rights approach and include a gender perspective. In particular, it needs to address the needs of the most severely affected, such as persons wounded and kidnapped and those who are harassed and threatened, as well as the family members of those murdered.
164. The IACtHR also reiterates the call made in its preliminary observations regarding the importance of the State ensuring impartial, diligent, and timely investigation of complaints regarding the denial, obstruction, or poor quality of medical care in public hospitals, and regarding alleged act of aggression and obstruction of humanitarian aid workers. Those investigations should bear in mind the any factors pointing to the crimes of torture or of cruel, inhuman, or degrading treatment and determine whether such crimes were committed in a context of denial of medical care or the provision of inadequate care. They also need to throw light on the facts that gave rise to complaints about the manipulation of medical files and false certificates and address possible sanctions.
165. Finally, the Commission points once again to the importance of systematizing and updating the information about persons treated in public and private hospitals in connection with the social protests throughout the country, as well as to the importance of the State respecting the privacy, identity, and consent of the patients. The Commission acknowledges the valuable part played by all those persons and institutions that, despite the circumstances and the risks they were exposed to, placed the right to health above any political considerations, even at a risk to their own safety, or using their own financial resources, or, as in the case of private hospital, waiving the profit motive so as to be able to help.

¹⁸⁸

National Assembly (Nicaragua). Law 423. General Health Care Act. Published in Official Gazette No. 91 on May 17, 2002. Article 8, numbered paragraphs 12 and 15.

4. Impacts on other Social Rights

166. The Commission also draws attention to the information garnered about the negative impacts on other social rights, especially labor, education, and food rights.¹⁸⁹ During its working visit, the IACtHR discerned an atmosphere of tension and possible workplace persecution in various State institutions; in particular, it heard complaints of dismissals and threats against government personnel who had supported the protests.¹⁹⁰ That information complemented media reports of dismissal in the National Ports Enterprise, the Ministry of Transport, the Ministry of Health, the Ministry of Education, and even in the National Police. In many cases, the grounds adduced for dismissal were said to be "orders from above."¹⁹¹ Some workers said that there were government officials in charge of investigating workers' social networks with a view to reporting any anti-government postings.
167. According to another testimony gathered during the visit by the IACtHR, a State worker reported that:

"They asked me to sign a letter of commitment to defending the Government in response to the demonstrations and to engage in pro-Government activities. I refused, saying that I had not been trained to stand at traffic circles (*estar en redondas*), nor for politics. They fired me, from one day to the next. I was suited to the job as I had no political backing from the party. Only party sympathizers or persons who agree to those terms are eligible to work in government and in many private companies owned by the governing family; those who are prepared to attack peaceful protest marches, keep watch at traffic circles, or double or triple votes. You also have to consent to donating 10% of your salary to the party."¹⁹²

168. The IACtHR issues a reminder that States have a duty to provide due guarantees to protect workers from unwarranted or arbitrary dismissals.¹⁹³ Workers must exercise their rights, including freedom of expression and the right to peaceful assembly, without fear of possible reprisals or threat, hostile acts, harassment, defamation or workplace violence. In light of the above, the IACtHR notes with concern the complaints about workers being dismissed because of their views regarding the acts of violence and social and political crisis besetting the Nicaraguan population. Given this situation, the State needs to take steps to ensure that the government refrains from arbitrary dismissals and from maltreating, harassing, or threatening State workers with a critical stance toward the government or who supported the protests. It also needs to investigate the complaints filed.
169. The Commission was also told that, due to the political and social crisis in the country, student attendance in schools is low.¹⁹⁴ There are reports of several schools suspending classes for the safety of pupils, especially at the secondary school level. Many of the pupils

¹⁸⁹ Like the right to health, labor, education, and food rights form part of the inter-American body of law and are expressly recognized in Articles 6, 7, 12, and 13 of the Protocol of San Salvador and Articles XI, XII, and XIV of the American Declaration.

¹⁹⁰ La Prensa. [Despidos ilegales a trabajadores del Estado de Nicaragua](#). April 28, 2018.

¹⁹¹ La Prensa. [Desatan persecución policial y laboral a estudiantes y empleados públicos que participaron en protestas](#). May 6, 2018; La Prensa. [Trabajadores del Estado asediados y corridos por oponerse al régimen](#). May 22, 2018.

¹⁹² Testimony from a woman who had worked in government received by the IACtHR in Managua on May 19, 2018.

¹⁹³ I/A Court HR. Case of Lagos del Campo v. Peru. Preliminary Objections, Merits, Reparations, and Costs. Judgment of August 31, 2017. Series C No. 340, par. 149.

¹⁹⁴ La Prensa. [Mined tendrá que ajustar el calendario escolar para recuperar las clases perdidas](#). June 7, 2018.

show signs of stress and anxiety because of the constantly violent and unstable environment.¹⁹⁵ A similar situation can be found in various universities in Nicaragua, where classes have either been suspended or are conducted only intermittently.¹⁹⁶ For instance, there have been public complaints of several students being evicted from their classroom at the National Autonomous University of Nicaragua in León, at the start of the protests in April, for having refused to go and attack the homes of persons demonstrating in the city. Students reported that university authorities and some pro-government student leaders had demanded that they take part in acts against citizens protesting and had threatened to take away their scholarships or other benefits.¹⁹⁷

170. The IACHR once again points out that the right to education is the epitome of the indivisibility and interdependence of all human rights¹⁹⁸, as it serves as a catalyst for generating critically minded, participatory citizenship and shaping the development of individuals and society. In higher education, especially, the academic liberty of teachers and students and the autonomy of academic institutions are fundamental pillars for strengthening democratic structures and avoiding political pressures or interference.¹⁹⁹ The Commission also underscores the fact that the right to education helps mitigate the psychosocial impacts of emergency or conflict situations, reinforces capacity to help those affected by the crisis, and provides tools for restoring stability and for social reconstruction.²⁰⁰
171. Given the negative impacts triggered by the aforementioned context on the right to education, especially at the secondary and tertiary levels, characterized by instability and underlying risks posed for students, the IACHR deems it necessary that the State take steps to investigate the complaints by students of instigation by university authorities or pro-government student leaders and to guarantee the autonomy of universities as forums for academic freedom and freedom of thought for their students. Prompt steps are likewise needed to facilitate and guarantee a propitious environment for recovering lost classes, while according priority to the safety and protection of students. If necessary, the State must make whatever adjustments are needed, bearing in mind the essential features of availability, accessibility, acceptability, and adaptability.
172. Finally, the IACHR also draws attention to the impact that current crisis is having on access to food in several parts of the country. At the time of the IACHR visit to Nicaragua, information had already come out warning of the scarcity of food.²⁰¹ Despite those warnings, the resurgence of acts of violence is said to exacerbating foodstuff supply shortages in storage centers and markets and pushing up the prices of several items.²⁰² In its comments on the draft version of this report, the State claimed that the food supply shortages in some parts of

¹⁹⁵ Testimony received by the IACHR in Managua on May 19, 2018; El Nuevo Diario. [Estudiantes de secundaria, los más perjudicados por la crisis](#). May 27, 2018.

¹⁹⁶ EFE news agency. [La universidad más grande de Nicaragua suspende clases de forma indefinida](#). May 7, 2018. El Nuevo Diario. [Estudiantes controlan la UNAN en Managua y Matagalpa, y protestan en Estelí y León](#). May 8, 2018.

¹⁹⁷ La Prensa. [Expulsión de estudiantes de internados de la UNAN en León fue por no apoyar vandalismo](#). May 3, 2018. Confidencial. [Estudiante de UNAN-León se rehusaron a reprimir protestas](#). May 4, 2018

¹⁹⁸ I/A Court HR. Case of Gonzales Lluy et al. v. Ecuador. Preliminary Objections, Merits, Reparations, and Costs. Judgment of September 1, 2015. Series C No. 298. Par. 234.

¹⁹⁹ Committee on Economic, Social and Cultural Rights. General Comment No. 13. United Nations Doc. E/C.12/1999/10, (8 December 1999), paras. 38-40

²⁰⁰ Report of the Special Rapporteur on the right to education, Verner Muñoz. United Nations Doc. A/HRC/8/10, (20 May 2008), par. 34.

²⁰¹ ALnavío. [La escasez de alimentos se extiende en Nicaragua por las protestas](#). May 18, 2018.

²⁰² La Prensa. [Comercio de Masaya sufre con la represión](#). June 12, 2018; La Nación. [Comercio con Nicaragua está prácticamente paralizado](#). June 12, 2018; La Nación. [Nicaragua sigue bloqueada por protestas que amenazan su frágil economía](#). June 8, 2018.

the country were due to barricades put up by protesters in several departments.²⁰³ The IACHR stresses that the availability of -- and access to -- food of sufficient quality and quantity are core features of the right to food.²⁰⁴ It also notes that in emergency or disaster situations, not only is there usually reduced access to food; there may also be weakening or destabilization of governance structures, food markets, and the means of subsistence.²⁰⁵ In that context, the Commission points to the importance of the State watching out for and securing guarantees and respect for this right, particularly for the more vulnerable segments of the population, such as children and adolescents, persons living in poverty, older adults, persons living with HIV, the sick, persons with disabilities, and so on.

C. Right to Freedom and Personal Integrity in Detention Contexts

1. General Considerations

- 173. According to data provided by the State, between April 20 and June 5, 507 people were deprived of their liberty. According to those data, 421 of the persons detained, that is to say 83% of the total, were either adolescents (aged between 14 and 17) or young people (aged between 18 and 35). Of those 421 detentions, 65 involved adolescents and 356 were of young people.
- 174. Despite the fact that both during and after its visit the IACHR asked the State of Nicaragua for the specific places of detention, as of the publication of this report, those data had not been provided. Such information is, however, particularly important, seeing that 65 of the total number of people detained, as reported by the State, are adolescents aged between 14 and 17, and 24 are women. Such detentions would have required special detention centers for those specific segments of the population. However, according to information passed to the Commission by senior police officers, most of the persons detained were taken to the Judicial Support Directorate (DAJ) of the National Police ("El Chipote") in Managua. As of May 20, 2018, almost half the people detained had subsequently been transferred to the "Model" prison in Tipitapa.²⁰⁶ Both detention centers were designed to accommodate only men over 18 years of age, not adolescents or women.
- 175. In this context, and with respect to the adolescents, the Commission issues a reminder that depriving adolescents of their liberty is governed by the principle of exceptionality, whereby their detention may only be a measure of last resort and for the shortest time allowed.²⁰⁷ In the event that they are deprived of their liberty, and in order to protect their personal integrity and in the higher interest of the child, adolescents must be kept separate from

²⁰³ State of Nicaragua. Observations of the State of Nicaragua on the draft report of the Inter-American Commission on Human Rights, June 21, 2018, p. 16.

²⁰⁴ Committee on Economic, Social and Cultural Rights. General Comment No. 12. United Nations Doc. E/C.12/1999/5, (12 May 1999) par. 8.

²⁰⁵ Report of the Rapporteur on the right to food, Hilal Elver. United Nations Doc. A/HRC/37/61, (25 January 2008), par. 61.

²⁰⁶ during its visit, the IACHR was told that as of May 20, 2018, all in all, 438 were deprived of their liberty, most of whom had been placed in "El Chipote" in Managua. Of them 209 had been transferred to "La Modelo," the rest were allegedly released. Specifically, senior police commanders reported that at that moment only three people in connection with the protests were being held in "La Modelo": the two boys accused of the death of journalist Ángel Gafona in Bluefields and a man who had been carrying a weapon he had bought on the black market and was arrested outside his home after a row with his wife and who was later accused of shooting during the demonstrations.

²⁰⁷ CIDH, [Juvenile Justice and Human Rights in the Americas](#), OEA/Ser.L/V/II.Doc. 78, July 13, 2011, paras. 75 - 80.

adults.²⁰⁸ As regards women, given the special risk they face when deprived of their liberty, States must adopt whatever measures are required to enable them to be held in separate establishments or in separate wings of the same establishment.²⁰⁹

176. In its comments on the draft version of this report, the State reported that the National Police arrested 438 people for grave disturbances of the peace. It also said that detention and registration procedure were followed according to law, and that those involved had been released by the legal deadline of 48 hours and returned to their family members.²¹⁰
177. The IACtHR underscores, in particular, that during the testimonies gathered during its visit to "El Chipote," it heard accounts from Glen Slate and Brandon Lovo, two young Afrodescendants from Bluefields, who had been accused of murdering journalist Ángel Gahona, on April 22, 2018. According to information received by this Commission, Glenn and Brandon are being held in conditions incompatible with human dignity. The Commission is especially concerned that said persons are being held in solitary confinement. That regime involves almost total segregation, without proper ventilation, with just two opportunities per week to come out of their cells. The Commission is also worried by the difficulties these two people face for conducting their defense and receiving visits, given the distance between the DAJ and their place of origin. The IACtHR requested information from the State on this specific situation on May 30, 2018. As of the date of issue of this report, the IACtHR had not been given the information requested.

2. Excessive Use of Force and Arbitrary Detentions

178. During its visit to Nicaragua, the Inter-American Commission visited "El Chipote" and the "La Modelo" prison, the two detentions centers where most of the people arrested during the protests were detained. The IACtHR received numerous testimonies from people who had been released and their family members, as well as from other inmates deprived of liberty who had no connections to the protests that began on April 18. In the course of its documentation work, the Commission notes the existence of a pattern of arbitrary arrests -- especially during the first days of protest -- to the detriment mainly of young people in the vicinity of the incidents that occurred. In particular, the IACtHR received information regarding numerous cases in which people were arrested violently, with disproportionate and arbitrary use of force and without any crime having been committed that merited deprivation of liberty. Thus, most of the people arrested in connection with the protests appear to have been arrested while they were demonstrating peacefully or walking on the streets.
179. Specifically, the Commission received numerous testimonies stating that when they were arrested these people had been beaten, insulted, and threatened by members of the National

²⁰⁸ CIDH, [Juvenile Justice and Human Rights in the Americas](#), OEA/Ser.L/V/II.Doc. 78, July 13, 2011, par. 408 and IACtHR, Report 41/99, Case 11.491, Admissibility and Merits, Minors in Detention, Honduras, March 10, 1999, par. 125 and 126.

²⁰⁹ IACtHR, [Principles and Best Practices on the Protection of Persons Deprived of Liberty in the Americas](#), approved by the Commission through resolution 1/08, during its 131st regular period of sessions, held from March 3-14, 2008, Principle XIX, "Separation of categories". See United Nations, [Standard Minimum Rules for the Treatment of Prisoners \(Mandela rules\)](#), E/CN.15/2015/L.6/Rev.1, 21 May 2015, Rule 11.

²¹⁰ The State also said that, all in all, 507 detentions had been reported. State of Nicaragua. Observations of the State of Nicaragua on the draft report of the Inter-American Commission on Human Rights, June 21, 2018, p. 51.

