

Chapter IV.B

Nicaragua

CHAPTER IV. B NICARAGUA

I. INTRODUCTION

1. The Inter-American Commission on Human Rights (“the Commission,” “the Inter-American Commission,” or “the IACHR”) has monitored with special attention the steadily deteriorating human rights crisis in Nicaragua in the context of the violent repression of social protests that started on April 18, 2018, as well as the weakening of the rule of law.

2. In 2020, the Inter-American Commission observes that the human rights crisis in Nicaragua continues to intensify owing to the persistent failure to observe the principle of separation of powers, the growing repression of voices criticizing the government, and the absence of institutional reforms aimed at restoring the rule of law. Likewise, two years after the social protests started on April 18, 2018, there continues to be a context of widespread impunity for human rights violations committed in the framework of the state’s repression, which have led to the death of 328 persons, more than 2,000 persons injured, more than 1,600 persons arrested, arbitrary dismissal of hundreds of health professionals, and more than 150 groundless expulsions of university students. Furthermore, according to data gathered by UNHCR, more than 103,600 persons have been forced to flee Nicaragua and to seek asylum because of persecution and human rights violations; of these persons, 77,000 have relocated to Costa Rica, 8,000 have fled to Panama, and 9,000 to Europe, while Mexico is sheltering some 3,600 Nicaraguans.¹

3. In the period under review, the Commission has denounced the launching of a new phase of state repression in Nicaragua, characterized by increasingly intense surveillance, intimidation, and selective repression of persons opposing the government, as well as acts of violence in rural areas and against indigenous and Afrodescendant communities. The IACHR has observed the extended *de facto* state of emergency, which upholds suspending or severely constraining basic rights such as freedom of expression and association, the rights to assembly, to human rights defense, to social protest, and to participate in managing public affairs. As analyzed in the present report, this new repressive phase would entail the most intense and systematic assault on civil liberties since the crisis from 2018 and would be aimed at ensuring the complete shutdown of democratic spaces in the country.²

4. The IACHR observes that the imposition of a police state continues to prevent any social mobilization with the taking of public spaces. In fact, in the period under review, actions of harassment and intimidation to prevent actions that could lead to protest activities have intensified. This has involved barricading the homes of dissidents and permanent surveillance of civil society organizations. Likewise, there continues to be a pattern of arbitrary detentions and criminalization of dissidents, including those released from custody. Regarding this, in its thematic report *Persons*

¹ UNHCR, “[Más de 100.000 personas forzadas a huir de Nicaragua tras dos años de crisis política y social](#)” [Two years of political and social crisis in Nicaragua force more than 100,000 to flee], March 10, 2020.

² IACHR, Press release No. 80/20, [A dos años de iniciada la crisis de derechos humanos en Nicaragua, la CIDH reitera su compromiso permanente con las víctimas y constata consolidación de una quinta etapa de represión](#) [Two years into Nicaragua’s human rights crisis, the IACHR stresses its permanent commitment to victims and confirms the consolidation of a fifth phase of repression], Washington, D.C., April 18, 2020.

Deprived of Liberty in Nicaragua in connection with the Human Right Crisis that Began on April 18, 2018, the Inter-American Commission has ascertained that, from the start of the social protests, arbitrary detentions and deprivation of liberty have been used primarily to repress any stand taken against the current regime and to send a message of fear and control to the Nicaraguan population.³

5. In particular, in 2020, the IACHR observes the upsurge in the phenomenon called “revolving door” (*puerta giratoria*), which is a trend whereby a similar number of persons over the same period of time are detained and then released, which, in addition to creating uncertainty and distress, is intent on upholding a pattern of arbitrary detentions as a preemptive strategy against dissidents and denying the existence of “political prisoners.”⁴ As of December 7, 2020, more than 100 continued to be detained unlawfully and at least 20 persons who had been released were charged with new offenses.⁵

6. Furthermore, the Commission observes with concern that the situation of risk encountered by human rights defenders in Nicaragua continues to be undermined by increasingly greater attacks, threats, harassment, intimidation, and other acts of violence against them, by both pro-government groups and the National Police. These attacks and other events of violence are also impacting religious leaders, social leaders, students, persons released from custody, victims and their next of kin, even persons benefiting from protection measures granted in the framework of the inter-American human rights protection system.⁶

7. In that context, the IACHR is concerned about the continuation of actions that tend to undermine the capacity of human rights defense organizations to discharge their legitimate duty of defending human rights. Among other incidents, on June 25, 2020, the National Assembly decreed the termination of the legal status of the Municipal Twinning Association (*Asociación de Hermanamiento Municipal—ASODHERMU*), allegedly in retaliation for the initiatives announced by the organization to support families impacted by COVID-19.⁷ Along with that, 10 organizations have been impacted by the termination of their legal status since the start of the human rights crisis. The IACHR has also condemned adoption of the Law Regulating Foreign Agents (*Ley de Regulación de Agentes Extranjeros*) of October 15, 2020, which would involve criminalizing the organizations receiving funding or support from abroad to carry out their activities and defend their causes.⁸

³ IACHR, *Persons Deprived of Liberty in Nicaragua in connection with the Human Rights Crisis that Began on April 18, 2018*, OEA/Ser.L/V/II. Doc. 287, October 5, 2020, para. 5

⁴ IACHR, *Persons Deprived of Liberty in Nicaragua in connection with the Human Rights Crisis that Began on April 18, 2018*, OEA/Ser.L/V/II. Doc. 287, October 5, 2020, para. 269.

⁵ *Mecanismo para el Reconocimiento de Personas Presas Políticas* (Mechanism for the Recognition of Political Prisoners), [Lista-informe preliminar de personas presas políticas en Nicaragua](#) [Preliminary list-report of political prisoners in Nicaragua], December 7, 2020.

⁶ Since April 2018, the IACHR has requested the Nicaraguan government to adopt more than 85 precautionary measures to protect more than 200 people and their immediate families from the imminent risk of suffering irreparable damage to their lives and integrity in the context of the severe crisis in the country. IACHR, Press release No. 146/20. [A dos años de instalación del MESENI, la CIDH recuerda obligaciones de derechos humanos pendientes en Nicaragua](#) [Two years after the creation of MESENI, IACHR recalls Nicaragua’s pending rights obligations], Washington, D.C., June 23, 2020.

⁷ [Decreto De Cancelación De La Personalidad Jurídica De La Asociación De Hermanamiento Municipal \(Asodhermu\)](#) [Decree Terminating the Legal Status of the Municipal Twinning Association], adopted on June 25, 2020. Published in the official gazette *La Gaceta, Diario Oficial* No. 117 of June 26, 2020.

⁸ IACHR, Press release No. 249/20, [La CIDH llama a cesar de inmediato los actos de persecución contra las personas identificadas como opositoras al gobierno y al restablecimiento de garantías democráticas en Nicaragua](#) [IACHR calls for the immediate cessation of acts of persecution against persons identified as opponents of the government and restoring democratic guarantees in Nicaragua]. Washington, D.C., October 10, 2020.

8. As examined in section III of the present chapter, the Inter-American Commission and the Special Rapporteurship for Freedom of Expression (RELE) have observed a new upsurge in repression of the media, marked by tax penalties and the adoption of laws that would seriously jeopardize their exercise of the right to freedom of expression, such as the following: Special Law on Cybercrimes (*Ley Especial de Cibercrimitos*)⁹ and the Law Regulating Foreign Agents (*Ley de Regulación de Agentes Extranjeros*).¹⁰ In particular, in October, both the IACHR and RELE rejected the embargo on Nicavisión S.A., owner of *Canal 12*, allegedly for tax arrears and the proceedings filed against *Canal 10*. These free television broadcasting stations are the only ones that would have continued to operate independently in Nicaragua.¹¹ They also condemned the increasing harassment of journalists by the courts, with criminal charges being filed against them for offenses that are incompatible with the American Convention.¹²

9. Furthermore, the indigenous and Afrodescendant communities of the Caribbean coastal region continue to be targeted by widespread violence perpetrated by land-grabbing settlers and third parties, who are acting with the state's tacit approval and tolerance. In 2020, the attacks perpetrated against these communities led to the killing of at least 10 indigenous persons, 8 of them members of the Mayangna People and 2 Miskitu.¹³ Likewise, their territorial rights and right to life and integrity continue to be impacted by events such as: the absence of progress in disencumbering titled lands; the absence of measures to prevent, investigate, and punish those who perpetrated the attacks against them; alleged acts of corruption involving the sale and illegal concession of property deeds to traditional lands for former combatants of the civil war and settlers; and the creation and maintenance of parallel community governments promoted by the state.¹⁴

⁹ *El 19 Digital*, "Asamblea Nacional aprueba Ley Especial de Cibercrimitos en Nicaragua" [National Assembly adopts the Special Law on Cybercrimes in Nicaragua], October 27, 2020.

¹⁰ Law Regulating Foreign Agents, Law No. 1040, published in the official gazette *La Gaceta, Diario Oficial* No. 192, Monday October 19, 2020.

¹¹ IACHR, Press release No. R246/20, La CIDH y su Relatoría Especial para la Libertad de Expresión expresan preocupación por nuevas amenazas legales a la libertad de expresión y medidas indirectas contra medios y periodistas en Nicaragua [The IACHR and its Office of the Special Rapporteur for Freedom of Expression express concern about new legal threats to freedom of expression and indirect measures against the media and journalists in Nicaragua]. Washington, D.C., October 7, 2020.

¹² Among the most recent cases, the IACHR was apprised of the conviction of the radio journalist of the radio station *La Costeñísima*, Kalúa Salazar, for the offense of slander, after she reported incidents of corruption in the mayor's office of El Rama. Other journalists such as David Quintana and William Aragón were also charged with the same offense. IACHR, Press release No. R246/20, La CIDH y su Relatoría Especial para la Libertad de Expresión expresan preocupación por nuevas amenazas legales a la libertad de expresión y medidas indirectas contra medios y periodistas en Nicaragua [The IACHR and its Office of the Special Rapporteur for Freedom of Expression express concern about new legal threats to freedom of expression and indirect measures against the media and journalists in Nicaragua]. Washington, D.C., October 7, 2020.

¹³ CEJIL, "Resistencia Miskitu: una lucha por el territorio y la vida. Actualización a julio de 2020" [Miskitu Resistance: A Fight for Territory and Life. July 2020 Update], p. 6. According to information received, since 2015 up to the present, said attacks have been systematic and repeated against the indigenous communities of the Mayangna and Miskitu peoples, who are located in Nicaragua's Autonomous Region of the Northern Caribbean Coast (*Región Autónoma de la Costa Caribe Norte—RACCN*); and *Centro de Asistencia Legal a Pueblos Indígenas* (CALPI) (Legal Assistance Center for Indigenous Peoples), "Graves Violaciones a los Derechos Humanos de los Pueblos Indígenas Miskitu y Mayangna en la Región Autónoma de la Costa Caribe Norte (RACCN) de Nicaragua" [Gross Human Rights Violations of the Miskitu and Mayangna Indigenous Peoples in the Autonomous Region of the Northern Caribbean Coast], 2020, p. 2.

¹⁴ Regarding this, the report on "Nicaragua: A Failed Revolution. The Indigenous Struggle for *Saneamiento*" documents the direct ties between Nicaraguan government officials and political figures and the various businesses operating on indigenous territories. According to the report and investigations by independent media outlets, the president himself and his family belong to the group of shareholders of the logging and lumber company, Alba Forestal, which has various projects in the Autonomous Regions. According to the report, the corruption also involves officials at various levels of government unlawfully selling land and granting property deeds to former combatants of the civil war and other settlers. It also identifies

10. As for the COVID-19 pandemic, the IACHR observes that the state of Nicaragua has neglected to implement measures aimed at ensuring physical or social distancing as a mechanism to contain the pandemic in the country, in accordance with the recommendations made by specialized international organizations. Nor is there any reliable and transparent information from the government on key aspects for managing the COVID-19 pandemic, which has undermined the rights of persons deprived of liberty, immigrant returnees, and other groups living in a situation of high risk and vulnerability.¹⁵

11. In that respect, on April 8, 2020, the IACHR voiced its concern about the absence of information on measures for containing and preventing COVID-19 in penitentiary centers, even when there have been allegations of outbreaks in *La Modelo* and other penitentiaries. According to information received, penitentiary officials minimized the disease and its consequences, referring to COVID-19 as a simple cold. In addition, the entry of parcels such as more water than the permitted amount, facemasks, or alcohol-based sanitizer was restricted without any justification. Regarding this, the IACHR urged the state to adopt urgent measures to guarantee the health and integrity of persons deprived of liberty, as well as guarantee the immediate release of all persons who were arbitrarily deprived of liberty because of events in connection with the social protests that started on April 18, 2018.¹⁶

12. Furthermore, the IACHR received concerning information about the obstruction and initial refusal of the Nicaraguan State to allow the return of thousands of Nicaraguan refugees and asylum seekers living in Costa Rica and other countries who wished to return to their country as a result of the socioeconomic impact of the COVID-19 pandemic. According to information from the Office of the United Nations High Commissioner for Human Rights (OHCHR), in the month of July, “about 1,300 Nicaraguan migrants were blocked in precarious conditions for periods that fluctuated between 10 and 30 days at various borders waiting for authorization to return to their home country.”¹⁷

13. After assessing the human rights situation in Nicaragua in 2020 as described in the preceding paragraphs, the IACHR decided to include Nicaragua in Chapter IV.B because it deems that the situation corresponds to the provision of subparagraphs (6)(a)(i), (6)(b), and (6)(c) of Article 59 of the IACHR’s Rules of Procedure, which has the following criteria for including a member state:

various officials affiliated to the ruling political party, the Sandinista National Liberation Front (FSLN), involved in the illegal sale of land to settlers. Government authorities have also unlawfully granted property deeds in various communities for the resettlement of former combatants of the Sandinistas and YATAMA. The Oakland Institute, “Nicaragua: A Failed Revolution. The Indigenous Struggle for *Saneamiento*,” 2020.

¹⁵ IACHR, Press release No. 72/20, [CIDH y su REDESCA expresan seria preocupación por la situación de los derechos humanos en el contexto de la respuesta a la pandemia por COVID-19 en Nicaragua](#) [IACHR and OSRESCER express serious concern about the human rights situation during the response to the COVID-19 pandemic in Nicaragua], Washington, D.C., April 8, 2020.

¹⁶ IACHR, Press release No. 72/20, [CIDH y su REDESCA expresan seria preocupación por la situación de los derechos humanos en el contexto de la respuesta a la pandemia por COVID-19 en Nicaragua](#) [IACHR and OSRESCER express serious concern about the human rights situation during the response to the COVID-19 pandemic in Nicaragua]. Washington, D.C., April 8, 2020.

¹⁷ [Actualización sobre la situación de los derechos humanos en Nicaragua](#) [Update on the human rights situation in Nicaragua], pursuant to resolution 43/2, 45th session of the Human Rights Council, Michelle Bachelet, United Nations High Commissioner for Human Rights, Geneva, 14 September 2020.

- a. a serious breach of the core requirements and institutions of representative democracy mentioned in the Inter-American Democratic Charter, which are essential means of achieving human rights, including: i. there is discriminatory access to or abusive exercise of power that undermines or denies the rule of law, such as systematic infringement of the independence of the judiciary or lack of subordination of State institutions to the legally constituted civilian authority; [...].
- b. The free exercise of the rights guaranteed in the American Declaration or the American Convention has been unlawfully suspended, totally or partially, by virtue of the imposition of exceptional measures such as a declaration of a state of emergency, state of siege, suspension of constitutional guarantees, or exceptional security measures.
- c. The State has committed or is committing massive, serious and widespread violations of human rights guaranteed in the American Declaration, the American Convention, or the other applicable human rights instruments.

14. To include the state of Nicaragua in the present chapter for the third consecutive year, the IACHR has taken into account the failure to follow the recommendations that were made both in the preliminary observations and in the report on its visit to the country.¹⁸ Two years after its working visit to Nicaragua on May 17 to 21, 2018, the Inter-American Commission observes that most of the recommendations have not been implemented and continue to be entirely relevant today, including the following: immediate cessation of repression against protesters and the arbitrary detention of those who participated in the protests; respect and guarantee the exercise of the right to protest, the right to freedom of expression, the right to peaceful assembly, and the right of the population to political participation, among others.¹⁹ As pointed out by the IACHR, the recommendations made in its country report constitute a point of departure for guaranteeing the non-repetition of human rights violations in Nicaragua and the establishment of the necessary mechanisms to prevent acts of violence that occurred from staying unpunished.²⁰

15. Furthermore, the IACHR has assessed the information received on the failure to abide by the precautionary measures granted by the bodies of the inter-American human rights

¹⁸ After publication of the report “Gross Human Rights Violations in the Context of Social Protests in Nicaragua,” the state of Nicaragua indicated that “it completely rejects the report presented by the IACHR because it deems it is subjective, biased, prejudiced, and notoriously lopsided, drafted under the influence of sectors with ties to the opposition.” State of Nicaragua, Observaciones del Estado de Nicaragua respecto del proyecto de informe de la Comisión Interamericana de Derechos Humanos [Observations from the state of Nicaragua on the draft report of the Inter-American Commission on Human Rights], June 21, 2018. Although at first the state of Nicaragua expressly accepted Recommendation No. 3 of its Report and facilitated the launching of GIEI-Nicaragua, it did not recognize the report and the recommendations made by the GIEI “because they were devoid of legality, as they refused to sign the Action Protocol that would govern the functioning of that entity in the country. In addition, said report was rejected because it was subjective, biased, and malicious.” Observaciones al informe de la Alta Comisionada de las Naciones Unidas para los Derechos Humanos sobre Nicaragua [Comments on the report of the United Nations High Commissioner for Human Rights on Nicaragua], Note verbale dated 2 September 2019 from the Permanent Mission of Nicaragua to the United Nations Office at Geneva addressed to the Office of the United Nations High Commissioner for Human Rights; A/HRC/42/G/2, September 4, 2019, para. 10.

¹⁹ IACHR, Press release No. 113/20, Comunicados de prensa no. 113/20 - A dos años de su visita a Nicaragua, la CIDH advierte y condena el incumplimiento de sus recomendaciones y llama urgentemente al Estado a implementarlas [Two years after visit to Nicaragua, IACHR condemns lack of compliance with its recommendations and calls on the state to urgently implement them], Washington, D.C., May 16, 2020.

²⁰ IACHR, Informe Anual 2019, Capítulo IV. B Nicaragua [2019 Annual Report, Chapter IV.B Nicaragua], OEA/Ser.L/V/II. Doc. 5, February 24, 2020, para. 22.

system and, in general, the failure to implement measures to address the context of risk leading to these measures being granted in the context of the human rights crisis in the country. In effect, as examined in the present report, various persons benefiting from precautionary measures have encountered new events of risk, among whom, women defenders of human rights, members of the Mothers of April Association (*Asociación Madres de Abril—AMA*), and persons released from custody.²¹ New attacks and others acts of violence and persecution against members of communities of the Caribbean Coastal region have also been recorded,²² as well as against human rights defenders from the Nicaraguan Center for Human Rights (*Centro Nicaragüense de Derechos Humanos—CENIDH*) and the Permanent Commission of Human Rights (*Comisión Permanente de Derechos Humanos—CPDH*), beneficiaries of provisional measures granted by the Inter-American Court of Human Rights.²³

16. The IACHR has also taken into account the Nicaraguan state’s lack of will to surmount the social, political, and human rights crisis affecting the country. In particular, at the state’s highest spheres of authority, there persists a narrative tending to deny human rights violations and stigmatizing dissident voices. Thus, for example, on September 14, the Executive branch drafted an “orientation” to the Supreme Court of Justice for the purpose of promoting a draft law that would threaten dissidents with life imprisonment for “hate crimes,”²⁴ referring to incidents taking place in social protests. The following day, the Executive qualified dissidents as “criminals” and “cowards” who

²¹ In connection with new events involving risk, threats, and other documented incidents in the year 2020 against persons benefiting from protection measures and, in particular, human rights defenders, see *Section V. A. Human rights defenders* in the present chapter.

²² In connection with the failure to enforce the precautionary and provisional measures granted to the indigenous peoples of Nicaragua, the IACHR received information in the framework of various reports submitted by the IACHR, among which: Legal Assistance Center for Indigenous Peoples (CALPI), “Gross Human Rights Violations of the Miskitu and Mayangna Indigenous Peoples in the Autonomous Region of the Northern Caribbean Coast,” 2020, p. 20; and The Oakland Institute, “Nicaragua: A Failed Revolution. The Indigenous Struggle for *Saneamiento*,” 2020, p. 10. Likewise, organizations reported that, although the state of Nicaragua has reported the creation of the *Comisión Regional para la Atención de los Territorios y Comunidades con Medidas Cautelares y Provisionales en la Costa Caribe Norte (Comisión Regional)* [Regional Commission Focusing on Territories and Communities with Precautionary and Provisional Measures in the Northern Caribbean Coast] for the alleged purpose of enforcing the protection measures, territorial governments are participating in it, although the beneficiary communities have not authorized them to represent them in said commission. In addition, the state shall continue to prevent CEJIL and CEJUDHCAN, who are the representatives of the beneficiaries in the framework of the provisional measures, from participating in said commission. The Regional Commission is geared to implementing actions exclusively determined by the state, without any assessment conducted with the participation of all parties involved in the causes of the conflict or any proposal of solutions. “In other words, to date, none of the measures implemented by the state have been consulted with or agreed upon by the beneficiary communities and their representatives.” CEJIL, *Miskitu Resistance: A Fight for Territory and Life*. July 2020 Update, p. 7.

²³ On June 27, 2019, the IACHR applied to the Inter-American Court of Human Rights for the adoption of provisional measures to protect the rights of the members of the Nicaraguan Center for Human Rights (*Centro Nicaragüense de Derechos Humanos—CENIDH*) and the Permanent Commission of Human Rights (*Comisión Permanente de Derechos Humanos—CPDH*). These measures were granted by Order of the President of the Inter-American Court on July 12, 2019. I/A Court H.R., *Asunto Integrantes del Centro Nicaragüense de Derechos Humanos (CENIDH) y de la Comisión Permanente de Derechos Humanos (CPDH)* [Matter of the Nicaraguan Center for Human Rights (CENIDH) and the Permanent Commission of Human Rights (CPDH) regarding Nicaragua], Order of the President of July 12, 2019.

IACHR, Press release No. 249/20: [La CIDH llama a cesar de inmediato los actos de persecución contra las personas identificadas como opositoras al gobierno y al restablecimiento de garantías democráticas en Nicaragua](#) [IACHR calls for the immediate cessation of acts of persecution of persons identified as dissidents and restoring democratic guarantees in Nicaragua], Washington, D.C., October 10, 2020.

²⁴ *El País*, “[Ortega impulsa penas de cadena perpetua contra la oposición por crímenes de odio en Nicaragua](#)” [Ortega promotes sentencing dissidents to life imprisonment for hate crimes in Nicaragua], September 22, 2020; and *Confidencial*, “[Ortega amenaza con cadena perpetua a la mayoría Azul y Blanco](#)” [Ortega threatens the Blue and White majority with life sentences], September 16, 2020.

“think they’re untouchable because they were granted Amnesty, mark my words. Well, they’ve already been given a chance, Amnesty, but now there shall be no further Amnesty, the People will hold them to account!”²⁵

17. Regarding this, as indicated on other occasions, the IACHR deems that the gravity of the crisis requires the state to fulfill special obligations of settling disputes and beginning an effective, legitimate, and inclusive dialogue. To this end, the state must promote the necessary conditions that would contribute to building up the people’s confidence by putting an end to the repression, acknowledging the incidents that took place, and fulfilling its international obligations to truth, justice, and reparations.²⁶

18. Finally, over the year 2020, the IACHR observes that various members of the international community voiced their rejection of the prolonged crisis in Nicaragua. For example, on May 4, 2020, the High Representative, on behalf of the European Union, stated that “in Nicaragua there has been no tangible progress in democracy or human rights” and therefore decided on measures “against persons responsible for gross human rights violations.”²⁷ On September 14, 2020, in her oral update to the Human Rights Council, the High Commissioner for Human Rights deemed that “there has been no progress in the human rights situation and no sign that the Government is constructively addressing the tensions and structural problems that triggered the socio-political crisis in April 2018.”²⁸ In the region, on October 22, the OAS General Assembly reiterated “the inter-American community’s concern over the deterioration of democratic institutions” and urged the Nicaraguan government to “fully respect the constitutional order, human rights, and basic liberties, and to conduct free and fair national, presidential, and legislative elections” in fulfillment of its commitments and basic duties enshrined in the Inter-American Democratic Charter.²⁹

²⁵ “And others want to continue committing crimes of assassination, planting bombs, causing destruction, even more destruction than what they had already caused in April 2018, in addition to the harm caused by the Pandemic. In other words, they are Soulless and Heartless, they aren’t Nicaraguans, they are the spawn of Satan, children of the devil, and they are full of hate, they are rife with hate. That is what they are all about, hate, hate, hate, nothing else. They’re criminals, cowards and they think they’re untouchable because they were granted Amnesty, mark my words. Well, they’ve already been given a chance, Amnesty, but now there shall be no further Amnesty, the People will hold them to account! The People will hold them to account and is calling for them to be held accountable, in the framework of the law, in the framework of the regulations of the Nicaraguan state. That’s what laws are for, to punish, to penalize, not for what they say, but for what they do. And doing harm to a Family, killing a Family, like they have killed Families, that’s unforgivable, there’s no Pardon, no Amnesty for that.” Commander-President Daniel and Comrade Vice-President Rosario commemorating the 199th Anniversary of the Independence of Central America (full text) (September 15, 2020), *La Voz del Sandinismo*, September 15, 2020.

²⁶ IACHR, *Gross Human Rights Violations in the Context of Social Protests in Nicaragua*, OEA/Ser.L/V/II, Doc. 86, June 21, 2018, para. 67; and IACHR, *Informe Anual 2019, Capítulo IV. B Nicaragua* [2019 Annual Report, Chapter IV.B Nicaragua], OEA/Ser.L/V/II. Doc. 5, February 24, 2020, para. 22.

²⁷ Council of the European Union, “[Declaración del alto representante, Josep Borrell, en nombre de la UE, sobre la situación en Nicaragua](#)” [Declaration by the High Representative Josep Borrell, on behalf of the European Union, on Nicaragua], 4 May 2020; and [Actualización sobre la situación de los derechos humanos en Nicaragua](#) [Update on the human rights situation in Nicaragua], pursuant to resolution 43/2, 45th session of the Human Rights Council, Michelle Bachelet, United Nations High Commissioner for Human Rights, Geneva, 14 September 2020.

²⁸ [Actualización sobre la situación de los derechos humanos en Nicaragua](#) [Update on the human rights situation in Nicaragua], pursuant to resolution 43/2, 45th session of the Human Rights Council, Michelle Bachelet, United Nations High Commissioner for Human Rights, Geneva, 14 September 2020.

²⁹ Resolution Restoring Democratic Institutions and Respect for Human Rights in Nicaragua Through Free and Fair Elections, adopted by the OAS General Assembly at its fiftieth regular session, AG/CG/doc.5 (L-O/20), Washington, D.C., United States of America, October 20, 2020.

19. Because of what was indicated above, the Inter-American Commission deems that the situation in Nicaragua also falls under the criteria set forth in subparagraphs 6(d)(i), 6(d)(ii), and 6(d)(iii) of Article 59 of its Rules of Procedure, namely:

d. The presence of other structural situations that seriously affect the use and enjoyment of fundamental rights recognized in the American Declaration, the American Convention or other applicable instruments. Factors to be considered shall include the following, among others:

- i. serious institutional crises that infringe the enjoyment of human rights;
- ii. systematic noncompliance of the State with its obligation to combat impunity, attributable to a manifest lack of will;
- iii. serious omissions in the adoption of the necessary measures to make fundamental rights effective, or in complying with the decisions of the Commission and the Inter-American Court;

20. According to what is established in Article 59(5) of its Rules of Procedure, for the drafting of the present report and in order to monitor the human rights situation in Nicaragua, the Commission has resorted to various mechanisms and tools, among which are the following: convening public hearings; functioning of the MESENI; press releases; requests for information to the state on the basis of Article 41 of the American Convention; working visits; and information from the state and civil society organizations, as well as from other international organizations.

21. In 2020, the IACHR published 21 press releases voicing its concern over the state's continued repression, which has been keeping the country in a critical situation regarding the Nicaraguan people's enjoyment and exercise of human rights. In addition, the Inter-American Commission adopted seven resolutions for precautionary measures to directly protect 67 persons who are at a grave and urgent risk of irreparable damage to their human rights.

22. On January 12, 2021, the IACHR transmitted to the state of Nicaragua a preliminary copy of the present document which is part of Chapter IV.B of its Annual Report for 2020 and, in accordance with its Rules of Procedure, requested that it submit its observations within three weeks.

23. In response its dated from January 14, 2021, the State of Nicaragua informed the "non-acceptance and absolute rejection of the Annual Report of the Inter-American Commission on Rights and its Chapter IV", considering it "unilateral, partial, lacking in objectivity, everything which confirms the politicization and manipulation of Human Rights at this moment in history, and their instrumentalization". Likewise, the State pointed out that it "does not recognize this Report and denounces it as one more aggression in the chain of imperial aggressions that have promoted hate crimes, terrorism and destruction in this Homeland of Rubén Darío and Augusto Sandino, historically vandalized by the greed of the Powers, in its unhealthy and insane claim to dominate our Territory, of strategic importance, for Projects such as the Grand Interoceanic Canal".³⁰

24. The IACHR takes note and deeply regrets the position of the Nicaraguan State regarding this report, which was approved in its final version on January 26, 2021. The IACHR recalls that full respect for human rights constitutes a fundamental guarantee of the democratic societies

³⁰ Ministerio de Relaciones Exteriores, Nota MRE/DM/DMC/00011/01/2020, 14 de enero de 2021, págs. 1-4.

and, furthermore, underlines the importance of facilitating effective international scrutiny in the matter to promote its full observance in accordance with the international obligations voluntarily contracted by the Nicaraguan State. Finally, the IACHR reiterates its full willingness to technically collaborate with the State of Nicaragua in the full restoration of human rights in Nicaragua in response to the recommendations made by the IACHR.