Police.²¹¹ One 24-year-old young man being held in "El Chipote" told the Commission that: "Police from two patrol cars hit me with their rifles and weapons. They put me in one of the cars and took me to "El Chipote." I was hit numerous times and tortured."²¹² Another young said: "the blows started as soon as I was arrested. One of them hit me in the eye with the butt of one of the long rifles they [the police] were carrying. They made me get onto a motorbike and drove me to District VI. I can still feel the fear and can barely open my eye."²¹³

180. Regarding the specific reasons for detention, which did not necessarily have anything to do with legal grounds for deprivation of liberty, the Commission was told that the police and prison officers informed the detainees that their deprivation of liberty was for a variety of reasons, such as their anti-government attitudes, taking part in demonstrations, walking in the streets, or supporting students, especially UPOLI students. These accounts indicate that the main intention behind the deprivation of liberty was to punish or suppress opposition to the current regime in Nicaragua and had nothing to do with legal grounds established in domestic laws. Under these circumstances, it is especially worrisome that, even though, the IACtHR requested information -- during and after its visit -- on the grounds for the detention of persons arrested in connection with the protests, as of the date this report came out, the IACtHR had not received the data requested. In light of the above, the IACtHR notes that there was no legal basis for the arrests carried out during the protests.
181. Article 7 of the Convention includes protection against arbitrary arrest or imprisonment by strictly regulating the grounds for both, in accordance with law.²¹⁴ Thus, a detention is arbitrary and illegal when not carried out for the reasons, and according to the formalities, established by law; when carried out without adherence to the procedural formalities that judicial and police authorities are required to follow; and when it involves misuse of the authority to arrest--in other words, when carried out for purposes other than those envisaged and stipulated by law²¹⁵.
182. In this context, the Commission issues a reminder that arrests made by security forces in connection with social protests must comply strictly with all the requirements imposed by international standards in this field.²¹⁶ Accordingly, the Commission stresses that States have an obligation to guarantee that, in making the arrest, general principles regarding the use of force are respected. The force used by police officers to arrest someone, particularly in a demonstration, must be strictly proportional to the established objective and applied only to the extent required by any resistance offered by the person against whom there is a need to use force. States must likewise refrain from the practice of mass, collective, or indiscriminate arrests.²¹⁷ An arrest based solely on the act of participating in a protest or public

²¹¹ On this, see IACtHR, Press Release 113/18, - [Preliminary observations on the IACtHR working visit to Nicaragua](#) Washington, D.C., May 2, 2018.

²¹² Testimony from a person released from "El Chipote," received by the IACtHR in Managua, in May 2018.

²¹³ Testimony from a person released from "El Chipote," received by the IACtHR in Managua, in May 2018.

²¹⁴ IACtHR, [Honduras: Human Rights and the Coup d'Etat](#), OEA/Ser.L/V/II. Doc. 55, December 30, 2009, par. 339. See: I/A Court H.R., *Neira Alegria et al. Case. v. Peru*. Judgment of January 19, 1995. Series C No. 20, par. 60; *Cantoral Benavides Case v. Peru*. Judgment of August 18, 2000. Series C No. 69, par. 87.

²¹⁵ I/A Court H.R., Durand and Ugarte Case, Judgment of August 16, 2000. Series C No. 68, paras. 52-56, par. 85; Case of the "Street Children" (Villagrán Morales et al), Judgment of November 19, 1999 Series C No. 63, par. 131; Case of Suárez Rosero, Judgment of November 12, 1997. Series C No. 35, par. 43; and Case of Gangaram Panday, Judgment of January 21, 1994. Series C No. 16, par. 47. In that connection, see also IACtHR, [Honduras: Human Rights and the Coup d'Etat](#), OEA/Ser.L/V/II. Doc. 55, December 30, 2009, par. 377; IACtHR, Report No. 45/00 (Merits), Case 10.826, *Manuel Mónago Carhuaricra and Eleazar Mónago Laura*, Peru, 1April 13, 2000, par. 29.

²¹⁶ IACtHR, [Annual Report, Chapter IV. "Use of Force"](#), 2015, par. 121.

²¹⁷ IACtHR, [Annual Report, Chapter IV. "Use of Force"](#), 2015, par. 121.

demonstration is in itself arbitrary and incompatible with the international obligations of the State.

183. In light of the above considerations, the IACHR concludes that the pattern of arrests involved the arbitrary and disproportionate use of force; had no grounds and followed no formalities required by law, and pursued unlawful purposes, thereby inflicting a punishment that amounts to a kind of sentence handed down without a trial or judgment outside the bounds of law. Accordingly, the Commission condemns the arbitrary and illegal arrests carried out in connection with the protests and urges the State to take all steps needed to immediately put a stop to these practices.²¹⁸

3. Cruelty (*Malos tratos*)

184. The IACHR received numerous testimonies alleging that most of those detained in connection with the initial protests since April 18 were subjected to various kind of cruel, inhuman or degrading treatment during their arrest and while they were deprived of their liberty.²¹⁹ From those allegations it transpires that some of that treatment, because of the forms it took, crossed the threshold to torture.
185. Specifically, information made available to the Commission indicates that while they were deprived of liberty in their respective detention centers -- mainly "El Chipote" and "La Modelo" -- and during their transfers, detainees were beaten and threatened. Psychological violence was practiced principally through various kinds of threats. Thus, State agents threatened to rape detainees and burn them alive, or else to kill them, their next of kin, and their friends.
186. Likewise, the Commission took note of certain particularities, such as robbing the detainees of their belongings, including their clothes, obliging the detainees to wear only their underwear. Detainees were also deprived of water and food. When they were sent to La Modelo, persons arrested in connection with the protests had their hair shaved off. Regarding this, during its visit to that detention center, the IACHR was told by the authorities that that was a normal practice for hygienic reasons. However, other inmates told the Commission that that was not a routine practice and that it was only to further intimidate those who had been arrested because of the protests.
187. The cruelty against persons detained in connection with the protests was also confirmed by other inmates still being held in both El Chipote and "La Modelo". They told the IACHR delegation in particular about the mistreatment of those who had been imprisoned during the protests. One of the inmates said: "The boys brought in during the protests came all beaten up from the treatment they had received in this prison." In the same vein, other inmates told the Commission about the reprisals they, too, had suffered for providing food, water, and clothes to people arrested during the protests. One of the inmates in La Modelo stated: "They took it out on us afterwards. All because of our help and protests against the treatment meted out to

²¹⁸ IACHR, Press Release 113/18, - [Preliminary observations on the IACHR working visit to Nicaragua](#). Washington, D.C., May 2, 2018.

²¹⁹ On this, see IACHR, Press Release 113/18, - [Preliminary observations on the IACHR working visit to Nicaragua](#) Washington, D.C., May 2, 2018.

these young people. There was everything from physical maltreatment to the withholding of food and water."²²⁰

188. Following are some extracts that the Commission wishes to underscore from the many testimonies received:

"They put me in a punishment cell and made me undress. I took off my clothes. They made me do 100 squats. They threatened me with rape by an officer. They did me a lot of psychological damage."²²¹ Young man held in "El Chipote."²²²

"When we got [to La Modelo] they put us in a line of 120 prisoners. The officers there --one after the other-- started beating us. We were on our knees with our heads facing downwards." Young man held in "La Modelo".²²³

I was arrested on April 20. When they arrested me, the Police struck me in the ribs. They threatened to blow up a bomb in my chest. Once I was inside the truck they started hitting me on the knees with a metal pipe. They took me to the Chipote [...]. There was no bathroom, just concrete beds. All the prisoners were in their underwear." Person held in "El Chipote."²²⁴

"[...] I was intercepted by a National Police patrol car with three officers inside. Without an arrest warrant, they made me get into the patrol car and took me to the Ticuantepe police station. With two women police officers present, they made me take off my clothes until I was completely naked. Then, misusing their authority, they made me do squats while I was naked."²²⁵ Woman detained in the Ticuantepe police station.

189. At the same time, based on the testimonies it received, the Commission notes with particular concern the intense suffering and pain caused to detainees by police authorities especially keen to elicit information about other people connected with the protests and movements against the current government. Thus, a person who had been released from "El Chipote" told the Commission:

[...] They took off my shoes, grabbed me, and hit me in the head with a pistol. They took me to the Chipote. [...] The officer threw me to the ground hitting me with some pincers. He wanted to pull out the nails from one of my hands. He asked me [about students from the UPOLI University. Then a policeman said to me '[...] you're going to kill a guy from your district who's living in San Juan del Norte [...]. You're going to stab him twice. If you want to live, I'll give you till Friday."²²⁶

190. Bearing in mind that international human rights law requires States to guarantee the rights of persons in their custody, the IACtHR reaffirms that one of the most important duties in that

²²⁰ Testimony from an inmate of "La Modelo" prison, received by the Commission in Tipitapa on May 19, 2018.

²²¹ Testimony from a person released from "El Chipote," received by the IACtHR in Managua, in May 2018.

²²² Testimony from a person released from "El Chipote," received by the IACtHR in Managua, in May 2018.

²²³ Testimony from a person released from "La Modelo," received by the IACtHR in Managua, in May 2018.

²²⁴ Testimony from a person released from "El Chipote," received by the IACtHR in Managua, in May 2018.

²²⁵ Testimony from a woman detainee at a police station, received by the IACtHR in Managua, on May 19, 2018.

²²⁶ Testimony from people released from "El Chipote," received by the IACtHR on May 20, 2018.

regard is to safeguard the life and integrity of persons deprived of their liberty.²²⁷ Even though the right to humane treatment/personal integrity pertains to everyone under all circumstances, the Commission considers that the absolute ban on torture and on cruel, inhuman, and degrading treatment is particularly relevant when it comes to protecting person deprived of their liberty, who are, moreover, totally defenseless vis-a-vis state agents.²²⁸

191. Based on the facts described above, the Commission notes that the arrest and deprivation of liberty of persons detained in connection with the protests was frequently accompanied by beatings, threats and insults against the detainees, that involved subjecting them to humiliating and degrading conditions or cruelty; hence actions that violated inter-American human rights standards. In particular, the Commission voices its special concern regarding accounts testifying to the existence of such practices as threats of torture or death, beatings, and threats to harm family members, committed with the intention of eliciting information about others involved in the protests and movements against the current government. The IACtHR observes that the aforementioned acts, evaluated in each case in the light of the circumstances in which they were perpetrated, could constitute torture. In that sense, the treatments meted out have been regarded by the inter-American system and other protection mechanisms as forms of torture.²²⁹
192. With respect to the above, the Commission resolutely condemns any form of torture or cruelty that may have been committed against detainees and it reiterates the obligation of the State to immediately initiate ex officio -- and irrespective of the presentation of complaints -- effective investigations to identify, try, and punish those responsible.²³⁰ In particular, the Commission urges the State to conduct this investigation using all legal means available and to make sure that it is designed to determine the truth of what happened within a reasonable period of time.²³¹ That investigation must also be guided by the principles of independence, impartiality, competence, diligence and meticulousness (*acusosidad*).²³²

²²⁷ IACtHR; [Report on the Human Rights of Persons Deprived of Liberty in the Americas](#), OEA/Ser.L/V/II. Doc. 64, December 31, 2011, par. 30.

²²⁸ In this connection, see ACHR; [Report on the Human Rights of Persons Deprived of Liberty in the Americas](#), OEA/Ser.L/V/II. Doc. 64, December 31, 2011, par. 343. See also, United Nations Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Report presented to the Commission on Human Rights (today Council), E/CN.4/2006/6, adopted on 16 December 2005, par. 40.

²²⁹ IACtHR; [Report on the Human Rights of Persons Deprived of Liberty in the Americas](#), OEA/Ser.L/V/II. Doc. 64, December 31, 2011, par. 342; IACtHR, Report on Terrorism and Human Rights, paras. 161-163.

²³⁰ IACtHR; [Report on the Human Rights of Persons Deprived of Liberty in the Americas](#), OEA/Ser.L/V/II. Doc. 64, December 31, 2011, par. 334. I/A Court H.R., Case of Tibi v. Ecuador. Judgment of September 7, 2004. Series C No. 114, par. 159. The Inter-American Court has adopted a very unbureaucratic stance with regard to the concept of denunciation (or "complaint") as a prerequisite for the State's obligation to conduct a prompt and impartial investigation into possible cases of torture and, in the Vélez Loor case, even considered that it suffices that the victim or a third party notify the authorities. I/A Court H.R., Case of Vélez Loor v. Panama. Preliminary Objections, Merits, Reparations, and Costs. Judgment of November 23, 2010. Series C. No. 218 par. 240.

²³¹ IACtHR; [Report on the Human Rights of Persons Deprived of Liberty in the Americas](#), OEA/Ser.L/V/II. Doc. 64, December 31, 2011, par. 345; I/A Court H.R., Case of García-Prieto et al. v. El Salvador. Preliminary Objection, Merits, Reparations and Costs. Judgment of November 20, 2007. Series C No. 168, par. 101 and I/A Court H.R., Case of Bulacio v. Argentina. Judgment of September 18, 2003. Series C No. 100, par. 114.

²³² IACtHR; [Report on the Human Rights of Persons Deprived of Liberty in the Americas](#), OEA/Ser.L/V/II. Doc. 64, December 31, 2011, par. 345; I/A Court H.R., Case of Bueno-Alves v. Argentina. Judgment of May 11, 2007. Series C. No. 164 par. 108.

4. Isolation and lack of Judicial Oversight

193. One of the main complaints lodged with the Commission concerned the isolation in which detainees were kept, as they were not allowed contact with their family members. Likewise, the IACtHR was told that detainees were never informed of the legal grounds for their detention, had no contact with defense counsel, and were never brought before a judicial authority. Thus, a young man in detention in "La Modelo" prison stated: "I was not informed of [the reason for] my arrest. I was not interviewed. I was not allowed to contact my family. I was repeatedly beaten. Without saying anything, they just left me stranded on the road to Tipitapa."²³³
194. Here, the Commission stresses that States have an obligation to immediately inform the detainee, his family members and representatives of the grounds and reasons for the detention. They also have a duty to disclose the place in which a person is being deprived of liberty. That duty "constitutes a mechanism to avoid illegal or arbitrary detentions from the very moment of imprisonment and, at the same time, ensures the individual's right to defense."²³⁴ Likewise, Article 7 of the Convention requires prompt and effective judicial supervision of the entities involved in the detention in order to protect the integrity of detainees.²³⁵
195. Based on the information provided, the Commission concludes that the isolation of persons detained during the protests -- albeit for a few days -- in a context, like today's, of widespread violence and lack of judicial oversight constitutes a violation of their right to humane treatment and a failure by the State to fulfill its enhanced duty to act as the guarantor of the rights of detainees. Moreover, the lack of access to defense and judicial oversight constitutes a failure by the State of Nicaragua to comply with its duty to take the necessary steps to guarantee the right to due process and access to justice of detainees pursuant to international standards in this field.

D. Right to Freedom of Expression

196. The IACtHR ascertained that from the very beginning of the protests the State opted for direct and indirect forms of censorship. The Commission was able to confirm that some audiovisual media are openly biased, or else their journalists are obstructed in their work. For their part, the independent media have suffered from interference by State agents and by violent acts perpetrated by third parties.
197. The Commission notes that such acts are taking place in a context of restrictions on the exercise of journalism and on the freedom of the media in Nicaragua that has been denounced

²³³ Testimony from a person released from "La Modelo," received by the IACtHR in Managua, in May 2018.

²³⁴ IACtHR, [Annual Report, Chapter IV. "Use of Force"](#), 2015, par. 122. See also I/A Court H.R., *Case of Juan Humberto Sánchez v. Honduras*. Judgment of June 7, 2003. Series C No. 99, par. 96.

²³⁵ IACtHR, [Honduras: Human Rights and the Coup d'Etat](#). OEA/Ser.L/V/II. Doc. 55, December 30, 2009, par.339. Thus, as the Court has pointed out on several occasions, "Inasmuch as it is responsible for detention facilities, the State is the guarantor of the rights of detainees." I/A Court H.R., *Case of Neira Alegria et al. v. Peru*. Judgment of January 19, 1995. Series C No. 20, par. 60; *Cantoral Benavides Case v. Peru*. Judgment of August 18, 2000. Series C No. 69, par. 87.

by civil society organizations and representatives of the press²³⁶ and documented by the IACtHR in its annual reports.²³⁷

198. An independent and critical press is vital for the exercise of the other freedoms inherent in the democratic system.²³⁸ Indeed, inter-American case law has consistently reaffirmed that, as a cornerstone of a democratic society, freedom of expression is a sine qua non for society to be well informed;²³⁹ that the greatest possible degree of information is a requirement for the common good and it is the full exercise of freedom of information that guarantees such maximum circulation; and that the free circulation of ideas and news is possible only through a plurality of sources of information and respect for the communications media.²⁴⁰

1. Political Oversight and Improper Interference in the Media

199. The IACtHR noted that during the protests, State-run media did not report appropriately about them or the demonstrators' demands. What it ascertained was the dissemination of information stigmatizing the demonstrators.²⁴¹ That prevented Nicaraguan society from having access, through State media, to the broadest and most diversified information regarding what is happening in the country.
200. That decision by the State impairs the right of Nicaraguan society to be informed. The IACtHR has emphasized that for public media truly to perform their function, they have to be independent of the Executive Branch, genuinely pluralist, and universally accessible.²⁴² Thus, public radio and television cannot be used to broadcast government propaganda; they need to be autonomous informative and cultural forums serving the interests of society as a whole. These media have a responsibility to report on matters of public interest and to reflect the political, social, geographic, religious, cultural, linguistic and ethnic pluralism of society.²⁴³ The use of State media to stigmatize and criminalize segments of the population as a punishment or in reprisal for the exercise of their human rights must be prohibited.

²³⁶ IACtHR, 161st period of sessions, Thematic hearing on "[Situation of the right to freedom of expression in Nicaragua](#)", held on March 18, 2017.

²³⁷ IACtHR, [2017 Annual Report. Report of the Office of the Special Rapporteur for Freedom of Expression](#), Chapter II (Evaluation of the State of Freedom of Expression in the Hemisphere), OEA/Ser.L/V/II. Doc. 210/17, December 31, 2017, paras. 918 and 949; IACtHR, [2016 Annual Report. Report of the Office of the Special Rapporteur for Freedom of Expression](#), Chapter II (Evaluation of the State of Freedom of Expression in the Hemisphere), OEA/Ser.L/V/II. Doc. 22/17 March 15, 2017. paras. 888 and 911; IACtHR, [2015 Annual Report. Report of the Office of the Special Rapporteur for Freedom of Expression](#), Chapter II (Evaluation of the State of Freedom of Expression in the Hemisphere), OEA/Ser.L/V/II. Doc. 48/15, December 31, 2015, paras. 959 and 983; IACtHR, [2014 Annual Report. Report of the Office of the Special Rapporteur for Freedom of Expression](#), Chapter II (Evaluation of the State of Freedom of Expression in the Hemisphere). OEA/Ser.L/V/II Doc. 13. March 9, 2015, paras. 809 and 820.

²³⁸ IACtHR. Report No. 50/99. *Case 11.739*. Héctor Félix Miranda. Mexico. April 13, 1999, par. 42; IACtHR. Report No. 130/99, *Case 11.740*. Víctor Manuel Oropeza. Mexico. Friday, November 19, 1999, par. 46.

²³⁹ I/A Court H.R. "The Last Temptation of Christ" Case (Olmedo Bustos et al.) v. Chile. Judgment of February 5, 2001. Series C No. 73, par. 68.

²⁴⁰ I/A Court H.R., *Compulsory Membership in an Association Prescribed by Law for the Practice of Journalism* (Arts. 13 and 29, American Convention on Human Rights). Advisory Opinion OC-5/85 of November 13, 1985. Series A No. 5, paras. 77-78.

²⁴¹ Canal 6, "[Así quedaron los comercios que fueron saqueados por grupos de vándalos](#)", April 22, 2018; Canal 6, "[Vándalos atacan medios del poder ciudadano e instituciones del gobierno](#)", April 20, 2018; Canal 6, "[Grupos delincuenciales de la derecha disparan en la cabeza a una oficial de la Policía Nacional](#)", April 22, 2018; Radio Nicaragua, "[Gobierno lamenta muertes y lesionados por grupos que promueven el odio](#)", April 20, 2018; Radio Nicaragua, "[Grupos criminales de la derecha asesinan a periodista en Bluefields](#)", April 22, 2018.

²⁴² IACtHR, Office of the Special Rapporteur for Freedom of Expression, [Freedom of Expression Standards for Free and Inclusive Broadcasting](#), OEA/Ser.L/V/II CIDH/RELE/INF. 3/09. December 30, 2009, par. 83.

²⁴³ IACtHR, Office of the Special Rapporteur for Freedom of Expression, [Freedom of Expression Standards for Free and Inclusive Broadcasting](#), OEA/Ser.L/V/II CIDH/RELE/INF. 3/09. December 30, 2009, par. 89.

201. At the same time, according to testimony received during the visit, private radio stations are subjected to improper interference by the government, as a result of which the independence of the reporting during the protests has been severely questioned. The IACtHR noted with concern that ownership of most of the audio visual media is concentrated in two commercial groups. According to the information available, one family is the owner of the business group that operates three major television channels (channels 4, 8, and 13 in VHF) and twelve radio stations that also get the bulk of government advertisement.²⁴⁴ One businessman owns 8 television channels (2,7, 9,10, and 11 in VHF and 17, 19, and 23 in UHF) and several radio stations.²⁴⁵
202. As documented earlier, during the first days of protest several journalists from these media received orders to restrict dissemination of information about what was happening.²⁴⁶ At least 15 journalists working three of the main television channels in the country resigned out of protest against the censorship.²⁴⁷
203. Testimony received during the visit indicated that the main opened signal television channel in Nicaragua (channel 10), Suspended its news casts for the first 48 hours of the protests on the pretext of security concerns²⁴⁸. The news cast returned to the air when the journalist took team demanded to be able to report on the protest without restrictions. One journalist told the IACtHR that he had resigned from channel 10 because "He funded impossible to do his job with freedom.²⁴⁹ He complained that his press directors told him that he could not report on matters relating to the protest and, moreover, canceled his television program for two days, on the grounds that, since it was an independent channel, it could be the victim of attacks by "Sandinista mobs".
204. Such measures undermined the freedom and independence of the media. IACtHR notes with concern that private media have taken steps, presumably under state pressure, to prevent the Nicaraguan population from receiving important and pluralist information about the current situation in the country. Principal six of the Declaration of Principles states that: "Journalistic activities must be guided by ethical conduct, which should in no case be imposed by the state."

²⁴⁴ Onda Local, "[Los medios de la familia presidencial nicaragüense](#)", October 10, 2017; Confidencial, "[La publicidad oficial](#)", October 18, 2015; Confidencial, "[Acaparan medios y publicidad oficial](#)", *7 de setiembre de 2014*"; Eduardo Mareno, "[Los Medios oficiales durante la gestión del Presidente Ortega](#)", April 16, 2009.

²⁴⁵ IACtHR, 161st period of sessions, Thematic hearing on "[Situation of the right to freedom of expression in Nicaragua](#)", held on March 18, 2017; Onda Local, "[Los medios de la familia presidencial nicaragüense](#)", October 10, 2017.

²⁴⁶ La Prensa, "[Periodistas de Nicaragua cierran filas por haberse censurado a 100% Noticias](#)", April 20, 2018; Confidencial, "[Libertad teñida de sangre, golpes y cárcel](#)"* May 3. 2018.

²⁴⁷ According to information obtained by the IACtHR, the following journalists resigned: 1) Francisco Espinoza, correspondent for Canal 8 in Jinotega; 2) Jaime Ibarra, presnether of Churro Aventuras in Canal 8; 3) Stefanía Alemán, presenter of the Canal 8 Crónica TN8 newscast; 4) Dino Andino, Canal 2 TV Noticias; 5) Sandra Ardón, presenter of Canal 8's Nuestro Hogar program; 6) Cindy Bustamante of Revista Los Mañaneros in Canal 8; 7) Junior Chef Sofía, presentader of the Aventuras Culinarias segment in Canal 8; 8) Michelle Lacayo, presenter of Primera Hora in Canal 2, TV Noticias; 9) Eveling Lambert, presenter of Revista Mañaneros inCanal 8; 10) Mario Medrano of Canal 10; 11) Joseling Medrano of Canal 10; 12) Mitzle Mejía, presenter of the Emprendedores segment in Canal 8; 13) Frida Montes of Canal 2, TV Noticias; Arnulfo Peralta of Canal 2, TV Noticias; 14) Maritza Rivas of Canal 8; and 15) Irazema Soza of Revista Los Mañaneros in Canal 8 (La Prensa, "[Los 15 periodistas y presentadores de medios oficialistas que renunciaron por solidaridad](#)", April 24, 2018; Metro, "[¿Quiénes son los periodistas que han renunciado durante las protestas en Nicaragua?](#)", April 23, 2018; Maje, "[Varios periodistas y presentadores de TV renuncian en los medios de comunicación](#)", April 22, 2018).

²⁴⁸ Testimony of journalists, Managua, Nicaragua, May 2018.

²⁴⁹ Testimony of journalist, Washington, United States, June 2018.

2. Blocking of Signals and Interruptions of Transmissions

205. During its visit, the IACHR was informed that on April 18th, the Nicaraguan Institute of Telecommunications and Mail (TELCOR) arbitrarily ordered old cable stations to suspend live transmission by audio-visual media covering the protests²⁵⁰. The IACHR ascertained that transmissions by channel 12, Canal de noticias de Nicaragua (CDNN23), Telenorte and Channel 51 (The Episcopal Conference channel), was suspended for 24 hours. The 100% Noticias channel was unable to transmit for 6 days after refused to accept TELCOR pressures to drop programs considered to be pro-opposition.
206. According to testimony received during the visit, on April 19th cable companies established in the country were also ordered to drop the channel 12 signal for television subscribers. "We were without a signal until 6:30pm (from 11:30am) when they gave us the video signal but without audio, which didn't come back until 11:00pm."²⁵¹
207. For his part the director of the 100% noticias channel told the IACHR that TELCOR²⁵² asked him to stop covering the protests and to suspend "en la nación" and "café con voz" because they were deemed to be "inciting violence." The director rejected that request and as a result was taken off the air.²⁵³ Jaime Arellano, journalist and presenter of the "En la Nación" program on channel 100% Noticias told the IACHR that

The worst censorship came when the entity responsible for regulating communication in Nicaragua, TELCOR, threatened the director of the channel, Mr. Miguel Mora, with closure of the channel if he didn't close my program and that of Mr. Luis Galeano, which was called "Café con voz". Just then the peaceful protest by the population were beginning and were transmitted by 100% Noticias and presented by programs, which analyzed the root causes for the protest and denounced excesses in the use of force against the population by the National Police and groups of government thugs. That caused us closure of the channel. The censorship was imposed via a direct threat to the Director of the channel and by using the power of the regulator TELCOR over cable companies operating in the country. The censorship lasted for 5 days, during which we broadcast via Internet, proclaiming to the world our right to inform and be informed. Thanks only to the demands by the population and private sector, and the international furore, the government allowed us to go on the air once again. Censorship has continued, with limitations on video and audio signals, both of which are manipulated by TELCOR.

²⁵⁰ During the visit, various representatives of the independent press stated in a pronouncement that "Telcor should operate as an institution separate from the interests of the leader, so that it ceases to be used as a club with which to hammer media critical of the Government. The Directorate General of Revenue (DGI), the Directorate General of Customs (DGA), and the Nicaraguan Social Security Institute (INSS) must stop being tools with which to coerce the media." In that connection, see: La prensa, "[Periodismo independiente condena masacre y pide respeto a derecho a informar](#)", May 9, 2018; El Faro, "[Pronunciamiento de la prensa independiente de Nicaragua](#)", May 9, 2018.

²⁵¹ Violeta B. Chamorro, [Fundación Violeta B. Chamorro solidaria con el Programa Onda Local](#), April 3, 2017; Testimony of Manuel Mariano Valle Peters, President of the Board of Directors and Legal Representative of Nicavision S.A., received by the IACHR during its visit to Managua, Nicaragua, from May 17 to 21, 2018.

²⁵² CENIDH, "[CENDIH denuncia violaciones sistemáticas a los derechos humanos de los nicaragüenses por el régimen dictatorial de Daniel Ortega y Rosario Murillo](#)", p.19.

²⁵³ CENIDH, "[CENDIH denuncia violaciones sistemáticas a los derechos humanos de los nicaragüenses por el régimen dictatorial de Daniel Ortega y Rosario Murillo](#)", p.19.

208. The IACtHR was also informed that on April 23 the digital edition of the weekly magazine Confidential was hacked and could not be used for seven hours. An investigation carried out by the magazine's technical staff ascertained that the website had been hit by a denial of service attack at a peak time in Nicaragua and abroad. As reported, the main news at the time of the attack was the list of 19 people killed whom the journalistic team at Confidential had listed one by one and which had been widely broadcast both abroad and in Nicaragua. On the same date the web page of La Prensa was also hacked.²⁵⁴
209. The IACtHR notes that these very serious measures arise in a context in which pressure on private media is habitual, so that freely reporting and informing the public is no easy task and is currently threatened. According to the information gathered, there are discriminatory practices with the allocation of government advertising and task audits are used to exert economic pressure. The IACtHR also heard testimony that the lack of clear procedures and legal guarantees for allocating radio licenses are used by State authorities to put pressure on the media to drop journalistic programs with slots contracted in those media because of the editorial line.²⁵⁵
210. Article 13 of the American Convention on Human Rights states that: "everyone has the right to freedom of thought and expression. This right includes freedom to seek, receive, and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing, in print, in the form of art, or through any other medium of one's choice". Article 13 also points out that "The right of expression may not be restricted by indirect methods or means, such as the abuse of government or private controls over newsprint, radio broadcasting frequencies, or equipment used in the dissemination of information, or by other means tending to impede the communication and circulation of ideas and opinions."
211. The Declaration of Principles on Freedom of Expression, adopted by IACtHR in 2000 states in Principle 5 that "Prior censorship, direct or indirect interference in or pressure exerted upon any expression, opinion or information transmitted through any means of oral, written, artistic, visual or electronic communication must be prohibited by law. Restrictions to the free circulation of ideas and opinions, as well as the arbitrary imposition of information and the imposition of obstacles to the free flow of information violate the right to freedom of expression.". Principle 13 states that "The means of communication have the right to carry out their role in an independent manner. Direct or indirect pressures exerted upon journalists or other social communicators to stifle the dissemination of information are incompatible with freedom of expression.". In the same vein, it is essential for Nicaragua to have a genuinely independent regulatory body with sufficient institutional guarantees built in to avoid the allocation, withdrawal, or non-renewal of licenses for discriminatory or arbitrary reasons. The Declaration of Principles on Freedom of Expression, adopted by IACtHR in 2000 states in Principle 5 that "Prior censorship, direct or indirect interference in or pressure exerted upon any expression, opinion or information transmitted through any means of oral, written, artistic, visual or electronic communication must be prohibited by law. Restrictions to the free circulation of ideas and opinions, as well as the arbitrary imposition of information and the imposition of obstacles to the free flow of information violate the right to freedom of expression.". Principle 13 states that "The means of communication have the right to carry out their role in an independent manner. Direct or indirect pressures exerted upon journalists or

²⁵⁴ CENIDH, "[CENDIH denuncia violaciones sistemáticas a los derechos humanos de los nicaragüenses por el régimen dictatorial de Daniel Ortega y Rosario Murillo](#)", p.19.