II. GENERAL SITUATION OF HUMAN RIGHTS IN 2020

25. At the end of 2018, the IACHR deemed that the state's violent and systematic response against its people, as well as gross human rights violations perpetrated in the context of social protests, constituted determining elements for incorporating Nicaragua into the framework of the Chapter IV.B of its Annual Report. Likewise, the IACHR pointed out that state repression had led to the *de facto* installation of a state of emergency characterized by "the abusive exercise of law enforcement to repress dissident voices against the government, the search, shutdown, and censorship of the media, imprisonment or exile of journalists and social leaders, the closing of civil society organizations without due process of law, as well as the executive branch's interference with and control over the other branches of government."³¹

26. In the context of its Annual Report for 2019, the IACHR ascertained that the human rights crisis was continuing as a result of the long-lasting erosion of democratic institutions and a context of structural impunity in terms of the gross human rights violations that were committed. In addition, the IACHR pointed out that the state had stepped up its actions to close democratic and whistleblowing forums, leading to "an escalating deterioration of the situation of freedom of expression in the country, as well as worsening conditions of human rights defenders, persons deprived of liberty, the *campesino* population identified as anti-government, and of people who were released from custody as a result of the Negotiating Table (*Mesa de Negociación*) talks." According to the IACHR, human rights violations continued to occur "under patterns suggesting a systematic nature."³²

27. As examined in the present chapter, the human rights crisis in Nicaragua continues to escalate owing to the prolonged undermining of democratic institutions because of the executive branch's interference in the other branches of government. In that respect, the National Assembly continues to function completely aligned with the executive branch,³³ through the expeditious

³¹ The Commission deemed that this establishment of a *de facto* state of emergency fell under Article 59(6)(b) of its Rules of Procedure and justified incorporating Nicaragua into this chapter. The IACHR also indicated that the state's massive, systematic, and grave repression of the population had led to several human rights violations, such as the rights to life and personal integrity, health, freedom of expression, political participation, association, education, work, and due process of law. The above, based on the principle referred to, also provided justification for inclusion of Nicaragua. IACHR, [Informe Anual 2018, Capítulo IV.B. Nicaragua](#) [2018 Annual Report, Chapter IV.B Nicaragua], OEA/Ser.L/V/II. Doc. 30, March 21, 2019, para. 21 and ss.

³² IACHR, [Informe Anual 2019, Capítulo IV. B Nicaragua](#) [2019 Annual Report, Chapter IV.B Nicaragua], OEA/Ser.L/V/II. Doc. 5, February 24, 2020, paras. 6 and ss.

³³ In the framework of Chapter IV.B of its 2019 Annual Report, the IACHR pointed out that the human rights crisis in Nicaragua highlighted the false checks and balances exercised by the Legislative Assembly on the executive branch for several years. In effect, in the framework of the shutdown of democratic spaces and demonstrations in the country, the legislature enacted the termination of nine human rights defense organizations in retaliation for their work; the extension of the mandate of the Truth, Justice, and Peace Commission, whose independence and impartiality have been permanently challenged by civil society, the next of kin of the victims, and the IACHR itself, as well as the expedited adoption of a series of laws that are incompatible with the right to truth, access to justice, and comprehensive reparations to the victims in April 2018. IACHR, [Informe Anual 2019, Capítulo IV. B Nicaragua](#) [2019 Annual Report, Chapter IV.B Nicaragua], OEA/Ser.L/V/II. Doc. 5, February 24, 2020, paras. 47 and ss.

approval of laws that would have the effect of closing democratic spaces even more and silencing dissident voices in the country. In addition, the persistent use of criminal law to criminalize criticism of or opposition to the government and to consolidate a context of impunity highlights the absence of guarantees of independence and impartiality of the judicial branch. Finally, in the period under review, the Commission observes that state repression has intensified in a context of a *de facto* state of emergency that has kept the basic rights of the Nicaraguan people suspended or severely constrained.

A. Democratic Institutions

28. According to the Constitution of Nicaragua, the sovereign power of government is exercised through the executive, legislative, judicial, and electoral branches of government. Each of these branches has specialized and separate functions and must collaborate harmoniously between each other to achieve their objectives. Nicaragua acknowledges that it is a democratic and social state governed by the rule of law that promotes “the preeminence of human rights” and “abides by the principles of American International Law recognized and ratified as a sovereign power.”³⁴

29. As repeatedly mentioned, in Nicaragua the principle of separation of powers has been breached uninterruptedly, mainly because of the concentration of power in the hands of the executive branch and its interference in democratic institutions. According to the indicators drawn up by the *V-Dem Institute*, the capacity of the legislative and judicial branches to rein in potential excesses by the executive branch ranks as the lowest in Latin America.³⁵ Likewise, the 2020 edition of the World Justice Project’s Rule of Law Index placed Nicaragua at 118 in a ranking of 128 countries in the world and at 28 out of the 30 countries in the region of Latin America and the Caribbean. This index also takes into account, among other factors, the limits imposed on the executive branch by the judicial and legislative branches of government.³⁶

30. As for the OAS High-Level Commission on Nicaragua, at the end of 2019, in its report submitted to the Permanent Council, it concluded “that actions taken or permitted by the Government of Nicaragua since April 2018 are inconsistent with the rights and guarantees protected in the Nicaragua 1987 Constitution,” which is “giving rise to an alteration of the constitutional regime that seriously impairs the democratic order in Nicaragua, as outlined in Article 20 of the Inter-American Democratic Charter.” It also pointed out that “the control and subordination mechanisms that the Government of Nicaragua has been developing with respect to other branches of government, including the judiciary, the legislature, the Supreme Electoral Council, and others, make the democratic functioning of the country impossible, thus making it a co-opted state that is incompatible with the rule of law.”³⁷ This situation has remained unchanged in 2020.

³⁴ Political Constitution of the Republic of Nicaragua, published in the official gazette *La Gaceta, Diario Oficial* No. 32 of February 18, 2014. Articles 1, 5, and 129.

³⁵ V-Dem Institute, *Democracy facing global challenges: V-dem annual democracy report 2019*, Gothenburg, 2019; and V-Dem Institute, *Autocratization Surges-Resistance Grows. Democracy report 2020*, Gothenburg, 2020.

³⁶ World Justice Project, *Índice del Estado de Derecho 2020* [WJP Rule of Law Index for 2020], March 11, 2020.

³⁷ OAS, *Informe de la Comisión de Alto Nivel de la Organización de los Estados Americanos sobre Nicaragua* [Report of the OAS High-Level Commission on Nicaragua], November 19, 2020. The OAS High-Level Commission on Nicaragua was established by Resolution AG/RES.2943 (XLIX-O/19), adopted on June 28, 2019 at the fourth plenary session of the forty-ninth regular session of the OAS General Assembly. This Commission was created to carry diplomatic efforts to seek a peaceful and effective solution to the political and social crisis in Nicaragua and to submit a report within a maximum of 75 days of its creation. OAS, General Assembly, *Resolución sobre “La Situación en Nicaragua”* [Resolution on the “Situation in Nicaragua”], June 28, 2019.

31. In connection with the independence of the legislative branch, in 2020, the National Assembly continued to operate fully in line with the executive. On June 25, 2020, it decreed the termination of the legal status of the Municipal Twinning Association (ASODHERMU), allegedly in retaliation for the initiatives announced by the organization to support families affected by COVID-19.³⁸ As a result, 10 other organizations were impacted by the termination of their legal status since the start of the human rights crisis.

32. Likewise, the IACHR voiced its concern about a series of laws enacted by the National Assembly aimed at further restricting democratic forums and “to silence those who criticize government policies, inform the population and defend human rights.”³⁹ These laws are as follows: the Law Regulating Foreign Agents (*Ley de Regulación de Agentes Extranjeros*) adopted on October 15, which would criminalize organizations and defenders who receive funding or support from abroad for implementing their activities and defending their causes;⁴⁰ and the Special Law on Cybercrimes (*Ley Especial de Cibercrimes*), which would establish prison sentences for those who spread fake news “through information and communication technologies,” which is why civil society has called it a “Gag Rule” (*ley mordaza*).⁴¹ Finally, on November 10, the National Assembly adopted the amendment to Article 37 of the Constitution of Nicaragua to impose “life imprisonment subject to review” for serious crimes and for those that “bring together circumstances of hate, cruelty, degradation, humiliation, and inhumanity which, because of their impact, cause agitation, rejection, indignation, disgust in the national community.”⁴² This amendment was publicly promoted by the executive branch with threats of punishing dissidents and persons released from custody for “hate crimes” committed in the social protests of 2018.⁴³

33. The IACHR also observes that, despite the growing call by Nicaragua’s civil society and other international stakeholders for holding presidential elections in 2021, the legislature has not promoted a debate about electoral reforms that would be indispensable to restore trust in Nicaragua’s

³⁸ *La Prensa*, “Diputados orteguistas cancelan personería jurídica a Asodhermu, una ONG opuesta al régimen” [Pro-Ortega congresspersons terminate legal status of ASODHERMU, an NGO opposing the regime], June 25, 2020; and CENIDH, Press release “Régimen quiere destruir a ASODHERMU como intentó destruir al CENIDH” [Regime wants to destroy ASODHERMU as it tried to destroy CENIDH], June 26, 2020.

³⁹ Amnesty International, “Nicaragua: El gobierno de Ortega pareciera preparar una nueva fase de represión” [Nicaragua: Ortega government appears to be preparing for a new phase of repression], September 30, 2020.

⁴⁰ Law Regulating Foreign Agents, Law No. 1040, published in the official gazette *La Gaceta, Diario Oficial* No. 192, Monday, October 19, 2020; and IACHR, Press release 249/20, IACHR calls for the immediate cessation of acts of persecution of persons identified as dissidents and restoring democratic guarantees in Nicaragua. Washington, D.C., October 10, 2020.

⁴¹ *Confidencial*, “Ortega busca silenciar críticas con “ley mordaza” que receta multas y cárcel” [Ortega seeks to silence critics by using the “Gag Rule” that orders fines and prison sentences], September 29, 2020; and *Confidencial*, “Ley mordaza: Un gesto desesperado del Gobierno ante el fracaso de su censura” [“Gag Rule”: A desperate move by the government to respond to its failure to enforce censorship], October 1, 2020.

⁴² *El 19 Digital*, “Asamblea aprueba reforma al artículo 37 de la Constitución Política de Nicaragua” [Assembly passes amendment to Article 37 of Nicaragua’s Political Constitution], November 10, 2020: “This morning the National Assembly passed the amendment to Article 37 of the Political Constitution of the Republic of Nicaragua that will make it possible to toughen sentencing to life imprisonment for those convicted of hate crimes and degrading, humiliating, and inhuman crimes.” Twitter account of the National Assembly of Nicaragua (@AsambleaNi), [publicación del 10 de noviembre de 2020](#) [posted on November 10, 2020].

⁴³ *El País*, “Ortega impulsa penas de cadena perpetua contra la oposición por crímenes de odio en Nicaragua” [Ortega promotes sentencing dissidents to life imprisonment for hate crimes in Nicaragua], September 22, 2020; and *Confidencial*, “Ortega amenaza con cadena perpetua a la mayoría Azul y Blanco” [Ortega threatens the Blue and White majority with life sentences], September 16, 2020.

electoral system, by guaranteeing elections that are fair, transparent, and free.⁴⁴ As pointed out by the IACHR, the absence of independence and neutrality of the Supreme Electoral Council is one of the factors that has contributed to perpetuating the ruling party's hold on power, as well as the prolonged erosion of the system of political representativeness, the rule of law, and citizen participation.⁴⁵

34. In this context, the IACHR rejected the Law for the Defense of the Rights of the People to Independence, Sovereignty, and Self-Determination for Peace (*Ley de Defensa de los Derechos del Pueblo a la Independencia, la Soberanía, y la Autodeterminación para la Paz*), approved on December 21, 2020. In accordance with its Article 1, this law prohibits Nicaraguans from running for popularly elected positions in the cases that, in the opinion of the authorities, "lead or finance a coup d'etat", "promote terrorist acts", "incite foreign interference in internal affairs", "organize themselves with financing from foreign powers to carry out acts of terrorism and destabilization", "praise and applaud sanctions against the State of Nicaragua and its citizens". In this regard, the IACHR is concerned that the adoption of hypotheses of deprivation of the right to run for positions of popular election that are too broad or vague, without requiring procedures or competent authorities for their determination, would lead to a serious risk of discretionary application and arbitrary provisions contained in the law, which, in turn, violates the political rights recognized in Article 23 of the ACHR⁴⁶.

35. In the light of international human rights instruments, democracy and enforcement of the rule of law are crucial for the full observance and effective exercise of human rights. Regarding this, the Inter-American Court points out that "the rights and freedoms inherent in the human person, the guarantees applicable to them and the rule of law form a triad. Each component thereof defines itself, complements and depends on the others for its meaning."⁴⁷

36. The rule of law is governed, among other basic principles, by the principle of the separation of powers, which assumes that the various duties of the state pertain to bodies that are separate, independent, and well-balanced between each other, allowing for necessary constraints on the exercise of power and preventing arbitrariness.⁴⁸ Regarding Nicaragua, the Inter-American Commission stresses the importance of abiding by this principle through a system of checks and balances for the purpose of guaranteeing effective control among the different branches of government, thereby ensuring enforcement of the rule of law.⁴⁹

⁴⁴ *Alianza Cívica*, "[Reafirmamos nuestro compromiso con cambios profundos al Consejo Supremo Electoral y al Sistema Electoral](#)" [We reassert our commitment to profound changes to the Supreme Electoral Council and the Electoral System], July 14, 2020; *Confidencial*, "[La reforma electoral que necesita la democracia](#)" [The electoral reform that democracy needs], August 6, 2020; and *Confidencial*, "[Coalición Nacional acuerda agenda de reformas electorales](#)" [National Coalition agrees on electoral reform agenda], September 19, 2020.

⁴⁵ IACHR, [Informe Anual 2019, Capítulo IV. B Nicaragua](#) [2019 Annual Report, Chapter IV.B Nicaragua], OEA/Ser.L/V/II. Doc. 5, February 24, 2020, para. 45.

⁴⁶ According to 23 of the American Convention on Human Rights (ACHR), all citizens must enjoy the right to participate in the conduct of public affairs, directly or through freely chosen representatives; vote and be elected in authentic periodic elections, carried out by universal and equal suffrage and by secret ballot that guarantees the free expression of voters; and access the public functions of their country. These rights must also be guaranteed by the State under conditions of equality. American Convention on Human Rights, article 23.

⁴⁷ I/A Court H.R., *Habeas Corpus in Emergency Situations* (Articles 27(2), 25(1) and 7(6) American Convention on Human Rights). Advisory Opinion OC-8/87 of January 30, 1987, para. 26.

⁴⁸ I/A Court H.R., *Habeas Corpus in Emergency Situations* (Articles 27(2), 25(1) and 7(6) American Convention on Human Rights). Advisory Opinion OC-8/87 of January 30, 1987, para. 26; and IACHR, [Informe Anual 2019, Capítulo IV. B Nicaragua](#) [2019 Annual Report, Chapter IV.B Nicaragua], OEA/Ser.L/V/II. Doc. 5, February 24, 2020, para. 51

⁴⁹ IACHR, [Informe Anual 2019, Capítulo IV. B Nicaragua](#) [2019 Annual Report, Chapter IV.B Nicaragua], OEA/Ser.L/V/II. Doc. 5, February 24, 2020, para. 51

B. Independence of the Judicial Branch

37. The principle of the independence of the judicial branch has been recognized as “international custom and general principle of law.”⁵⁰ The independence of any body or organ that performs jurisdictional functions is an indispensable condition for the observance of the standards of due process of law as a human right, and the lack of such independence affects the exercise of the right of access to justice, in addition to creating mistrust and even fear, which might prevent persons from turning to the courts for justice.⁵¹

38. The Inter-American Commission reiterates that the independence of the judicial branch and its clear separation from the other branches of government must be respected and guaranteed by both the executive and the legislative branches, based on the legal recognition of its independence and the other branches’ non-interference. For the IACHR, this guarantee, in addition to being enshrined in the regulatory framework as a result of recognition of the principle of the separation of powers, must be implemented in practice.⁵² Judicial independence is a requirement for the exercise of the rights to due process of law and access to justice. The judicial branch also performs an indispensable role in overseeing the constitutionality of the actions by the other branches and in administering justice. Judicial independence is therefore a fundamental feature for the rule of law and democracy.⁵³

39. The IACHR has repeatedly indicated that the judicial branch of government in Nicaragua has a structural problem because of the absence of independence and impartiality, stemming from factors such as nepotism, the peddling of influence, and manipulation by the ruling party, as well as because of the executive branch’s interference in its functioning. Likewise, practices inside the judicial branch involving the arbitrary transfer of justice operators, removal from office without grounds in retaliation for their failure to adapt to the executive’s policies, and appointments and promotions based on membership in the ruling political party have prevailed for many years.⁵⁴

40. In 2020, the information available to the IACHR indicates a persistence of said practices affecting the independence and impartiality of justice operators in Nicaragua. In January, the Judge of the Fifth Criminal Trial Court District of Managua was transferred from the capital to Jinotega, in reprisal for refusing to continue hearing cases of persons being charged with opposing the government.⁵⁵ On May 19, the Supreme Court had promoted the standing judges of the Ninth and Tenth Criminal Trial Courts of Managua to be magistrates of the Court of Appeals of Granada because

⁵⁰ United Nations. General Assembly. Human Rights Council. Report of the Special Rapporteur on the independence of judges and lawyers, Leandro Despouy, 24 March 2009, para. 14.

⁵¹ IACHR, Garantías para la independencia de las y los operadores de justicia. Hacia el fortalecimiento del acceso a la justicia y el Estado de Derecho en las Américas [Guarantees for the independence of justice operators. Towards strengthening access to justice and the rule of law in the Americas], 2008, para. 30.

⁵² IACHR, Garantías para la independencia de las y los operadores de justicia. Hacia el fortalecimiento del acceso a la justicia y el Estado de Derecho en las Américas, [Guarantees for the independence of justice operators. Towards strengthening access to justice and the rule of law in the Americas], 2008, para. 30.

⁵³ IACHR, Democracia y derechos humanos en Venezuela [Democracy and human rights in Venezuela], December 30, 2009, para. 183.

⁵⁴ IACHR, Informe Anual 2018, Capítulo IV.B. Nicaragua [2018 Annual Report, Chapter IV.B Nicaragua], March 21, 2019, para. 99; and IACHR, Informe Anual 2019, Capítulo IV. B Nicaragua [2019 Annual Report, Chapter IV.B Nicaragua], OEA/Ser.L/V/II. Doc. 5, February 24, 2020, para. 51

⁵⁵ *La Prensa*, “Poder judicial sigue haciendo cambios en los juzgados de Managua” [Judicial branch of government continues to make changes in the courts of Managua], January 19, 2020.

they had played an important role in arbitrarily prosecuting dozens of dissidents.⁵⁶ To date, the 12 active justices who make up the Supreme Court of Justice and the 7 who make up the Supreme Electoral Council have stayed in office although their term of office expired on April 10, 2019,⁵⁷ which was possible because of reforms enacted by the executive branch over the past decade.⁵⁸

41. As underscored by the IACHR, the lack of independence of Nicaragua’s system for administering justice was also highlighted by the patterns of use and manipulation of criminal law to criminalize critics of the government or dissidents.⁵⁹ In the framework of its thematic report on persons deprived of liberty in the context of the crisis of April 18, 2018, published in 2020, the IACHR examined the judicial branch’s active role in prosecuting protesters, *campesinos*, students, activists, human rights defenders, and social leaders, as well as the impacts stemming from the filing of court proceedings on the basis of groundless charges, the obstacles to gain access to timely, technical, and adequate legal defense, the centralization of criminal proceedings and trials, the widespread use of preventive detention, and the ineffectiveness of remedies such as *habeas corpus*.⁶⁰ To date, the IACHR has observed the continuation of said impacts and the persistence of a context of criminalization which, at December 7, 2020, has kept more than 100 persons deprived of their liberty.⁶¹

42. The IACHR also notes that, on September 14, the executive branch drew up an “orientation” for the Supreme Court of Justice for the purpose of promoting a draft bill of law threatening life imprisonment for “hate crimes.”⁶² This is additional evidence of the executive’s interference as part of the country’s persistent criminalization strategy.

43. In this serious context, the IACHR also received information about the warrant to search the property of and arrest Victoria Cárdenas Lacayo, spouse of Juan Sebastián Chamorro, Executive Director of the Civic Alliance for Justice and Democracy (*Alianza Cívica por la Justicia y la Democracia—ACJD*), who is being prosecuted for an alleged arbitrary and non-existent tax penalty. According to public information, these incidents are taking place in a context of tax prosecution and “tax terrorism” aimed at more than 200 entrepreneurs who are being brought to court with criminal

⁵⁶ *La Prensa*, “[Corte Suprema premia al juez orteguista Edgar Altamirano y lo nombra magistrado de Apelaciones](#)” [Supreme Court rewards pro-Ortega Judge Edgar Altamirano and appoints him as judge in the Court of Appeals], May 19, 2020.

⁵⁷ *La Prensa*, “[Magistrados en Nicaragua llevan más de 15 meses con cargos vencidos](#)” [Judges in Nicaragua have stayed more than 15 months after expiry of their term of office], July 16, 2020.

⁵⁸ Since the year 2000, the Supreme Court of Justice has consisted of 16 judges and 16 associate judges, which made it possible to distribute judicial power between the country’s two principal political forces. In 2020, President Daniel Ortega passed Presidential Decree No. 03/2010 making it possible for judges of the Supreme Court of Justice to stay in office although their terms had expired. IACHR, [Informe Anual 2018, Capítulo IV.B. Nicaragua](#) [2018 Annual Report, Chapter IV.B Nicaragua], March 21, 2019, para. 99.

⁵⁹ IACHR, Press release No. 187/18, [CIDH urge al Estado de Nicaragua a cesar la criminalización de la protesta y a respetar a las personas privadas de libertad y sus familias](#) [IACHR calls on the state of Nicaragua to cease the criminalization of protest and respect persons deprived of liberty and their families], August 24, 2018.

⁶⁰ IACHR, Persons Deprived of Liberty in Nicaragua in connection with the Human Rights Crisis that Began on April 18, 2018, OEA/Ser.L/V/II. Doc. 287, October 5, 2020.

⁶¹ *Mecanismo para el Reconocimiento de Personas Presas Políticas* (Mechanism for the Recognition of Political Prisoners), [Lista-informe preliminar de personas presas políticas en Nicaragua](#) [Preliminary list-report of political prisoners in Nicaragua], December 7, 2020.

⁶² *El País*, “[Ortega impulsa penas de cadena perpetua contra la oposición por crímenes de odio en Nicaragua](#)” [Ortega promotes sentencing dissidents to life imprisonment for hate crimes in Nicaragua], September 22, 2020; and *Confidencial*, “[Ortega amenaza con cadena perpetua a la mayoría Azul y Blanco](#)” [Ortega threatens the Blue and White majority with life sentences], September 16, 2020.

proceedings for tax fraud, on the basis of claims for exorbitant, discretionary, or invented municipal tax figures owed to the municipality, with threats of having their assets expropriated if payment is not made.⁶³

44. The IACHR received information on the Supreme Court of Justice's failure to respond to the appeals on constitutional grounds (*amparo*) filed for the termination of the legal status of nine civil society organizations and its refusal to rule on various appeals on procedural grounds.⁶⁴ Likewise, there continue to be complaints on the deliberate failure to rule on petitions and remedies for the protection of the rights of persons identified as political prisoners. According to public information, between February and March 2020, more than 20 briefs were submitted to various court authorities in Managua, Tipitapa, and Masaya and the Criminal Chamber of the Supreme Court of Justice to request application of the benefit of the Amnesty Law, the change of the precautionary measure of preventive detention for that of home detention as a measure of protection in the context of the COVID-19 pandemic, and authorization for the entry of articles for health and hygiene. In none of these cases was any response obtained.⁶⁵

45. Finally, the IACHR observes with concern that, two years after the human rights crisis started, the violations committed in the context of the state's repression continue to go unpunished, among these: the death of 328 persons; more than 2,000 persons injured; 1,600 persons detained; arbitrary dismissals of hundreds of health professionals; and expulsion without grounds of more than 150 university students. This context, along with the official narrative that refuses to recognize the victims of the human rights crisis, highlights the absence of willingness to guarantee access to justice, truth, and appropriate reparations, clearly in breach of the recommendations made by the IACHR since its visit to the country in May 2018.⁶⁶

C. Intensification of State Repression

46. On April 18, 2020, the Inter-American Commission denounced the consolidation of a new phase in the state's repression in Nicaragua, characterized by increasingly serious acts of surveillance, intimidation, and selective repression of dissidents by officers of the National Police and pro-government groups, as well as acts of violence in rural areas and against indigenous and Afrodescendant communities. In addition, it voiced its concern about the prolongation of a *de facto* state of emergency that keeps basic rights suspended or severely constrained, such as the right to freedom of expression and association, the right to assembly, the defense of human rights, the right to social protest and to participate in the management of public affairs. This new phase of repression also constitutes the most intense and systematic assault on civil liberties since the start of the 2018

⁶³ *Alianza Cívica, "Alianza Cívica condena intimidación fiscal contra empresas"* [Civic Alliance condemns tax penalty intimidation against companies], September 5, 2020.

⁶⁴ *Centro de Información y Servicios de Asesoría en Salud* (Health Information and Advisory Services Center), *Persecución a organizaciones civiles y situación de las y los exiliados en Costa Rica* [Persecution of civil organizations and situation of persons exiled in Costa Rica], August 2020.

⁶⁵ *Colectivo de Derechos Humanos Nicaragua Nunca +* (Human Rights Collective Nicaragua Never Again) *Observatorio contra la Tortura, Tratos Crueles, Inhumanos y Degradantes, Primer Informe 2020* [Observatory against torture, and cruel, inhuman, and degrading treatment, First Report 2020], p. 4; and *La Prensa, Jueces indiferentes a peticiones a favor de presos políticos para protegerlos del COVID-19* [Judges indifferent to petitions filed for the benefit of political prisoners to protect them from COVID-19], April 17, 2020.

⁶⁶ IACHR, Press release No. 113/20, *A dos años de su visita a Nicaragua, la CIDH advierte y condena el incumplimiento de sus recomendaciones y llama urgentemente al Estado a implementarlas* [Two years after visit to Nicaragua, IACHR condemns lack of compliance with its recommendations and calls on the state to urgently implement them], Washington, D.C., May 16, 2020.

crisis and is presumably aimed at ensuring the complete shutdown of democratic forums in the country.⁶⁷

47. In effect, the IACHR observes that, in 2020, Nicaragua is under a police state aimed at preventing social mobilizations from being held with the occupation of public spaces. In that regard, civil society organizations have denounced the rise in harassment and intimidation to prevent any action that might lead to protest or mobilization, including the permanent barricading of the homes of persons identified as dissidents and the office premises themselves of civil society organizations. For example, on February 24, at least 28 social and student leaders in León, Managua, Masaya, and Tipitapa complained that officers of the National Police prevented them from leaving their homes to participate in a protest against the executive.⁶⁸ Likewise, on March 8, the IACHR condemned the violence by anti-riot agents against women, women defenders of human rights, and feminist collectives who were prevented from leaving the office premises of *La Corriente* to commemorate International Women's Day.⁶⁹

48. In the context of the commemoration of the two years since the start of protests in April 2018, persons released from custody, family members of victims, human rights defenders, journalists, social and human rights organizations, and activists in general denounced the barricades around their homes and businesses, threats, harassment, searches without a warrant and unlawful detentions by the police. In particular, the IACHR condemned the acts of violence reported on the island of Ometepe leading to two persons with gunshot wounds, three injured police officers, and nine persons detained, including a pregnant woman.⁷⁰ According to information from civil society, between the night of April 17 and early morning April 19, throughout the country, there were 65 incidents of physical aggression, threats, barricades, assaults on homes, and detentions. Of these actions, 32 were aggressions perpetrated against women activists and their families, including insults and threats of a sexual kind.⁷¹

49. Furthermore, the IACHR has received information on the persistence of arbitrary detentions and the criminalization of dissidents, including persons released from custody. In 2020, the "revolving door" phenomenon had been reported, that is, a system whereby a similar number of persons are detained and released over the same period of time, which, in addition to instilling uncertainty and unrest, is aimed at keeping the pattern of arbitrary detentions as a strategy to crack

⁶⁷ IACHR, Press release No. 80/20, [A dos años de iniciada la crisis de derechos humanos en Nicaragua, la CIDH reitera su compromiso permanente con las víctimas y constata consolidación de una quinta etapa de represión](#) [Two years into Nicaragua's human rights crisis, IACHR stresses its permanent commitment to victims and confirms the consolidation of a fifth phase of repression], Washington, D.C., April 18, 2020.

⁶⁸ *Deutsche Welle*, "Police of Nicaragua jails dissidents to prevent protests," July 2020.

⁶⁹ *Deutsche Welle*, "[Women marching for their rights despite teargas, stoning, and arrests], March 9, 2020; and "#CIDH notes police barricade and violence against women and feminist collectives before and during celebration of #International Women's Day in #Nicaragua. Activists were locked in by anti-riot squads in @LaCorrienteNica. Incidents identified by #MESENI], @Twitter account of the IACHR (@CIDH), [publicación del 8 de marzo de 2020](#) [posted on March 8, 2020].

⁷⁰ "@CIDH condemns acts of violence in Esquipulas island of Ometepe, which left at least two demonstrators with gunshot wounds, another beaten; three wounded police; nine detained persons, among whom a woman three months pregnant], Twitter account of the IACHR (@CIDH), [publicación del 21 de abril de 2020](#) [posted on April 21, 2020].