²⁵⁵ Testimony received by the IACtHR in Managua, Nicaragua in May 2018.

other social communicators to stifle the dissemination of information are incompatible with freedom of expression.”. In the same vein, it is essential for Nicaragua to have a genuinely independent regulatory body with sufficient institutional guaranties built in to avoid the allocation, withdrawal, or non-renewal on licenses for discriminatory or arbitrary reasons.²⁵⁶

3. Violence and Attacks against Journalists and the Media

- 212. The IACHR reiterates its condemnation of the murder of journalist Angel Gahona on April 21, 2018 while he was transmitting life the destruction of an BANPRO ATM machine and the presence of anti-riot squads of the Chief of Police in the city of Bluefields. The murder of journalists constitutes the most extreme form of censorship²⁵⁷ and the State has an obligation to investigate such serious acts with all due diligence and speed and to punish those responsible. Although two young men taking part on the protests are being held for judicial proceedings for this crime, the IACHR is concerned at the complaints it has received regarding grave irregularities in the investigation and about the family of the journalist being threatened because of his work in the pursuit of justice. On June 12, 2018 the IACHR granted a precautionary measure on behalf of Migueliuth Sandoval Cruz and family member of the journalist Angel Gahona²⁵⁸, when it's considered that they were in grave risk in connection with the murder of the journalist.
- 213. The IACHR documented the cases of at least 11 reporters attacked during the protests. There were reports of journalists being hit in the head while transmitting life and of several people chasing a journalist who was covering the protests, as well as repression by police, the snatching of a camera and the destruction of equipment, and other attacks²⁵⁹. On April 18th, camera man Rene Cuadra and journalist Leticia Gaitan of 100% Noticias were assaulted and had the equipment stolen²⁶⁰. Julio César López, a journalist for “Onda Local” was hit in the head during a demonstration and, as a result, suffered temporary memory loss.²⁶¹ Reporter

²⁵⁶ IACHR. [Annual report for 2009. Report of the Officer of the Special Rapporteur for Freedom of Expression](#). Chapter VI (Freedom of Expression Standards for Free and Inclusive Broadcasting). OEA/Ser.L/V/II. Doc. 51. December 30, 2009, paras. 74-78; IACHR. Report No. 112/12. Case 12.828 Merits. Marcel Granier et al. Venezuela. Par. 123.

²⁵⁷ IACHR. Office of the Special Rapporteur for Freedom of Expression. [Special Study on the Status of Investigations into the Murder of Journalists during the 1995 – 2005 Period for Reasons That May Be Related to Their Work in Journalism](#). OEA/Ser.L/V/II.131. Doc. 35. March 8, 2008 Presentation; IACHR. Report No. 37/10. March 17, 2010. Case 12.308. Manoel Leal de Oliveira (Brazil). Par. 97; United Nations General Assembly. [Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions, Christof Heyns](#) A/HRC/20/22. June 5, 2012 Par. 21.

²⁵⁸ The Commission noted that Ms. Migueliuth Sandoval Cruz had reportedly been subject to various acts that placed her at risk. Consequently, under Article 25 of its Rules of Procedure, the Commission requested the State of Nicaragua to: a) adopt whatever measures were needed to guarantee the life and personal integrity of Migueliuth Sandoval Cruz and identified family members of the journalist Angel Eduardo Gahona. To that end, the State must both: a) ensure that its agents respect the life and personal integrity of the beneficiaries [of the precautionary measure] in accordance with the standards set by international human rights law, and protect their rights vis-a-vis risks that may be ascribed to third parties; b) agree on the measures to be adopted with the beneficiaries and their representative; and c) report on actions taken with a view to investigating the alleged facts that gave rise to the adoption of this precautionary measure.

²⁵⁹ Confidencial, “[Represión y censura oficial ante protestas por reformas al INSS](#)”, April 19, 2018; Confidencial, “[No aceptamos la censura contra los periodistas](#)”, April 20, 2018; La prensa, “[Periodistas perseguidos y acosados por paramilitares y policías durante las manifestaciones](#)”, April 25, 2018; El nuevo diario, “[Agreden y roban a reporteros a la vista de policías](#)”, June 12, 2018.

²⁶⁰ 100% Noticias, “[100% Noticias denuncias en la Policía robo de Cámara](#)”, April 19, 2018; CENDIH, “[CENDIH denuncia violaciones sistemáticas a los derechos humanos de los nicaragüenses por el régimen dictatorial de Daniel Ortega y Rosario Murillo](#)”, p. 17.

²⁶¹ CENDIH, “[CENDIH denuncia violaciones sistemáticas a los derechos humanos de los nicaragüenses por el régimen dictatorial de Daniel Ortega y Rosario Murillo](#)”, p.19.

Nestor Arce of Confidencial was beaten and had a camera stolen.²⁶² For his part La Prensa journalist Emilio Chamorro, complained that he and his team who had been covering the student protest.²⁶³ Since the IACHR visit, there have been attacks on journalists working for Agencia EfE.²⁶⁴ There were also reports of theft of equipment from a CNN camera man and threats and beating of journalist Josué Garay.²⁶⁵ In addition, according to the information available, on May 18 journalists Karen Erazo and Cristian Medina, from channel 6 and Radio ya, were threatened and attacked by demonstrators opposite the headquarters of the Our Lady of Fatima National Seminar, where the National Dialogue meetings were being held.²⁶⁶

214. The commission also received complaints about threats to journalists.²⁶⁷ Ileana Lacayo, a journalist and activist from Bluefields complained that her house had been raided on April 23 and her belongings searched and that she had also received death threats. Likewise, American journalist Tim Rogers felt obliged to leave Nicaragua on Friday, April 27 because he felt threatened by individuals who had falsely singled him out in social networks as a member of the Central Intelligence Agency (CIA) of the United States.²⁶⁸ Journalist Alvaro Lucio Montalván complained to the IACHR that he had been the victim of death threats and threats to burn down his workplace (Radio mi voz), which had forced him to move.²⁶⁹ Alvaro Navarro, a journalist and director of the multimedia site Artículo 66 complained to the IACHR that he had been the victims of threats and defamation campaigns.²⁷⁰ On May 31, the director of channel 100% reported on his twitter account that the government had issued a death threat against one of his journalists who had decided to resign to avoid possible reprisals.²⁷¹ Civil society organizations told the IACHR that threats to critically-minded journalists was a practice that predated the current crisis, without there having been any investigation of such practices by the organs responsible for administering justice.
215. In the same vein, the IACHR observed violent attacks against media and their installations. On the night of April 20, radio Darío was set fire to in León by a group of armed third parties while eleven media workers who were inside, managed to escape the flames, including the director Aníbal Toruño. Two of the perpetrators died presumably due to the explosion they had triggered as a result set fire to the fuel containers they were carrying, according to videos filmed by neighbors and by the journalists being attacked. During his visit to the city of León,

²⁶² CENIDH, “[CENDIH denuncia violaciones sistemáticas a los derechos humanos de los nicaragüenses por el régimen dictatorial de Daniel Ortega y Rosario Murillo](#)”, p.19.

²⁶³ CENIDH, “[CENDIH denuncia violaciones sistemáticas a los derechos humanos de los nicaragüenses por el régimen dictatorial de Daniel Ortega y Rosario Murillo](#)”, p.19.

²⁶⁴ La prensa, “[Antimotines agrede a una periodista de LA PRENSA y a un equipo gráfico de la Agencia EFE](#)”, May 28, 2018; El País, “[Daniel Ortega endurece la represión en Nicaragua pero se dice dispuesto a negociar](#)”, May 29, 2018.

²⁶⁵ La prensa, “[Amenazan y golpean al periodista de LA PRENSA, Josué Garay](#)”, June 10, 2018; El nuevo diario, “[Nicaragua sumida en el caos y sin respuesta de Daniel Ortega sobre el diálogo](#)”, Junne 11, 2018.

²⁶⁶ Canal 4, “[Manifestantes violentos agrede a periodistas en la entrada del Seminario Nacional](#)”, May 18, 2018; Viva Nicaragua, “[Manifestantes violentos agrede a periodistas en la entrada del Seminario Nacional](#)”, 1May 18, 2018.

²⁶⁷ La Prensa, “[Periodistas independientes son hostigados y amenazados](#)”, May 14, 2018; La Prensa, “[Asedio y agresión a periodismo crítico](#)”, June 12, 2018; La Prensa, “[Acoso a periodistas no para en departamentos](#)”, May 12, 2018; Hoy, “[Ambiente de tensión se vive en la ciudad de León](#)”, May 1, 2018.

²⁶⁸ La prensa, “[Periodista estadounidense Tim Rogers sale de Nicaragua por amenazas](#)”, April 28, 2018; Hoy, “[Periodista Tim Rogers sale de Nicaragua por amenazas](#)”, April 29, 2018;

²⁶⁹ Alvaro Lucio Montalván, e-mail received by the Office of the Special Rapporteur for Freedom of Expression on May 22, 2018.

²⁷⁰ Testimony of Álvaro Navarro, journalist and Director of the multimedia site Artículo 66, received by the IACHR during its visit to Managua, Nicaragua, from May 17 to 21, 2018.

²⁷¹ “Gobierno amenaza de muerte al colega Jonathan Castro y a su familia por lo que decidió renunciar a 100% NOTICIAS. Que Dios te guarde Jonathan recuerda siempre que Jehova de los Ejércitos es un Dios de la verdad, la justicia y La Paz verdadera”. Twittter account of Miguel Mora @MiguelCanal15. [May 31, 2018](#).

the commission went to the radio station facilities and were able to see that both the equipment and the building were totally destroyed. Other television media complained to IACHR that their transmission equipment had been attacked and that fiber optic cables had been broken. According to the information available, on May 30, the office on channel 100% was stoned and the glass windows of the front broken. 272

216. The radio station Radio YA was set fire to, when a group of students announced that it had taken over the National Engineering University (UNI)273in protest and the State owned Radio Nicaragua facilities were burned down by unidentified individuals. 274
217. The IACHR stresses that "[t]he murder, kidnapping, intimidation of and/or threats to social communicators, as well as the material destruction of communications media violate the fundamental rights of individuals and strongly restrict freedom of expression. It is the duty of the state to prevent and investigate such occurrences, to punish their perpetrators and to ensure that victims receive due compensation". The IACHR has stated that violence against journalists not only violates the freedom of thought and expression of the person concerned, but also affects the collective dimension of this right. The acts of violence committed against journalists (in the broad sense of the term, from a functional perspective) and people working in the media, which are linked to their professional activity, violate the right of these people to express and impart ideas, opinions and information. It also violates the rights of citizens and society in general to seek and receive information and ideas of any kind."275
218. Thus, the IACHR reiterates that in the context of demonstrations and tense social conflicts, the work of journalists and media workers and the free flow of information through alternative media such as social networks, is vital for keeping the population informed about what is happening, while at the same time it performs an important function of reporting on the state's and security forces' reactions to the demonstrations. In that way, it can help discourage disproportionate use of force and misuse of authority.276The State has a duty to guarantee that journalists and media workers doing the job of reporting on a public demonstration are not detained threatened, attacked or subject to any curtailment of their right for practicing their profession. 277
219. The IACHR notes that the State has not met its obligation of guaranteeing the exercise of journalism free of violence on the context of social demonstrations. This duty is not limited to guaranteeing that its agents refrain from committing acts of violence against journalists. It also includes the obligation to create the conditions needed to mitigate the risk of practicing

²⁷² La Prensa, "[Turbas sandinistas atacan las instalaciones del canal 100% Noticias](#)", May 30, 2018; 100% Noticias, "[Así atacaron las turbas del Gobierno a 100% Noticias](#)", May 31, 2018.

²⁷³ El nuevo diario, "[Queman fachada de Tu Nueva Radio Ya](#)", May 29, 2018; El nuevo diario, "[Queman fachada de Tu Nueva Radio Ya](#)", May 29, 2018; La Prensa, "[Manifestantes queman la fachada de la Nueva Radio Ya](#)", May 28, 2018.

²⁷⁴ El nuevo diario, "[Desconocidos queman Radio Nicaragua](#)", June 8, 2018; Hoy, "[Queman parcialmente las instalaciones de Radio Nicaragua](#)", June 8, 2018; La Prensa, "[Queman parcialmente las instalaciones de Radio Nicaragua](#)", June 8, 2018.

²⁷⁵ I/A Court H.R. Case of Vélez Restrepo and Family v. Colombia. Preliminary Objection, Merits, Reparations and Costs. Judgment of September 3, 2012. Series C No. 248. Paras. 142-149; IACHR. Office of the Special Rapporteur for Freedom of Expression. Special Study on the Status of Investigations into the Murder of Journalists during the 1995 – 2005 Period for Reasons That May Be Related to Their Work in Journalism. OEA/Ser.L/V/II.131. Doc. 35. March 8, 2008. Par. 67.

²⁷⁶ United Nations Special Rapporteur on the Protection and Promotion of the Right to Freedom of Opinion and Expression and the Special Rapporteur for Freedom of Expression of the OAS Inter-American Commission on Human Rights. [Joint declaration on violence against journalists and media workers in the context of protests](#). September 13, 2013

²⁷⁷ United Nations Special Rapporteur on the Protection and Promotion of the Right to Freedom of Opinion and Expression and the Special Rapporteur for Freedom of Expression of the OAS Inter-American Commission on Human Rights. [Joint declaration on violence against journalists and media workers in the context of protests](#). September 13, 2013

their profession in such situations.²⁷⁸ Likewise, the State must embark on an independent swift and effective investigation so as to be able to try both those who committed these acts of violence and the instigators before impartial and independent courts.

E. Right to Freedom of Movement and Residence and the Ban on Arbitrary Displacement

220. As a result of the atmosphere of violence generated since April 18, 2018, numerous people have been forced to leave their homes to take shelter in the homes of relatives, friends or in safe houses. The IACtHR also received information about many people being forced into intra-urban displacement within the municipality in which they live or else to move to Managua or other cities. In connection with his visit the IACtHR received the following testimony from a woman who was forced to move with her family and is considering leaving the country to seek asylum in another country:

“ They killed my husband, we buried him, and then, for fear of government reprisals we —my husband's parents, his two kids, his elder brother and I— decided to leave everything and flee to the capital. When we reached the capital, all we had were the clothes we were wearing and the thirst for justice. In the capital, we received threats, telephone calls late at night and, by day we were followed by motorbikes, a with pick-up truck without a license plate and a yellow taxi also without a license plate. They cut off electricity so that we had no lights in our home and blow up transformers. They want to intimidate us, put fear into us, but we are still here. It is very sad to leave Nicaragua, but I know that if we do so, one day my daughter and I are going to return as a family. For the moment it is best to get out of here because I am afraid they are going to kill us and that we will lose the voice of all those mothers who are also victims”.²⁷⁹

221. In the most serious cases, the IACtHR was also informed about people emigrating to other countries to seek protection. Along the same lines, it also received information about cases of Nicaraguan student leaders and human right defenders who alleged that they are suffering prosecution and are currently seeking protection in neighboring countries.
222. The resurgence and prolongation of the violence is causing a considerable number of Nicaraguan individuals and families to apply for travel documents to emigrate to neighboring countries in Central America. Here, the IACtHR notes that the offices of the Directorate General of Migration and Alien Affairs have recorded an increase of almost 50% in the number of people doing paperwork to be able to leave the country, in most cases for children and adolescence.²⁸⁰ In recent weeks there has been a notable increase in the number of applications for passports with the offices of the Directorate General of Migration and Alien Affairs. According to the information available, many of these, mostly young people are getting ready to emigrate or seek asylum in Costa Rica, the main destination country for Nicaraguans since the last civil war in that country in the 1980s.