⁷¹ Joint declaration, ["Organizaciones denuncian aumento de la represión en Nicaragua en el aniversario de las protestas del abril de 2018"](#) [Organizations denounce upsurge in repression in Nicaragua on anniversary of April 2018 protests], April 18, 2020.

down on dissidents and denying the existence of “political prisoners.”⁷² According to the Mechanism for the Recognition of Political Prisoners, between August 5 and September 7, 2020, a total of 45 detentions were reported, and of these detentions 36 persons were released. Most of these releases took place within a period of between one and three days after the detention. As mentioned earlier, at December 7, 2020, more than 100 continued to be detained unlawfully and at least 20 persons who had been released were charged with new offenses.⁷³

50. There continue to be complaints of selective prosecution and acts of violence in rural areas, including killings taking place in the municipalities of northern Nicaragua.⁷⁴ According to information received, between January and June 2020, 131 killings had been recorded in the country’s interior, accounting for a 338% rise over the first semester of 2019.⁷⁵ Likewise, in the present year, newspaper investigative reporting revealed that, between October 2018 and December 2019, at least 30 political activists or *campesinos* opposing the government had been killed in Nicaragua’s interior and, to date, the incidents have remained unpunished.⁷⁶

51. In view of continued repression, the IACHR reiterates its call to the state to implement the recommendations made in its 2018 country report, such as respecting and guaranteeing the full enjoyment of the right to protest, to freedom of expression, to peaceful assembly, and to political participation by the population; adopting measures to diligently investigate, judge, and punish those responsible for all acts of violence committed during the protests; dismantling parallel police groups; and adopting measures to prevent the continued operation of armed third-party groups who attack and intimidate the civilian population.⁷⁷

52. It also urges the state of Nicaragua to comprehensively reform state institutions to guarantee non-repetition of human rights violations; as well as to establish the mechanisms necessary to keep the violent acts that took place from going unpunished.⁷⁸ As indicated earlier, that reform is

⁷² IACHR, *Persons Deprived of Liberty in Nicaragua in connection with the Human Rights Crisis that Began on April 18, 2018*, OEA/Ser.L/V/II. Doc. 287, October 5, 2020.

⁷³ *Mecanismo para el Reconocimiento de Personas Presas Políticas* (Mechanism for the Recognition of Political Prisoners), [Lista-informe preliminar de personas presas políticas en Nicaragua](#) [Preliminary list-report of political prisoners in Nicaragua], December 7, 2020.

⁷⁴ Since 2019, IACHR has been receiving information about acts of repression and murder taking place in rural areas of the municipalities of northern Nicaragua. According to information and reports the Commission has received, the pattern of these murders is consistent with a strategy of extrajudicial executions, which began in 2008 in the northern part of the country and even on Honduran territory and was perpetrated against the former members of the counter-revolution and *campesinos*, whose leadership opposed the government. IACHR, [Informe Anual 2019, Capítulo IV.B](#) [2019 Annual Report, Chapter IV.B], Nicaragua, April 2020, para. 208.

⁷⁵ *Elvira Cuadra*, “La evolución de la violencia letal en Nicaragua. Enero-junio 2020” [Evolution of lethal violence in Nicaragua. January-June 2020], August 12, 2020.

⁷⁶ *CONNECTAS*, “Ejecuciones en el campo: la masacre contra los campesinos” [Executions in the rural sector: Massacre of *campesinos*], 2020; and *Confidencial*, “Ejecuciones en el campo: La masacre contra los campesinos” [Executions in the rural sector: Massacre of *campesinos*], March 2, 2020.

⁷⁷ IACHR, [Graves violaciones a los derechos humanos en el marco de las protestas sociales en Nicaragua](#) [Gross Human Rights Violations in the Context of Social Protests in Nicaragua], OEA/Ser.L/V/II, Doc. 86, June 21, 2018. Recommendations 2, 6, and 8.

⁷⁸ IACHR, [Informe Anual 2018, Capítulo IV.B. Nicaragua](#) [2018 Annual Report, Chapter IV.B Nicaragua], March 21, 2019, para. 238; IACHR, Press release No. 6/19, IACHR denounces the weakening rule of law in the face of serious human rights violations and crimes against humanity in Nicaragua, Washington, D.C., January 10, 2019; and IACHR, [Informe Anual](#)

necessary to concretize the commitment to ensure change and guarantee the non-repetition of the violations, “seeking to eliminate violence as a means to resolve conflicts, and creating a new and inclusive social order so that the state truly expresses the will of all Nicaraguan citizens.”⁷⁹

III. SITUATION OF FREEDOM OF EXPRESSION

53. In 2020, the state of Nicaragua was hostile to the exercise of freedom of expression and access to public information in the country and used repressive actions to directly restrict these rights. Among the attacks against independent journalists and media, there were repeated smear speeches delivered by high-ranking authorities, various criminal proceedings filed against journalists, barricades erected against journalists and media outlets, physical threats and aggression. Likewise, the Special Rapporteurship observes with concern that the legislative branch adopted regressive and restrictive regulatory frameworks by enacting laws that directly assault the exercise of freedom of expression by citizens and journalists and against the survival of independent media outlets. Finally, in the context of the pandemic, the present office was apprised of the absence of transparency to obtain accurate information on the situation of COVID-19 in Nicaragua, which led to the dismissal of at least 16 doctors who had not agreed with the official narrative.

A. Violence and Attack against Journalists and the Media

54. According to information received by the IACHR and its Special Rapporteurship, in 2020 there was a rise in the number of assaults against journalists and media outlets. The Violeta Barrios de Chamorro Foundation (FVBCH) recorded 273 cases of violation of the right to freedom of the press between January and September 2020.⁸⁰ As for the movement of Independent Journalists and Media Workers of Nicaragua (*Periodistas y Comunicadores Independientes de Nicaragua—PCIN*), it recorded 351 crimes against freedom of the press between March 1 and July 15.⁸¹ According to the FVBCH, in February 2020, at least 69 journalists remained in exile.⁸²

55. According to available information, various media outlets have been under assault on repeated occasions by the National Police. On January 20, about 30 police officers had barricaded the office premises of *Radio Corporación* and had taken pictures of its journalists and guests.⁸³ Likewise, Anibal Toruño, the director of *Radio Darío*, complained that on June 6, 8, and 9, police patrols and anti-riot agents were present in the immediate vicinity of the media outlet’s offices and took

2019, Capítulo IV. B Nicaragua [2019 Annual Report, Chapter IV.B Nicaragua], OEA/Ser.L/V/II. Doc. 5, February 24, 2020, para. 88.

⁷⁹ GIEI, Final report on the violent events that took place between April 18th and May 30th, 2018, December 21, 2018, pp. 228 and 229.

⁸⁰ *Fundación Violeta Barrios de Chamorro*. Informe de violaciones a la libertad de prensa. Enero-Marzo 2020. Abril-Junio 2020. Julio 2020. Agosto 2020. Septiembre 2020 [Report on violations of the right to freedom of press: January-March 2020. April-June 2020. July 2020. August 2020. September 2020].

⁸¹ *Información Puntual Nicaragua*, July 27, 2020. PCIN reporta 351 agresiones a la libertad de prensa en Nicaragua [PCIN reports 351 incidents of aggression on freedom of press in Nicaragua]; and *Despacho 505*, July 27, 2020. Denuncian escalada represiva contra periodistas en Nicaragua [Report of escalation of repression of journalists in Nicaragua].

⁸² *Despacho 505*, February 17, 2020. “He venido a recuperar mi espacio como periodista”, dice Yelsin Espinoza a su retorno del exilio [“I have come to retrieve my space as a journalist,” says Yelsin Espinoza upon returning from exile].

⁸³ *100% Noticias*, January 20, 2020. Policia Orteguista asedia instalaciones de Radio Corporación [Pro-Ortega police barricade office premises of *Radio Corporación*]. https://www.youtube.com/watch?v=f_GQEeGvTsE

photos of the motor vehicles and security cameras.⁸⁴ Between July 25 and 27, the office premises of *Radio Darío* had been barricaded once again by the police and anti-riot squad, who had impounded two motor vehicles belonging to the media outlet's staff.⁸⁵ Aníbal Toruño also denounced barricades blocking the media outlet's premises on August 17⁸⁶ and 22,⁸⁷ and on September 12.⁸⁸ On August 1, the daily newspaper *La Prensa* reported that at least three police patrols and dozens of anti-riot squad officers were posted in the immediate vicinity of their offices "in a stance of siege."⁸⁹ On that same day, armed patrols and agents had stayed in the immediate vicinity of the radio station *La Costeñísima* and the home of Kalúa Salazar, its head press officer.⁹⁰ On September 15, two patrols and at least 15 police officers had barricaded the immediate vicinity of the television station *Notimatv*, in Matagalpa.⁹¹

56. Throughout 2020, the Rapporteurship has also registered episodes of harassment at the homes of journalists. On June 7, the independent journalist Gerall Chavez, who is living in exile in Costa Rica, reported the presence of police patrols outside his family home and stated that it was an action of intimidation because of a campaign gathering and delivering hygiene kits to prevent COVID-19 from spreading.⁹² Likewise, on June 22, about 20 police officers had been posted in front of the

⁸⁴ Twitter account of Aníbal Toruño (@AnibalToruno), [6 de junio de 2020](#), [8 de junio de 2020](#) and [9 de junio de 2020](#) [June 6, 2020, June 8, 2020, and June 9, 2020]; *Despacho 505*, June 6, 2020. [Policía Ortequista asedia instalaciones de Radio Darío, en León](#) [Pro-Ortega police barricade office premises of *Radio Darío* in León]; *Fundación Violeta Barrios de Chamorro*, June 8, 2020. [En medio de Covid19 continúa represión a periodistas independientes](#) [In the midst of COVID-19 repression continues to target independent journalists]; and *Radio Corporación*, June 6, 2020. [Policía retoma asedio contra Radio Darío en León](#) [Police begin again barricading *Radio Darío* in León].

⁸⁵ Twitter account of Aníbal Toruño (@AnibalToruno), [26 de julio de 2020](#) and [27 de julio de 2020](#) [July 26, 2020 and July 27, 2020]; *La Prensa*, July 26, 2020. [Policía Ortequista y antimotines asedian instalaciones de radio Darío, en León](#) [Pro-Ortega anti-riot police barricade office premises of *Radio Darío* in León]; *Artículo 66*, July 26, 2020. [Fidel Domínguez dirigió "nuevo asedio" de más de nueve horas contra Radio Darío](#) [Fidel Domínguez spearheaded "new barricade" on *Radio Darío* for more than nine hours]; *Artículo 66*, July 27, 2020. [Tercer día consecutivo de asedio policial contra Radio Darío, en León](#) [Third consecutive day of police barricade on *Radio Darío* in León]; *100% Noticias*, July 26, 2020. [Continúa asedio e intimidación contra Radio Darío en León](#) [Barricade and intimidation of *Radio Darío* continues in León]; and *Fundación Violeta Barrios de Chamorro*, July 25, 2020. [Policías asedian y secuestran vehículos de Radio Darío](#) [Police barricade *Radio Darío* and impound their motor vehicles].

⁸⁶ Twitter account of Aníbal Toruño (@AnibalToruno), [17 de agosto de 2020](#) [August 17, 2020]; and *Artículo 66*, August 17, 2020. [Director de Radio Darío, en León, denuncia nuevo asedio policial contra la emisora](#) [Director of *Radio Darío* in León reports new police barricade on the radio station].

⁸⁷ Twitter account of *Radio Darío* (@RadioDarioNi), [22 de agosto de 2020](#) [August 22, 2020].

⁸⁸ Twitter account of Aníbal Toruño (@AnibalToruno), [12 de septiembre de 2020](#) [September 12, 2020]; and *100% Noticias*, September 12, 2020. [Aníbal Toruño denuncia asedio policial en Radio Darío](#) [Aníbal Toruño reports police barricade on *Radio Darío*].

⁸⁹ *La Prensa*, August 1, 2020. [Policía asedia al Diario La Prensa y se toma la Catedral un día después del ataque a la capilla de la Sangre de Cristo](#) [Police barricades daily newspaper *La Prensa* and takes the Cathedral one day after attack on Blood of Christ Chapel]; and *100% Noticias*, August 1, 2020. [Sancionada Policía sandinista asedia al Diario La Prensa y Radio La Costeñísima](#) [Sanctioned Sandinista police barricades daily newspaper *La Prensa* and radio station *La Costeñísima*].

⁹⁰ *Artículo 66*, August 1, 2020. [Policía asedia Radio La Costeñísima y la casa de su jefa de prensa](#) [Police barricades radio station *La Costeñísima* and the house of its chief press officer]; and *100% Noticias*, August 1, 2020. [Sancionada Policía sandinista asedia al Diario La Prensa y Radio La Costeñísima](#) [Sanctioned Sandinista police barricades daily newspaper *La Prensa* and radio station *La Costeñísima*].

⁹¹ *Artículo 66*, September 15, 2020. [Policía de Ortega cerca el canal de televisión Notimat, de Matagalpa](#) [Pro-Ortega police fence in television station *Notimatv* of Matagalpa]; and *Notimatv*, September 16, 2020. [Asedio a Canal Notimatv](#) [Barricading TV station *Notimatv*].

⁹² *100% Noticias*, June 7, 2020. [Casa del periodista Gerall Chávez amaneció sitiada por la sancionada Policía sandinista](#) [House of journalist Gerall Chávez barricaded this morning by sanctioned Sandinista police]; *Despacho 505*, June 13, 2020. [Comisionado orteguista amenaza con encarcelar al periodista Gerall Chávez](#) [Pro-Ortega Commissioner threatens to

home of journalist Carlos Eddy Monterrey, beneficiary of precautionary measures, while he was working at the radio station *La Costeñísima*.⁹³ Likewise, the journalist Ileana Lacayo denounced that, between September 11 and 14, her home had been barricaded by police patrols.⁹⁴ Furthermore, the photojournalists Frank Cortez had been the victim of a police barricade at his home between October 20 and 23. Cortez stated that he was “in jail at home” because he had not been allowed to leave his house, although he had not been shown a court warrant.⁹⁵

57. On January 22, the journalist Joseling Rojas and the cameraman Ronald Reyes from *Canal 10* were insulted, photographed, and detained for 30 minutes by police officers when they were in Nagarote, León, providing coverage of a complaint.⁹⁶ The following day, the journalist from the same station Wilih Narváez was assaulted (kicked and pushed) by an anti-riot squad (or agents against unrest), while he was providing coverage of an event in Hotel Maracas, in Managua.⁹⁷

58. On January 30, the independent journalist of *Boletín Ecológico* David Quintana and a cameraman from *Canal 10* were shoved and expelled from the building of the Ministry of the Interior, while providing coverage of a petition that was being filed by the Permanent Commission of Human Rights (CPDH).⁹⁸ On March 3, in the framework of coverage of a mass rendering tribute to the poet Ernesto Cardenal in the Cathedral of Managua, the journalist Leonor Álvarez from *La Prensa*, the

incarcerate journalist Gerall Chávez]; and *Fundación Violeta Barrios de Chamorro*, June 8, 2020. [En medio de Covid19 continúa represión a periodistas independientes](#) [In the midst of COVID-19, repression continues to target independent journalists].

⁹³ *100% Noticias*, June 22, 2020. [Sanciona policía sandinista asedia casa de habitación del periodista Carlos Eddy Monterrey en Bluefields](#) [Sanctioned Sandinista police barricades home of journalist Carlos Eddy Monterrey in Bluefields]; *Nicaragua Investiga*, June 22, 2020. [Policía Nacional asedia a periodista y opositores en Bluefields](#) [National Police barricades journalist and dissidents in Bluefields]; and *La Costeñísima*, June 22, 2020. [Periodista Carlos Eddy Monterrey denuncia asedio policial](#) [Journalist Carlos Eddy Monterrey denounces police barricade].

⁹⁴ *La Costeñísima/Facebook*, September 12, 2020. [Asedio policial a periodista Ileana Lacayo en Bluefields](#) [Police barricade of journalist Ileana Lacayo in Bluefields]; *Artículo 66*, September 12, 2020. [Segundo día de asedio paramilitar y policial a opositores y periodistas de Nicaragua](#) [Second day of paramilitary and police barricade targeting dissidents and journalists of Nicaragua]; and *Fundación Violeta Barrios de Chamorro*. [Informe de violaciones a la libertad de prensa](#) [Report on violations of freedom of press], September 2020, p. 14.

⁹⁵ *La Prensa*, October 20, 2020. [Policía Ortequista ahora bloquea las puertas de las casas de los opositores](#) [Pro-Ortega police are now barricading doors of homes of dissidents]; *100% Noticias*, October 23, 2020. [Fotoperiodista Frank Cortez denuncia estar en casa por cárcel sin haber ninguna orden judicial](#) [Photojournalist Frank Cortez reports he is under house arrest without court warrant]; and *Fundación Violeta Barrios de Chamorro*, October 21, 2020. [Policía de Nicaragua asedia vivienda de periodista jubilado](#) [Nicaraguan police barricade home of retired journalist].

⁹⁶ *La Lupa*, January 23, 2020. [Policía ortequista golpea al periodista Wilih Narváez del Canal 10](#) [Pro-Ortega police hits journalist Wilih Narváez of Canal 10]; and *Fundamedios*, January 24, 2020. [Dos periodistas y un camarógrafo de Canal 10 fueron agredidos por la Policía nicaraquense](#) [Two journalists and one cameraman of Canal 10 assaulted by Nicaraguan Police] <https://twitter.com/nicaraguaactual/status/1220125914580815872>

⁹⁷ *La Lupa*, January 23, 2020. [Policía ortequista golpea al periodista Wilih Narváez del Canal 10](#) [Pro-Ortega police hits journalist Wilih Narváez of Canal 10]; *Fundamedios*, January 24, 2020. [Dos periodistas y un camarógrafo de Canal 10 fueron agredidos por la Policía nicaraquense](#) [Two journalists and one cameraman of Canal 10 assaulted by Nicaraguan Police]; *La Prensa*, January 23, 2020. [Antimotines agreden al periodista de Canal 10 Wilih Narváez](#) [Anti-riot police assault Canal 10 journalist Wilih Narváez]; Twitter account of Gerall Chávez, [23 de enero de 2020](#) [January 23, 2020]; and *Despacho 505*, January 23, 2020. [Cenidh condena agresión policial contra periodista de Canal 10](#) [CENIDH condemns police aggression against Canal 10 journalist].

⁹⁸ *100% Noticias*, January 30, 2020. [Agresiones a prensa independiente continúa en Nicaragua](#) [Assaults on independent press continue in Nicaragua]; *Artículo 66/Facebook*, January 30, 2020. [Guardas de seguridad sacaron a empujones del edificio público del Ministerio de Gobernación al periodista David Quintana y a un camarógrafo del canal 10](#) [Security guards pushed and shoved journalist David Quintana and a cameraman of Canal 10 out of government building of Ministry of the Interior]; and *Colectivo de Derechos Humanos Nicaragua Nunca +*, April 29, 2020. [Boletín No. 07: Deterioro de los Derechos Humanos en Nicaragua – Periodistas](#) [Bulletin No. 07: Deterioration of Human Rights in Nicaragua: Journalists].

journalist Hans Lawrence from *Nicaragua Investiga*, and David Quintana from *Boletín Ecológico* were insulted, threatened, physically attacked, and their equipment seized by pro-government persons. Quintana and Lawrence were admitted as emergency patients in a private clinic after the aggression, with the latter being re-admitted days later because of health complications in connection with the beating he had sustained.⁹⁹ As for Arnaldo Arita from *CNN* and Roberto Fletes from *Univisión*, they also had their equipment taken away.¹⁰⁰ On that occasion, the IACHR and its Special Rapporteurship condemned the violence committed by pro-government civilians and urged the state of Nicaragua to restore the freedoms of assembly, religion, press, and expression.¹⁰¹

59. On March 8, the reporter Nayel Martínez and the driver Eddy Dávila, a reporting team from the daily newspaper *La Prensa*, were detained by police officers in Boaco, who checked their papers and belongings and photographed them.¹⁰² On April 3, a group of independent journalists were prevented from entering the National Assembly when a tribute was being given to the Secretary of Foreign Affairs Jacinto Suárez. The journalists, who had been accredited for the event, were members of the reporting teams of the following media outlets: *Canal 10*, *Canal 12*, *Efe*, *CNN*, and *Voice of America (VOA)*.¹⁰³

60. Furthermore, various women journalists have received threats on social media from persons close to the Nicaraguan government. The Mesoamerican Women Human Rights Defenders Initiative sounded the alarm on April 6 about complaints it received from Nicaraguan women journalists about various attacks on them because they were exercising their profession, which included “smear campaigns and hate speech” on social media and explicit threats of sexual violence.¹⁰⁴ On March 7, the journalist Jennifer Ortiz, Director of *Nicaragua Investiga*, posted on her Twitter account the death threats she had received over the past few days because she had reported attacks

⁹⁹ *Despacho 505*, March 11, 2020. [Periodista atacado por turbas orteguistas continúa grave](#) [Journalist attacked by pro-Ortega mobs still in serious condition]; *100% Noticias*, March 13, 2020. [Reportero de Nicaragua Investiga sale del hospital bajo tratamiento médico tras golpiza de turbas sandinistas](#) [Reporter from *Nicaragua Investiga* released from hospital under medical treatment after beating by Sandinista mobs]; and *La Prensa*, March 12, 2020. [Golpiza de turbas orteguistas afectan los riñones del periodista Hans Lawrence](#) [Beating by pro-Ortega mobs damages kidneys of journalist Hans Lawrence].

¹⁰⁰ *La Prensa*, March 3, 2020. [Turbas orteguistas agreden y roban a periodistas que cubrían misa de Ernesto Cardenal](#) [Pro-Ortega mobs attack and rob journalists providing coverage of mass said for Ernesto Cardenal]; *VOA Noticias*, March 3, 2020. [Periodistas agredidos y asaltados en Managua durante sepelio del poeta Ernesto Cardenal](#) [Journalists attacked and assaulted in Managua during funeral of poet Ernest Cardenal]; and *Artículo 66*, March 4, 2020. [Periodista David Quintana denuncia agresión de la que fue víctima por parte de turba orteguista](#) [Journalist David Quintana reports aggression of which he was the victim by pro-Ortega mob].

¹⁰¹ Twitter account of the IACHR (@CIDH), [4 de marzo de 2020](#) [March 4, 2020].

¹⁰² *Voces del Sur*, March 8, 2020. [Retienen y requisan a equipo de La Prensa en Boaco](#) [Detain and search team of *La Prensa* in Boaco]; and *La Prensa*, March 8, 2020. [Policías retienen, requisan y toman fotografías a un equipo periodístico de La Prensa en Boaco](#) [Police detain, search, and take photos of team of *La Prensa* journalists in Boaco].

¹⁰³ *Nicaragua Investiga*, April 3, 2020. [Policía bloquea ingreso a la Asamblea Nacional a medios independientes](#) [Police block entry of independent media outlets into National Assembly]; and Twitter account of *Fundación Violeta Barrios de Chamorro* (@FundVioleta). [4 de abril de 2020](#) [April 4, 2020].

¹⁰⁴ Mesoamerican Women Human Rights Defenders Initiative, April 6, 2020. [#AlertaUrgente NICARAGUA / Afines al gobierno atacan a mujeres periodistas con campañas de desprestigio, discurso de odio y amenazas de violencia sexual](#) [#AlertaUrgent NICARAGUA / Government supporters attack women journalists using smear campaigns, hate speech, and threats of sexual violence].

on other journalists.¹⁰⁵ Likewise, on February 25, Aminta Ramírez, newscaster for *Canal 10*, received a threat while she was on a live broadcast criticizing actions of the police.¹⁰⁶

61. Attacks on journalists have included, in some cases, aggression against their families. The journalist Winston Potosme, who is living in exile in the United States, reported that, at dawn on April 16, persons close to the government had gone to his father's house and had assaulted him physically and inflicted serious injuries on him, and then sent threats to the journalist using his father's cell phone.¹⁰⁷ The IACHR and its Special Rapporteurship condemned the attack and reminded that the state was duty bound to prevent and investigate these incidents, punish the perpetrators, and makes sure the victims would receive adequate reparations.¹⁰⁸

62. On April 19, police officers searched, without a court order, the home of the *Notimatv* cameraman Denis Alanís Dormus in Pantasma. Alanís, who had already been threatened on prior occasions, had been detained for at least four days.¹⁰⁹ On June 17, the IACHR granted precautionary measures for the benefit of Eduardo Walter Montenegro Chavarría, his family members, and the reporting team of *Notimatv*, including Denis Alanís Dormus.¹¹⁰

63. The IACHR and its Special Rapporteurship have recorded various situations in which journalists were prevented from reporting on COVID-19. For example, on May 6, the journalists Yasser Leiva and Marcelo Conde had been detained and interrogated by intelligence police officers, when they were filming in the vicinity of a public hospital in Managua.¹¹¹

¹⁰⁵ Twitter account of Jennifer Ortiz (@ortizperiodisa), 7 de marzo de 2020 [March 7, 2020]; and *100% Noticias*, March 7, 2020. Fanáticos sandinistas amenazan a periodista Jennifer Ortiz, directora de Nicaragua Investiga [Sandinista fanatics threaten journalist Jennifer Ortiz, Director of *Nicaragua Investiga*].

¹⁰⁶ *Artículo 66*, February 27, 2020. Turbero ortequista amenaza "con meterle una estaca" a la presentadora de canal 10 Aminta Ramírez [Pro-Ortega agitator threatens *Canal 10* anchorwoman Aminta Ramírez: "We're going to drive a stake into you"]; and *Stereo Romance*, February 28, 2020. "Una estaca te vamos a meter", escribió un fanático gubernamental a periodista Aminta Ramírez ["We're going to drive a stake into you" a government supporter wrote to journalist Aminta Ramírez].

¹⁰⁷ *Despacho 505*, April 16, 2020. Turbas ortequistas golpean brutalmente a padre del periodista Winston Potosme [Pro-Ortega mobs brutally beat father of journalist Winston Potosme]; *La Prensa*, April 16, 2020. Agreden salvajemente al papá del periodista Winston Potosme en Niquinohomo [Savage beating of father of journalist Winston Potosme in Niquinohomo]; and *100% Noticias*, April 17, 2020. Periodista Winston Potosme: el ataque a mi papá fue premeditado y con "saña" política [Journalist Winston Potosme: assault on my father was premeditated and with "vicious" political intent].

¹⁰⁸ Twitter account of the IACHR (@cidh), 16 de abril de 2020 [April 16, 2020].

¹⁰⁹ *La Lupa*, April 21, 2020. Régimen recrudece el asedio y hostigamiento contra opositores en 6 días [Regime steps up barricade and intimidation of dissidents in 6 days]; *Fundamedios*, April 22, 2020. [Nicaraguan journalist's fourth day in detention]; *100% Noticias*, April 19, 2020. Sancionada Policía sandinista detiene al periodista Denis Alanís en Pantasma [Sanctioned Sandinista police arrests journalist Denis Alanís in Pantasma]; and Twitter account of *Canal 12 Nicaragua* (@canal12nica), 19 de abril de 2020 [April 19, 2020].

¹¹⁰ IACHR, Resolution No. 27/2020. Precautionary measures No. 399-20. Eduardo Walter Montenegro Chavarría y otros respecto de Nicaragua [Eduardo Walter Montenegro Chavarría and others with respect to Nicaragua]. June 17, 2020.

¹¹¹ *100% Noticias*, May 11, 2020. Periodistas nicaragüenses denuncian aumento de censura para reportar sobre COVID-19 [Nicaraguan journalists denounce rise in censorship on reporting about COVID-19]; *República 18/Facebook*, May 6, 2020. Los periodistas nicaragüenses Yasser Leiva y Marcelo Conde, reporteros de la agencia Reuters, denuncian que han sido detenidos e interrogados por civiles, por grabar en las inmediaciones del hospital Manolo Morales de Managua [Nicaraguan journalists Yasser Leiva and Marcelo Conde, reporters for Reuters news agency, denounce they have been arrested and interrogated by civilians for filming in the immediate vicinity of Manolo Morales Hospital of Managua]; and *Fundación Violeta Barrios de Chamorro*, Informe de violaciones a la libertad de prensa [Report on violations of freedom of press]. April-June 2020, p. 28.

64. Furthermore, on July 12, *Radio Corporación* reported that unidentified persons had taken copper strips from the base of the AM transmitting antenna, which meant that the AM frequency was off the air for several days.¹¹² This had already happened in September 2019, as reported by this Rapporteurship in its last annual report.¹¹³ Likewise, the community broadcasting station *Radio Camoapa* reported that, on September 5, there was an attempted sabotage of its transmission system, after they found damages in the air conditioning located in the shed where they keep their equipment. The station was forced to go off the air, dismantle its equipment, and relocate it.¹¹⁴

65. On June 24, the journalist of *Radio Única* Suyen Sánchez had been attacked by Head Commissioner Valle Corea, while she was reporting on the killing in Bluefields. According to available information, the Head Commissioner had shoved her and tried to take her cell phone away, preventing her from doing her reporting.¹¹⁵

66. According to what was reported, on July 25, the above-mentioned journalist Gerall Chávez received a death threat through a letter and a USB memory stick which was given to his family. The message stated that when he came back to Nicaragua they would “cut his tongue out” and that they would take it out on his family, whereas the video showed the cartoon of journalist being beheaded. The journalist held the “Sandinista dictatorship” responsible for having sent the threat.¹¹⁶

67. On August 21, the radio station *La Costeñísima* complained that they had a power outage between 5:00 and 7:00 am, which prevented them from broadcasting precisely when they have their morning newscast.¹¹⁷

68. According to information in the public domain, Verónica Chávez from *100% Noticias* sustained severe injuries in Masaya on October 11, after a meeting of the National Coalition. Government supporters had thrown rocks at the pickup truck in which the journalist was sitting with

¹¹² *Nicaragua Investiga*, July 12, 2020. [Radio Corporación estará fuera del aire por una semana en su frecuencia AM](#) [Radio Corporación’s AM frequency shall be off the air for one week]; *La Prensa*, July 12, 2020. [Delincuentes sabotean antena de transmisión de Radio Corporación ubicada en Tipitapa](#) [Delinquents sabotage Radio Corporación’s transmitting antenna located in Tipitapa]; and *Artículo 66*, July 12, 2020. [Sabotean las antenas de transmisión de Radio Corporación](#) [Sabotage of Radio Corporación’s transmitting antennas].