²⁷⁸ United Nations Special Rapporteur on the Protection and Promotion of the Right to Freedom of Opinion and Expression and the Special Rapporteur for Freedom of Expression of the OAS Inter-American Commission on Human Rights. [Joint declaration on violence against journalists and media workers in the context of protests](#), September 13, 2013

²⁷⁹ Testimony of woman victim of forced displacement received by the IACtHR in Managua on May 20, 2018.

²⁸⁰ Canal 10 Noticias, [Aumentan las personas que buscan migrar del país por la crisis](#), June 7, 2018.

223. In addition to the people being forced to emigrate as a result of the violence, another aspect to take into account is that, according to the Nicaraguan Foundation for Economic and Social Development (FUNIDES), the serious crisis Nicaragua is undergoing has jeopardize between 20000 and 150000 jobs. That being so, it is likely that many people had to opt to migrate as a survival strategy and to look for work or better living conditions.²⁸¹
224. As regards the possible impact of the crisis in Nicaragua, the State of Costa Rica reported in early June 2018 that it had established inter agency coordination committee to keep constant track of migrants and ensure that migration flows between Costa Rica and Nicaragua remain manageable. In the short time since it was established the Inter Agency Coordination Committee has already observed a slight increase in the number of people crossing the Peñas Blancas border post, as well as an increase in the application for asylum by Nicaraguans fleeing the violence.²⁸²
225. As regards the situation of those forced to move, the IACtHR deems it necessary to reiterate that the State has an obligation to respect and guarantee the freedom of movement and residence for all persons under its jurisdiction and that includes a ban on arbitrary displacement. On this, Article 22.1 of the American Convention on human rights establishes that "Every person lawfully in the territory of a State Party has the right to move about in it and to reside in it subject to the provisions of the law." The inter-American court of human rights has considered that this provision protects the right not to be forcibly displaced within a state and not to be forced to leave the territory of the State in which a person is residing legally, so that guarantee should be provided to ensure that people can move around and reside freely in their places of origin.²⁸³
226. Both the IACtHR and the I/A Court of H.R. have considered that the Guiding Principles for internal displacements are especially important for determining the meaning and scope of the right not to be internally displaced.²⁸⁴ Accordingly, the Guiding Principles establish that internally displaced persons shall be understood to mean individuals or groups of persons that have found themselves forced or obliged to escape or flee from their home or habitual place of residence, especially as a result of, or to avoid, the effects of armed conflict, widespread violence, human rights violations, or catastrophes whether natural or provoked by human beings, and that have not crossed an internationally recognized State border.²⁸⁵
227. The organs of the Inter-American system of human rights have considered that internal displacement represents a multiple and ongoing violation of human rights, a situation that subsists until those persons can return to their places of origin in a voluntary, dignified, and safe manner or are voluntarily resettled in another part of the country.²⁸⁶ Internal displacement not only triggers violation of the right to move freely about the territory of the State and the right to freely choose one's place of residence; it also entails violation of

²⁸¹ AFP, [Miles de nicaraguenses buscan emigrar por ola de violencia](#). June 14, 2018; Diario Metro, María Martínez Mur, [Nicaragüenses actualizan sus pasaportes para salir de forma urgente](#), June 15, 2018.

²⁸² Republic of Costa Rica, Ministry of Foreign Affairs and Worship, [Comité de Coordinación Interinstitucional monitorea situación migratoria ante crisis que atraviesa Nicaragua](#), June 8, 2018.

²⁸³ I/A Court H.R. Case of Manuel Cepeda Vargas v. Colombia. Preliminary Objections, Merits, Reparations, and Costs. Judgment of May 26, 2010. Series C, No. 213; and I/A Court H.R. Case of Valle Jaramillo et al. v. Colombia. Merits, Reparations and Costs. Judgment of November 27, 2008. Series C No. 192.

²⁸⁴ IACtHR, [Truth, Justice and Reparation: Fourth Report on the Situation of Human Rights in Colombia](#), par. 536.

²⁸⁵ United Nations, Guiding Principles on Internal Displacement, [Principle 6](#).

²⁸⁶ United Nations, Guiding Principles on Internal Displacement, [Principle 28](#).

multiple other human rights, such as the right to and adequate standard of living, the right to personal integrity, the right to private and family life, the rights of the child, the right to work, the right to health, the right to education, the right to property, the right to identity, and political rights as well as others²⁸⁷.

- 228. Accordingly States have four principal obligations with respect to internally displaced persons: (I) the obligation to prevent displacement; (II) the obligation to protect and provide assistance to the displaced during displacement; (III) the obligation to land and facilitate humanitarian assistance; (IV) the obligation to facilitate the return, resettlement, and reintegration of internally displaced persons under safe conditions.²⁸⁸
- 229. In this context, the IACtHR considers it important to stress a decision taken recently by the Inter-American Court of Human Rights in a case regarding Nicaragua, when it established that the right to freedom of movement and residence may be violated when a person is a victim of threats or harassment, and the State fails to provide the necessary guarantees for him or her to move around and freely reside in the territory concerned, even when the threats and harassment come from non-state actors. Likewise, the lack of an effective investigation into violent deeds, and the situation of impunity, may undermine the trust of victims in the justice system and exacerbate insecurity. Moreover, that situation of impunity may propitiate or perpetuate an exile or forced displacement.²⁸⁹
- 230. The IACtHR urges the Nicaraguan State to guarantee the right to leave Nicaraguan territory and that his or her right to seek and receive asylum in a foreign country is respected, pursuant to article 22.2290 and 22.7291 of the American Convention on Human Rights. Likewise, the IACtHR urges States in the region to guarantee entry into the territory and to asylum procedures for Nicaraguans as well as lend protection to persons who request it.

F. Right to Independence and Autonomy

1. General Considerations

- 231. During its visit, the IACtHR met with the Public Prosecutors' Office, which told it that investigations had been started into both cases in which complaints had been filed and ex officio. The Commission notes several violations with respect to access to justice and the right to truth of victims and family members that reflect a lack of due diligence regarding a comprehensive investigation into the deaths and injuries that occurred in connection with the protests. There are doubts as to whether a proper determination has been reached as to the facts. In particular, the IACtHR ascertained serious irregularities with respect to documentation of key information needed to throw light on the facts, such as the failure to

²⁸⁷ I/A Court H.R. [Case of the Ituango Massacres v. Colombia](#), Judgment of July 1, 2006, par. 212.

²⁸⁸ IACtHR, [The Human Rights of Migrants, Asylum-seekers, Refugees, Stateless persons, Victims of Human Trafficking, and Internally Displaced Persons: Norms and Standards of the Inter-American Human Rights System](#), December 31, 2015, par. 119; and IACtHR, [Truth, Justice and Reparation: Fourth Report on the Situation of Human Rights in Colombia](#), par. 537.

²⁸⁹ I/A Court H.R. [Case of V.R.P., V.P.C. et al v. Nicaragua](#), Preliminary Objection, Merits, Reparations and Costs. Judgment of March 8, 2018, par. 309.

²⁹⁰ American Convention on Human Rights, Article 22.2.: Every person has the right to leave any country freely, including his own.

²⁹¹ American Convention on Human Rights, Article 22.7.: Every person has the right to seek and be granted asylum in a foreign territory, in accordance with the legislation of the state and international conventions, in the event he is being pursued for political offenses or related common crimes.

conduct proper autopsies, or conducting them on the basis of documents (without examining the corpses), investigations or examinations conducted too late, and the placing of the burden of proof on the victims and next-of-kin. The IACtHR ascertained with considerable concern the fact that family members of victims killed were instructed to sign papers waiving the right to have the bodies taken for a forensic medical exam and waiving the right to file complaints, as a condition for receiving death certificates.²⁹²

232. The IACtHR wishes, in particular, to stress the widespread mistrust among victims, family members, and representatives and their reluctance to file complaints with the institutions responsible for investigating crimes committed in connection with the protests.²⁹³ Victims and family members repeatedly pointed to the lack of credibility of the National Police and the Public Prosecutors' office because allegedly those institutions could not be relied upon to be independent. Likewise, the Commission notes that family members of the victims were afraid to file complaints with the National Police because they were frightened of police reprisals. During its visit to Nicaragua, for instance, the Commission received the testimony of a family member who was arrested by the police while he was attending the funeral service of a family member who died in connection with the protests.²⁹⁴ Civil society organizations also told of situations in which National Police officers had attended funeral services in order to ask family members and others questions.²⁹⁵ In its comments on the draft version of this report, the State of Nicaragua rejected "the supposed mistrust of filing complaints." The State said that the Public Prosecutors' Office had received more than 60 complaints from the next-of-kin of those who had died, as well as numerous denunciations of damage to public and private property that demonstrated the population's trust in the institution.²⁹⁶
233. In this context, the Commission underscores that, to the extent that these facts obstruct access to justice for victims and their family members, they have a strong bearing on the right to truth, as it is understood and interpreted by the inter-American human rights system. Thus, the right to truth is subsumed in the right of the victim and his or her next-of-kin to elicit from competent organs of the State correct information regarding the subject matter of the violations and the responsibilities incurred derived from the investigation and trial envisaged under the rights to judicial guarantees and judicial protection established in Articles 8 and 25 of the American Convention.²⁹⁷

2. Lack of Appropriate Investigation

234. The Commission observes that victims, family members, and civil society are complaining about the lack of proper investigation by the State into the various serious acts of violence and other matters that, under domestic law, constitute crimes. The complaints received by the Commission during its visit indicate that in some cases neither the National Police nor the Public Prosecutors' Office is diligently initiating ex officio investigations into alleged crimes. The Nicaraguan State has an obligation to conduct appropriate, effective, and timely

²⁹² Amnesty International, Nicaragua. Shoot To Kill: Nicaragua's Strategy To Repress Protest 2018.

²⁹³ IACtHR, Press Release 113/18, - [Preliminary observations on the IACtHR working visit to Nicaragua](#), May 21, 2018.

²⁹⁴ Testimony received by the IACtHR in Managua on May 19, 2018.

²⁹⁵ Amnesty International, [Shoot To Kill: Nicaragua's Strategy To Repress Protest](#), 2018, p. 25.

²⁹⁶ State of Nicaragua. Observations of the State of Nicaragua on the draft report of the Inter-American Commission on Human Rights, June 21, 2018.

²⁹⁷ I/A Court H.R. Case of Básaca Velásquez v. Guatemala. Judgment of November 25, 2000. Series C No. 70, par. 201; IACtHR, [Right to the Truth in the Americas](#), OEA/Ser.L/V/II.152 Doc. 2, August 13, 2014, par. 73.

investigations into possible human rights violations as one of the positive measures it is required to adopt to guarantee the rights recognized in the Convention.²⁹⁸ In light of that duty, as soon as the Nicaraguan authorities are aware of the facts, they must promptly and ex officio embark on serious, impartial, and effective investigations.²⁹⁹ The State cannot excuse its failure to conduct an investigation by arguing that the competent organ was not informed of the facts as envisaged in domestic legislation.³⁰⁰

235. Furthermore, the bodies responsible for investigating the facts are allegedly asking the family members of the victims to take the initiative with respect to investigation. Civil society organizations have come across several instances of family members of victims complaining that the Public Prosecutor had left the initiative and the burden of investigation to them. In these cases, the only evidence the Public Prosecutor had was that provided by the next-of-kind.³⁰¹ In one of those cases, the Public Prosecutor involved reportedly required the family members of a victim to find and convince witnesses to make statements and to identify photographs and videos of what had happened. In its comments on the draft version of this report, the State rejected this claim.³⁰²
236. The IACtHR condemns the fact that in certain cases the victims themselves or their family members should have had to take the initiative of gathering evidence due to the State's failure to do so. The Commission stresses that the Nicaraguan State must assume investigation of the facts as a legal duty of its own and not just as a mere formality destined to be fruitless from the start or dependent upon the victims or their families initiating proceedings or upon the private submission of evidence.³⁰³ These investigations must be pursued using all legal means possible and be designed to determine the truth. The State's obligation to investigate must be diligently complied with so as to prevent impunity and a repetition of these kinds of acts. Moreover, this obligation subsists, regardless of the agent who might ultimately be found guilty, even private agents because if the facts are not seriously investigated they would, to some extent, be abetted by the authorities, which would make the State internationally responsible.³⁰⁴

²⁹⁸ I/A Court H.R. Velásquez Rodríguez Case v. Honduras. Merits. Judgment of July 29, 1988. Series C No. 4, paras. 177 and 180; I/A Court H.R. *Case of Osorio Rivera and Family v. Peru* Preliminary Objections, Merits, Reparations, and Costs. Judgment of November 26, 2013. Series C No. 274, par. 178

²⁹⁹ I/A Court H.R. Case of the "Mapiripán Massacre" v. Colombia. Merits, Reparations and Costs. Judgment of September 15, 2005. Series C No. 134, paras. 219, 222, and 223; IACtHR, Report 36/13 (Admissibility), Petition 403-02, José Delfín Acosta Martínez, Argentina, July 11, 2013, par. 35.

³⁰⁰ I/A Court H.R. Case of Tibi v. Ecuador. Preliminary Objections, Merits, Reparations, and Costs. Judgment of September 07, 2004. Series C No. 114, par. 159; I/A Court H.R. Case of Escué Zapata v. Colombia. Merits, Reparations and Costs. Judgment of July 4, 2007. Series C No. 165, par. 74; I/A Court H.R. Case of Ticona Estrada et al. v. Bolivia. Merits, Reparations and Costs. Judgment of November 27, 2008. Series C No. 191, par. 94; I/A Court H.R. Case of J v. Peru Preliminary Objection, Merits, Reparations and Costs. Judgment of November 27, 2013. Series C No. 275, par. 347; I/A Court H.R. Case of Perozo et al. v. Venezuela. Preliminary Objections, Merits, Reparations, and Costs. Judgment of January 28, 2009 Series C No. 195, par. 318.

³⁰¹ Amnesty International, [Shoot To Kill: Nicaragua's Strategy To Repress Protest](#), 2018, p. 25.

³⁰² State of Nicaragua. Observations of the State of Nicaragua on the draft report of the Inter-American Commission on Human Rights, June 21, 2018.

³⁰³ I/A Court H.R. Velásquez Rodríguez Case v. Honduras. Merits. Judgment of July 29, 1988. Series C No. 4, paras. 177 and 180; I/A Court H.R. *Case of Osorio Rivera and Family v. Peru* Preliminary Objections, Merits, Reparations, and Costs. Judgment of November 26, 2013. Series C No. 274, par. 178

³⁰⁴ I/A Court H.R. Case of Veliz Franco et al. v. Guatemala. Preliminary Objections, Merits, Reparations, and Costs. Judgment of May 19, 2014. Series C No. 277, par. 183.