¹¹³ IACHR, *Informe Anual 2019. Informe de la Relatoría Especial para la Libertad de Expresión* [2019 Annual Report. Report of the Special Rapporteurship for Freedom of Expression]. Chapter II (Situation of Freedom of Expression in the Hemisphere). OEA/Ser.L/V/II. Doc. 5. February 24, 2020, para. 940.

¹¹⁴ *Radio Camoapa*, September 5, 2020. [Sabotaje contra Radio Camoapa la tiene fuera del aire](#) [Sabotage of Radio Camoapa keeps it off the air]; and *Artículo 66*, September 5, 2020. [Sabotaje saca del aire a Radio Camoapa](#) [Sabotage forces Radio Camoapa off the air].

¹¹⁵ *Voces del Sur*, July 24, 2020. [Comisionado Mayor de la policía agrede a periodista](#) [Head Commissioner attacks journalist]; Twitter account of CENIDH (@Cenidh), [27 de julio de 2020](#) [July 27, 2020]; and *La Prensa*, July 26, 2020. [Periodismo en Nicaragua: entre amenazas de decapitación, llevarse dos vehículos de una radio e impedir cobertura](#) [Journalism in Nicaragua: threats of beheading, impounding two motor vehicles of radio station, and obstructing coverage].

¹¹⁶ *Confidencial*, July 25, 2020. [“Te vamos a cortar la lengua”: Periodista Gerall Chávez denuncia amenazas de muerte](#) [“We’re going to cut your tongue out”: Journalist Gerall Chávez denounces death threats]; *Artículo 66*, July 25, 2020. [Ya tenés ganado un lugar en el panteón de El Rosario”, la amenaza de la dictadura en contra del periodista Gerall Chávez](#) [Dictatorship’s threat to journalist Gerall Chávez: “You’ve earned a place in El Rosario Cemetery”]; and official Twitter account of Gerall Chávez (@GerallChavez), [25 de julio de 2020](#) [July 25, 2020].

¹¹⁷ *100% Noticias*, August 21, 2020. [Cortan luz a Radio La Costeñísima al momento de la emisión de noticias este viernes](#); [Electric power outage of radio station *La Costeñísima* when Friday’s news broadcast scheduled]; and *La Prensa*, August 31, 2020. [Hostigamiento a La Costeñísima no cesa: corte eléctrico la saca del aire por unas horas](#) [Intimidation of *La Costeñísima* never ends: power outage takes it off the air for a few hours].

Miguel Mora, inflicting injuries to her head. On October 19, Miguel Mora filed a complaint for attempted murder, serious injuries, abuse of power, and failure to discharge duties to the detriment of Verónica Chávez.¹¹⁸ And on October 17 the journalist Maryórit Guevara, director of the digital media outlet *La Lupa* who is living in exile in Spain, reported that her home in Managua was labelled with the term “leaden eye.” The journalist explained that it is a phrase used by government groups as a death threat and that she had already been threatened before.¹¹⁹

69. On October 27, the journalist Noel Miranda from *Artículo 66* reported that he had been threatened by police officers while he was covering the trial of the TikToker Kevin Monzón in the immediate vicinity of the courts of Managua. According to available information, they had asked him about his work, taken photographs, and told him to stop recording or else “he would have to bear the consequences.”¹²⁰

70. Furthermore, the IACHR and its Special Rapporteurship have expressed their concern about court proceedings filed against journalists.¹²¹ On September 23, Judge Deyanira Traña, from the Local Criminal Court of Bluefields, ruled that the journalist Kalúa Salazar, Head Press Officer of *La Costeñísima*, was guilty of the crime of slander and sentenced her to paying a fine in the amount of 7,684 *córdobas*, equivalent to 120 days of work. According to available information, three former officials of the mayor’s office of El Rama had denounced the journalist after *La Costeñísima* reported incidents of corruption in said mayor’s office. The public oral hearing had been held with the attendance of a large contingent of police, preventing journalists from gaining access.¹²²

71. The journalist Elsa Espinoza from the Executive Commission of Independent Journalists and Media Workers of Nicaragua (PCIN) was accused of committing the crime of making threats by her pro-government neighbor María del Pilar Vallejos. As reported by the journalist, her neighbor had shouted “coup plotter and road blocker” and had attacked her physically and then filed a complaint against her. In view of this situation, the journalist had to move out to another house. On

¹¹⁸ *100% Noticias*, October 11, 2020. *Paramilitares agreden y hieren a Verónica Chávez de 100% Noticias en Masaya* [Paramilitary troops attack and injure Verónica Chávez of *100% Noticias* in Masaya]; *Despacho 505*, October 11. *Verónica Chávez resulta herida por turbas orteguistas protegidas por la Policía en Masaya* [Verónica Chávez injured by pro-Ortega mobs protected by police in Masaya]; and *100% Noticias*, October 19, 2020. *Miguel Mora interpone denuncia por tentativa de asesinato a su esposa y periodista Verónica Chávez* [Miguel Mora files complaint on attempted killing of his spouse and journalist Verónica Chávez].

¹¹⁹ Twitter account of Maryórit Guevara (@Maryoritgg), *17 de octubre de 2020* [October 17, 2020]; *100% Noticias*, October 17, 2020. *Periodista exiliada Maryórit Guevara denuncia amenazas de simpatizantes sandinistas* [Exiled journalist Maryórit Guevara denounces threats made by Sandinista supporters]; and *Despacho 505*, October 17, 2020. *Marcan con la palabra “plomo” la casa de la periodista Maryórit Guevara, en Managua* [The word “lead” is painted on house of journalist Maryórit Guevara in Managua].

¹²⁰ *100% Noticias*, October 27, 2020. *Periodista Noel Miranda es amenazado por oficial de la DOEP*; [Journalist Noel Miranda is threatened by DOEP official]; and *Artículo 66*, October 27, 2020. *Policía amenaza a periodista de Artículo 66* [Police threaten journalist of *Artículo 66*].

¹²¹ IACHR, Special Rapporteurship for Freedom of Expression, Press release No. 246/20. *Comunicado de Prensa No. 246/20. La CIDH y su Relatoría Especial para la Libertad de Expresión expresan preocupación por nuevas amenazas legales a la libertad de expresión y medidas indirectas contra medios y periodistas en Nicaragua* [The IACHR and its Office of the Special Rapporteur for Freedom of Expression express concern about new legal threats to freedom of expression and indirect measures against the media and journalists in Nicaragua].

¹²² *100% Noticias*, September 23, 2020. *Declaran culpable por calumnias a periodista Kalúa Salazar* [Journalist Kalúa Salazar declared guilty of slander]; *Despacho 505*, September 23, 2020. *Periodista de La Costeñísima, Kalúa Salazar, es declarada culpable por calumnias* [Journalist of *La Costeñísima* Kalúa Salazar declared guilty of slander]; and *Confidencial*, September 29, 2020. *Jueza orteguista impone 120 días de multa a la periodista Kalúa Salazar* [Journalist Kalúa Salazar given 120-day fine by pro-Ortega judge].

September 21, the trial was held, in which the judge ruled for the journalist. According to Espinoza, the trial was held to intimidate and silence the voices that were inconvenient for the regime.¹²³

72. Likewise, the journalist and director of the digital media outlet *Boletín Ecológico*, David Quintana, had been denounced for slander and libel in July, after he had interviewed a family who had been evicted. The complaint had been filed with the Fifth Criminal Court of Managua by Nelson Enrique Oporta, former cameraman of *Canal 8* and his spouse Junieth Dávila Cruz, who now occupy the property that was vacated. According to available information, the court ruled that the charge was admissible, scheduled a hearing for December 18, and restricted the journalist's right to leave the country.¹²⁴

73. William Aragón, former correspondent for *La Prensa* and member of the board of directors of Independent Journalists and Media Workers of Nicaragua, was being charged with slander and defamation, accused of reporting that a citizen had died because of COVID-19. The journalist pointed out that it was fabricated information and that he had never said anything about it.¹²⁵

74. The journalist Sergio León was charged with the offense of slander and defamation by the citizen Juana Álvarez Mayoga, after the news program "Tras la Noticia" of the radio station *La Costeñísima* disclosed statements by a mayor who had voiced his concern over the death of two persons who were suspected of having COVID-19. The journalist was summoned on May 28 to the Alternative Dispute Settlement Department (*Dirección de Resolución Alternativa de Conflictos—DIRAC*) of Bluefields and requested a rescheduling of the summons. Sergio León died on June 14 with coronavirus symptoms.¹²⁶

75. In addition, this Office has recorded many declarations smearing the press made by high-level government officials. On May 25, the government published the document entitled "To the people of Nicaragua and to the World: Report on COVID-19 and a singular strategy -White Paper," in which the media were accused of performing "information terrorism" which was being "organized in the United States." They also stated that in Nicaragua there is a "massive disinformation campaign"

¹²³ *Fundación Violeta Barrios de Chamorro*, [Informe de violaciones a la libertad de prensa](#) [Report on violations of freedom of press]. September 2020, p. 25; *Confidencial*, September 22, 2020. [Inician juicios contra periodistas nicaragüenses Elsa Espinoza y Kalúa Salazar](#) [Legal proceedings launched against Nicaraguan journalists Elsa Espinoza and Kalúa Salazar]; and *La Prensa*, August 30, 2020. [¿Quiénes son los periodistas judicializados? Conozca sus historias](#) [Who are the journalists being prosecuted? Learn about their stories].

¹²⁴ *100% Noticias*, August 17, 2020. [Camarógrafo sandinista acusa por calumnias al periodista David Quintana](#) [Sandinista cameraman accuses journalist David Quintana of libel]; *Artículo 66*, August 17, 2020. [Acusan por "injurias y calumnias" al periodista David Quintana, de Boletín Ecológico](#) [Journalist David Quintana of *Boletín Ecológico* charged with "slander and libel"]; and *100% Noticias*, November 24, 2020. [Admiten acusación, mandan a juicio y giran retención migratoria contra periodista David Quintana](#) [Charges ruled admissible, trial set, and migration ban issued against journalist David Quintana].

¹²⁵ *VOA Noticias*, June 16, 2020. [Nicaragua: denuncian procesos a periodistas que reportan sobre COVID-19](#) [Nicaragua: legal proceedings against journalists reporting about COVID-19 denounced]; and *Confidencial*, August 23, 2020. [Régimen en "ofensiva coordinada" contra cuatro periodistas](#) [Regime's "coordinated offensive" against four journalists].

¹²⁶ *Voces del Sur*, May 28, 2020. [Director de Radio La Costeñísima es acusado por injurias y calumnias](#) [Director of radio station *La Costeñísima* accused of slander and libel]; *La Prensa*, May 28, 2020. [Citan a periodista Sergio León a mediación por reportar situación del Covid-19](#); [Journalist Sergio León summoned to mediation hearing for having reported on COVID-19 situation]; and *Despacho 505*, June 14, 2020. [Fallece el periodista Sergio León, fundador de radio La Costeñísima](#) [Journalist Sergio León, founder of radio station *La Costeñísima*, dies].

and dissidents “have seen the pandemic as a great opportunity to frighten and disinform the population.”¹²⁷

76. On May 13, Rosario Murillo had accused the media of “creating pandemics of fear and hate, based on fake news” and labelled them as “small brains” and “souls possessed by the devil.”¹²⁸ Likewise, on August 21, journalists and the media were referred to as “forces of darkness.”¹²⁹ On October 21, she also accused the international press of being “the international defamation media” that “served to distract and slander.” She claimed that these media outlets were giving a voice to persons opposing the government, whom she considered to be “faces twisted by hate.”¹³⁰

77. The IACHR recalls that “the murder, kidnapping, intimidation of and/or threat 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 asserted that violence against journalists not only violates the individual dimension of the right to freedom of thought and expression, but also undermines the collective dimension of this right. Acts of violence that are perpetrated against journalists (understanding the term in the broadest sense, from a functional perspective) or media workers who are engaging in their professional activities violate the right of these individuals to express and impart ideas, opinions and information, as well as the rights of citizens and societies as a whole to seek and receive information and ideas of any nature.

B. Political Control of and Improper Interference in the Media

78. The IACHR and its Special Rapporteurship point out that equipment and office premises of *Confidencial*, *Niú*, *Esta Semana* and *Esta Noche*, and *100% Noticias* continue to be confiscated since December 2018. Although, on January 9, a judge of the Supreme Court of Justice declared that there would be a draft judgment on confiscated media and that it would be issued “promptly,”¹³¹ the Court has not yet ruled on the appeals filed on constitutional grounds (*amparo*).

79. Furthermore, on October 15, the Law Regulating Foreign Agents was approved, requiring physical persons or legal entities directly or indirectly funded by foreign governments,

¹²⁷ Despacho 505, May 25, 2020. *Libro Blanco de Rosario Murillo sobre Covid-19 es un ataque a medios de comunicación* [White Paper on COVID-19 by Rosario Murillo is attack on media]; and *Confidencial*, May 25, 2020. *Las mentiras del Gobierno en el “Libro Blanco” sobre la covid-19* [Government lies in the White Paper on COVID-19].

¹²⁸ Despacho 505, May 13, 2020. *“Almas endemoniadas” y “cerebros pequeñitos”, Murillo arremete contra la prensa independiente* [“Souls possessed by the devil” and “small brains,” Murillo lashes out against independent press]; and *La Lupa*, May 13, 2020. *Rosario Murillo despotrica contra periodistas y medios independientes* [Rosario Murillo rants against independent journalists and media].

¹²⁹ Artículo 66, August 21, 2020. *Rosario Murillo califica de “fuerzas de las tinieblas” a periodistas y medios de comunicación* [Rosario Murillo calls journalists and media “forces of darkness”].

¹³⁰ Despacho 505, October 21, 2020. *Murillo ataca a la prensa internacional: “Son medios de difamación”* [Murillo attacks international press: “They are slanderous media”]; and *Nicaragua Actual/You Tube*, October 21, 2020. *Murillo arremete contra la Prensa Internacional que no comparte su discurso* [Murillo lashes out against international press that does not agree with her narrative].

¹³¹ *100% Noticias*, January 9, 2020. *Magistrado sandinista dice que existe un proyecto de sentencia sobre medios confiscados: 100% Noticias y Confidencial* [Sandinista judge says there is a draft judgment on confiscated media outlets *100% Noticias* and *Confidencial*]; and *La Prensa/You Tube*, January 9, 2020. *Magistrado orteguista habla sobre proyecto de sentencia a medios confiscados* [Pro-Ortega judge talks about a draft judgment on confiscated media outlets].

agencies, foundations, companies, or associations to be registered as “foreign agents.” This entails the obligation of submitting reports and the impossibility of intervening in domestic policy matters or “being a government official, civil servant, or candidate for public office.” Finally, in response to noncompliance, it provides for the possibility of charging fines, termination of legal status, criminal liability for the perpetration of crimes against the security of the state, and even the intervention of moveable and real estate property and the banning of activities.¹³²

80. Thus, the norm could seriously undermine the exercise of the right to freedom of expression and the survival of various independent media outlets in Nicaragua, which receive funding from international cooperation. This is taking place in the context of a human rights crisis, in which these media outlets are excluded from access to government advertising and suffer from various restrictions by the state. Likewise, as indicated by the present office in its latest reports, in Nicaragua there is a duopoly of television and radio communication, where most media are under the political control of the president’s family or pro-government businesspersons.

C. Direct and Indirect Censorship

81. According to available information, in February the General Customs Services Office (*Dirección General de Aduanas—DGA*) authorized the return of printing supplies to the newspaper *La Prensa*, which were held in customs for 75 weeks.¹³³ As reported by the Rapporteurship in its annual report for 2019, in response to this customs embargo, *La Prensa* was forced to reduce the number of pages of its paper and to change its format, and its newsroom was downsized to a smaller number of journalists.¹³⁴ In a letter sent in May to Nicaragua, the present Rapporteurship, along with the UN’s Special Rapporteurs, voiced their concern over this situation.

82. The present Special Rapporteurship was informed about an embargo on *Nicavisión S.A.*, a company owned by *Canal 12*, for allegedly owing the revenue service 21 million *córdobas*. According to available information, on September 11, the Third Judge for Execution and Embargos of the Municipality of Managua appeared at the central studios of *Canal 12* to proceed with the seizure of their assets, because of a direct request from the General Revenue Service Administration (*Dirección General de Ingresos—DGI*). The assets being seized included a bank account, a television antenna, and other assets of *Canal 12*, as well as motor vehicles and properties belonging to Mariano Valle, the owner of *Nicavisión S.A.*, and would have largely exceeded the amount being claimed. Valle stated that they did not owe the tax amounts being charged, that it involves an unfair and arbitrary penalty, and that it constitutes “an attempt at confiscation.”¹³⁵ On September 16, *Nicavisión* filed a motion of appeal to challenge the embargo. Nevertheless, on September 30, a hearing was held in

¹³² VOA Noticias, October 16, 2020. *Nicaragua: Aprueban polémica Ley de Agentes Extranjeros* [Nicaragua: Controversial Law on Foreign Agents adopted]; and Artículo 66, October 15, 2020. *Diputados orteguistas aprobaron sin discutir ni analizar los artículos de la Ley de Agentes Extranjeros* [Pro-Ortega congresspersons adopted articles of Law on Foreign Agents without debate or analysis].

¹³³ *Nicaragua Investiga*, February 6, 2020. *Papel y tinta llegarán a La Prensa después de 75 semanas retenidos en Aduana* [Paper and ink shall be delivered to *La Prensa* after 75 weeks embargoed in customs]; and *La Prensa*, February 5, 2020. *Comunicado de la Junta Directiva de Editorial LA PRENSA* [Press release from the Board of Directors of Publisher *La Prensa*].

¹³⁴ IACHR, *Informe Anual 2019. Informe de la Relatoría Especial para la Libertad de Expresión* [2019 Annual Report. Report of the Special Rapporteurship for Freedom of Expression]. Chapter II (Situation of Freedom of Expression in the Hemisphere). OEA/Ser.L/V/II. Doc. 5. February 24, 2020, para 953.

¹³⁵ *Despacho 505*, September 12, 2020. *Canal 12 confirma embargo de sus instalaciones y bienes de su propietario*; and *Confidencial*, September 15, 2020. *Mariano Valle: “Me quieren confiscar Canal 12”* [Mariano Valle: “They want to seize *Canal 12* from me.”].

which Judge Silvia Elena Chica Larios dismissed the defense submitted by *Nicavisión* and ruled that it must pay the amount owed, which was appealed by the company on October 9.¹³⁶

83. On October 4, *Canal 12* informed that the DGI again imposed an additional tax penalty, amounting to 7 million *córdobas*, and that, on October 5, they filed an appeal against the penalty.¹³⁷ The DGI had also imposed a tax penalty on *Canal 10* in the amount of 110 million *córdobas*¹³⁸ and a tax penalty on *100% Noticias* for more than 7 million *córdobas*, which would pertain to the period in which the media outlet was confiscated.¹³⁹ On this specific matter, on October 7, the IACHR and its Special Rapporteurship have voiced their concern over the imposition of tax penalties against media outlets.¹⁴⁰

84. Furthermore, on October 4, the independent radio station *Stereo Romance* of Carazo reported that, because of the “stifling financial situation” and absence of financial support, it was forced to reduce its supply of news, suspending the hourly micro newscasts of *Noticias Romance* and posting news on its website.¹⁴¹

85. The IACHR and the Special Rapporteur recall that Principle 13 of the OAS Declaration of Principles on Freedom of Expression establishes the following: “The exercise of power and the use of public funds by the state [...], with the intent to put pressure on and punish or reward and provide privileges to social communicators and communications media because of the opinions they express threaten freedom of expression, and must be explicitly prohibited by law. 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.”

D. Access to Public Information

¹³⁶ *La Prensa*, September 16, 2020. [*Abogados de Canal 12 recurren a los juzgados para pedir impugnar el embargo impuesto por la DGI*](#) [Attorneys of *Canal 12* file appeal with courts to challenge embargo imposed by DGI]; and *Confidencial*, October 1, 2020. [*Jueza orteguista mantiene embargo millonario a Canal 12 y amenaza con subasta*](#) [Pro-Ortega judge upholds million-dollar embargo on *Canal 12* and threatens to auction assets].

¹³⁷ *100% Noticias*, October 4, 2020. [*DGI impone otro cobro fiscal a canal 12 de Nicaragua*](#) [DGI levies another tax on *Canal 12* of Nicaragua]; and *La Prensa*, October 6, 2020. [*Abogado de Canal 12 interpone escrito de oposición y recusa a jueza que desestimó pruebas*](#) [Attorney of *Canal 12* files brief challenging ruling and recuses judge who dismissed evidence].

¹³⁸ *Nicaragua Investiga*, September 12, 2020. [*DGI ejecuta embargo contra Canal 12 y ordena reparo a Canal 10*](#) [DGI executes embargo on *Canal 12* and orders tax penalty against *Canal 10*]; and *VOA Noticias*, September 12, 2020. [*Gobierno de Ortega ordena embargo de canal televisivo de Nicaragua*](#) [Ortega administration orders embargo on television station of Nicaragua].

¹³⁹ Official Twitter account of Miguel Mora (@MoraMiguel100), [5 de septiembre de 2020](#) [September 5, 2020]; and *La Prensa*, September 5, 2020. [*Gobierno le cobra 8 millones de córdobas a Miquel Mora por canal que le confiscaron*](#) [Government charges Miguel Mora 8 million *córdobas* for station it confiscated].

¹⁴⁰ IACHR, Special Rapporteurship for Freedom of Expression, Press release No. 246/20. [*Comunicado de Prensa No. 246/20. La CIDH y su Relatoría Especial para la Libertad de Expresión expresan preocupación por nuevas amenazas legales a la libertad de expresión y medidas indirectas contra medios y periodistas en Nicaragua*](#) [The IACHR and its Office of the Special Rapporteur for Freedom of Expression express concern about new legal threats to freedom of expression and indirect measures against the media and journalists in Nicaragua].

¹⁴¹ *Stereo Romance*, October 3, 2020. [*Comunicado oficial de suspensión multimedia*](#) [Official communiqué on multimedia suspensión]; and *La Prensa*, October 4, 2020. [*Radio Stereo Romance dejará de publicar noticias en su sitio web por la “asfixiante situación económica”*](#) [*Stereo Romance* radio will stop broadcasting news on its website because of “stifling economic situation”].

86. On May 27, the IACHR and its Special Rapporteurships (RFOE and ESCER) expressed serious concern over the absence of reliable information and the persistence of government disinformation on the scope of the COVID-19 pandemic in Nicaragua.

87. The IACHR and its Special Rapporteurships have noted that the information provided by the Nicaraguan government throughout the pandemic has been confusing, nonspecific, and unreliable. Because it does not use medical terminology, it does not clearly specify the number of persons infected, those having recovered, and those deceased, and in some cases the provenance of infected persons is not mentioned.¹⁴²

88. The Rapporteurship observes that, since the beginning of the pandemic, various independent investigations have been conducted questioning official figures. In effect, the COVID-19 Citizens Observatory has reported a significantly higher number of confirmed cases and in August pointed out that the Ministry of Health had concealed between 64% and 98% of positive cases.¹⁴³ On the basis of a review of excess mortality, the Nicaraguan Medical Association established that, by August 31, health authorities had reported only 2% of deaths associated with COVID-19, as excess death counts provide evidence for 7,569 deaths, whereas official figures show that there are only 155.¹⁴⁴

89. In addition, on August 17, the hacking group called “Anonymous” hacked into the Ministry of Health (*Ministerio de Salud—MINSa*) and leaked 400 files, revealing that MINSa had concealed 6,245 positive COVID-19 cases between March 18 and July 24.¹⁴⁵

90. According to available information, the Ministry of Health had suspended, on two occasions, the epidemiological bulletin on its website which gathers data on cases and deaths from endemic diseases in the country. On the first occasion, MINSa stopped posting the bulletin for seven weeks without providing any explanation, then published the report for week No. 21 late. Since then, it has not posted any of the reports on its website.¹⁴⁶

¹⁴² *La Prensa*, April 12, 2020. *Minsa esconde información del Covid-19 y también presenta datos confusos* [MINSa conceals information about COVID-19 and also presents confusing data]; and *Despacho 505*, April 21, 2020. *Delicado, pero estable: Manipulación detrás del glosario del Minsa para el manejo del Covid-19* [Delicate but stable: Tampering with MINSa glossary for management of COVID-19].

¹⁴³ *Confidencial*, April 26, 2020. *Registro independiente eleva a 316 los casos sospechosos de covid-19* [Independent registry increases the number of suspected cases of COVID-19 to 316]; *Confidencial*, April 24, 2020. *Aumentan denuncias de casos de covid-19 no reportados por el Minsa* [Increase in number of reports of COVID-19 cases not reported by MINSa]; *La Prensa*, April 23, 2020. *Especialistas dudan de las cifras del Minsa sobre Covid-19 en Nicaragua* [Experts question MINSa figures on COVID-19 in Nicaragua]; and *Despacho 505*, August 22, 2020. *Minsa oculta cifras de contagio del Covid-19 en Nicaragua denuncia el Observatorio Ciudadano* [Citizens Observatory denounces MINSa's concealment of COVID-19 infection figures].

¹⁴⁴ *Confidencial*, October 23, 2020. *Más de 7500 muertos por covid-19: Minsa oculta 98 por ciento de fallecidos* [More than 7,500 dead from COVID-19: MINSa conceals 98% of deceased persons]; and *100% Noticias*, October 27, 2020. *Críticas en Nicaragua por subregistro de casos de Covid-19* [Criticism in Nicaragua for under-reporting of COVID-19 cases].

¹⁴⁵ *Global Voices*, August 31, 2020. *Ataque informático de Anonymous revela datos ocultos del Gobierno sobre casos de COVID-19 en Nicaragua* [Anonymous group hack reveals hidden government data about COVID-19 cases in Nicaragua]; and *Artículo 66*, August 19, 2020. *Datos filtrados por Anonymous revelan que el Observatorio Ciudadano se quedó corto en las cifras de Covid-19* [Data leaked by hacking group Anonymous reveal that Citizens Observatory fell short when calculating COVID-19 figures].

¹⁴⁶ *Confidencial*, August 29, 2020. *Aumentan dengue y malaria, y el Minsa sigue sin publicar el boletín epidemiológico* [Dengue fever and malaria increase and MINSa still does not publish epidemiological bulletin]; and *La Lupa*, June 22, 2020. *¿Cómo afecta la publicación tardía del boletín epidemiológico?* [What is impact of publishing epidemiological bulletin late?].

91. As for the Pan American Health Organization (PAHO), it has repeatedly expressed its concern over the absence of detailed information in Nicaragua, which does not make it possible to assess the situation correctly. It has recognized that it is required to resort to unofficial sources to understand what is happening in the country.¹⁴⁷

92. Likewise, on social media a large number of fake news had been disseminated using the names and logos of independent media outlets and pretending that they were published by those outlets, thereby creating confusion.¹⁴⁸

93. According to available information, the Ministry of Health (MINSa) did not allow independent media outlets and journalists access to its daily press briefings. These press conferences have been extremely brief¹⁴⁹ and only permit entry to pro-government media outlets, without the option of asking questions.¹⁵⁰ In addition, on March 24, the then Minister of Health Carolina Dávila cancelled an interview with *Canal 10* without providing any explanation.¹⁵¹

94. Furthermore, at least 16 physicians were dismissed because they had provided information on the evolution of the COVID-19 pandemic and criticized the government's handling of it.¹⁵² For example, Carlos Quant, head of the infectious diseases unit of the Mano Morales Public Hospital, reported that he was dismissed on June 4 as a political retaliation for having made recommendations to the population that were contrary to the government's narrative and for having

¹⁴⁷ *Confidencial*, May 12, 2020. *OPS: Escasa información del Minsa "no permite análisis adecuado" sobre covid-19* [PAHO: Scant information from MINSa "does not make it possible to adequately assess" COVID-19]; and *Artículo 66*, July 21, 2020. *OPS reconoce que se quita por "fuentes no oficiales para entender qué pasa en Nicaragua" con el Covid-19* [PAHO recognizes it is steered by "unofficial sources to understand what is happening in Nicaragua" with respect to COVID-19].

¹⁴⁸ *Confidencial*, May 10, 2020. *Repunte de desinformación oficial busca "generar temor y control"* [Upsurge of official disinformation aims to "create fear and control"]; and *La Prensa*, May 8, 2020. *Orteguismo inunda redes sociales con noticias falsas cuando crecen reportes de casos de Covid-19* [Pro-Ortega forces flood social media with fake news when reports of COVID-19 cases increase].

¹⁴⁹ *Despacho 505*, April 27, 2020. *Sin reportar nuevos casos, el Minsa reduce información sobre el Covid-19 a 17 palabras* [Without reporting any new cases, MINSa reduces information on COVID-19 to 17 words]; and *Confidencial*, July 7, 2020. *Informe "expres" del Minsa solo admite ocho fallecidos por covid-19 en últimos siete días* ["Express" report from MINSa only admits to eight dead from COVID-19 over last seven days].

¹⁵⁰ *100% Noticias*, March 19, 2020. *Periodistas Independientes demandan a dictadura Ortega Murillo libre acceso a la información de parte del MINSa* [Independent journalists call upon Ortega-Murillo dictatorship to allow access to MINSa information]; and *VOA Noticias*, August 14, 2020. *Periodistas en Nicaragua sortean amenazas y falta de transparencia para informar en pandemia* [Journalists in Nicaragua navigate threats and absence of transparency to report on pandemic].

¹⁵¹ *Confidencial*, March 24, 2020. *Ministra de Salud evade entrevista con medios independientes* [Minister of Health evades interview with independent media outlets].

¹⁵² *La Prensa*, June 13, 2020. *Dictadura ha sacado del sistema de salud a al menos 16 médicos especialistas durante la pandemia* [Dictatorship has dismissed at least 16 specialist physicians from health system during pandemic]; and *14 y medio*, June 14, 2020. *En Nicaragua, 16 doctores despedidos por reclamar equipos de bioseguridad* [In Nicaragua, 16 physicians dismissed because they requested biosafety equipment].

questioned the measures adopted in the pandemic.¹⁵³ The members of the Nicaraguan Medical Unit denounced a harassment and smear campaign by the government and related sectors.¹⁵⁴

95. Various physicians had reported as well that they were required by the Ministry of Health to modify death certificates so that there would be no mention that the persons had died because of COVID-19.¹⁵⁵ For example, the family of the journalist Gustavo Bermúdez who allegedly died of COVID-19 asserted that the death certificate described the cause of death as “severe atypical pneumonia,” although his COVID-19 test showed that he was positive.¹⁵⁶ In addition, the Nicaraguan Medical Unit reported that there was a “policy of repression” and “extreme surveillance” over the physicians to “prevent giving real information about the number of coronavirus cases and deaths.”¹⁵⁷

96. Likewise, the Citizens Observatory for COVID-19 has expressed its concern about the recent adoption of the Special Law on Cybercrimes, which would qualify the dissemination of non-official health information as an offense.¹⁵⁸

97. In the current context, the Special Rapporteurship has highlighted the importance for communities to have public information readily available in order to save lives, adopt precautions, and monitor the government’s response from all standpoints. Regarding this, the IACHR reminds the state of Nicaragua that Principle 4 of the IACHR Declaration of Principles on Freedom of Expression establishes the following: “Access to information held by the state is a fundamental right of every individual. States have the obligation to guarantee the full exercise of this right. This principle allows only exceptional limitations that must be previously established by law in case of a real and imminent danger that threatens national security in democratic societies.”

E. Internet and Freedom of Expression

98. According to available information, the two official YouTube channels of *100% Noticias* had been the victims of a cyberattack which led to their shutdown. On March 5, YouTube had

¹⁵³ VOA Noticias, June 5, 2020. *Gobierno de Nicaragua despidió a médicos que critican falta de medidas por COVID-19* [Nicaraguan government dismisses physicians who criticize absence of COVID-19 measures]; and *100% Noticias*, June 4, 2020. *Despiden al infectólogo Carlos Quant del Hospital Roberto Calderón por cuestionar mal manejo del régimen Ortega-Murillo a pandemia del covid-19* [Infectious disease physician Carlos Quant dismissed from Roberto Calderón Hospital for questioning Ortega-Murillo regime’s mismanagement of COVID-19 pandemic].

¹⁵⁴ *Confidencial*, June 18, 2020. *Médicos denuncian “campaña de acoso” por parte del Gobierno* [Physicians denounce government’s “campaign of intimidation”].

¹⁵⁵ *Despacho 505*, June 11, 2020. *Médicos son obligados a cambiar la causa de muerte en las actas de defunción* [Physicians required to change cause of death on death certificates]; *La Prensa*, May 12, 2020. *Casos de Covid-19 disfrazados como neumonías en Nicaragua* [In Nicaragua COVID-19 cases are disguised as pneumonia]; and *Artículo 66*, Director of Masaya Hospital: *“Todo lo que es neumonía atípica, es por el virus Covid-19”* [“Any atypical pneumonia is because of the COVID-19 virus”].

¹⁵⁶ *Confidencial*, May 27, 2020. *Familia del periodista Gustavo Bermúdez denuncia: cambiaron acta de defunción para ocultar covid-19* [Family of journalist Gustavo Bermúdez reports that death certificate was changed to conceal COVID-19]; and *Nicaragua Investiga*, May 27, 2020. *Familia del periodista Gustavo Bermúdez denuncia irregularidades en acta de defunción* [Family of journalist Gustavo Bermúdez denounces irregularities in death certificate].

¹⁵⁷ EFE Agency, September 10, 2020. *Unidad Médica denuncia vigilancia extrema por datos de la Covid-19 en Nicaragua* [Medical Unit denounces extreme surveillance over COVID-19 data in Nicaragua].

¹⁵⁸ *Confidencial*, October 31, 2020. *Observatorio Ciudadano COVID-19 teme a la Ley Mordaza* [Citizens Observatory on COVID-19 fears Gag Rule]; and *Despacho 505*, October 31, 2020. *Nicaraguenses seguirán a ciegas frente Covid-19: Ley mordaza criminalizará información de salud no oficial* [Nicaraguans shall carry on blindly with respect to COVID-19: Gag Rule shall criminalize non-official health information].

notified the broadcasting station that it would be closing its accounts because of copyright violations that had been reported by various government media, in response to the publication of images of speeches delivered by the President. Miguel Mora, Director of *100% Noticias*, informed that this does allow its employees to have access to the media outlet's video files, which include images of government repression.¹⁵⁹ On June 28, Miguel Mora announced that one of the YouTube channels had been reinstated.¹⁶⁰

99. Furthermore, on October 27, the Rapporteurship was informed of the adoption of the Special Law on Cybercrimes, which shall enter into force on December 29.¹⁶¹ Among its objectives, the statute establishes the following: “the prevention, investigation, prosecution, and punishment of crimes committed using information and communication technologies” which are defined as “a series of communication media and information applications that make it possible to take, produce, reproduce, transmit, store, process, treat, and represent information.”

100. In Article 30, the Law provides for the use of criminal law to punish actions that would be deemed the legitimate exercise of the right to freedom of expression, because it would qualify as an offense the publication and dissemination of “false and/or distorted information” when said information “produces alarm, fear, unrest,” undermines “honor, prestige, or reputation,” or “instigates hate or violence, jeopardizes economic stability, public law and order, public health, or sovereign security.” The Rapporteurship observes that the article would not pass the tripartite test of legality, necessity, and proportionality. In the three cases, prison sentences and fines are envisaged, which is clearly disproportional. Because of the open drafting of this article, which would not meet the minimum standards required by the principle of strict legality, the present office understands that there is a real risk that this provision shall have a chilling effect on the free circulation of information and ideas in the country. In addition, criminalizing false or distorted information is a matter of great concern, bearing in mind that the Rapporteurship has already recommended to the states “to avoid using criminal law tools, such as the creation of new broad and ambiguous criminal offenses to typify the phenomenon of disinformation.”¹⁶² This is of special concern in a context in which high-level authorities are constantly accusing the media of disseminating fake news.

101. According to available information, six government-controlled institutions and the directors of government-controlled media outlets were consulted about the draft bill of law. Nevertheless, there were no journalists from independent media outlets who participated.¹⁶³

¹⁵⁹ *CPJ*, May 8, 2020. [YouTube censura a medios independientes nicaraquenses a raíz de las quejas sobre violación del derecho de autor de medios propiedad de Ortega](#) [YouTube censors independent Nicaragua media for complaints on violation of copyright of media outlets owned by Ortega]; and *La Prensa*, March 6, 2020. [“Bots Sandinistas” tumban página de canal 100% Noticias en Youtube, denuncian periodistas](#). [Journalists denounce “Sandinista bots” crashing web page of TV station *100% Noticias* on YouTube].

¹⁶⁰ Official Twitter account of Miguel Mora (@MoraMiguel100), [28 de junio](#) [June 28].

¹⁶¹ *La Prensa*, October 27, 2020. [Orteguismo aprueba la Ley de Cibercrimes que atenta contra la libertad de expresión](#) [Ortega administration enacts Law on Cybercrimes undermining freedom of expression]; and *100% Noticias*, October 30, 2020. [Publican Ley Mordaza en la Gaceta, entrará en vigencia el 29 de diciembre](#) [“Gag Rule” law published in official gazette, coming into force on December 29].

¹⁶² IACHR, Special Rapporteurship for Freedom of Expression. [Guía para garantizar la libertad de expresión frente a la desinformación deliberada en contextos electorales](#) [Guide to guarantee freedom of expression regarding deliberate disinformation in electoral contexts]. October 2019.

¹⁶³ *Confidencial*, October 17, 2020. [Asamblea orteguista “consulta” la “Ley Mordaza” con medios oficialistas](#) [Pro-Ortega Assembly holds “consultations” on the “Gag Rule” law with ruling party media outlets]; and *Despacho 505*, October 7, 2020. [Régimen se autoconsulta para aprobar “Ley Mordaza”](#) [Regime consults itself to adopt “Gag Rule” Law].

102. Various civil society organizations and journalists have voiced their concern over the adoption of the present law, which has been called the “Gag Rule,” asserting that it is specifically aimed at independent journalists and citizens who express themselves on Internet, for the purpose of silencing them. In addition, they have pointed out the possibility that the number of journalists living in exile for fear of being targeted by criminal proceedings because they are doing their job shall grow.¹⁶⁴

103. The Special Rapporteurship recalls that human rights, especially the right to freedom of expression, have found in the Internet a unique instrument to deploy their huge potential in broad sectors of the population. The relevance of the Internet as a platform for the enjoyment and exercise of human rights is directly connected to the web’s architecture and the principles governing it, among which the principle of openness, decentralization, and neutrality.¹⁶⁵

104. It also reiterates that Principle 5 of the IACHR Declaration of Principles on Freedom of Speech points out the following: “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.”

IV. SITUATION OF ECONOMIC, SOCIAL, CULTURAL, AND ENVIRONMENTAL RIGHTS (ESCER)

105. Regarding economic, social, cultural, and environmental rights (ESCER), the Commission and its Special Rapporteurship on economic, social, cultural, and environmental rights (SRESCER) have been continuously monitoring the situation of their full guarantee and protection in Nicaragua. In particular, this year, the Commission and its SRESCER monitored the human rights violations stemming from the Nicaraguan state’s response to the COVID-19 pandemic as examined below.

106. In connection with the right to health, on April 8, 2020, the Commission and its SRESCER voiced concern over the failure to adopt prevention measures against COVID-19 infections, as established by the World Health Organization (WHO), among them: physical distancing, suspension of mass events, closing of schools or any place for the holding of mass events, as well as measures for the management, monitoring, and prevention of infectious diseases.¹⁶⁶ On the contrary, according to public information, state authorities had reportedly called for demonstrations, mass rallies, events, festivals, and even religious celebrations to be held. For example, the Ministry of Education reportedly

¹⁶⁴ *Despacho 505*, October 28, 2020. *Ley mordaza empujará al exilio a más periodistas nicaragüenses, advierte PCIN* [PCIN notes that “Gag Rule” Law shall force more Nicaraguan journalists into exile]; *Confidencial*, October 26, 2020. *Periodistas ante Ley Mordaza: No nos callarán* [Journalists respond to “Gag Rule” Law: We shall not be silent]; and *Fundación Violeta Barrios de Chamorro*, October 1, 2020. *Foro de la Prensa Independiente de Nicaragua: ¡No a la Ley Mordaza!* [Forum of Independent Press of Nicaragua: No to “Gag Rule” Law!].

¹⁶⁵ IACHR, Office of the Special Rapporteur for Freedom of Expression. “Freedom of expression and the Internet.” OEA/Ser.L/V/II. CIDH/RELE/INF. 11/13, December 31, 2013; and IACHR, Special Rapporteurship for Freedom of Expression. “Standards for a free, open, and inclusive Internet.” OEA/Ser.L/V/II CIDH/RELE/INF.17/17. March 15, 2017.

¹⁶⁶ IACHR, CIDH y su REDESCA expresan seria preocupación por la situación de los derechos humanos en el contexto de la respuesta a la pandemia por COVID-19 en Nicaragua [IACHR and OSRESCER express serious concern about the human rights situation during the response to the COVID-19 pandemic in Nicaragua], April 8, 2020.

called on teachers and students to hold a mass demonstration in Jinotepe on March 17; it then announced school vacations between April 4 and 20 for students, and between April 4 and 17 for teaching and administrative staff. As was indicated, said decision was taken for the purpose of encouraging families to travel to the country's tourist sites. The Ministry of Labor and the National Committee for Free Trade Zones permitted civil servants to go on holiday between April 4 and 15. As for the Nicaraguan Tourism Board it publicized large-scale events around the Carazo Summer Carnival, beginning on April 3.¹⁶⁷

107. On May 27, 2020, the state of Nicaragua forwarded to the IACHR the "Nicaragua White Paper on the COVID-19 Pandemic: A Singular Strategy,"¹⁶⁸ which contains a review of public policies "providing a vision of Nicaragua's health model as a model that is unique in the world based on the country's reality and conditions." In this model, the state ensured the promotion of "a strategy striking a balance between the Pandemic and the Economy, vigorously combating the Coronavirus and COVID-19 without shutting down our economy." According to the state, said policy was "based on the fact that 40% of the population lives in the countryside and 80% of workers in urban areas belong to the informal sector and make a living day by day." At the same time, it was aimed at promoting the "economic recovery of an economy undermined by the attempted overthrow of the state in April 2018, which continues to be attacked by fake news and disinformation campaigns, as well as unlawful coercive measures."¹⁶⁹

108. According to information provided by the state, when the World Health Organization (WHO) declared on January 30, 2020 that the COVID-19 outbreak was a Public Health Emergency of International Concern (PHEIC), Nicaragua set up an inter-agency commission. In addition, on February 9, the MINSa announced a "Preparedness and Response Protocol to Address the Risk of the Coronavirus (COVID-19) in Nicaragua." Said protocol designated "19 hospitals to be specialized in COVID-19, one of them, the Nicaraguan German Hospital (*Alemán Nicaragüense*), exclusively for respiratory diseases; it planned preparing primary healthcare units to tackle respiratory problems nationwide, training public and private staff, and purchasing protection equipment. Nicaragua had also established contact tracing capacity. Thus, Nicaragua was prepared before the appearance of the first COVID-19 case in the country on March 18."¹⁷⁰

109. As for the Nicaragua COVID-19 Citizen Observatory (*Observatorio Ciudadano COVID-19 Nicaragua*), it reported that the White Paper was published in May, that is, not until two months after the first case was reported in Nicaragua on March 18, 2020. According to information received, this publication tried to justify, in the eyes of the international community, the Nicaraguan state's

¹⁶⁷ IACHR, [CIDH y su REDESCA expresan seria preocupación por la situación de los derechos humanos en el contexto de la respuesta a la pandemia por COVID-19 en Nicaragua](#) [IACHR and OSRESCER express serious concern about the human rights situation during the response to the COVID-19 pandemic in Nicaragua], April 8, 2020.

¹⁶⁸ Ministry of Foreign Affairs, Note MRE/DM-DMC/DGAJST/00168/05/2020, May 27, 2020.

¹⁶⁹ Office of the President of the Republic of Nicaragua, Office of the Private Secretary for Domestic Policy, "Informe sobre el COVID-19 y una Estrategia Singular – Libro Blanco" [Nicaragua White Paper on the COVID-19 Pandemic: A Singular Strategy], May 2020, p. 2.

¹⁷⁰ The State of Nicaragua pointed out that, among other actions, as part of the Protocol designed by MINSa in response to the Coronavirus and COVID-19, responsible and careful services and monitoring were provided in Nicaragua to 470 persons suspected of having the virus, or who had been in contact with confirmed cases, in the country. Likewise, "more than 42,000 international travelers were subjected to surveillance for 21 days in order to detect possible COVID-19 cases. More than 4.6 million house-to-house visits for educational purposes were made in a country of 6.2 million inhabitants, by 98,224 volunteers, in order to promote family and community health." Office of the President of the Republic of Nicaragua, Office of the Private Secretary for Domestic Policy, "Informe sobre el COVID-19 y una Estrategia Singular – Libro Blanco" [Nicaragua White Paper on the COVID-19 Pandemic: A Singular Strategy], May 2020. Executive Summary.

handling of the health crisis, as well as its decision to ignore the recommendations made by specialized international organizations. Nevertheless, civil society organizations indicated that the state did not substantiate or publicly release the analysis conducted to adopt the “equilibrium strategy” put in place to strike a balance between economic impacts and health impacts.¹⁷¹ Furthermore, since the beginning of the pandemic, there have been persistent reports about the tampering and concealment of information on the evolution of the infection, the call for holding mass events, disinformation campaigns to the people about the pandemic, among other incidents that turned out to contradict the strategy being followed.¹⁷²

110. Although the Commission and its Special Rapporteurship acknowledged that there was a “Preparedness and Response Protocol to Address the Risks of the Coronavirus” drawn up by government authorities and approved by specialized organizations, civil society organizations also denounced that said protocol was solely aimed at standardizing the actions of health personnel dealing with the pandemic. Therefore, it turned out to be insufficient to provide Nicaraguan families with guidelines, both for preventive actions and for addressing a potential scenario in which the country’s capacities would be overwhelmed.¹⁷³ The IACHR urges the state to check whether or not the adoption of said protocol complies with the standards of the inter-American human rights system. In particular, the state must ensure the design of an action plan that steers the procedures to be followed for preventing, detecting, treating, controlling, and monitoring the pandemic on the basis of the best scientific evidence and the human right to health. These procedures must be transparent, independent, participatory, clear, and inclusive.¹⁷⁴

111. Furthermore, other specialized international organizations questioned Nicaragua’s reaction to the health crisis; in particular its handling of infection and mortality figures has been a subject of deep concern. Regarding this, the PAHO indicated that the Nicaraguan government “has not provided many details” about the pandemic’s impact on the Central American nation, as a result of which it requested information on the infection figures, the locations of the outbreaks, and the age of the victims. Nevertheless, to date since the PAHO declaration, the information requested has not been received.¹⁷⁵

¹⁷¹ Report of the Observatorio Ciudadano COVID-19 Nicaragua (Citizen Observatory) and International Network of Human Rights (RIDH) to the 68th Session of the UN Committee on Economic, Social and Cultural Rights, “The Lack of Information, Prevention and Medical Treatment in the COVID-19 Crisis in Nicaragua” (Articles 12 and 7 of the Covenant),” August 2020.

¹⁷² For example, a campaign identifies COVID-19 as the “Disease of Rich and Bourgeois People” and “Divine Justice for the oppressed and poor”; *CENIDH*, “Compilación: Irresponsabilidad del régimen de Daniel Ortega y Rosario Murillo frente al COVID”, [Compilation: Irresponsibility of Daniel Ortega and Rosario Murillo regime regarding COVID], p. 14; and Report of the Observatorio Ciudadano COVID-19 Nicaragua (Citizen Observatory) and International Network of Human Rights (RIDH) to the 68th Session of the UN Committee on Economic, Social and Cultural Rights, “The Lack of Information, Prevention and Medical Treatment in the COVID-19 Crisis in Nicaragua” (Articles 12 and 7 of the Covenant),” August 2020.

¹⁷³ Humboldt Center, “Valoraciones Preliminares del Centro Humboldt ante la Pandemia del COVID-19 en Nicaragua” [Humboldt Center’s Preliminary Assessment of COVID-19 Pandemic in Nicaragua], March 23, 2020.

¹⁷⁴ IACHR, Resolution No. 01/2020, Resolución 1/2020: Pandemia y Derechos Humanos [Pandemic and Human Rights], adopted April 10, 2020.

¹⁷⁵ *Voice of America*, OPS encuentra en Venezuela inusual cooperación; en Nicaragua, más silencio [PAHO finds unusual cooperation in Venezuela; in Nicaragua, more silence], August 6, 2020; OPS considera “inadecuado” manejo del covid-19 en Nicaragua [PAHO considers handling of COVID-19 in Nicaragua “inadequate”], April 7, 2020; and OPS reitera advertencias a Nicaragua sobre manejo de la pandemia [PAHO reiterates warnings to Nicaragua about handling of pandemic], April 19, 2020.

112. As was previously examined (see above III.D. Access to information), the IACHR was apprised of the absence of transparency and reliable and detailed information on essential aspects for understanding the country's general situation, such as the number of tests acquired and administered and how identified cases were monitored. According to information received, the first order given to health professionals was not to share with patients any type of information about the pandemic in order to prevent "collective hysteria."¹⁷⁶ Among other incidents, the IACHR and its SRESCER were apprised of the case of a woman who reported, on a social media post, that she had been in the Nicaraguan German Hospital for more than 24 hours where they had tested her for coronavirus without giving her any response as to the result. The woman asserted that she was in contact with the second COVID-19 case in Nicaragua and that they were not letting her leave the hospital.¹⁷⁷

113. In this context, the IACHR and its SRESCER were also informed about the MINSAs' guidelines instructing attending health professionals to put "atypical pneumonia," instead of COVID-19, as the cause of death on death certificates and in medical records. Likewise, orders were given for urgent or "express" nighttime burials, without following the public protocol for burials and without any testing to confirm whether or not the person had in fact died of COVID-19. Additionally, according to obtained information, when persons reported that death was because of a possible case of COVID-19, the institutional response involved sending in the national police and other security forces.¹⁷⁸

114. Along this line, the Commission and SRESCER recall that Resolution 1/2020 on the Pandemic and Human Rights, points out, in its first recommendation, that states must do as follows: "Immediately, and with due diligence, take all urgent measures that may be necessary to protect the rights to life, health and personal safety of individuals within their jurisdictions in the face of the risk posed by the present pandemic. Such measures should be taken on the basis of the best scientific evidence, in accordance with the International Health Regulations (IHR), and the recommendations of the WHO and PAHO as applicable."¹⁷⁹

115. Likewise, the SRESCER received information about the absence of biosecurity materials and equipment and hospital supplies to tackle the pandemic. The versions it was able to access indicated that, at the beginning of the pandemic, there were only 6,000 hospital beds and 160 ventilators in the entire country. Likewise, regarding the implementation of policies and instructions from public institutions, civil society has noted that health authorities have no technical or epidemiological independence from the executive branch of government. This would exert a direct impact on the capacity to respond and to take decisions based on scientific evidence. Until June of this year, the death of at least 20 health professionals had been confirmed, without including other persons working in the health sector who also caught the disease. Along with this figure, the

¹⁷⁶ *El Confidencial*, Médicos denuncian "inseguridad" en hospitales frente al covid-19 [Physicians report "insecurity" in hospitals regarding COVID-19], March 25, 2020.

¹⁷⁷ *La Prensa*, Sospechosa de Covid-19 denuncia que en el Hospital Alemán la mantuvieron retenida sin darle los resultados de la prueba [COVID-19 suspect reports that the Hospital Alemán held her without giving her the results of the test], March 18, 2020.

¹⁷⁸ SRESCER, Meeting with civil society organizations of Nicaragua and SRESCER, April 23, 2020; *Washington Post*, 'Entierros exprés' en Nicaragua: crece el miedo a que haya una tragedia escondida de coronavirus ['Express burials' raise fears that Nicaragua is hiding a coronavirus tragedy], May 19, 2020; and *EFE*, "Entierros express", la caravana de la muerte que asusta a los nicaragüenses ['Express burials': the caravan of death scaring Nicaraguans, May 16, 2020.

¹⁷⁹ IACHR, Resolution 01/2020, Resolución 1/2020: Pandemia y Derechos Humanos [Pandemic and Human Rights], adopted April 10, 2020.

Commission and the SRESCER are concerned about the severance of at least 15 persons from health centers for various reasons.¹⁸⁰

116. In that regard, the Commission and its SRESCER recall that the states have the obligation to ensure the availability and timely provision of sufficient quantities of biosecurity materials, essential inputs, and medical equipment for the use of health care personnel, to strengthen their technical and professional training in the management of pandemics and crises of infectious diseases, to ensure that their rights are protected, and to make sure basic resources to tackle this type of health emergency are made available.¹⁸¹

117. Finally, the SRESCER was informed of the resignation of highly qualified medical staff owing to the failure to ensure conditions to address the pandemic. In view of said situation, according to public information, the Ministry of Health was recruiting university students of the health sector to fill the vacancies left by health workers who had to leave their jobs because of dismissal or persecution. In addition to this situation, the Commission and its SRESCER express concern over the public health system's declining capacity to respond to the pandemic, in part because of the dismissal of more than 400 public health professionals and workers during the human rights crisis.¹⁸²

118. The Commission and SRESCER took note that, on April 22, 2020, a commission designated by the authorities of UNAN-Managua proceeded to dismiss four members of the Executive Council of the Health Research and Studies Department (*Dirección del Centro de Investigación y Estudios de la Salud—CIES*): its Director Miguel Ángel Orozco, its Deputy Director Marcia Ibarra, training division instructor Rosario Hernández, and professor in the Center's administration department Lissette Linares. According to the commission's resolution, the removal was based on the provision of Article 45 of the Labor Code that refers to compensation an employee should receive.¹⁸³ This dismissal occurred days after the specialists made statements urging the state to take pandemic preventive measures. In that regard, SRESCER is concerned over the decision taken by UNAN-Managua's management, especially since it involves a scientific research center whose work is indispensable in the context of a pandemic.

119. In the present year, the IACHR and its SRESCER express concern about information indicating that job stability of health professionals was closely linked to their political leanings and could even be affected if they refrained from participating in official party networks. Both the Commission and SRESCER have received information on these practices, previously referred to publicly in the context of the political crisis and persisting until today, illegitimately undermining the job stability of public health personnel and, as a result, the system's capacity to tackle the current pandemic.¹⁸⁴ The IACHR and the Rapporteurship urgently call on the Nicaraguan government to refrain

¹⁸⁰ IACHR, Press release No. 072/20, *CIDH y su REDESCA expresan seria preocupación por la situación de los derechos humanos en el contexto de la respuesta a la pandemia por COVID-19 en Nicaragua* [IACHR and OSRESCER express serious concern about the human rights situation during the response to the COVID-19 pandemic in Nicaragua], April 8, 2020.

¹⁸¹ IACHR, Resolution 1/2020: Pandemic and Human Rights, adopted April 10, 2020, para. 10.

¹⁸² SRESCER, Meeting with civil society organizations of Nicaragua and SRESCER, April 23, 2020.

¹⁸³ *Onda Loca*, "UNAN – Managua despide al personal de dirección del Centro de Investigaciones de Estudios de la Salud" [UNAN-Managua dismisses management staff of the Health Research and Studies Center], April 23, 2020; *Confidencial*, *Destituciones en el CIES son "arbitrariedad" y "acción irresponsable"* [Dismissals in CIES are "arbitrary" and "irresponsible action"], April 23, 2020; and *Aula Abierta*, *Despiden a investigadores del CIES de la UNAN – Managua por críticas hacia el manejo gubernamental del COVID-19* [CIES researchers of UNAN-Managua dismissed for criticizing government's handling of COVID-19], April 29, 2020.

¹⁸⁴ IACHR, Press release No. 072/20, *CIDH y su REDESCA expresan seria preocupación por la situación de los derechos humanos en el contexto de la respuesta a la pandemia por COVID-19 en Nicaragua* [IACHR and OSRESCER express

from engaging in discriminatory practices, as well as to make all possible efforts and take measures to build up the capacities of its public health system by incorporating all available health workers, in particular reinstating the health professionals who had been arbitrarily dismissed.

120. Likewise, the Commission has pointed out that there is also the obligation to offer differentiated care to female health care professionals working as front-line responders to the COVID-19 health crisis, in particular, to offer them adequate resources to help them do their job, access to mental health care, and means of reducing their double workload as professionals and as homemakers.¹⁸⁵ Every worker has a right to be protected from exposure to the novel coronavirus and other hazardous substances at work. States have a duty to respect, protect, and fulfil the right of every worker to safe and healthy working conditions, and businesses have corresponding responsibilities. No one can be deprived of their human rights because of the work they perform nor should feel forced to work in conditions that unnecessarily endanger their health because they fear losing a job or a pay check.¹⁸⁶

Right to education and situation of Nicaraguan students

121. The Inter-American Commission has been monitoring the serious situation of Nicaraguan students in the context of repression and selective persecution of which they are victims in retaliation for their participation in the demonstrations that started in April 2018. In particular, in the framework of Chapter IV.B of its Annual Report for 2019, the IACHR expressed concern about university students who were expelled in proceedings taking place in circumstances that were irregular and hardly transparent. According to the monitoring conducted by MESENI, at least 150 students have been expelled arbitrarily since April 18, 2018. As for the state, it recognized that at least 146 students have been expelled from the National Autonomous University of Nicaragua (UNAN) in both Managua and León, as examined below.

122. In effect, by means of a communication on March 26, 2020, the state of Nicaragua informed the IACHR that:

In the year 2018 the National Reconciliation and Unity Government (*Gobierno de Reconciliación y Unidad Nacional—GRUN*) sustained a failed attempt to overthrow the government, in which political groups financed by funds from abroad, committed a series of crimes against the people of Nicaragua, as a result of which there were casualties and damage to both public and private property.

In this context, delinquents, along with a small percentage of university students, unlawfully entered university study centers, caused destruction, and used those spaces to use drugs and drink liquor, as it has been widely documented.

serious concern about the human rights situation during the response to the COVID-19 pandemic in Nicaragua], April 8, 2020; and *Confidencial, Doctora denuncia “secretismo”, “presiones” y “falta de insumos” en hospital* [Doctor denounces “secretiveness,” “pressure,” and “lack of supplies” in hospital], June 3, 2020.

¹⁸⁵ Inter-American Commission on Human Rights, Resolution 1/2020: Pandemic and Human Rights, April 10, 2020, para. 52.

¹⁸⁶ UN Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes, *Deber de Prevenir la exposición al virus responsable del COVID-19* [Duty to prevent exposure to the virus responsible for COVID-19], August 5, 2020, A/HRC/45/12, para. 52.

It is beyond belief that this kind of action undertaken by persons who destroy university property are construed by certain international organization as the exercise of the legitimate right to freedom of expression. The National Reconciliation and Unity Government (GRUN) recognizes and respects the right to freedom of expression, and also abides by and enforces national legislation that penalizes all of this kind of action, for the purpose of continuing to uphold the rule of law in Nicaragua.¹⁸⁷

123. In its communication, the state indicated that, on August 7, 2018, the University Council, which is the supreme governing body of the National Autonomous University of Nicaragua in Managua (UNAN-Managua), set up a “Special Commission in charge of investigating the incidents taking place as of May 7, 2018,” which drew up a report where it pointed out those who were responsible for concrete actions to the detriment of the institution.¹⁸⁸ Afterwards, the Council itself approved the above-mentioned report and the final expulsion of a group of 131 students, as well as 3 others, for a one-year period. As indicated, “according to internal procedures and as a guarantee granted for the protection of their rights,” the students had been notified electronically through their academic registration user address. In response to this, five students filed an appeal for review with the Office of the President of UNAN-Managua, as the institution’s legal representative, and these appeals were resolved on a timely basis and formally.¹⁸⁹

124. In the case of the National Autonomous University of Nicaragua in León (UNAN-León), the state indicated to the IACHR that, in strict compliance with internal regulations, they proceeded to issue sanctions on the students who were found to be guilty of gross misconduct, in accordance with subparagraphs (2) and (8) of Article 191 of the University’s Statute currently in force. According to the list submitted to the IACHR, 12 students were sanctioned, and one of them was authorized to return to the university in 2019.¹⁹⁰

¹⁸⁷ Response from the state of Nicaragua to a request for information made by the Special Rapporteurship on Economic, Social, Cultural, and Environmental Rights (SRESCER) of the Inter-American Commission on Human Rights (IACHR-OAS), March 27, 2020, paras. 5 to 7.