3. Irregularities in Determination of the Facts

237. During its visit to the country, the IACHR received multiple testimonies pointing to serious irregularities in data gathering, determination of what actually happened (the facts), and preservation of the evidence by a number of State institutions and public bodies, such as the National Police, public hospitals, and the Forensic Medicine Institute. Among the most egregious irregularities are the failure to remit corpses to the Forensic Medicine Institute and the writing of document-based autopsy reports without examining the bodies, tardy investigations and examinations with no guarantees for the chain of custody of the scene of the crime, or placing the burden of proof to the victims or next-of-kin.
238. The IACHR received abundant testimony of several State hospitals receiving the bodies of persons who had died in connection with the protests to confirm death and then not remitting the corpses to the Forensic Medicine Institute for the required autopsy.³⁰⁵ In addition, some family members of victims told the IACHR that they did not allow autopsies to be carried out on their deceased family member due to fear and mistrust of the authorities. In its comments on the draft version of this report, the State acknowledged that some family members desisted from filing complaints with the National Police or Public Prosecutors' Office and in some cases signed papers waiving the right to a forensic medicine autopsy.³⁰⁶
239. The Commission voices its concern at the fact that in many cases, in return for handing over a death certificate, hospitals demanded the presentation of a "certificate of waiver of complaint." That document meant that the family expressly waived the need to send the body to the Forensic Medicine Institute for autopsy and also desisted from their right to demand a formal investigation by the competent authority. This, the Commission received, for example, a copy of the following waiver::

I, [first and family names], with I.D [number], [...], hereby desist from initiating judicial proceedings and from having my son's body remitted to the Forensic Medicine Institute. My son died from a bullet wound on the night of May 6. He was in the Lenin Fonseca Hospital since April 21, 2018. He was supporting the student protests near the UPOLI and died for Nicaragua. This document is being signed of my own free will and at the request of the National Police and Hospital Authorities.³⁰⁷

240. The Commission notes that in multiple cases, these waiver documents were drafted in police stations in which family members of victims were expressly instructed to release the National Police from all responsibility for what happened and to desist from filing a complaint as a quid pro quo for receiving the letter certifying deceased. Thus one of the certificates drawn up in police stations reads as follows:

Police Station Commanding Officer [first and family names]

We hereby address you to inform you that we, the family members of the now deceased [name of the deceased victim] release the police authorities from all

³⁰⁵ IACHR, Press Release 113/18, - [Preliminary observations on the IACHR working visit to Nicaragua](#), May 21, 2018.

³⁰⁶ State of Nicaragua. Observations of the State of Nicaragua on the draft report of the Inter-American Commission on Human Rights, June 21, 2018.

³⁰⁷ Testimony received by the IACHR in Managua in May 2018.

responsibility and act in representation of the family to withdraw the body of the new deceased.³⁰⁸

241. On this matter, the IACHR recalls that the State has an obligation to conduct all the examinations and autopsies needed for a thorough investigation of acts of violence that in addition may constitute grave human rights violations. Thus, the case law of the Inter-American Court has established that efficient determination of the truth in connection with the duty to investigate a death must be demonstrated meticulously from the very first procedures. Accordingly, jurisprudence has specified that it is necessary for competent professionals, using the most appropriate procedures, to conduct exhaustive investigations, perform autopsies, and rigorously analyze human remains.³⁰⁹ With regard to the papers waiving the right to file complaints, the IACHR reiterates that the State's obligation to investigate must be fulfilled with all due diligence in order to prevent impunity and that that obligation subsists regardless of the agent who might be accused of the violation.³¹⁰
242. At the same time, based on the information received during its visit to the country and, in particular, its visit to the Forensic Medicine Institute, the IACHR ascertained the existence of serious irregularities with respect to the performance of autopsies on the bodies of those who died in connection with the protests. Thus, based on information furnished by the State, of the 52 bodies admitted to the Institute of persons who had died from acts of violence between April 19 and June 6, at least eight autopsies were written up on the basis of documents, that is to say, without the corpses having been examined by personnel of the Forensic Medicine Institute. In 13 of the cases reviewed, the place of death is omitted/unknown, and in two cases autopsies were performed after the bodies were exhumed 13 days after the death of the victims.³¹¹
243. The IACHR recalls that document-based autopsies without examination of the bodies do not meet the minimum standards established by the inter-American human rights system. Autopsies must, at a minimum, include adequate photographs of the body, x-rays of the corpse, documentation of all injuries, notes on the position of the body and the condition it is in, and so on. Moreover, due diligence in a forensic medical investigation of a death demands maintenance of the chain of custody of any forensic evidence material. It consists of keeping a precise written record, supplemented, as applicable, with photographs and other graphic materials to document the history of the evidentiary material as it passes from one to another of various investigators in charge of the case.³¹² The IACHR stresses that the State of Nicaragua may be held liable for failing to order, practice, or evaluate evidence that would have been very important in throwing light on the homicides.³¹³
244. The Commission notes that both the absence of autopsies because bodies were not remitted to the Forensic Medicine Institute and the performing of autopsies based on documents,

³⁰⁸ Testimony from family member of a person who died, received by the IACHR in Managua on May 18, 2018.

³⁰⁹ I/A Court H.R. Case of Veliz Franco et al. v. Guatemala. Preliminary Objections, Merits, Reparations, and Costs. Judgment of May 19, 2014. Series C No. 277, par. 191.

³¹⁰ I/A Court H.R. Case of Veliz Franco et al. v. Guatemala. Preliminary Objections, Merits, Reparations, and Costs. Judgment of May 19, 2014. Series C No. 277, par. 183.

³¹¹ Information provided by the State. Note from the Permanent Mission of Nicaragua to the OAS, MPN-OEA-0063, June 8, 2018.

³¹² I/A Court H.R. Case of Veliz Franco et al. v. Guatemala. Preliminary Objections, Merits, Reparations, and Costs. Judgment of May 19, 2014. Series C No. 277, paras. 193 and 194.

³¹³ I/A Court H.R. The "Street Children" Case (Villagrán Morales et al.) v. Guatemala. Merits. Judgment of November 19, 1999. Series C No. 63, par. 349.

without examining the bodies, impede credible documentation of the circumstances under which demonstrators were killed and wounded and hence make it impossible for the records to throw light on the acts of violence in a manner that is both thorough and effective.³¹⁴ The IACHR points out that autopsies may record circumstances different from those that an expert appraisal would confirm. For instance, the IACHR received the following testimony:

Even though my son died from a bullet, the death certificate issued by the Manolo Morales hospital states that the death was due to stabbing (*arma blanca*). We complained about that to Dr [name]. However, he refused to correct the certificate, saying that, not being a forensic doctor, it was not up to him to specify such matters. For me, the certificate is an attempt to falsify the circumstances of the death with a view to ensuring impunity.³¹⁵

245. The Commission observes that, based in the case law of the inter-American system, anyone, including the family members of victims of serious human rights violations, has a right to know the truth and must therefore be informed of what happened.³¹⁶ Family members have a right to obtain information on the causes of death, and to know the truth about the events, the circumstances, and the reasons that prompted it.³¹⁷
246. The Commission also deduces from the information it received that investigation procedures were delayed. According to information provided by the State, in two cases the autopsies were not performed until the bodies were exhumed, 13 days after the deaths of the victims.³¹⁸ In those cases, the exhumations were reportedly only carried out at the insistence of family members. The medical staff assigned to those cases allegedly stated that the Police did not give the order for those procedures to be performed immediately after death.³¹⁹ Likewise, for example, according to a testimony received by the Commission during its visit, an engineering student at the Multidisciplinary Faculty of the UNAN had been killed opposite the stadium near the Mayor's Office in Estelí on April 20 while he was carrying water to the students demonstrating. Family members complained to the IACHR that no investigation was undertaken and that the treatment received from the National Police and the Prosecutor's Office in Estelí had been humiliating. Thus, it was only on April 29, nine days later, that the first appraisals were made in situ and by May 2 the body had still not been exhumed for an autopsy to be performed.³²⁰
247. The Commission notes that it transpires from that information that in many cases no effort was made to preserve the scene of the crime; evidence was not gathered either promptly or exhaustively; and the chain of custody was not secured.³²¹ The Commission reiterates that, pursuant to inter-American system case law, correctly safeguarding and preserving the crime scene is one of the prerequisites for an effective investigation. It is vital to investigate the crime scene exhaustively and ensure that human remains are meticulously analyzed by

³¹⁴ IACHR, Press Release 113/18, - [Preliminary observations on the IACHR working visit to Nicaragua](#), May 21, 2018.

³¹⁵ Testimony received by the IACHR in Managua in May 2018.

³¹⁶ I/A Court H.R. Case of Gelman v. Uruguay. Merits and Reparations. Judgment of February 24, 2011. Series C No. 221, par. 243.

³¹⁷ United Nations, [The Minnesota Protocol on the Investigation of potentially unlawful deaths](#), par. 11.

³¹⁸ Information provided by the State. Note from the Permanent Mission of Nicaragua to the OAS, MPN-OEA-0063, June 8, 2018.

³¹⁹ Amnesty International, [Shoot To Kill: Nicaragua's Strategy To Repress Protest](#), 2018, p. 23.

³²⁰ Testimony received by the IACHR in Managua in May 2018.

³²¹ Amnesty International, [Shoot To Kill: Nicaragua's Strategy To Repress Protest](#), 2018, p. 32.

competent professionals using the most appropriate procedures.³²² Thus the Court has established that inadequate protection of the crime scene may impair the investigation, because it is a vital ingredient for a useful outcome.³²³ Investigators must, at a minimum, photograph the scene and any other physical evidence; all samples of blood, hair, fibers, threads or other leads must be gathered up and kept; the area must be searched for shoe prints or any other traces that could serve as evidence; and a detailed report needs to be drawn describing the scene, the actions taken by investigators, and the availability of all the evidence collected.³²⁴

4. Truth Commission

248. As regards the State's efforts to throw light on the truth of what happened, the Inter-American Commission notes that on April 29, the National Assembly approved the establishment of a Truth Commission, commissioned to come up with its findings in three months, including identification of those responsible for the acts of violence that occurred during the protests in Nicaragua. On May 6, Parliament appointed the five members of the Truth Commission who will investigate the deaths that occurred during the protests.
249. During its visit to Nicaragua, the Commission noted questioning of the effectiveness of the aforementioned Commission, due to the lack of participation of civil society and of family members of the victims in either its establishment or in the appointment of its members.³²⁵ On this, several civil society organizations and movements expressed their disagreement with the establishment and composition of this Truth Commission because of the lack of clarity as to its mandate and functions, and because of the selection of its members, but above all because not all social sectors can participate.³²⁶ Here the Commission has established that the right to truth has two dimensions. First, it recognizes the right of victims and their next-of-kin to know the truth about the facts that gave rise to human rights violations, as well as the right to know the identity of those who took part in them. Second, there has been increasing agreement that this right applies not only to the victims and their family members, but also to society as a whole.
250. The Inter-American Court has established repeatedly that although truth commissions do not replace the State's obligation to establish the truth through judicial proceedings,³²⁷ they are determinations of the truth that complement one another, because each has its own rationale

³²² I/A Court H.R. Case of Veliz Franco et al. v. Guatemala. Preliminary Objections, Merits, Reparations, and Costs. Judgment of May 19, 2014. Series C No. 277, par. 191.

³²³ I/A Court H.R. Case of Veliz Franco et al. v. Guatemala. Preliminary Objections, Merits, Reparations, and Costs. Judgment of May 19, 2014. Series C No. 277, par. 191.

³²⁴ I/A Court H.R. Case of Veliz Franco et al. v. Guatemala. Preliminary Objections, Merits, Reparations, and Costs. Judgment of May 19, 2014. Series C No. 277, par. 192.

³²⁵ IACtHR, Press Release 113/18, - [Preliminary observations on the IACtHR working visit to Nicaragua](#), May 21, 2018.

³²⁶ Nuevo Diario, [Asamblea juramenta "Comisión de la Verdad"](#), May 7, 2018.

³²⁷ I/A Court H.R. Case of Zambrano-Vélez et al. v. Ecuador. Merits, Reparations and Costs. Judgment of Wednesday, July 04, 2007. Series C No. 166, par. 128; Caso Masacres de El Mozote y lugares aledaños Vs. El Salvador. Merits, Reparations and Costs. Judgment of Thursday, October 25, 2012, Series C No. 252, par. 298; I/A Court H.R. Case of Contreras et al vs. El Salvador. Merits, Reparations and Costs. Judgment of August 31, 2011, Series C no. 232, par.135; ; I/A Court H.R. Case of Gomes Lund et al ("Guerrilha do Araguaia") vs. Brazil. Preliminary Objections, Merits, Reparations, and Costs. Judgment of November 24, 2010, Series C No, par. 297; I/A Court H.R. Case of Almonacid Arellano et al vs. Chile. Preliminary Objections, Merits, Reparations, and Costs. Judgment of September 26, 2006. Series C No. 154, par.150; ; I/A Court H.R. Caso La Cantuta vs. Peru Merits, Reparations and Costs. Judgment of November 29, 2006. Series C no. 62, par.224.

and scope, as well its own special possibilities and limitations, depending on the context in which they arise and the cases and concrete circumstances they analyze.³²⁸

251. The IACHR considers that in order to guarantee the legitimacy of a truth commission, the Government of Nicaragua must ensure that certain minimum conditions are given, such as: guaranteeing transparency from the start (when it is established), as well as a mandate and functions in which all social sectors and the victims can participate; taking steps to ensure its independence and impartiality; and clearly establishing investigative procedures. Likewise, the selection of members of the highest moral standing and professional reputation must be subject to the scrutiny and participation of all sectors involved.

³²⁸ I/A Court H.R. Case of Zambrano-Vélez et al. v. Ecuador. Merits, Reparations and Costs. Judgment of July 04, 2007. Series C No. 166, par. 128; Case of Gudiel Álvarez (Diario Militar) v. Guatemala. Merits, Reparations and Costs. Judgment of November 20, 2012 Serie C No. 253, par. 298.

CHAPTER 4: SITUATION OF HUMAN RIGHTS DEFENDERS IN NICARAGUA

252. The Commission states its concern over the special situation of risk faced by human rights defenders, student leaders, religious figures, and journalists, as of April 18, 2018. This is the result of the assaults, threats, acts of harassment, criminalization, trailing, and surveillance against them. In this regard the IACtHR received a large number of complaints of threats, including death threats, by state agents and third persons against demonstrators, youths, victims' family members, witnesses, religious figures, and groups opposed to the government. In addition, the Commission was informed of the surveillance to which these persons are subjected, through police patrols and private vehicles and harassment on social networks. In addition, the Commission received testimony from many persons regarding state officials from different institutions said to have been forced to participate in activities in support of the government under the threat of dismissal.³²⁹

1. Acts of Aggression, Attacks, and Threats

253. In this respect, the IACtHR warns that civil society organizations have documented various attacks and threats against human rights defenders in the course of the protests committed both by state agents and armed third persons.
254. As regards the acts of aggression and attacks, the Commission takes note of the attack on Ana Quirós, Director of the Centro de Información y Servicios de Asesoría en Salud (CISAS), who was assaulted by the so-called pro-government "shock forces" ("fuerzas de choque") when she was participating in the April 18, 2018 protests in Managua.³³⁰ In an interview with Amnesty International Ms. Quirós, a human rights defender, said that she sought the help of the Police when a group of men on motorcycles began to attack the demonstrators and journalists with sticks and iron rods. At that moment, another person who had identified her as a human rights defender attacked her with a metal rod, causing a head injury and injury to her hands.³³¹
255. In addition, the CENIDH received a complaint from Sara Henríquez, a women's rights defender, who denounced that after having been assaulted during the April 18 protests in León by pro-government youths and the National Police, a group of youths transported in a microbus of the main campus (Centro Universitario) of the Universidad Nacional (considered by some sectors to be pro-government) and in two pickup trucks reached her house and threw stones at it while shouting "*Sara Henríquez traidora, Sara Henríquez vende patria*" ("Sara Henríquez traitor, Sara Henríquez sells out her country").³³² That same day, Gonzalo Carrión and Salvador Marenco, two human rights defenders with the CENIDH, were said to have been assaulted by pro-government groups when they were at Camino de Oriente in

³²⁹ IACtHR, Press Release No. 113/18, [Preliminary observations on the IACtHR working visit to Nicaragua](#), May 21, 2018.