¹⁸⁸ In its communication, the state pointed out the following: “As a result of investigations, very serious offenses were ascertained for actions committed in the Rubén Darío University Campus (*Recinto Universitario Rubén Darío*) and the Regional Multidisciplinary School – Carazo (*Facultad Regional Multidisciplinaria – Carazo*), where the destruction and actions were devastating, namely: kidnapping of persons, torture, and exposing people to danger; burning of the Arlen Siu Preschool Center; damages to the infrastructure of the university and its offices; manufacture of firearms; theft of institutional documents; theft of audiovisual equipment; theft and destruction of computers, laboratories, and reagents; theft of money; theft of motor vehicles; lack of rectitude; boycotting the institution’s strategic and operational plans; undermining the institution’s reputation; economic impacts, usurping duties and responsibilities that legally pertain to installed authorities such as the University Council and boards; impact on the academic life of more than 40,000 students; destruction and congestion of roads, which seriously impact the Nicaraguan population; offenses on social media instigating hate and violence, defamation, slander, libel, disinformation, uncertainty, and threats. Response from the state of Nicaragua to a request for information made by the Special Rapporteurship on Economic, Social, Cultural, and Environmental Rights (SRESCER) of the Inter-American Commission on Human Rights (IACHR-OAS), March 27, 2020, paras. 15 and 16.

¹⁸⁹ According to information from the state, in these cases, the affected parties filed a motion for protection on constitutional grounds (*amparo*) with the Supreme Court of Justice of Nicaragua, under Amparo No. 162-19, which was ruled on by Judgment 386 at twelve thirty-six in the afternoon of December four, two thousand nineteen, upholding the charge brought by the University Council of the UNAN-Managua. Response from the state of Nicaragua to a request for information made by the Special Rapporteurship on Economic, Social, Cultural, and Environmental Rights (SRESCER) of the Inter-American Commission on Human Rights (IACHR-OAS), March 27, 2020, para. 22.

¹⁹⁰ In its communication, the state reported that: on April 20, 2018 the University Center of the National University (*Centro Universitario de la Universidad Nacional—CUUN*) was set on fire and unfortunately the student Cristhian Emilio Cadena died inside. There were also various destructive and destabilizing actions perpetrated by students and delinquents. Response from the state of Nicaragua to a request for information made by the Special Rapporteurship on Economic, Social,

125. The state reported on a series of measures to guarantee access and due diligence in the handling, filing, and systematization of the students' documents, accrediting their status as students and their course of study, the year or semester they were attending, such as the effective delivery of study certificates to family members and representatives; the delivery of certifications of plans and programs, and a system of academic registration designed to safeguard the academic transcript of all students that they could have access to at all times, according to internal¹⁹¹

126. Despite the measures reported by the state, the IACHR notes that some of the students were in a situation of "student disobedience," because there were still no adequate conditions for reinstatement into the university. For example, inside the campus there continued to be young people's movements still operating who were carrying out smear actions, making threats, and even engaging in violence so that students opposing the government would stop their public demonstrations.¹⁹² As already documented by the IACHR, the young people who are still outside of Nicaragua agree that the political circumstances and repression are impediments to their return and their exile has become a security measure for them and their families back in Nicaragua.¹⁹³

127. In the framework of the hearing "Repression, persecution and imprisonment of student leaders in Nicaragua," held on October 1, 2020, exiled student and university organizations presented information on the human rights violations of university students. Among the events denounced, the persistence of attacks against university autonomy, expulsions without due process, arbitrary detentions, persecution and criminalization stood out. These events have seriously affected the students' life projects. In addition, they indicated that the absence of institutions prevents access to justice and has perpetuated impunity for human rights violations that occurred, including the murder of young university students. Faced with the continuation of the repression, dozens of students would remain in exile.¹⁹⁴

128. According to information received, UNAN-Managua, in the publication of the classification methodology and system for the first registration of students for the 2021 academic year, adopted in the University Council at its regular session No. 24-2010 of October 9, 2020, it was established that, for the year 2021, pre-registration would not be allowed for those UNAN-Managua students who had been suspended permanently or provisionally as a result of enforcement of the Student Disciplinary Regulation or on the basis of the University Council's express agreement. This would confirm the lack of willingness of the authorities of said academic institution to permit the reinstatement, into the student body, of young people expelled in the context of the human rights crisis that started on April 18, 2008. In said context, student organizations have called on the state to

Cultural, and Environmental Rights (SRESCER) of the Inter-American Commission on Human Rights (IACHR-OAS), March 27, 2020, para. 23.

¹⁹¹ Response from the state of Nicaragua to a request for information made by the Special Rapporteurship on Economic, Social, Cultural, and Environmental Rights (SRESCER) of the Inter-American Commission on Human Rights (IACHR-OAS), March 27, 2020, para. 28.

¹⁹² IACHR, 177 period of sessions, public hearing on "Repression, persecution, and imprisonment of student leaders in Nicaragua," October 1, 2020.

¹⁹³ IACHR, Informe Anual 2019, Capítulo IV. B Nicaragua [2019 Annual Report, Chapter IV.B Nicaragua], OEA/Ser.L/V/II. Doc. 5, February 24, 2020, para. 198. See also: UNHCR, "Estudiantes nicaragüenses obligados a huir encuentran seguridad y solidaridad en Costa Rica" [Nicaraguan students forced to flee find safety, solidarity in Costa Rica], March 11, 2020.

¹⁹⁴ CIDH, 177º Período de Sesiones, audiencia pública "Represión, persecución y encarcelación de líderes estudiantiles en Nicaragua", 1 de octubre de 2020.

reinstate the students who have been impacted, as well as to draw up specific plans for students to make up for time lost because of the arbitrary expulsions.¹⁹⁵

129. In view of the above, the IACHR recalls that the right to education is a driving force for effectively guaranteeing other human rights, as well as creating a citizenry that is critical and participatory, as well as to influence the development of persons and societies.¹⁹⁶ Regarding the facts under review here, higher education, academic freedom of teachers and students, and the autonomy of institutions are the basic pillars for strengthening democratic structures and avoiding political pressure or interventions.¹⁹⁷

130. The IACHR calls the State to guarantee access to education for students who were expelled or who were forced to abandon their studies in the context of the events that occurred as of April 18, 2018. In the ongoing climate of persecution and repression in the country, this implies immediately ceasing the acts of persecution against them and refraining from continuing to criminalize and generate causes that cause their forced displacement.

V. SPECIFIC SITUATION OF GROUPS OF PARTICULAR CONCERN

A. Human Rights Defenders

131. The Commission notes with concern that the situation of risk encountered by human rights defenders in Nicaragua continues to deteriorate as a result of the growing intensity of aggression, threats, harassment, intimidation, and other acts of violence against them both by pro-government groups and by National Police officers. Likewise, human rights defenders and, in general, persons identified as dissidents, religious leaders, women social leaders, students, persons released from custody, victims and their families would remain affected by acts of stigmatization and criminalization in the context of a police state and the shutdown of democratic forums prevailing in the country.

132. On the basis of information received this year, the IACHR also notes that the acts of violence that were recorded mainly affected persons benefiting from precautionary measures granted in the framework of the inter-American human rights protection system and whose situation of higher risk and vulnerability has extended and grown in the current human rights crisis, among them, persons released from custody, social leaders, and women defenders of human rights. The IACHR condemns

¹⁹⁵ *Acción Universitaria*, “Informe Ampliado Sobre Violaciones a Derechos Humanos de los Estudiantes Expulsados de las Universidades Públicas de Nicaragua, en referencia a la Declaración Universal de los Derechos Humanos, la Convención Americana de Derechos Humanos (Pacto de San José) y su respectivo Protocolo de San Salvador, el Tratado Internacional de Derechos de la Juventud, el Pacto Internacional de Derechos Económicos, Sociales y Culturales; y el Pacto Internacional de los Derechos Civiles y Políticos” [University Action, Enlarged Report on violations of the human rights of students expelled from Nicaragua’s public universities, in connection with the Universal Declaration of Human Rights, the American Convention on Human Rights (Pact of San José) and its additional Protocol of San Salvador, the International Youth Rights Treaty, the International Covenant on Economic, Social and Cultural Rights, and the International Covenant on Civil and Political Rights], November 1, 2020.

¹⁹⁶ Inter-American Commission on Human Rights, [Graves violaciones a los derechos humanos en las protestas sociales en Nicaragua](#) [Gross Human Rights Violations in the Context of Social Protests in Nicaragua], June 21, 2018, OEA/Ser.L/V/II. Doc.86/18, para. 170.

¹⁹⁷ Committee on Economic, Social and Cultural Rights. General Comment No. 13. UN Doc. E/C.12/1999/10 (December 8, 1999), paras. 38-40.

these incidents and urges the state of Nicaragua to protect their lives and personal integrity in fulfillment of the recommendations made by the bodies of the inter-American system.¹⁹⁸

133. In connection with the above, over the present year, the IACHR condemned the intimidation and permanent surveillance of the university leader Byron Estrada and his family by police officers and pro-government groups. The IACHR has also received information about the situation of Ricardo Baltodano, who has been the victim of severe, constant, and close surveillance by armed patrols and police officers at his personal residence since he was released from custody. As noted by the IACHR, the pattern of the police officers' actions is aimed at keeping close watch and monitoring over Mr. Baltodano's actions and thus constrain him in performing his role as social leader.¹⁹⁹

134. On May 15, 2020, the members of the Nicaraguan Center for Human Rights (CENIDH), who are the beneficiaries of provisional measures from the Inter-American Court of Human Rights, denounced continued aggression and indicated that, despite the termination of their legal status, they keep on working in the country "taking on risks and smears at a very high emotional cost, with a feeling of working in hiding, powerlessness and constant danger of being criminalized and attacked for continuing to exercise the right to defend rights."²⁰⁰ The IACHR has also condemned the permanent state of siege, intimidation, and aggression against human rights defenders of the Permanent Commission of Human Rights (CPDH), who are also beneficiaries of provisional measures since July 12, 2019.²⁰¹ According to information received, barricading and surveillance by the police and parapolic groups of their office premises have been stepped up to obstruct their defense and promotion activities and to scare away those who come to file whistleblowing reports and seek legal

¹⁹⁸ Since 2018, the IACHR has granted various precautionary measures for the benefit of human rights defenders after confirming their situation of risk in Nicaragua, among which: MC 660/18—Edwin Heriberto Román Calderón and Álvaro Leiva Sánchez; MC 921/16 and 520/18—Marco Antonio Carmona et al. (human rights defenders); MC 847-18, 738-18, 737-18, and 736-18—Adelaida Sánchez Mercado et al.; MC 939/18 and 1067/18—Yerling Marina Aguilera Espinoza et al. (seventeen human rights defenders); MC 1130/18—Mónica López Baltodano and family; and MC 921/16—Twenty-four members of the Permanent Commission of Human Rights (CPDH). In addition, on June 27, 2019, the IACHR requested the Inter-American Court of Human Rights to adopt provisional measures to protect the rights of the members of the Nicaraguan Center for Human Rights (CENIDH) and the Permanent Commission of Human Rights (CPDH) considering that their risk situation could be further aggravated because of the role they perform to uphold dissident voices, as well as acting as the legal representatives of victims of violence. These urgent measures were granted by Order of the President of the Inter-American Court on July 12, 2019. I/A Court H.R., Asunto Integrantes del Centro Nicaragüense de Derechos Humanos (CENIDH) y de la Comisión Permanente de Derechos Humanos (CPDH) [Matter of the Nicaraguan Center for Human Rights (CENIDH) and the Permanent Commission of Human Rights (CPDH) regarding Nicaragua], Order of the President of July 12, 2019.

¹⁹⁹ IACHR, Press release No. 6/20, CIDH amplía medidas cautelares a favor de Ricardo Baltodano en Nicaragua [IACHR expands precautionary measures in favor of Ricard Baltodano in Nicaragua]. Washington, D.C., January 13, 2020.

²⁰⁰ Communiqué, "CENIDH y CEJIL demandan ante la CIDH al Estado de Nicaragua" [CENIDH and CEJIL file proceedings with IACHR against the state of Nicaragua], May 15, 2020.

²⁰¹ I/A Court H.R., Asunto Integrantes del Centro Nicaragüense de Derechos Humanos (CENIDH) y de la Comisión Permanente de Derechos Humanos (CPDH) [Matter of the Nicaraguan Center for Human Rights (CENIDH) and the Permanent Commission of Human Rights (CPDH) regarding Nicaragua], Order of the President of July 12, 2019. These urgent measures were granted by Order of the President of the Inter-American Court of Human Rights on July 12, 2019. On October 14, 2019, the Inter-American Court decided to ratify its Order and call upon the state once again to immediately adopt the necessary measures to protect the life and personal integrity of those working for the Nicaraguan Center for Humans Rights and the Permanent Commission of Human Rights of Nicaragua. I/A Court H.R., Resolución de 14 de octubre de 2019, Medidas Provisionales respecto de Nicaragua, Asunto integrantes del Centro Nicaragüense de Derechos Humanos (CENIDH) y de la Comisión Permanente de Derechos Humanos (CPDH) [Order of October 14, 2019, Provisional Measures regarding Nicaragua, Matter of the Nicaraguan Center for Human Rights (CENIDH) and the Permanent Commission of Human Rights (CPDH) regarding Nicaragua], para. 30.

counsel. For example, on April 27, more than five patrols located in the organization's parking lot prevented employees from entering and leaving.²⁰²

135. On September 10, the Executive Director of the CPDH, Marcos Carmona, and his family were assaulted by National Police officers and hooded persons, including through the firing of a firearm. Although the defender tried to file a formal complaint, police officers prevented him from entering the police station in Managua.²⁰³ On September 28, police harassment required the leader of Campesino Movement (*Movimiento Campesino*), Medardo Mairena, to spend the night in the organization's office premises. The following day, the leader of the Movement and other defenders of the CPDH were followed and monitored by a large police contingent up to the courts of Managua.²⁰⁴

136. The Catholic Church has also been the target of increasingly greater repression in retaliation for its work reporting human rights violations and its role as a mediator at the National Dialogue in 2018. Some of the incidents consisted of barricading, persecuting, and harassing religious leaders and churchgoers. According to information in the public domain, the Department of Migration and Foreigners had withdrawn the residence permit of two foreign priests for their open support of human rights whistleblowing activities by the Episcopal Conference. Other priests were also under the constant threat of being expelled from the country.²⁰⁵

137. The IACHR has also received information on incidents in which religious objects, images, and sanctuaries were desecrated. Among other incidents, on March 4, the IACHR referred to the taking of the Cathedral of Managua by pro-government groups, who interrupted a religious celebration rendering tribute to Ernesto Cardenal and attacked churchgoers and journalists hitting them and shouting pro-government slogans such as "traitors."²⁰⁶ On July 31, the Cathedral of Managua was the target of an arson attack which was categorized by the National Police as a fire.²⁰⁷

²⁰² *Artículo 66, "Antimotines asediaron las instalaciones de la CPDH"* [Anti-riot police barricade office premises of CPDH], April 27, 2020; *Radio Corporación, "Asedio Policial en oficinas de la CPDH"* [Police barricade office premises of CPDH], April 27, 2020; and *IP Nicaragua, "Policía sancionada asedia otra vez la CPDH"* [Sanctioned police once again barricades CPDH], June 26, 2018.

²⁰³ IACHR, Press release No. 249/20, *La CIDH llama a cesar de inmediato los actos de persecución contra las personas identificadas como opositoras al gobierno y al restablecimiento de garantías democráticas en Nicaragua* [IACHR calls for the immediate cessation of acts of persecution against persons identified as opponents of the government and restoring democratic guarantees in Nicaragua]. Washington, D.C., October 10, 2020.

²⁰⁴ *La Prensa, "Medardo Mairena vuelve a refugiarse en la CPDH"* [Medardo Mairena once again takes refuge in CPDH], September 29, 2020; and *IP Nicaragua, "Hostigamiento policial en contra de líder campesino Medardo Mairena"* [Police intimidation against the *campesino* leader Medardo Mairena], September 29, 2020.

²⁰⁵ *VOA Noticias, "Iglesia Católica en Nicaragua denuncia persecución a sacerdotes extranjeros"* [Catholic Church in Nicaragua denounces persecution of foreign priests], September 10, 2020; *Confidencial, "Expulsión de sacerdote y cierre de instituto son "actos de persecución" contra Iglesia"* [Expulsion of priest and shutdown of institute are "acts of persecution" against the Church], September 8, 2020; and *La Prensa, "¿Quiénes son los sacerdotes extranjeros a los que el régimen ha quitado la residencia nicaragüense?"* [Who are the foreign priests whose Nicaraguan residence permit has been withdrawn by the regime?], October 5, 2020.

²⁰⁶ "#CIDH condemns violence of pro-government civilians during mass said in Cathedral of Managua for death of #ErnestoCardenal, an assault on his memory and the freedoms of assembly, religious freedom, and freedom of expression in #Nicaragua. Events observed by @RELE_CIDH and #MESENI (1/6)." Twitter account of the IACHR (@CIDH), *publicación del 4 de marzo de 2020* [posted on March 4, 2020].

²⁰⁷ "@CIDH condemns arson attack on the Cathedral of Managua on #31July. Said act undermines religious freedom and cultural rights. #MESENI reports that this is in addition to other attacks on churches occurring in the country over the past few weeks". Twitter account of the IACHR (@CIDH), *publicación del 1 de agosto de 2020* [posted on August 1, 2020].

Nevertheless, according to information gathered by CENIDH, the attack had been perpetrated by a hooded individual using a Molotov cocktail that exploded in the chapel.²⁰⁸

138. The Inter-American Commission has repeatedly pointed out that human rights defenders make fundamental contributions to ensuring the sustainability and strength of democratic societies. Hence, respect for human rights in a democratic state depends, to large extent, on human rights defenders enjoying effective and adequate guarantees for freely carrying out their activities.²⁰⁹ The IACHR has also indicated that human rights defenders exercise the necessary social oversight of public officials and democratic institutions, in which they "play an irreplaceable role in building a solid and lasting democratic society."²¹⁰ In that regard, acts of violence and other attacks on human rights defenders not only affect the guarantees that pertain to all human beings, but also attack the fundamental role they play in society, rendering all those persons for whom they work defenseless. Because of that, the IACHR once again calls upon the state of Nicaragua to fulfill its duty to protect human rights defenders when their lives and personal integrity are at risk by adopting an effective and exhaustive prevention policy to prevent attacks.²¹¹

139. The IACHR also observes the continuation of acts tending to thwart human rights defense organizations in their ability to discharge their legitimate work of defending human rights in Nicaragua. In 2020, it condemned the forced termination of the legal status of the Municipal Twinning Association (ASODHERMU). According to what was reported, in the context of absence of official information on the impacts of the pandemic and the state's refusal to take preventive measures, the decree adopted by the National Assembly constitutes a retaliation for the organization's work of supporting the community of Camoapa to prevent COVID-19. Likewise the Association's members were prevented from filing an appeal for review with the Ministry of the Interior.²¹²

140. As for the organizations affected by the termination of their legal status, they reported the Supreme Court of Justice's failure and unjustified delay in ruling on the appeals on constitutional grounds (*amparo*) that were filed regarding these incidents. In the case of the *Fundación del Río*, one of the affected organizations, the IACHR received information on the unlawful seizure and occupation of various lands and properties belonging to it and located in areas with some kind of protection as natural reserves from the Ministry of the Environment and Natural Resources (*Ministerio*

²⁰⁸ National Police, "Nota de Prensa no. 156-2020" [Press Release No. 156-2020], July 31, 2020.

²⁰⁹ IACHR, 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; and IACHR, Situation of human rights in Honduras, OEA/Ser.L/V/II. Doc. 42/15, December 31, 2015, para. 58.

²¹⁰ IACHR, 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. 23; and IACHR, Criminalization of human rights defenders, OEA/Ser.L/V/II. Doc. 49/15, December 31, 2015, para. 22.

²¹¹ IACHR, Graves violaciones a los derechos humanos en el marco de las protestas sociales en Nicaragua [Gross Human Rights Violations in the Context of Social Protests in Nicaragua], OEA/Ser.L/V/II, Doc. 86, June 21, 2018, paras. 262 and 263.

²¹² Health Information and Advisory Services Center, Persecución a organizaciones civiles y situación de las y los exiliados en Costa Rica [Persecution of civil organizations and situation of persons exiled in Costa Rica], August 2020; *La Prensa*, "Diputados orteguistas cancelan personería jurídica a Asodhermu, una ONG opuesta al régimen" [Pro-Ortega congresspersons terminate legal status of ASODHERMU, an NGO opposed to the regime], June 25, 2020; and CENIDH, Comunicué "Régimen quiere destruir a ASODHERMU como intentó destruir al CENIDH" [Regime wants to destroy ASODHERMU as it wished to destroy CENIDH], June 26, 2020.

del Ambiente y los Recursos Naturales—MARENA) and the Office of the Attorney General of the Republic (*Procuraduría General de la República—PGR*).²¹³

141. In that respect, on October 15, the IACHR voiced its concern over the adoption of the Law Regulating Foreign Agents whose broad scope and vagueness could lead to criminalization of the human rights organizations and defenders that receive support and funding from abroad for promoting their causes. In effect, the above-mentioned law is aimed at “establishing the legal regulatory framework applicable to natural persons or legal entities, whether domestic or of another nationality, that in response to foreign interests and funding, use those resources to undertake activities leading to the interference of foreign governments, organizations, or natural persons in the domestic and foreign affairs of Nicaragua, undermining its independence, self-determination, and national sovereignty, as well as the country’s economic and political stability.”²¹⁴ In this regard, it requires natural persons and legal entities that receive money from abroad to be registered as “foreign agents” in the Ministry of the Interior, which would entail strict control over their activities and resources, which apart from what that implies in itself could foster arbitrary actions by the authorities. Among others, it also requires financial entities to report to the Financial Analysis Unit (*Unidad de Análisis Financiero—UAF*) all funds earned by foreign agents and, in turn, failure to comply with the statute, in addition to administrative fines and penalties, would involve being charged with crimes against the state’s security.²¹⁵

142. The Law Regulating Foreign Agents would rigorously limit, in practice, the rights to freedom of association and to the defense of human rights, as well as exercise of the right to participate in the management of public affairs, insofar as its Article 12 imposes the following restriction: “natural persons or legal entities, whether Nicaraguan or of other nationalities, who act as foreign agents, must refrain, at the risk of legal penalties, from intervening in domestic policy matters, activities, or issues.” In addition, the same article forbids “funding or promoting the funding of any type of organization (...) or associations undertaking domestic policy activities in Nicaragua.”²¹⁶

143. In accordance with Article 2 of the Convention, the State has the duty “to adopt, in accordance with their constitutional processes and the provisions of this Convention, such legislative or other measures as may be necessary to give effect to those rights or freedoms.” This duty entails “the adoption of measures of two kinds: on the one hand, elimination of any norms and practices that in any way violate the guarantees provided under the Convention; on the other hand, the

²¹³ Health Information and Advisory Services Center, [Persecución a organizaciones civiles y situación de las y los exiliados en Costa Rica](#) [Persecution of civil organizations and situation of persons exiled in Costa Rica], August 2020.

²¹⁴ The Law defines “foreign agent” as follows: “Natural person or legal entity, Nicaraguan or of another nationality, that in Nicaragua receives funds, assets, or any object of value coming directly or indirectly from foreign natural persons, governments, agencies, foundations, companies, or associations, regardless of kind or nature, which works, receives funds, or responds to organizations that belong to or are controlled directly or indirectly by foreign natural persons, governments, or entities, barring the exceptions provided for in the present law.” Law Regulating Foreign Agents, Law No. 1040, published in the official gazette *La Gaceta, Diario Oficial* No. 192, Monday October 19, 2020, Article 3.

²¹⁵ CENIDH, “[Posición del CENIDH ante iniciativa de Ley de Regulación de Agentes Extranjeros](#)” [CENIDH’s stance on initiative of the Law Regulating Foreign Agents], September 24, 2020; CEJIL, “[Nicaragua: Pronunciamiento sobre iniciativa de Ley de Regulación de Agentes Extranjeros](#)” [Nicaragua: Statement on initiative of the Law Regulating Foreign Agents], September 25, 2020; and Law Regulating Foreign Agents, Law No. 1040, published in the official gazette *La Gaceta, Diario Oficial* No. 192, Monday October 19, 2020, Article 17.

²¹⁶ Law Regulating Foreign Agents, Law No. 1040, published in the official gazette *La Gaceta, Diario Oficial* No. 192, Monday, October 19, 2020, Article 14.

promulgation of norms and the development of practices conducive to effective observance of those guarantees.”²¹⁷

144. The Commission recalls that defenders, as well as organizations that defend and promote human rights, have the right to seek and secure funding from domestic, foreign, or international entities, including individuals, businesses, civil society organizations, governments, and international organizations.²¹⁸ This right has been recognized internationally as a positive development, regardless of whether or not the organization is formally registered. Constraints on foreign funding constitute an impediment for defenders to discharge their duties, as they rely on these resources to undertake their human rights promotion and protection activities because of the absence of funding in their own country.²¹⁹

145. The Commission underscores that, as part of the right to freedom of association, the state has the duty to promote and facilitate the access of human rights organizations to cooperation funding, both domestic and foreign, as well as to refrain from restricting their means of funding, including the enactment of laws contrary to international standards.²²⁰ The state, on the contrary, must allow and facilitate human rights organizations’ access to foreign funds in the context of international cooperation, in transparent conditions that take into account the leading role that human rights defenders have in the full achievement of the rule of law and strengthening of democracy.²²¹

146. Finally, in the context of the adoption of laws criminalizing the work of defending human rights, as well as the threats and assaults that continue to occur against human rights defenders, the IACHR is concerned about the continuation of public narratives and indications from the state’s highest-ranking authorities criminalizing their work, as well as the work of other social leaders. Among other incidents, the executive branch publicly labelled dissidents and persons released from custody as “criminals” and “cowards.” In addition, the executive made threats when it pointed out that “they’ve already been given a chance, Amnesty, but now there shall be no further Amnesty, the People will hold them to account!”²²² The IACHR reiterates that the repetition of smear statements

²¹⁷ I/A Court H.R., Case of Castillo Petruzzi et al. v. Peru. Judgment of May 30, 1999. Series C No. 52, para. 207; I/A Court H.R., Case of Baena Ricardo et al. v. Panama. Competence. Judgment of November 28, 2003. Series C No. 104, para. 108; I/A Court H.R., Case of Cantoral Benavides v. Peru. Merits. Judgment of August 18, 2000. Series C No. 69, para. 178; I/A Court H.R., Case of La Cantuta v. Peru. Merits, Reparations and Costs. Judgment of November 29, 2006. Series C No. 162, para. 172.

²¹⁸ UN, General Assembly, United Nations Human Rights Council, A/HRC/20/27, Report of the Special Rapporteur on the rights to peaceful assembly and of association, May 21, 2012, para. 62

²¹⁹ IACHR, Criminalización de la labor de las defensoras y los defensores de derechos humanos [Criminalization of the work of human rights defenders], December 31, 2015, para. 132.

²²⁰ IACHR, Second report on the situation of human rights defenders in the Americas, OEA/SER.L/V/II/Doc.66, December 31, 2011, para. 179.

²²¹ IACHR, Criminalización de la labor de las defensoras y los defensores de derechos humanos [Criminalization of the work of human rights defenders], December 31, 2015, para. 137.

²²² “And others want to continue committing crimes of assassination, planting bombs, causing destruction, even more destruction than what they had already caused in April 2018, in addition to the harm caused by the Pandemic. In other words, they are Soulless and Heartless, they aren’t Nicaraguans, they are the spawn of Satan, children of the devil, and they are full of hate, they are rife with hate. That is what they are all about, hate, hate, hate, nothing else. They’re criminals, cowards and they think they’re untouchable because they were granted Amnesty, mark my words. Well, they’ve already been given a chance, Amnesty, but now there shall be no further Amnesty, the People will hold them to account! The People will hold them to account and is calling for them to be held accountable, in the framework of the law, in the framework of the regulations of the Nicaraguan state. That’s what laws are for, to punish, to penalize, not for what they say, but for what they do. And doing harm to a Family, killing a Family, like they have killed Families, that’s unforgivable, there’s no Pardon, no

contributes to aggravating the climate of hostility and intolerance by various sectors of the population, which could lead to adverse impacts on the life and personal integrity of human rights defenders. It therefore urges state authorities to refrain from making statements that stigmatize organizations or suggesting that the organizations are acting improperly or unlawfully, simply because they are doing their job of working to promote and defend human rights.²²³

Women Defenders of Human Rights

147. The IACHR notes that the acts of violence, threats, aggression, intimidation, and surveillance recorded during the period under review have been perpetrated largely against women defenders of human rights because of the leading role they play to defend human rights in Nicaragua, which exposes them to differentiated risks for gender-based reasons as indicated below.