³³⁰ La Prensa, [Así te contamos las agresiones orteguistas a la resistencia ciudadana en Managua](#), April 18, 2018.

³³¹ Amnesty International, [Shoot to kill: Nicaragua's strategy to suppress protest](#), 2018, p. 14.

³³² Centro Nicaragüense de Derechos Humanos (CENIDH), [CENIDH denuncia violaciones sistemáticas a los derechos humanos de los nicaragüenses por el régimen dictatorial de Daniel Ortega y Rosario Murillo](#), May 4, 2018, p. 19.

Managua accompanying a group of students.³³³ Similarly, Francisca Ramírez, a leader of the peasant movement and a beneficiary of precautionary measures of the IACtHR, was reportedly assaulted on April 20 during a peasant mobilization rejecting the social security reforms. In particular, a man reportedly lunged at her with a knife, intending to cause her harm, which resulted in one of the persons who was with her suffering a wound.³³⁴

256. In the context of its visit to the country, the Commission received testimony from several persons on joint actions by state actors and armed third persons against human rights defenders. Among the testimonies received, the IACtHR makes special note of the following:

I am a young gay activist; I staged a small peaceful demonstration placing myself at the gate of San Juan Jinotega ... with a sign that said "#SOSINSS, for the elderly, for the workers, we want peace, peace, peace." Not five minutes went by when a worker ... from the mayor's office approached me intending to take my sign from me. While the police officer video-recorded my activity at the same time ... three members of the Sandinista Youth emerged from the park who approached me from the right. When they were less than two meters away I ran inside the cathedral, and they followed me, saying they were going to take me apart [calling me] "cursed faggot" ("cochón maldito"), they were going to disappear me because I didn't know who I had become involved with. I ran until I was on the chorus stands.... Outside there were more than 200 persons waiting for me to emerge from the mass, so the priests took me out through the back. At the request of family members, friends, and even persons with the Sandinista National Liberation Front (FSLN) who are close to the mayor I had to leave the city because I was informed that they might take heavy-handed actions against me. All that night vehicles passed by my house shouting and frightening my family. I spent one week moving among different safe houses until I went back to my city. I was informed by two persons close to the mayor of plans to kill me after everything returns to normal. I want to state for the record that I have not promoted or engaged in any act of vandalism, I am a promoter of human rights from sexual diversity and I do not engage in acts that are against my principles. I know that my life is at risk and that it may be taken from me, but I'm not afraid of that [but] yes that it might be one more death rendered invisible and that justice would not be done. – *Young defender of the rights of LGTBI persons*³³⁵

257. In this respect, the State has the obligation to adopt measures to promote and protect the human rights of all persons, ensuring the right to diversity, preventing and combatting acts of discrimination, violence, and intolerance.
258. As regards threats, as noted above, the IACtHR received complaints of threats made by state agents and third persons. In this respect, the Commission heard, among others, the testimony of a woman attorney who is defense counsel for an adolescent male who was accused of the crime of murder and illegal possession of arms. As a result of that legal representation, she became the victim of death threats outside the courts of Managua, where she was intercepted

³³³ Centro Nicaraguense de Derechos Humanos (CENIDH), [CENIDH denuncia violaciones sistemáticas a los derechos humanos de los nicaragüense por el régimen dictatorial de Daniel Ortega y Rosario Murillo](#), May 4, 2018, p. 19.

³³⁴ Centro Nicaraguense de Derechos Humanos (CENIDH), [CENIDH denuncia violaciones sistemáticas a los derechos humanos de los nicaragüense por el régimen dictatorial de Daniel Ortega y Rosario Murillo](#), May 4, 2018, p. 20.

³³⁵ Testimony received by the IACtHR in Managua, May 20, 2018.

by “citizens in motor vehicles” (“*ciudadanos motorizados*”) who warned that if she did not drop the case she or a member of her family would show up dead.³³⁶

259. The IACtHR expresses special concern over the fact that in some cases the threats are made directly by state agents. Along these lines, the IACtHR received, as one example, the following testimony:

On Friday, May 11, ... accompanied by another member of the self-convened “Sasha Castillo” [Caribbean] coast movement, we went to the radio station [“La Costeñísima”] to invite the population of Bluefields to attend a gathering in front of the Office of the Public Prosecutor of Bluefields ... for the purpose of demanding ... justice and clarification of the facts in the death of journalist Ángel Gahona and the release of Brandon Lovo and Glen Slate, [who] were being unjustly accused by the prosecutorial authorities in the death of the journalist ... assassinated on April 21. After the participation the delegate of the Ministry of Interior for the South Caribbean Coast Autonomous Region of Nicaragua called the radio station and said that “we we’re shit” (“éramos unas mierdas”) and then threatened us saying, “I don’t know what else those women want. First it was the matter of Indio Maíz [indigenous reserve] and it was resolved. Then the matter of the Nicaraguan Social Security Institute and it was resolved. Why do they continue to insist on inciting people?” Wasn’t it enough with the death of Ángel Gahona? Do they want more blood? We have been patient, but everything has a limit and they are tiring us. The bucket is thrown into the well so many times, that in the end it breaks.³³⁷

260. The organs for the protection of human rights of the inter-American system have noted repeatedly that human rights defenders, from different sectors of civil society and in some cases from the state institutions, make fundamental contributions for maintaining and strengthening democratic societies. Hence respect for human rights in a democratic state depends in large measure on effective and adequate guarantees for human rights defenders to freely pursue their activities.³³⁸
261. The Commission recalls that attacks on the lives of human rights defenders have a multiplier effect that goes beyond the impact on the human rights defender himself or herself; when the attack is committed in retaliation for their activity it produces a chilling effect that extends to those who defend similar causes.³³⁹ The Inter-American Court has indicated that the fear provoked by acts against life may directly diminish the possibilities of human rights defenders “exercising their right to perform their work.”³⁴⁰
262. As the Commission has indicated previously, acts of violence and other attacks on human rights defenders not only affect the guarantees that pertain to all human beings, but also

³³⁶ Testimony received by the IACtHR in Managua, May 19, 2018.

³³⁷ Testimony of human rights defender and women’s rights activist, received by the IACtHR in Managua, May 19, 2018.

³³⁸ IACtHR, *Report on the Situation of Human Rights Defenders in the Americas*, OEA/Ser.L/V/II.124 Doc. 5 rev. 1, March 7, 2006, paras. 20-41.

³³⁹ IACtHR, *Report on the Situation of Human Rights Defenders in the Americas*, OEA/Ser.L/V/II.124 Doc. 5 rev. 1, March 7, 2006, para. 43; I/A Court HR. *Case of Kawas Fernández v. Honduras*. Merits, Reparations and Costs. Judgment of April 3, 2009. Series C No. 196, para. 153; *Case of Huilca Tecse v. Peru*. Judgment of March 3, 2005. Series C No. 121, para. 78.

³⁴⁰ I/A Court HR. *Case of Valle Jaramillo et al. v. Colombia*. Merits, Reparations and Costs. Judgment of November 27, 2008. Series C No. 192, para. 96.

attack the fundamental role they play in society, rendering all those persons for whom they work defenseless. The Commission also recalls that the work of human rights defenders is essential for building a solid and lasting democratic society and plays a leading role in fully securing the rule of law and strengthening democracy.

263. The State of Nicaragua should protect human rights defenders when their lives and integrity are at risk, adopting an effective and exhaustive prevention policy to prevent attacks.

2. Campaign of Harassment and Stigmatization

264. The IACHR notes the constant use of the social networks and other media for the purpose of putting out stigmatizing and delegitimizing information against human rights defenders. Since the protests began human rights defenders, student leaders, and religious figures have suffered accusations by the state authorities and non-state actors in which they are harassed, denigrated, and stigmatized, both for denouncing the human rights violations that have taken place in the context of state repression of the protests and for allegedly encouraging the participation of the population in the demonstrations. In their observations on the draft of this report the State denied that there is any policy of persecuting human rights defenders.³⁴¹
265. The Commission observes that from the highest levels of the government human rights defenders are being accused and individually identified for the purpose of associating them with criminal activities. In particular, the IACHR notes the defamatory statements made to the detriment of well-known human rights defenders and a well-known journalist and social activist. In this connection, with respect to human rights defender Vilma Núñez, a beneficiary of precautionary measures issued by the IACHR and founder and president of the CENIDH, on May 9, 2018 an article was published on the Internet entitled "*La CIDH vendría a acuerpar a los golpistas*" ("the IACHR said to be coming to shore up coup-mongers") with the photograph of Vilma Núñez.³⁴² Haydeé Castillo, of the Iniciativa de Defensoras de Nicaragua, denounced that statements painted on the walls in Ocotal call her a murderer and vandal.³⁴³ Human rights defender Haydeé Castillo has also reported being the victim of a campaign in which she is accused "of being the instigator, encourager, and person to blame for the violence that has broken out in recent days," referring to the protests in which she has participated along with other persons.³⁴⁴ On April 23, the home of Ileana Lacayo, a journalist and social activist, was broken into and her belongings were cast about without anything being taken. She has received threats and stigmatizing accusations through social networks in which she is accused of being an "assassin" because of her work as a journalist, and especially as a result of the information she has given concerning the assassination of Ángel Gahona, which calls into question the official version."³⁴⁵

³⁴¹ State of Nicaragua. Observations of the State of Nicaragua with respect to the draft report of the Inter-American Commission on Human Rights, June 21, 2018.

³⁴² World Organization Against Torture (OMCT), [Nicaragua: Difamación en contra de Vilma Núñez de Escoria, fundadora y presidenta del CENIDH](#), May 16, 2018. See also, Nicaleaks, [La CIDH vendría a acuerpar a los golpistas](#), May 9, 2018.

³⁴³ La Prensa, [Defensora de mujeres de Las Segovias denuncia hostigamiento](#), May 25, 2018.

³⁴⁴ Centro Nicaraguense de Derechos Humanos (CENIDH), [CENIDH denuncia violaciones sistemáticas a los derechos humanos de los nicaragüense por el régimen dictatorial de Daniel Ortega y Rosario Murillo](#), May 4, 2018, p. 19.

³⁴⁵ La Prensa, [Extraños ingresan a casa de periodista activista de autoconvocados en Bluefields](#), April 24, 2018; Iniciativa Mesoamericana de Mujeres Defensoras de Derechos Humanos, [#AlertaDefensoras NICARAGUA / Agresiones generalizadas contra mujeres defensoras de DDHH y estudiantes](#), April 28, 2018.

266. During its visit to the country the Commission received the testimony of UCA communications student Madelaine Jerusalem, who read the list of students who have been killed during the “National Dialogue” negotiations. In her testimony she said she had received several threats of death, rape, and kidnapping. Pro-government media outlets, such as La Nueva Radio Ya, were said to have distributed a photo of her face, accusing her of being the one “Causing the Chaos,” along with her national ID number and her parents’ full names.³⁴⁶ The Commission also observes that according to the information recently disseminated by the Nicaraguan Bishops Conference, Monsignor Silvio José Báez – presumably as a result of his mediation efforts in the national dialogue – has been the target of actions aimed at “discrediting” him, “death threats,” as well as alleged “attacks by the government orchestrated through journalists and pro-government media outlets and anonymous social network accounts.”³⁴⁷
267. In this context, the Commission underscores that public officials should refrain from making statements that stigmatize human rights defenders or that suggest that their organizations operate improperly or unlawfully, merely because they are engaged in activities to promote and defend human rights.³⁴⁸ The Commission has also indicated that the repetition of stigmatizing statements can exacerbate the climate of hostility and intolerance on the part of different sectors of the population, which could entail a negative impact on the life and integrity of the human rights defender in question, increasing his or her vulnerability. This is because public authorities or sectors of society could interpret them as instructions, instigations, authorizations, or support for committing acts against their lives, personal security, or other rights.³⁴⁹
268. In light of the foregoing, the IACtHR expresses its concern over the fact that high-level authorities and other officials of the State of Nicaragua have carried out or participated in smear campaigns aimed at discrediting human rights defenders in the country. Accordingly, the State has breached its duty to protect the life and integrity of the human rights defenders in question. On this basis, the Commission urges the State to give precise instructions to officials to refrain from making statements that stigmatize human rights defenders, and thereby aggravate their situation of risk.³⁵⁰

3. Criminalization

269. The Commission observes with concern that human rights defenders are at constant risk due to the reprisals by way of the criminal justice system that are being used against them. The information received by the IACtHR notes that the use of ambiguous criminal statutes such as “inciting rebellion” (*“incitación a la rebelión”*), “terrorism” (*“terrorismo”*), “sabotage” (*“sabotaje”*), “instigating criminal conduct” (*“instigación a la delincuencia”*), and “attacks

³⁴⁶ Testimony. See also IACtHR, Resolution 35/18 Precautionary Measures 472-18, [Bosco René Bermúdez et al. with respect to Nicaragua \(Members of the student movement\)](#), May 21, 2018.

³⁴⁷ IACtHR, Press Release No. 122/18, [IACtHR Adopts Precautionary Measure to Protect Monsignor Silvio José Báez Ortega in Nicaragua](#), May 31, 2018.

³⁴⁸ IACtHR, [Second Report on the Situation of Human Rights Defenders in the Americas](#), OEA/Ser.L/V/II. Doc. 66, December 31, 2011, para. 124 and recommendation no. 5.

³⁴⁹ I/A Court HR. Ríos et al. v. Venezuela. Preliminary Objection, Merits, Reparations and Costs. Judgment of January 28, 2009. Series C No. 194, para. 143.

³⁵⁰ IACtHR, [Second Report on the Situation of Human Rights Defenders in the Americas](#), OEA/Ser.L/V/II. Doc. 66, December 31, 2011, para. 124 and recommendation no. 5.

against or resisting the public authorities" to criminalize the work of human rights defenders in Nicaragua.³⁵¹

270. Since the outset of the protests the Commission has received information on the alleged arbitrary detention and criminal prosecution of Jaime Ramón Amié Toledo, Julio José Amié Machado, William Efraín Picado Duarte, and Reynaldo Antonio Lira Luquez, respectively, coordinator and members of the Comisión Permanente de Derechos Humanos (CPDH), in the department of Boaco. According to the information received, on May 30, 2018, these human rights defenders travelled to the municipality of Rivas to verify allegations being made at the border post with Costa Rica. While engaged in these activities they were detained by the Army and turned over to the National Police in Rivas. According to the criminal charges, the three human rights defenders were at the place where Jorge Gastón Palacios was assassinated; he was part of a group of Sandinista demonstrators, and he was said to have died from a gunshot wound to the thorax in at a roadblock where the highway turns off for the city of Boaco on May 25. These human rights defenders allege that they do not know the person accused by the Office of the Public Prosecutor as the perpetrator of said crime.³⁵² In a hearing held June 5, 2018, the Tenth Criminal Court of Managua accepted the charges drawn up by the Office of the Public Prosecutor and ordered the pretrial detention of Jaime Ramón Amié Toledo, Julio José Amié Machado, and William Efraín Picado Duarte for "grievous injury" ("lesiones graves") and "exposure of persons to danger" ("exposición de personas al peligro").
271. The IACHR also received information on the National Police's accusations against Félix Maradiaga Blandón, Executive Director of the Instituto de Estudios Estratégicos y Políticas Públicas (IEEP) in Nicaragua.³⁵³ At a press conference the National Police accused him of being the leader of a terrorist and organized crime network, and of having supposed ties to a criminal structure led by Cristian Josué Mendoza, alias the "Viper," who is said to be responsible for several killings.³⁵⁴ In press statements, the human rights defender noted that the accusation is "an act of intimidation, calculating that I have been with the civil society and human rights delegation in Washington; they are sending a clear message – don't go back."³⁵⁵
272. Based on the facts described above, the Commission warns that stigmatizing statements against human rights defenders may result in harm to the right to integrity, the right to honor and dignity, and the principle of the presumption of innocence. In particular, the Commission has determined that when the authorities give statements or issue releases that publicly incriminate a human rights defender for facts that have not been judicially found to have occurred, it is an attack on their dignity and honor. This is due to the delegitimizing impact on their work in the eyes of society at large, impairing their activities in defense of human rights.³⁵⁶ In addition, the IACHR reminds the State of Nicaragua that the statements of the public authorities who publicly incriminate human rights defenders accusing them of

³⁵¹ IACHR, 153rd regular period of sessions, Hearing held at the IACHR's initiative on the "[Improper use of the criminal law to criminalize human rights defenders](#)," held October 31, 2014.

³⁵² International Federation for Human Rights (FIDH), Urgent Appeal, [Nicaragua: Detención arbitraria y criminalización de los Sres. Jaime Ramón Amié Toledo, Julio José Amié Machado y William Efraín Picado Duarte](#), June 7, 2018.

³⁵³ That institute is a think tank specialized in promoting public policies for transparency, good governance, poverty reduction, and social inclusion.

³⁵⁴ National Police of Nicaragua, [Presentación agrupación delincuencial "VIPER"](#), June 5, 2018, p. 3.

³⁵⁵ La Prensa, [Félix Maradiaga: "Voy a regresar, mi lucha está en Nicaragua"](#), June 6, 2018.

³⁵⁶ IACHR, [Democracy and Human Rights in Venezuela](#), para. 616. See also, IACHR, Report No. 43/96, Case 11,430, Merits, José Francisco Gallardo, Mexico, October 15, 1996, para. 76.

supposed crimes that have not been judicially found may violate the principle of the presumption of innocence, as such statements generally assert such persons' guilt.³⁵⁷

4. Granting Precautionary Measures

273. During its working visit the IACHR adopted an initial set of precautionary measures resolutions to protect the life and integrity of students, persons at risk of suffering reprisals as a result of the acts of violence against their family members, or in their capacity as survivors, witnesses, or human rights defenders. Accordingly, on May 21, 2018, the IACHR decided to ask that precautionary measures be adopted on behalf of several persons who are part of the student movement and their immediate family members. The request for precautionary measures alleges that the beneficiaries are at present being subjected to threats, harassment, and violence in the context of the events that have taken place in Nicaragua since April 18, 2018.³⁵⁸
274. Subsequently, on May 29, 2018, the Commission asked the State to adopt a precautionary measure to protect the rights to life and integrity of the auxiliary bishop of Managua, Silvio José Báez Ortega, who is participating in the "National Dialogue" ("Mesa de Diálogo") established with the involvement of several sectors with a view to achieving a peaceful solution to the current situation in Nicaragua. After analyzing the information available in light of the Commission's direct findings in its working visit to Nicaragua, the IACHR considered that the rights to life and integrity of Silvio José Báez Ortega and his family members are at serious risk. On arriving at this determination, the Commission considered that presumably as a result of his work mediating in the National Dialogue, Monsignor Silvio José Báez was said to be the target of attacks, threats, and smear campaigns. In addition, the Commission received information that indicates that Silvio José Báez and his family members are on a list of persons to be "eliminated" and suspicious persons have had his family home under constant surveillance.³⁵⁹
275. Similarly, on June 5 the IACHR requested that a precautionary measure be adopted for priest Edwin Heriberto Roman Calderón, a priest in Masaya, and human rights defender Álvaro Leiva Sánchez, Secretary of the Asociación Nicaragüense Pro-Derechos Humanos (ANPDH). On making this decision the Commission observed that Edwin Heriberto Roman Calderón and Álvaro Leiva Sánchez, in their capacity as priest and human rights defender respectively, participated actively in protecting the rights of the persons who have been assassinated, wounded, or detained in the context of the events of June 2 in Masaya.³⁶⁰ In particular, Mr. Álvaro Leiva has informed the Commission on various occasions of the "profound human rights crisis" in the city of Masaya due to the attacks perpetrated by police, antiriot forces, and retired military personnel. These attacks were said to have resulted in dozens of persons killed, injured, and detained. In this context and considering his work as a human rights

³⁵⁷ IACHR, [Second Report on the Situation of Human Rights Defenders in the Americas](#), OEA/Ser.L/V/II. Doc. 66, December 31, 2011, recommendation No. 13.

³⁵⁸ IACHR, Resolution 35/18 Precautionary Measures 472-18, [Bosco René Bermúdez et al. with respect to Nicaragua \(Members of the student movement\)](#), May 21, 2018, and IACHR, Resolution 35/18, Precautionary Measures 476-18, [J. A. M. R. et al.](#), May 21.

³⁵⁹ IACHR, Press Release No. 122/18, [IACHR Adopts Precautionary Measure to Protect Monsignor Silvio José Báez Ortega in Nicaragua](#), May 31, 2018.

³⁶⁰ IACHR, Press Release No. 127/18, [IACHR Grants Precautionary Measure in Favor of Priest Edwin Heriberto Roman Calderón and Human Rights Defender Álvaro Leiva Sánchez in Nicaragua](#), June 7, 2018; IACHR, Resolution 38/2018, Precautionary Measures No. 660-18, [Edwin Heriberto Román Calderón and Álvaro Leiva Sánchez with respect to Nicaragua](#), June 5, 2018.

defender – focused primarily on accompanying the victims of this crisis – both he and his family members are at special risk of violation of their right to life.

276. On June 10, the IACtHR issued a precautionary measures resolution on behalf of José Alberto Idiáquez Guevara, a priest in Managua and president of the UCA. In particular, the Commission considered the situation of risk of the beneficiary as the result of the role he has played as president of the university and in light of his active participation in the National Dialogue, performing work and maintaining a position critical of the government, which is said to explain the threats that he has received.³⁶¹

³⁶¹ IACtHR, Resolution 38/2018, Precautionary Measures No. 660-18, [José Alberto Idiáquez Guevara with respect to Nicaragua](#), June 5, 2018.

CHAPTER 5: CONCLUSIONS AND RECOMMENDATIONS

277. The IACHR values the fact that the Government of Nicaragua invited it to visit the country. In addition, it appreciates the assistance of the State during the visit, facilitating access to public facilities and authorities. The Commission notes the Agreement signed on May 30, 2018, to establish an Interdisciplinary Group of Independent Experts to help in the investigations, identify persons responsible for the acts of violence, and contribute to development a Plan for Attention to the Victims. The IACHR also notes the invitation of the Government and National Dialogue for the IACHR to return to the country to set up a Special Follow-up Mechanism for Nicaragua (recommendation No. 15 of the Preliminary Observations) and also to advise the Commission on Verification and Security established at the National Dialogue on June 15 and 16. These objective measures demonstrate an effort to have an opening and a willingness to be open to international scrutiny and face the current crisis.
278. The repression on the part of the Government of Nicaragua in response to the protests has resulted in a serious human rights crisis. In particular, the IACHR finds excessive use of force by the police, para-police forces, and groups of armed third persons. This is reflected in more than 212 persons losing their lives as of June 20, as well as in the number of persons wounded and detained arbitrarily, which as of June 6 came to 1,337 and 507 persons respectively, according to the records of the IACHR. Despite the Commission's call for an immediate cessation of the state repression, it has not stopped. To the contrary, the repressive response has worsened in recent weeks, further accentuating the crisis.
279. The Commission concludes that the State of Nicaragua violated the rights to life, humane treatment, health, personal liberty, assembly, freedom of expression, and access to justice. The Commission finds especially worrisome the assassinations, extrajudicial executions, abusive treatment, possible acts of torture and arbitrary detentions committed against the country's majority young population. Similarly, the IACHR states its concern over the violation of the right to health and medical care, the reprisals against public servants for refusing to carrying out orders contrary to human rights, acts of press censorship and violence against the press, acts harassing human rights defenders, irregularities in beginning investigations with respect to the assassinations and injuries that have occurred in this context, as well as other serious events verified by the Commission.
280. Similarly, the IACHR condemns all acts of violence, harassment, and threats committed by private persons against state agents or other persons because they are recognized to support or sympathize with the government. It also condemns the attacks on public institutions and media outlets sympathetic to the government. The State should investigate and clarify the circumstances in which these facts occurred, as well as identify and punish the persons responsible.
281. The IACHR reiterates its call for an immediate end to the repression. It also urges the authorities to investigate immediately, with autonomy and independence, and strictly abiding by the relevant international provisions and standards to ensure the right to the truth. Similarly, it is under an obligation to adopt the measures needed to ensure adequate reparation for the victims and their family members, in keeping with the relevant standards.

282. In circumstances of political crisis and social conflict such as what Nicaragua is now experiencing it is essential to bring about the conditions needed for the unrestricted exercise of the rights to freedom of expression, assembly, and political participation. This implies ensuring that the state response to demonstrations and expressions of dissent, including blocking roads and taking over university buildings, is done from a management approach that accords priority to communication, cooperation, and sharing information over intensifying the use of police force and other coercive measures.
283. At the same time as the IACHR condemns the use of violent means by a group of demonstrators it urges the State to take the measures necessary to ensure that the actions taken by its authorities are in keeping with the relevant international provisions and standards, and always aimed at reducing social conflict and facilitating meaningful dialogue. Accordingly, the IACHR call for the continuation of the negotiations in the context of the National Dialogue with the aim of attaining a peaceful solution to this serious human rights crisis.
284. Finally, the IACHR reiterates that this report represents the starting point of the work of the Interdisciplinary Group of International Experts, focusing on the technical determination of the main lines of investigation and on establishing the recommendations of specific actions that should be taken at the different levels of legal responsibility. It also recalls that this report is the basis for establishing the Special Follow-Up Mechanism of Nicaragua (MESENI), the mechanism that will follow up on the implementation of the recommendations stemming from reports and the precautionary measures granted in this context, and that it will make it possible to continuing monitoring the human rights situation in Nicaragua.
285. In this context, the Commission goes back to the 15 recommendations directed to the State of Nicaragua that were set forth in the its Preliminary Observations on the working visit:
 1. Immediately cease repressing demonstrators and arbitrarily detaining those who participate in the protests.
 2. Immediately cease repressing demonstrators and arbitrarily detaining those who participate in the protests.
 3. Create an international investigative mechanism on the acts of violence that occurred, with guarantees of autonomy and independence to ensure the right to truth and to duly identify the persons responsible.³⁶²
 4. Guarantee the life, integrity, and security of all the persons who are demonstrating and exercising their rights and public liberties, and suffering the consequences of the repressive atmosphere, especially students, children, and adolescents.
 5. Offer effective guarantees to protect the persons who gave testimony to the IACHR or who in some other way participated in its activities in the country;

³⁶² The State expressly accepted this recommendation. See also, State of Nicaragua. Observations of the State of Nicaragua with respect to the draft report of the Inter-American Commission on Human Rights, June 21, 2018, p. 17.

and refrain from engaging in or from allowing others to engage in reprisals against them.

6. Adopt measures for the diligent investigation, prosecution, and punishment of those responsible for all the acts of violence committed during the protests. In addition, respect the due process guarantees for those persons still detained because of events related to the protests.
7. Ensure that the security operations with respect to the protests and demonstrations are carried out in line with protocols for action that are in keeping with the international standards on the use of force by law enforcement agents.
8. Dismantle the para-police groups and adopt measures to prevent the continued operations of groups of armed third persons who attack and harass the civilian population.
9. Ensure respect for the independence of the media and refrain from the use of prior censorship by any state body, as well as any prior conditioning that may entail censorship of the freedom of expression.
10. Urge the state authorities to refrain from making public statements that stigmatize demonstrators, human rights defenders, journalists, and refrain from using state media outlets to conduct public campaigns that may encourage violence against persons because of their opinions. And to effectively protect human rights defenders and journalists at risk.
11. Systematize the information on persons who received health services at the public and private hospitals as a result of the social protests. The record should be specific indicating the day of admission, cause of the wounds, treatment provided, and, as applicable, causes of death; that information is to be public and broken down at least by age and sex.
12. Adopt measures to ensure the effective criminal and administrative investigation of crimes committed against persons injured and wounded, as well as measures directed against medical personnel. In addition, the complaints regarding obstructing access to health care in the hospitals and obstructing the humanitarian work of the Red Cross and the firefighters, should be investigated.
13. Ratify all international human rights instruments still pending ratification, in particular the Inter-American Convention on Forced Disappearance of Persons.
14. Stay open to international scrutiny and, in that regard, facilitate the visit of all those mechanisms for the protection of human rights of the inter-American system and the United Nations system, and of other relevant actors in the international community.

15. Commit to establishing a joint follow-up mechanism with the IACtHR to verify implementation of the recommendations issued in the context of this visit, and of the report on the visit. Reach agreement with the IACtHR on a specific timetable for new visits.
286. In addition, based on the information analyzed and included in this report, the IACtHR makes the following recommendations:
 - a) Immediately cease the arbitrary detention of those who participate in the protests. If persons are deprived of liberty in the context of such protests, the State of Nicaragua should immediately inform the competent judicial authority for it to rule on the situation of the person detained. In the event that that the detention does not answer to the causes expressly provided for in the law or that it has been carried out in a manner contrary to the procedures objectively provided for in the legislation, the judicial authority should immediately release the person.
 - b) Draw up and give notice of a public record that contains the following information: (a) number of persons who have been detained from the beginning of the protests on April 18; (b) causes of detention; (c) duration of the deprivation of liberty; (d) place of detention; (e) number of persons currently detained in the context of the protests that began April 18; and (f) the number of persons released. The information should include data on the persons' gender, age, and occupation.
 - c) Begin, at its own initiative and immediately, an effective investigation that makes it possible to identify, prosecute, and punish those persons responsible for abusive treatment and torture. That investigation should be carried out by the legal means available, be geared to determining the truth, and be conducted within a reasonable time. In addition, it should be governed by the principles of independence, impartiality, competence, diligence, and dedication.
 - d) Ensure the dignified treatment of the persons under the custody of the State authorities. In particular, ensure the right to legal defense from the moment of detention, and immediately inform the family members of where their loved ones are being held as well as the grounds for their detention.
 - e) Adopt the necessary measures so that, in keeping with the obligations of due diligence, the proper forensic medical reports are produced in all the cases of the victims of violence in the context of the protests. In addition, ensure that those expert reports meet inter-American standards and reliably document the circumstances in which demonstrators were killed and injured, and thoroughly and effectively clarify the acts of violence.
 - f) Ensure the victims' and their family members' right to know the truth. In particular, ensure that they learn the information as to the causes of the injuries and/or deaths, as well as the truth about the circumstances, the events, and the motives behind them.
 - g) Ensure that emergency medical care is provided for those persons who are injured in a manner that is adequate, immediate, and with quality in public and private hospitals and health centers nationwide without any discrimination. The State must provide specific follow-up to the medical treatments required and, if necessary, facilitate and

seek the support of international cooperation for the purpose of guaranteeing the right to health and access to medicines for these persons.

- h) Protect the teams and staff engaged in humanitarian work and emergency medical assistance in the event of possible attacks or assaults.
- i) Implement a multidisciplinary program with the aim of addressing the psychological impact of these events on the population, in particular for the victims of human rights violations and their family members. The actions should be based on a human rights approach and include a gender perspective.