148. In March 2020, the IACHR condemned the intensification of attacks recorded against women defenders of human rights, mothers of the victims of repression, and women released from custody on the occasion of International Women's Day. Specifically, since March 5, the IACHR has received information on intimidation and surveillance in different parts of the country against the homes of the defenders Katherine Hernández, Kosovo Estrada, Tania Muñoz, Violeta Granera, Nelly Roque, and Mirna Blandón, some of them beneficiaries of precautionary measures granted by the IACHR.²²⁴ Likewise, between March 7 and 10, the defender Johana Ocón, member of the Xochilt Acatl Association, was the victim of barricades and threats by police officers in León, because she was in charge of coordinating various community activities with women who support her association.²²⁵ On March 11, the defender and former detainee Irma Centeno was arrested arbitrarily, beaten, and threatened by National Police officers.²²⁶ In the context of this escalation of violence, on March 8, anti-

Amnesty for that." Commander-President Daniel and Comrade Vice-President Rosario commemorating the 199th Anniversary of the Independence of Central America (full text) (September 15, 2020), *La Voz del Sandinismo*, September 15, 2020.

²²³ In its country report, the IACHR made the following recommendation to the state: "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." IACHR, Graves violaciones a los derechos humanos en el marco de las protestas sociales en Nicaragua [Gross Human Rights Violations in the Context of Social Protests in Nicaragua], OEA/Ser.L/V/II, Doc. 86, June 21, 2018. Recommendation 10.

²²⁴ On December 24, 2019, the Inter-American Commission Resolution 60/2019, whereby it broadened precautionary protection measures for the benefit of the following women defenders: (1) Sofía Isabel Montenegro Alarcón, (2) Violeta Vanessa Delgado Sarmiento, (3) María Teresa Blandón Gadea, (4) Mirna del Socorro Blandón Gadea, (5) Luz Marina Torres Velásquez, (6) Martha Cecilia Meneses Mendoza, (7) Sandra Arceda Torres, (8) Yamilet de la Concepción Mejía Palma, (9) Ana Patricia Martínez Corrales, (10) Marlene del Socorro Ponce Espino, (11) Carla Rosa Padilla, (12) Jennifer Esperanza Altamirano Pozo, (13) Ruth María Díaz Domínguez, (14) Xiomara Ibarra Zelaya, (15) Marlen Auxiliadora Chow, (16) Daisy Tamara Dávila Rivas, and (17) María Virginia Meneses Mendoza, in Nicaragua, considering they are in a situation of grave and urgent risk of irreparable harm to their rights. Previously, the IACHR had adopted precautionary measures for seventeen other women defenders of human rights by means of Resolution 70/2018. IACHR, Press release No. 338/19, CIDH amplía medidas cautelares a favor de diecisiete mujeres defensoras de derechos humanos en Nicaragua. [IACHR extends precautionary measures in favor of 17 women human rights defenders in Nicaragua], Washington, D.C., December 27, 2019.

²²⁵ Mesoamerican Women Human Rights Defenders Initiative, Urgent Alert, "Policía amenaza y asedia la casa de la defensora Johana Ocón en el marco de la conmemoración del 8 de marzo". [Police threaten and barricade house of defender Johana Ocón in the framework of the commemoration of March 8], March 11, 2020.

²²⁶ Mesoamerican Women Human Rights Defenders Initiative, Urgent Alert, "Policías detienen arbitrariamente, golpean y amenazan a la defensora Irma Centeno". [Police arbitrarily detain, beat, and threaten defender Irma Centeno], March 13, 2020; and REDLAD, "Nicaragua: Represión Ortegaísta contra mujeres defensoras de derechos humanos y periodistas". [Nicaragua: Pro-Ortega repression of women defenders of human rights and journalists], March 26, 2020.

riot agents used force to prevent women, women defenders, and feminist collectives from exiting the office premises of *La Corriente* to demonstrate.²²⁷

149. On the eve of the commemoration of the start of the protests of April 18, the Mothers of April Association (*Asociación Madres de Abril—AMA*) denounced police intimidation, barricades, and attacks against the homes of mothers and families of young people killed in the social protests.²²⁸ The IACHR received information about threats made against Tamara Morazán consisting of messages that labelled them as “mothers of killers,” “mothers of kidnappers,” “mothers of rapists, killers, torturers.” These messages were posted on various social media along with the photo of the mother, calling her a “destroyer of peace.” As for Josefa Meza, she reported that, on April 18, 2020, her home had been watched all day by police patrols who were accompanied by motorized vehicles, the patrols had remained there whole time, which generated fear amongst her family. Finally, Lizeth de los Ángeles Dávila reported that, since her return to the country after attending the 174 session of the IACHR, she has been constantly stalked by persons close to the ruling party. As a result of this context of aggression, on September 2, 2020, the IACHR broadened the precautionary measures for the benefit of the above-mentioned mothers and their families after deeming that they were in a grave and urgent situation of risk of sustaining irreparable damage to their rights.²²⁹ Prior to this, on January 15, the IACHR had also granted precautionary measures for the benefit of Elizabeth Velásquez, who lives “in a constant state of siege” since the death of her son and because she belongs to the Mothers of April Association.²³⁰

150. Another escalation of violence against women defenders of human rights took place in the context of national celebrations in September. According to figures from the Mesoamerican Women Human Rights Defenders Initiative, up to September 13 alone there had been 145 aggressions against women activists and women defenders of human rights consisting of intimidation, restrictions on the freedom of movement, death and rape threats, arbitrary collective bans on 8 activists, excessive use of force, criminalization, and smear campaigns on social media. According to information received, on September 11, there were even two women activists who were victims of sexual violence.²³¹ On September 29, police officers once again surrounded the office premises of the

²²⁷ *Deutsche Welle*, “Mujeres marchan por sus derechos a pesar del gas lacrimógeno, piedras y arrestos” [Women demonstrate for their rights despite teargas, stoning, and arrests], March 9, 2020; “#CIDH observes police barricade and violence against women and feminist collective before and during celebration of #DíaInternacionalDeLaMujer in #Nicaragua. Activities were fenced in by anti-riot police in @LaCorrienteNica. Events identified by #MESENI.” Twitter account of the IACHR (@CIDH), [publicación del 8 de marzo de 2020](#) [posted on March 8, 2020].

²²⁸ Mesoamerican Women Human Rights Defenders Initiative, [La crisis ya estaba aquí](#) [The crisis was already here], June 2020.

²²⁹ The IACHR understood that the situation of beneficiary persons is closely related to their participation in the AMA as visible figures inside that organization. In that respect, it was reported that the beneficiaries have been targeted by monitoring actions, intimidation, and surveillance by unidentified persons, armed civilians, state agents, and those identified by representatives as “parapolice.” The Commission was informed that, according to the representatives, said events were in connection with complaints filed for the death of the children and brother of the beneficiaries with the competent entities in May and June 2018, respectively. IACHR, [Medida cautelar No. 1191-19, Josefa Esterlina Meza y otras respecto de Nicaragua \(Madres y familiar de la “Asociación Madres de Abril”\)](#) [Precautionary measure No. 1191.19, Josefa Esterlina Meza et al. regarding Nicaragua (mothers and next of kin of the Mothers of April Association)], September 2, 2020; and IACHR, [Press release No. 214/20, CIDH amplía medidas cautelares a favor de dos madres y hermana de la “Asociación Madres de Abril” \(AMA\) en Nicaragua](#) [IACHR extends precautionary measures in favor of two mothers and one sister from Nicaragua’s Asociación Madres de Abril], Washington, D.C., September 9, 2020.

²³⁰ IACHR, [Medida cautelar No. 1191-19, Elizabeth Velásquez y su núcleo familiar respecto de Nicaragua](#) [Precautionary measure No. 1191-19, Elizabeth Velásquez and her nuclear family regarding Nicaragua], January 15, 2020.

²³¹ Mesoamerican Women Human Rights Defenders Initiative, [Urgent Alert “Hombres vestidos de civil y policías arrestan a la activista Juana Castellanos y allanan su vivienda injustificadamente”](#) [Men dressed as civilians and police arrest activist Juana Castellanos and search her home without cause], September 9, 2020; Mesoamerican Women Human Rights

collectives *Mujeres Rurales*, *La Corriente*, and *María Elena Cuadra* and blocked the entry of activists into these offices. In particular, the Commission condemned persecution of the person who was subjected to this context, Sandra Ramos, leader of the María Elena Cuadra Movement, who is the beneficiary of precautionary measures since July 25, 2018.²³²

151. Finally, the IACHR notes with concern that the facts described are part of a context of growing insecurity and violence against women and girls in the country. Regarding this, the Catholic Observatory for the Right to Decide (*Observatorio Católicas por el Derechos a Decidir—CDD*) recorded 42 femicides in the first semester of this year. In contrast, from 2015 to 2018, there was a total of 75 reports on the same crime.²³³ As for the OHCHR, it voiced its concern about the official information, which recognizes only 11 femicides between February 1 and August 7, 2020, “highlighting a potential under-reporting, which would also make it difficult to adopt effective measures to counteract these crimes.”²³⁴

152. The IACHR recalls that acts against women defenders exert a differentiated impact, bearing in mind the degree of vulnerability because of the conditions of historical discrimination they have sustained and because of the prejudices about how they should act or the roles that women should perform in society.²³⁵ The Commission has also noticed that, besides the many risks faced by women defenders on the grounds of their gender and other intersectional factors, they are exposed to a heightened risk of enduring acts of violence, threats, harassment, assaults, and other violations of their right to live without violence, especially in contexts of militarization and in countries in conflict.²³⁶ Regarding this, IACHR has been emphatic in its calls for the state to meet its obligations to eradicate the structural risk factors women face, as well as its duty of heightened protection and investigation and due diligence in the case of women journalists and women human rights defenders, in order to protect their human rights, as well as the work they carry out, which is essential to the development of democracy and the rule of law.²³⁷

153. Because of the above, the IACHR has pointed out that the state must guarantee that women defenders of human rights can carry out their work without fear of reprisals or improper

Defenders Initiative, Urgent Alert, “Se intensifican las agresiones contra mujeres activistas y defensoras de derechos humanos en el marco de las celebraciones nacionales del mes de septiembre” [Attacks on women activists and human rights defenders intensify in the context of national celebrations in September], September 13, 2020.

²³² “The @CIDH was apprised of reports and testimonies gathered by #MESENI on persecution and acts of intimidation by police officers against feminist organizations during the past weekend. 1/3.” Twitter account of the IACHR (@CIDH), publicación del 29 de septiembre de 2020 [posted on September 29, 2020].

²³³ *La Lupa*, “Femicidios se registran más en vieja frontera agrícola de Nicaragua ante “imposición del machismo en la zona”” [There are more femicides recorded in Nicaragua’s former agricultural frontier with “imposition of male chauvinism in the area”], October 9, 2020; and *IP Nicaragua*, “42 mujeres han sido asesinadas en Nicaragua en lo que va de 2020” [42 women have been killed in Nicaragua up to now in 2020], August 3, 2020.

²³⁴ OHCHR, Actualización sobre la situación de los derechos humanos en Nicaragua, conforme a la resolución 43/2 [Update on the human rights situation in Nicaragua], pursuant to resolution 43/2, 45th session of the Human Rights Council, Michelle Bachelet, United Nations High Commissioner for Human Rights, Geneva, 14 September 2020.

²³⁵ IACHR, Informe sobre la Situación de las Defensoras y Defensores de Derechos Humanos en las Américas [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. 46.

²³⁶ IACHR, Violencia y discriminación contra mujeres, niñas y adolescentes: Buenas prácticas y desafíos en América Latina y en el Caribe [Violence and discrimination against women and girls: Best practices and challenges in Latin America and the Caribbean], OEA/Ser.L/V/II. Doc. 233, November 14, 2019, para. 127.

²³⁷ IACHR, Towards effective integral protection policies for human rights defenders. OEA/Ser.L/V/II. Doc. 207/17. 2017.

pressure. States must also implement prevention strategies and comprehensive, culturally appropriate, and specialized protection measures, with an intersectional perspective, in order to ensure that women are able to carry out their work of protecting human rights, political participation, and representation and to exercise their right to freedom of expression and opinion, without any kind of violence or discrimination.²³⁸

B. Persons Deprived of Liberty

154. In 2020, the Inter-American Commission notes that the pattern of arbitrary detentions and criminalization of persons identified as dissidents, including persons released from custody, has continued. Likewise, the information available to the IACHR indicates that there still are complaints on the serious detention conditions being experienced by persons deprived of liberty for incidents in connection with the protests that started in April 2018, including mistreatment, reprisals, absence of medical care, solitary confinement, among others. As examined in the present section, said conditions have become worse as a result of the impacts of the global COVID-19 pandemic.

155. On November 30, 2020, the IACHR published its thematic report *Persons Deprived of Liberty in Nicaragua in connection with the Human Rights Crisis that Began on April 18, 2018*, in which it noted that arbitrary detentions and deprivation of liberty have been used by the state of Nicaragua primarily to repress any stand taken against the current regime and to send a message of fear and control to the population. Although the lack of official records makes it impossible to ascertain the exact number of persons detained and criminalized, the IACHR established that, since April 18, 2018, at least 1,614 persons have been deprived of their liberty in retaliation for taking part in or supporting the social demonstrations.²³⁹

156. On the basis of information obtained in the context of the present report, the IACHR noted that most of the persons criminalized since April 18, 2018 have been held in conditions contrary to human dignity, both in National Police facilities and in the National Prison System (SPN). These conditions have included solitary confinement, characterized by almost total segregation; inadequate ventilation; removal of personal belongings; overcrowding; insufficient beds, mattresses, and blankets; permission to leave their cells only twice a week; unsanitary conditions; negligent medical care; obstruction of visits; and application of maximum security regimes without objective criteria for doing so and for prolonged periods. The complaints and testimonies received by the IACHR regarding the conditions of detention allege the imposition of cruel, inhuman, or degrading treatment or punishment by state officials, with a particularly aggravated impact on women detainees, in light of the complaints of sexual violence.²⁴⁰

157. Furthermore, the IACHR points out that the persons who were deprived of their liberty are suffering emotional, psychological, physical, and economic harm that continues to afflict different aspects of their lives. Such harm cuts across the entire social fabric, primarily involving their next of kin and close acquaintances. In this context, Commission has no information to suggest that the State has investigated the serious human rights violations committed in the course of their arrest,

²³⁸ IACHR, *Violencia y discriminación contra mujeres, niñas y adolescentes: Buenas prácticas y desafíos en América Latina y en el Caribe* [Violence and discrimination against women and girls: Best practices and challenges in Latin America and the Caribbean], OEA/Ser.L/V/II. Doc. 233, November 14, 2019, para 130.

²³⁹ IACHR, *Persons Deprived of Liberty in Nicaragua in connection with the Human Rights Crisis that Began on April 18, 2018*, OEA/Ser.L/V/II. Doc. 287, October 5, 2020, paras. 2 and 5.

²⁴⁰ IACHR, *Persons Deprived of Liberty in Nicaragua in connection with the Human Rights Crisis that Began on April 18, 2018*, OEA/Ser.L/V/II. Doc. 287, October 5, 2020, para. 293.

during their confinement, and after their release. The Commission has received no information about the prosecution and punishment of officials responsible for such serious violations or about proposals to provide redress to the victims of those actions.²⁴¹

158. In 2020, the information received by the IACHR indicates that the situation of persons deprived of liberty has not changed with respect to the conditions of overcrowding and unsanitary conditions, removal of belongings, mistreatment, and the application of maximum security regimes without any objective criteria for doing so. For example, among other cases, civil society organizations reported that the student John Cerna, who was convicted on May 15, 2020 and arbitrarily sentenced to 12 years prison, was transferred to maximum security cells for having shouted “Long Live Free Nicaragua” (*Viva Nicaragua libre*) in *La Modelo* Penitentiary, where he remains in unsanitary conditions, without access to medicines, food, or family visits and he has been the victim of alleged acts of physical and psychological torture inflicted by penitentiary agents.²⁴²

159. There are also persistent complaints filed about the failure to provide adequate and timely medical care to persons who have pre-existing illnesses or severe health problems stemming from detention conditions. According to information provided to the IACHR, the population deprived of liberty has to deal with an excessive bureaucracy to have access to health services. Regarding *La Modelo* Penitentiary, when a detainee needs medical care, the administration of the National Prison System (*Sistema Penitenciario Nacional—SPN*) must consult the Ministry of the Interior, which must in turn consult the Office of the President so as to decide whether or not to provide the detainee with medicines. In the best of cases, an emergency situation is handled 45 minutes after. In the case of persons identified as “political prisoners,” healthcare services are more complicated because “in front of their cell there is a yellow lines, one meter away, so that no member of the prison system can come close without authorization.”²⁴³

160. In this context of absence of adequate and timely medical care, on November 4, 2020, the IACHR granted precautionary measures for the benefit of 41 persons deprived of liberty housed in seven different penitentiaries in the country, as follows : 30 in *La Modelo* SPN, 2 in the *Waswalí* SPN, 4 in the *Granada* SPN, 1 in the *Jinotepe* SPN, 1 in the *Matagalpa* SPN, 1 in the *Chinandega* SPN, and 3 in the Women’s Comprehensive Penitentiary Establishment (*Establecimiento Penitenciario Integral de Mujeres—EPIM*) previously known as the *La Esperanza* Women’s Penitentiary System. According to information received, some of the beneficiaries are at risk because of the detention conditions and the absence of medical care in the context of the COVID-19 pandemic. Some of them have shown typical symptoms of the virus, and in general they are not being checked or treated, which has continued to this date. The Commission also ascertained that the persons identified are incarcerated in an environment that is hostile towards them, presumably promoted by the penitentiary authorities themselves, who are eager to have them clash with the so-called “common inmates.”²⁴⁴

²⁴¹ IACHR, Persons Deprived of Liberty in Nicaragua in connection with the Human Rights Crisis that Began on April 18, 2018, OEA/Ser.L/V/II. Doc. 287, October 5, 2020, paras. 295 and 296.

²⁴² IACHR, 177 period of sessions, public hearing on “Repression, persecution, and imprisonment of student leaders in Nicaragua,” October 1, 2020.

²⁴³ IACHR, Resolution 82/2020. Precautionary measures No. 489-20, Maycol Antonio Arce and 40 other persons deprived of their liberty, Nicaragua, November 2, 2020, para. 18.

²⁴⁴ IACHR, Resolution 82/2020. Precautionary measures No. 489-20, Maycol Antonio Arce and 40 other persons deprived of their liberty, Nicaragua, November 2, 2020, para. 113.

161. In its resolution to grant precautionary measures, the IACHR expressed its concern over the detention conditions of Karla Vansessa Escobar, María Esperanza Sánchez, and Juana Estela López, who continue to be detained in the Women’s Comprehensive Penitentiary Establishment (EPIM) and are victims of serious incidents of intimidation, aggression, and absence of adequate medical care. According to information received, Karla Vansessa Escobar, detained since May 6, 2020, would have many health issues, such as allergies, uterine damage, and thyroid problems, along with allergic reactions to chlorine, the heat, and conditions of confinement. Likewise, “ordinary inmates” have beaten her, under the instruction of the guards, “because of which she tries to not speak and always stays in a corner to avoid new assaults.” Between June and July 2020, she was the victim of several acts of intimidation and threats from the guards and other inmates supposedly instigated by penitentiary authorities. In addition, it was indicated that she is not being taken out to the yard to see the sun and remains in overcrowded conditions with 78 other women.²⁴⁵

162. As for María Esperanza Sánchez García, since her incarceration on February 6, 2020, she has allegedly been the victim of torture and cruel inhuman treatment by the guards of the system for the purpose of forcing her to admit to the crimes she has been accused of. Ms. Sánchez has chronic high blood pressure, chronic ischemic heart disease, and bronchial asthma; nevertheless, she has been repeatedly denied the right to receive adequate medical care and medicines. As a result, her health situation has worsened over time. She has also been the victim of assaults by others deprived of liberty, who in addition to making fun of her and insulting her have made threats against her.²⁴⁶

163. Juana Estela López Alemán, 58 years old, lives with a physical disability and was diagnosed with chronic high blood pressure. She has broken ribs because of the severe beating she sustained at the hands of the police during questioning since detention. According to her attorney, on April 23 when she appeared in court, her face was swollen. On April 20, her daughter paid her a special visit, at which time she was denied delivery of her medicines, a mattress, alcohol-based sanitizer, and food. On May 8, 2020, she was taken to court for a hearing. On that occasion Ms. López reported that she was defecating blood and had bruises on her body.²⁴⁷

164. Furthermore, the IACHR notes that deplorable detention conditions expose persons to a higher risk of being infected as a result of the impacts of the COVID-19 pandemic, for example, because of the absence of infrastructure requirements to ensure social distancing, as well as the absence of minimum hygiene supplies and measures. In that regard, the IACHR expressed its concern over the absence of information on COVID-19 containment and prevention measures in penitentiary centers, despite the alleged epidemiological outbreaks in *La Modelo* National Prison System of Granada and the Chinandega SNP. According to information received, penitentiary officials minimized the disease, referring to COVID-19 as a mere cold. In addition, they restricted, without any reason, the entry of parcels provided by next of kin such as more than the permitted amount of water, facemasks, and alcohol-based sanitizer.²⁴⁸

²⁴⁵ IACHR, Resolution 82/2020. Precautionary measures No. 489-20, Maycol Antonio Arce and 40 other persons deprived of their liberty, Nicaragua, November 2, 2020, para. 98 and ss.

²⁴⁶ IACHR, Resolution 82/2020. Precautionary measures No. 489-20, Maycol Antonio Arce and 40 other persons deprived of their liberty, Nicaragua, November 2, 2020, para. 92 and ss.

²⁴⁷ IACHR, Resolution 82/2020. Precautionary measures No. 489-20, Maycol Antonio Arce and 40 other persons deprived of their liberty, Nicaragua, November 2, 2020, para. 104.

²⁴⁸ IACHR, Press release No. 72/2020, [Comunicado de prensa no. 72/2020, CIDH y su REDESCA expresan seria preocupación por la situación de los derechos humanos en el contexto de la respuesta a la pandemia por COVID-19 en Nicaragua](#) [IACHR and OSRESCER express serious concern about the human rights situation during the response to the COVID-19 pandemic in Nicaragua], April 8, 2020.

165. Although the IACHR notes that the state of Nicaragua authorized the release of more than 6,000 persons using alternative means of deprivation of liberty since the start of the COVID-19 pandemic, according to the information received, those measures had not been for the benefit of persons identified as “political prisoners” or detained in association with the human rights crisis.²⁴⁹ Likewise, release from custody is characterized by the absence of information on the criteria used to apply the benefit of house arrest with family, for example, regarding the types of offenses or whether or not the persons released belonged to groups who are especially at risk, such as older persons, persons with chronic or autoimmune diseases, pregnant women, among others.

166. The IACHR also heard about the absence of response to the various motions filed for persons identified as “political prisoners” in connection with their request for home detention as a precautionary measure; the transfer to the Forensic Medicine Institute for assessment of their health condition; or request for receiving personal hygiene products to prevent being infected by the COVID-19. Between February and March 2020, at least 21 briefs were filed with various courts in Managua, Tipitapa, and Masaya. Likewise, on April 15, a police cordon had prevented the attorneys of the CPDH to file said requests for the benefit of various persons detained in *La Modelo* Penitentiary.²⁵⁰

167. The IACHR recalls that providing adequate medical care to persons deprived of liberty is an obligation stemming directly from the state’s duty to guarantee the right to personal integrity enshrined in Articles 1(1) and 5 of the American Convention and Article I of the American Declaration. The IACHR has also established that, in the case of persons deprived of liberty, the obligation of states to respect physical integrity, to not use cruel, inhuman treatment, and to respect the dignity inherent to the human being includes guaranteeing access to adequate medical care.²⁵¹

168. Similarly, Principle X of the *Principles and Best Practices on the Protection of Persons Deprived of Liberty in the Americas* stipulates the following: “Persons deprived of liberty shall have the right to health, understood to mean the enjoyment of the highest possible level of physical, mental, and social well-being, including amongst other aspects, adequate medical, psychiatric, and dental care; permanent availability of suitable and impartial medical personnel; access to free and appropriate treatment and medication; implementation of programs for health education and promotion, immunization, prevention and treatment of infectious, endemic, and other diseases; and special measures to meet the particular health needs of persons deprived of liberty belonging to

²⁴⁹ On April 8, 2020, the Ministry of the Interior announced the nationwide release of 1,700 persons (1,501 men and 199 women) and, on May 13, 2020, the nationwide release of 2,815 persons (2,727 men and 88 women). On July 15, 2020, 1,605 persons were released. *El 19 Digital*, [Gobierno de Nicaragua concede beneficio de convivencia familiar a 1 mil 700 presos y presas](#) [Nicaraguan government grants home detention benefits to 1,700 prisoners], April 8, 2020; *El 19 Digital*, [Sistema Penitenciario Nacional entrega a 2,815 personas a sus Familias](#) [National Prison System hands over 2,815 persons to their families], May 13, 2020; International Red Cross, “Nicaragua: 1,605 persons deprived of liberty back at home,” July 15, 2020; and Amnesty International, “Prison and COVID-19: The Nicaraguan government’s lethal cocktail against those who criticize it,” August 10, 2020.

²⁵⁰ *Colectivo de Derechos Humanos Nicaragua Nunca +*, [Observatorio contra la Tortura, Tratos Crueles, Inhumanos y Degradantes, Primer Informe 2020](#) [Observatory against torture, cruel, inhuman, and degrading treatment, first report 2020], p. 4; *La Prensa*, [Jueces indiferentes a peticiones a favor de presos políticos para protegerlos del COVID-19](#) [Judges indifferent to petitions for political prisoners to protect them from COVID-19], April 17, 2020; IACHR, Report on the rights of persons deprived of liberty in the Americas, December 31, 2011, para. 519; and IACHR, Press release No. 66/20, [La CIDH urge a los Estados a garantizar la salud y la integridad de las personas privadas de libertad y sus familias frente a la pandemia del COVID-19](#) [IACHR urges states to guarantee the health and integrity of persons deprived of liberty and their families in the face of the COVID-19 pandemic], Washington, D.C., March 31, 2020.

²⁵¹ IACHR, Resolution 82/2020. Precautionary measures No. 489-20, Maycol Antonio Arce and 40 other persons deprived of their liberty, Nicaragua, November 2, 2020, para. 92 and ss.

vulnerable or high risk groups, such as: the elderly, women, children, persons with disabilities, people living with HIV-AIDS, tuberculosis, and persons with terminal diseases.” In addition, the provision of health services shall, in all circumstances, respect the following principles: medical confidentiality; patient autonomy regarding their own health; and informed consent to medical treatment in the physician-patient relationship.²⁵²

169. By virtue of the above, in the context of global COVID-19 pandemic, the IACHR reiterates its call to the state of Nicaragua to adopt urgent measures to guarantee the health and integrity of persons deprived of liberty, as well as to ensure decent and adequate detention conditions in penitentiaries, in accordance with inter-American human rights standards²⁵³ and the precautionary measures granted by the IACHR in this context.²⁵⁴ At the same time, it urges the state to guarantee the immediate release of all persons who continue to be arbitrarily incarcerated because of incidents involving the social protests starting on April 18, 2018.²⁵⁵

C. Internally Displaced Persons, Migrants, Asylum Seekers, Refugees, and Beneficiaries of Subsidiary Protection

170. Since the start of the crisis in the country in April 2018, the Commission has been monitoring the situation of Nicaraguans who were forced to flee the country. According to data gathered by UNHCR, more than 103,600 persons have been forced to flee Nicaragua and seek asylum because of persecution and human rights violations: of these, 77,000 have been displaced to Costa Rica, 8,000 have fled to Panama, and 9,000 others to Europe, whereas Mexico has received 3,600 Nicaraguans.²⁵⁶

171. By the end of 2019, the IACHR had made one working visit to Costa Rica in order to present its report on *Forced migration of Nicaraguans*, as well as to gather information on the situation of displaced persons in the context of the human rights crisis in Nicaragua both from Costa Rica’s state authorities and from civil society organizations and displaced Nicaraguans. In the

²⁵² IACHR, Principles and Best Practices on the Protection of Persons Deprived of Liberty in the Americas (Principle X).

²⁵³ In its Resolution “Pandemic and Human Rights in the Americas,” the IACHR recommended the following to the states, among other actions: 1) take measures to address overcrowding in prisons, including reassessing cases of preventive detention in order to identify those whose status may be converted to that of an alternative to incarceration, prioritizing people with greater health risks of possible COVID-19 contagion; 2) in the case of persons at risk for the pandemic, such as older persons, persons with chronic diseases, pregnant women or with children to take care of and whose sentence will soon be served, give priority to the possibility of granting alternatives to incarceration, such as parole, house arrest, or early release; 3) adapt the conditions of detention of people deprived of liberty, particularly concerning food, health, sanitation and quarantine measures to prevent COVID-19 contagion inside the prison; 4) establish protocols to ensure security and good order in prison units, in particular, to prevent acts of violence related to the pandemic, adhering to inter-American standards on the matter. IACHR, Resolución No. 1/2020, Pandemia y Derechos Humanos en las Américas [Resolution No. 1/2020, Pandemic and Human Rights in the Americas], adopted by IACHR on April 10, 2020.

²⁵⁴ IACHR, Press release No. 66/20, La CIDH urge a los Estados a garantizar la salud y la integridad de las personas privadas de libertad y sus familias frente a la pandemia del COVID-19 [IACHR urges states to guarantee the health and integrity of persons deprived of liberty and their families in the face of the COVID-19 pandemic], Washington, D.C., March 31, 2020.

²⁵⁵ IACHR, Press release 72/20, CIDH y su REDESCA expresan seria preocupación por la situación de los derechos humanos en el contexto de la respuesta a la pandemia por COVID-19 en Nicaragua [IACHR and OSRESCER express serious concern about the human rights situation during the response to the COVID-19 pandemic in Nicaragua], Washington, D.C., April 8, 2020.

²⁵⁶ UNHCR, “Más de 100.000 personas forzadas a huir de Nicaragua tras dos años de crisis política y social” [Two years of political and social crisis in Nicaragua force more than 100,000 to flee], March 10, 2020.

framework of its visit, the IACHR traveled to the border with Nicaragua, to learn about and obtain relevant testimonies and information on the situation of displaced *campesinos* and families located in rural areas. In 2020, the IACHR published a press release thanking the willingness of Costa Rican authorities to share information, show progress achieved, and recognize challenges pending in Costa Rica regarding immigration in connection with the serious human rights crisis in Nicaragua. Likewise, it reiterated the urgency of having the Nicaraguan state adopt relevant measures and implement the recommendations made by the IACHR for the purpose of ensuring appropriate conditions for the voluntary and safe return of displaced persons in the context of the crisis.²⁵⁷

172. Throughout 2020, the IACHR received information on the deterioration of the conditions of Nicaraguans who are displaced, refugees, and asylum seekers—in both Costa Rica and other countries—as a result of the socioeconomic impact stemming from the COVID-19 pandemic, among other impacts, “loss of livelihoods, eviction and hunger.”²⁵⁸ Also in the context of the health emergency, thousands of Nicaraguans who wanted to go back to their country were impacted by the Nicaraguan state’s initial obstruction and refusal to allow them entry.

173. On June 19, the IACHR denounced the situation of about 500 Nicaraguan workers, some of them belonging to Afrodescendant communities of the country’s Caribbean coastal region, who for three months were stranded on the Cayman Islands and living there in precarious conditions.²⁵⁹ Likewise, through MESENI, the IACHR noted that more than 1,000 Nicaraguans trying to return to their country from Panama were prevented from entering Nicaragua for several weeks;²⁶⁰ the same happened with other groups coming from Guatemala and Honduras, and they had survived in shelters under extremely precarious conditions.²⁶¹

174. In that respect, the Commission noted the serious situation of more than 500 Nicaraguans who have been stranded on Costa Rica’s border since July 18, 2020. According to information in the public domain, the state of Nicaragua arbitrarily refused their entry because they failed to provide a negative COVID-19 test. Later on, on July 25, the Ministry of Health issued Resolution 346-2020, officially stipulating that they were required to show a negative COVID-19 test, this measure seriously impacted the persons on the border. In effect, in addition to not having access to COVID-19 testing, the IACHR notes that these persons survived in overcrowded conditions in makeshift camps or sleeping in the open, with no access to clean drinking water, food, or personal hygiene services.

²⁵⁷ IACHR, Press release No. 009/2020, [CIDH realiza visita de trabajo a Costa Rica y presenta su informe sobre Migración forzada de personas Nicaragüenses](#) [IACHR conducts working visit to Costa Rica, presents report on the forced migration of Nicaraguans], January 14, 2020.

²⁵⁸ UNHCR, “La COVID-19 lleva a los refugiados nicaragüenses al hambre y la desesperación” [COVID-19 driving Nicaraguan refugees to hunger and desperation], August 28, 2020; and *Confidencial*, “ACNUR en Costa Rica: nos preocupa el retorno a su país de nicas refugiados” [UNHCR in Costa Rica: we are concerned about Nicaraguan refugees going back to their country], September 10, 2020.

²⁵⁹ “La @CIDH tomó conocimiento, a través de su #MESENI, de unos 500 trabajadores nicaragüenses de cruceros varados, en precarias condiciones económicas, en territorios del Caribe y Centroamérica, a quienes se le impediría el ingreso a Nicaragua” [#CIDH was apprised, through its #MESENI, of about 500 stranded Nicaraguan cruise ship workers living in precarious conditions in Caribbean and Central American territories who are prevented from entering Nicaragua], Twitter account of the IACHR, publicación del [19 de junio de 2020](#) [posted on June 19, 2020].

²⁶⁰ “#CIDH received information from #Panama on more than 1,000 Nicaraguans trying to go back to their country and staying in shelters along the border because of the Nicaraguan state’s refusal to allow them in. #Migración #DDHH”, Twitter account of the IACHR, publicación del [9 de julio de 2020](#) [posted on July 9, 2020].

²⁶¹ #CIDH/#MESENI also reported the situation of more than 100 Nicaraguans prevented from going back to their country from #Guatemala because state of #Nicaragua refuses to let them in. About 45 persons are in a border shelter #Migración, Twitter account of the IACHR, publicación del [9 de julio de 2020](#) [posted on July 9, 2020].

These conditions, in turn, disproportionately affected women, children, and older persons. For example, according to information gathered by civil society, “women presented with vaginal infections because of the lack of access to water and because they were unable to bathe, as well as because of the anti-hygienic conditions of the only toilet that was available, which was extremely dirty and which they tried to clean with water from the rain falling at night.”²⁶²

175. Civil society organizations also reported that Nicaraguan police officers had used force against persons who stayed at the border to keep them against the border wall for the purpose of clearing and facilitating freight traffic. Likewise, media outlets, human rights defenders, and journalists reported intimidation by Nicaraguan police authorities, who were taking photos and videos. In many cases, the Nicaraguan authorities’ refusal to let them enter had driven dozens of persons to attempt entering Nicaragua through blind spots, thus exposing themselves to serious risks for their life and personal integrity.²⁶³

176. According to information from OHCHR, in June, “about 1,300 Nicaraguan migrants were stuck in precarious conditions for periods fluctuating between 10 and 30 days at different borders waiting for authorization to return to their country of origin.”²⁶⁴ As for available official information, it indicates that, since March 11, 2020 when COVID-19 was declared a pandemic, 58,996 Nicaraguans (21,351 women and 37,645 men), coming from different countries, returned to Nicaragua, among which 4,155 Nicaraguans (1,634 women and 2,521 men) from Panama.²⁶⁵

177. According to the Inter-American Principles on the Human Rights of all migrants, refugees, stateless persons, and victims of human trafficking, the IACHR recalls that all persons, regardless of their migration status, have a right to return to the state of which they are nationals. States must promote lasting and sustainable solutions to guarantee the safe return of migrants, especially in the case of unaccompanied children.²⁶⁶ Likewise, in its Resolution 01/20 on the Pandemic and Human Rights, the IACHR has recommended guaranteeing the right of return to a person’s state or territory of origin or nationality, through cooperation, exchange of information, and logistical support between the states concerned, paying heed to the required health protocols and ensuring the principle of respecting the family unit.²⁶⁷

²⁶² *Colectivo de Derechos Humanos Nicaragua Nunca+*, Informe sobre la situación de derechos humanos de nicaragüenses que sufren obstáculos para retornar a su país [Report on the human rights situation of Nicaraguans encountering obstacles to returning to their country], 2020, p. 7.

²⁶³ *Colectivo de Derechos Humanos Nicaragua Nunca+*, Informe sobre la situación de derechos humanos de nicaragüenses que sufren obstáculos para retornar a su país [Report on the human rights situation of Nicaraguans encountering obstacles to returning to their country], 2020, p. 7.

²⁶⁴ Actualización sobre la situación de los derechos humanos en Nicaragua [Update on the human rights situation in Nicaragua], pursuant to resolution 43/2, 45th session of the Human Rights Council, Michelle Bachelet, United Nations High Commissioner for Human Rights, Geneva, 14 September 2020.

²⁶⁵ *El 19 Digital*, Ministerio de Gobernación informa sobre el arribo a nuestro país de 72 nicaragüenses procedentes de Panamá, [Ministry of the Interior reports on 72 Nicaraguans entering our country from Panama], September 11, 2020; and Ministry of the Interior, Press release “72 herman@s nicaragüenses procedentes de Panamá retornan a su Patria” [72 Nicaraguan comrades coming from Panama return to their homeland], September 11, 2020.

²⁶⁶ IACHR, Principios Interamericanos Sobre Los Derechos Humanos De Todas Las Personas Migrantes, Refugiadas, Apátridas Y Las Víctimas De La Trata De Personas [Inter-American Principles on the Human Rights of all migrants, refugees, stateless persons, and victims of human trafficking], Resolution 04/19 adopted by the Commission on December 7, 2019, Principle 76.

²⁶⁷ IACHR, Resolución No. 1/2020, Pandemia y Derechos Humanos en las Américas [Resolution No. 1/2020, The Pandemic and Human Rights in the Americas], adopted by the IACHR on April 10, 2020, Recommendation 60.

178. In that respect, the IACHR urged the state of Nicaragua to take immediate action to allow entry to Nicaraguan nationals, guaranteeing as well the lives, integrity, and health of the people who are stranded at its borders by facilitating and prioritizing the adoption of protocols concerning medical and entry proceedings. These protocols must be objective, transparent, and publicly accessible and reflect an intercultural perspective to prevent returnees from having to wait and from facing the discretionary decisions of the authorities in each case. Given that thousands of Nicaraguans were forced to flee their country in the context of the human rights crisis that started on April 18, 2018, the Commission deems it is relevant to reiterate to the state of Nicaragua that it must grant real safeguards to protect returnees and, in particular, guarantee that they will not be subjected to persecution once they return to Nicaraguan territory.²⁶⁸

D. Indigenous Peoples and Afrodescendants in Nicaragua's Caribbean Coast

179. The Inter-American Commission has continued ongoing monitoring and accompaniment of the situation of indigenous peoples and Afrodescendants of Nicaragua's Caribbean coast, especially with respect to historical grievances regarding their ancestral territories and other events of violence that had surged again in the context of the severe human rights crisis affecting the country since April 2018.²⁶⁹

180. This year, the IACHR notes that the communities continue to encounter a situation of widespread violence because of land-grabbing by settlers and third parties who are acting with the state's tacit approval and tolerance.²⁷⁰ As a result of these events, in 2020, at least 10 indigenous persons were killed, 8 of them from the Mayangna People and 2 Miskitus.²⁷¹ According to information provided to the IACHR, since the end of 2018 and to date, there have been 14 kidnappings, 43 acts of intimidation and threats, and 6 assaults with serious injuries against the members of the 12 communities benefiting from protection measures granted by the inter-American human rights system. "Which means a total of 12 killings in the beneficiary communities, 23 kidnappings, 25 assaults with serious injuries, 2 rapes, and at least 49 acts of intimidation and/or threats since 2015."²⁷² Since that same year, land-grabbing of Miskitu property by settlers lands has led to the flight of more than 3,000 persons from their land—including the woods where they had grown crops, hunted, and fished

²⁶⁸ IACHR, Press release No. 186/20, La CIDH urge al Estado de Nicaragua a garantizar los derechos de personas nicaragüenses que retornan en el contexto de la pandemia del COVID-19 [The IACHR urges state of Nicaragua to protect the rights of Nicaraguans who return to the country in the context of the COVID-19 pandemic], Washington, D.C., July 31, 2020.

²⁶⁹ In 2019, the IACHR also learned that at least six assaults were launched on the Community of Santa Clara belonging to the Miskitu People, one of which consisted of kidnapping two of the community's women, Graciela Guiermo Velásquez and Elvira Flamingo Velásquez, by 25 armed settlers, who forced the women to work under threat. According to the report provided, in the context of other attacks there have been incidents of threats and interrogations to members of the community with the use of firearms to intimidate them, settlements on indigenous lands restricting the community's access to places where they live, and, in addition the building of roads, as well as land-grabbing by posting signs indicating "Private Property" in their territories. IACHR, Press release No. 61/20, Comunicado de prensa no. 61/20 - CIDH urge al Estado de Nicaragua cesar las violaciones a los derechos de personas y comunidades indígenas [IACHR urges the state of Nicaragua to cease violations of the rights of indigenous peoples and communities], Washington, D.C., March 23, 2020.

²⁷⁰ In connection with the attacks in 2020, the IACHR received the report "Graves Violaciones a los Derechos Humanos de los Pueblos Indígenas Miskitu y Mayangna en la Región Autónoma de la Costa Caribe Norte (RACCN) de Nicaragua" del Centro de Asistencia Legal a Pueblos Indígenas (CALPI) ["Gross violations of the human rights of the Miskitu and Mayangna Peoples in the Autonomous Region of the Northern Caribbean Coast (RACCN) of Nicaragua" from the Legal Aid Center for Indigenous Peoples], as well as the report Miskitu Resistance: A Fight for Territory and Life. July 2020 Update.

²⁷¹ CEJIL, Miskitu Resistance: A Fight for Territory and Life. July 2020 Update, p. 6.

²⁷² CEJIL, Miskitu Resistance: A Fight for Territory and Life. July 2020 Update, p. 6.

for generations—to take refuge in Puerta Cabezas, Waspam, Honduras, and other territories where they faced hunger and severe illness.²⁷³

181. In connection with the violence occurring in 2020, on January 29, the Commission received from the Special Follow-up Mechanism for Nicaragua (MESENI) complaints and testimonies on the assault with firearms perpetrated by settlers against the Miskitu Community of Alal, located 30 kilometers away from the mining municipality of Bonanza in the Bosawás Biosphere Reserve. According to public information, six persons had been killed and 10 other persons were reported missing. In addition 15 houses were burned down, which led to the displacement of several families of the community.²⁷⁴ As for the National Police, it reported that two persons had lost their lives,²⁷⁵ which was rejected by civil society organizations and the community's territorial leader.²⁷⁶

182. Additionally, on February 16, 2020, the IACHR condemned the assault by armed settlers against the members of the community of Santa Clara, in the municipality of Waspán Río Coco. As a result, a 14-year-old girl was shot in the jaw, which seriously affected her physical integrity.²⁷⁷ Since February 6, 2020, the Santa Clara Community is the beneficiary of provisional measures granted by the Inter-American Court of Human Rights (I/A Court H.R.).²⁷⁸ Afterwards, on March 25, the IACHR was apprised of the killing of three Mayangna young people by settlers in the community of Wasakin, territory of Tuahka, municipality of Rosita; and on March 27, in the community of Ibu, in the territory of Tuahka, three other persons belonging to the community were killed.²⁷⁹

183. On July 10, the IACHR also condemned the attack of armed land-grabbers against the Ahsawas community, in the Mayangna Sauni Bu territory in the Bosawás Biosphere Reserve. According to the complaint, at about 12:20 a group of settlers attacked the community dwellers who were working in their fields. On that occasion, the IACHR reiterated its call to the state to protect the

²⁷³ The Oakland Institute, Report “Nicaragua: A Failed Revolution. Indigenous Struggle for *Saneamiento*,” 2020.

²⁷⁴ *Deutsche Welle*, “[Seis indígenas muertos tras ataque en el Caribe de Nicaragua](#)” [Six indigenous persons die after attack in Nicaragua’s Caribbean region], January 30, 2020; *La Prensa*, “[Seis indígenas muertos y 10 desaparecidos en ataque de colonos en una comunidad de Bosawás](#)” [Six indigenous persons die and 10 disappear as a result of attack by settlers in a community of Bosawás], January 29, 2020; see also: “#CIDH condemns attack by settlers on Mayangna community in Bosawás, #Nicaragua: there are 6 community members killed and 10 missing. The state is failing to fulfill its international obligations to protect the integrity, life, and territories of indigenous persons if it does not prevent, investigate, and punish these incidents (1/2)”, Twitter account of the IACHR (@CIDH), [publicación del 30 de enero de 2020](#) [posted on January 30, 2020].

²⁷⁵ National Police, [Nota de Prensa no. 23- 2020](#) [Press release No. 23-2020], January 30, 2020.

²⁷⁶ Regarding the press release published by the Police in which it only reports the death of 2 persons, the territorial leader Gustavo Lino assures that there were 6 persons killed, the disappearance of 10 indigenous persons, and fire set to at least 15 houses. Twitter account of Nicaraguan Center for Human Rights, [publicación del 30 de enero de 2020](#) [posted on January 30, 2020].

²⁷⁷ IACHR, Press release No. 61/20, [Comunicado de prensa no. 61/20 - CIDH urge al Estado de Nicaragua cesar las violaciones a los derechos de personas y comunidades indígenas](#) [IACHR urges the state of Nicaragua to cease violations of the rights of indigenous peoples and communities], Washington, D.C., March 23, 2020.

²⁷⁸ I/A Court H.R. [Ampliación de Medidas Provisionales respecto de Nicaragua](#) [Extension of Provisional Measures regarding Nicaragua], Matter of the Inhabitants of the Communities of the Miskitu Indigenous People of Northern Caribbean Coast Region], February 6, 2020

²⁷⁹ CALPI, “Gross human rights violations of the Miskitu and Mayangna Peoples in the Autonomous Region of the Northern Caribbean Coast (RACCN) of Nicaragua,” 2020; and *La Prensa*, “[Asesinan a tres miskitos en comunidad Ibu, en Rosita](#)” [Three Miskitus killed in the community of Ibu in Rosita], March 28, 2020.

life and integrity of the members of the indigenous and Afrodescendant communities to address the increasingly intense attacks by the settlers over the past few months.²⁸⁰

184. On July 13, settlers kidnapped the community leader Apolinar Taylor Garcia, belonging to the community of Sagnilaya, in the territory of twi Yahbra, although to date there has been no action recorded by state authorities to investigate the facts effectively and on a timely basis. It must be stressed that the community leader had already received threats and even his house had been burned.²⁸¹ On September 21, two members of the indigenous community of Sangnilaya were kidnapped by armed settlers who also burned down five houses.²⁸² Finally, on September 27, a group from the Rama Kriol Territorial Government, which was discharging the duties pertaining to its mandate in the *Reserva Indio Maíz*, were detained by troops from the Southern Military Detachment of the Nicaraguan Army, located in the La Quezada Forest Checkpoint in the municipality of El Castillo in the department of Río San Juan. Its president was taken to the military units and detained for more than 12 hours without cause.²⁸³

185. In addition to the permanent attacks on the indigenous communities, the IACHR notes that territorial rights, as well as the integrity and life of the communities, are impacted because of other incidents such as the scarce progress in disencumbering the land on the basis of formal property deeds; the absence of measures to prevent, investigate, and punish those perpetrating the aggression; alleged incidents of corruption in connection with the sale and illegal granting of land titles to former combatants of the civil war and the settlers themselves; and the creation of parallel community governments.²⁸⁴

²⁸⁰ “@CIDH /#MESENI #CIDH condemns attack by settlers on the community of Ahsawas, Mayangna Sauni Bu territory, Bosawás Biosphere Reserve, occurring on #10julio. According to information in the public domain, the incidents led to the death of one person and another person severely injured,” Twitter account of the IACHR (@CIDH), [publicación del 12 de julio de 2020](#) [posted on July 12, 2020]; and “#CIDH urges state to protect the life and integrity of the members of indigenous and Afrodescendant communities of the Caribbean coast region #CostaCaribe in #Nicaragua, who were affected by the increasingly intense attacks by settlers over the past few months. #PueblosIndigenas #Afrodescendientes,” Twitter account of the IACHR (@CIDH), [publicación del 12 de julio de 2020](#) [posted on July 12, 2020].

²⁸¹ *Artículo 66, “Denuncian secuestro de una niña a manos de colonos en una comunidad de Puerto Cabezas”* [Kidnapping of girl by settlers in a community of Puerto Cabezas reported], July 14, 2020; *Nicaragua Investiga*, “Comunitarios temen que desaparezca padre de niña secuestrada por colonos en municipio de Bilwi” [Community members fear disappearance of father of girl kidnapped by settlers in municipality of Bilwi], July 16, 2020; and *CALPI*, “Gross human rights violations of the Miskitu and Mayangna Peoples in the Autonomous Region of the Northern Caribbean Coast (RACCN) of Nicaragua,” 2020, p. 9.

²⁸² “On September 21, two members of the indigenous community of #Sangnilaya were kidnapped in the northern Caribbean region #CaribeNorte by armed settlers who, in addition, burned down five houses. There is no evidence of preventive measures, reparations for the victims, or identification of those responsible by the state.” Twitter account of the IACHR (@CIDH), [publicación del 9 de octubre de 2020](#) [posted on October 9, 2020].

²⁸³ “On September 27, a group from the Rama Kriol Territorial Government #RamaKriol in the discharge of the duties of their mandate in the Indio Maíz Reserve #ReservaIndioMaíz was detained by army troops. Its president was taken to military units and detained for more than 12 hours without cause. (2/4),” Twitter account of the IACHR (@CIDH), [publicación del 9 de octubre de 2020](#) [posted on October 9, 2020].

²⁸⁴ Regarding this, the report “Nicaragua: A Failed Revolution. The Indigenous Struggle for *Saneamiento*” documents various direct ties between Nicaraguan government authorities and political figures engaged in various businesses on indigenous territories. According to the report and investigation by independent media outlets, President Ortega himself and his family are among the shareholders of the logging and lumber company Alba Forestal, which has various projects in the Autonomous Regions. According to the report, corruption would also involve officials at various levels of government engaged in the unlawful sale of land and the unlawful concession of property ownership deeds to former combatants of the civil war and other settlers. The authorities have also unlawfully granted property deeds in various communities for the resettlement of former Sandinista and YATAMA combatants. The Oakland Institute, report “Nicaragua: A Failed Revolution. The Indigenous Struggle for *Saneamiento*,” 2020.

186. Regarding this, according to the report “Nicaragua: A Failed Revolution. The Indigenous Struggle for *Saneamiento*,” published in 2020, the state of Nicaragua is also continuing to encourage settlement of the territory of indigenous communities, by fostering foreign capital in the mining, forestry, and livestock sectors. According to the report, the state of Nicaragua has recognized that more than 7.1 million hectares of land are available for mining concessions, which accounts for almost 60% of Nicaragua’s territory.²⁸⁵ According to the report, mining by settlers and transnational corporations is also one of the principal causes of violence and displacement of indigenous communities, while also entailing serious risks for health and the environment. As for the state, since 2017 it has been increasing its involvement in the mining business on the basis of joint ventures with private-sector companies.²⁸⁶

187. In this same context, during its 175-session period, the IACHR held the public hearing in Case 13,615 *the Miskitu Indigenous Community at Tasbapounie; the Community of African Descent at Monkey Point; the Rama Indigenous People; and the Black Creole Indigenous Community of Bluefields v. Nicaragua*. The case concerns the alleged violation of the rights of the people of the South Atlantic Autonomous Region (RAAS) as a consequence of the state of Nicaragua’s approval of the construction project for the Nicaragua Grand Canal, allegedly without prior, free, and informed consultation. In their allegations, the petitioning party referred to the alleged usurpation of community territories by the state and the effects this allegedly had or could have had on community rights. The petitioning party also spoke out against the existence of “parallel” community governments with connections to the national government, which violated these communities’ right to self-determination. The State indicated that the petitioning party is not an official legal representative of the communities in question as it is not an elected authority. It argued that the consultation process had lasted approximately two years and was based on a coordinated document prepared by the government of Nicaragua and approved by the governments of the communities concerned. The state representative also noted that Nicaragua has made more progress than any other country in the region toward recognizing the rights of indigenous people, specifically, returning their lands to them. The Inter-American Commission welcomed the presence of the State in said hearing and indicated that it will continue working on the case study for the Merits Report that it will adopt on this matter.²⁸⁷

188. Finally, the IACHR also received abundant information on the precarious and grave situation of some of the communities in the region of the country’s Caribbean coast with respect to

²⁸⁵ According to the report: “On the basis of large tax incentives offered to forestry projects, PRONicaragua, which is the state agency for promoting investments and exports, announces that Nicaragua is a country with an almost endless supply of land that is ‘appropriate’ for forestry projects, with more than 3.5 million hectares available for use. Most of Nicaragua’s primary forests, however, are located in the autonomous regions and play a key role in the lives and livelihoods of the indigenous peoples. Corporations, cattle ranchers, and illegal settlers have been very clear about logging valuable tropical forests in order to launch cattle ranching and lumber operations, which have a devastating impact on the environment and the livelihoods of the indigenous peoples. The Oakland Institute, “Nicaragua: A Failed Revolution. The Indigenous Struggle for *Saneamiento*,” 2020, p. 6.

²⁸⁶ One month after the law establishing ENIMINAS was enacted, the total amount of land being granted as mining concessions rose from about 1.2 million hectares to 2.6 million hectares, accounting for more than 20% of the country. One third of that is located in the Bosawá Biosphere Reserve. The Oakland Institute, “Nicaragua: A Failed Revolution. The Indigenous Struggle for *Saneamiento*,” 2020, p. 6.

²⁸⁷ During the hearing, the IACHR received testimony offered by the petitioning party, as well as the parties’ oral arguments on the merits of the matter. The witness discussed the consultation process that the government of Nicaragua carried out. Their observations included the fact that the government did not follow the guidelines presented by communities and did not have independent technical assistance nor did the majority of community governments consent to the project. CIDH, 175º Periodo de Sesiones, audiencia pública [“Caso 13.615 Comunidad Indígena Miskitu de Tasbapounie; Comunidad Afro descendiente de Monkey Point; Pueblo Indígena Rama, Comunidad Negra Creole Indígena de Bluefields vs. Nicaragua”](#), March 9, 2020.

the impacts of the COVID-19 pandemic, owing to the food crisis they are experiencing because of the land-grabbing and plundering of their territories; the lack of access to information; and the absence of prevention and protection measures from an intercultural perspective. Likewise, the historical neglect in terms of access to health heightens the risk to which the communities are exposed: for example, 98% of the health centers in the territories of Wangki Maya and Wangki Twi-Tasba-Raya do not have any basic infrastructure or sanitary services. As for the communities of the territory of Wangki Li Aubra, the situation is even more critical, since only two of the eight communities have community nurses. Because of the Nicaraguan state's failure to take measures to prevent the COVID-19 pandemic, at least 20 communities have declared a self-quarantine.²⁸⁸

189. In connection with the above, the IACHR urges the state of Nicaragua to guarantee the right of indigenous and Afrodescendant peoples to territory as a first step to safeguard their basic rights, bearing in mind the singular importance given by inter-American human rights law to territorial rights of peoples and the key role that territories play in ensuring the enjoyment and guarantee of their rights. In addition, the state must guarantee the right of indigenous and Afrodescendant communities and their defenders to a life without violence against threats, aggression, and other acts of intimidation by third parties or companies in their territories. In particular, the IACHR urges enforcement of the protection measures granted in the framework of the inter-American human rights system and the recommendations made by the Commission.

190. Regarding this, the bodies of the inter-American system have asserted that the spiritual relationship with the space and territory in which indigenous peoples dwell collectively is protected by Article 21 of the American Convention. By virtue of this right, states are duty bound to title, delimit, and demarcate ancestral territory on the basis of the world vision of the peoples. The IACHR has also recognized that the state must guarantee the collective ownership of the indigenous communities with respect to third parties, which means that, when conflicts arise, these collective groups have the right to obtain protection and redress through procedures that are adequate and effective; to have the effective enjoyment of their right to property secured; to an effective investigation and sanction of those responsible for the attacks; and to the establishment of special, prompt, and effective mechanisms to settle legal disputes over ownership of their lands.²⁸⁹

VI. RECOMMENDATIONS

191. On the basis of the preceding analysis, the Inter-American Commission reiterates its call to the State to comply with and implement the recommendations made in the final report on its working visit to the country, as well as the recommendations made by its Interdisciplinary Group of Independent Experts (GIEI). Likewise, it urges the State to comply with the recommendations made in

²⁸⁸ According to the report, indigenous territories such as Rama Cay, Tic Tic Kanu, Corn River, Sumu Kat, Gray Town, Monkey Point, Wirin Cay, Bankukuk, and Indian River, as well as Laguna de Perlas, Sandy Bay Sirpi, Tasbapauni, Karawala, and Muelle de los Bueyes, are municipalities and communities that have declared a voluntary quarantine in Nicaragua's Southern Caribbean Coast. Among the indigenous communities that have declared a self-quarantine, there are the following communities: Tuapi, Awastingni, Mani Watla, Dahban, Wawa Bar, Daukra, the ten communities of Sandy Bay, and the community of Pahra. The above would entail, among other things, restrictions on the entry of outside businesspersons, mass gatherings, sports activities, religious celebrations, and those activities that would involve large numbers of people coming together. *CEJIL, Miskitu Resistance: A Fight for Territory and Life*. July 2020 Update. In IACHR's files.

²⁸⁹ IACHR, Indigenous and tribal peoples' right over their ancestral lands and natural resources. Norms and jurisprudence of the inter-American human rights system, OEA/Ser.L/V/II. Doc. 56/09. December 30, 2009, para. 113; and IACHR, Press release No. 61/20, Comunicado de prensa no. 61/20 - CIDH urge al Estado de Nicaragua cesar las violaciones a los derechos de personas y comunidades indígenas [IACHR urges the state of Nicaragua to cease violations of the rights of indigenous peoples and communities]. Washington, D.C., March 23, 2020.

its Thematic Report *Persons Deprived of Liberty in Nicaragua in connection with the Human Rights Crisis that Began on April 18, 2018*, published on December 3, 2020.

192. The IACHR also reiterates the following recommendations made in the context of Chapter IV.B of its 2018 and 2019 Annual Reports, as compliance with them is still pending.

Administration of Justice and Judicial Independence

1. Guarantee the independence and impartiality of the judicial branch of government from any kind of pressure, which is necessary to fulfill its duty to investigate, prosecute, and punish those who violate human rights.
2. Establish a mechanism for the assignment of cases using objective criteria. These criteria must be public and sufficiently precise to prevent manipulation in case assignments.
3. Establish predictable procedures and objective criteria for transfers from courts, promotion and advancement of operators of justice, based on the merits and professional capacity of the operators of justice. In the case of transfers, take into account the opinion of the operator of justice.
4. Revise Law 586 to establish and guarantee, in regulatory terms, the procedures for public selection and appointment, using objective criteria aimed at selecting and designating operators on the basis of their merit and professional capabilities.
5. To the judicial branch, fully exercise its independence to try defendants under the highest international and inter-American human rights standards, taking into account the conditions of detention and the crimes they are being charged with and making it possible for the accused to exercise their right to a defense.
6. Guarantee the right of victims and their next of kin to know the truth. In particular, ensure that they have the information about the causes of the injuries that occurred and/or the death, as well as the truth about the circumstances, events and the motives that led to them.

Freedom of Expression

7. Remove the obstacles to the legitimate exercise of the right to protest, in particular, by eliminating the requirement for prior authorization to hold demonstrations and expressly establishing the general presumption in favor of the exercise of the right of assembly and freedom of expression.
8. Guarantee respect for the independence of the media and refrain from the use of prior or indirect censorship by any state body; as well as any prior condition that might entail censorship of the freedom of expression.
9. Urge the state authorities to refrain from making public statements that stigmatize demonstrators, human rights defenders, journalists, or from using state-owned media outlets to conduct public campaigns that might instigate violence against persons because of their opinions.

10. Effectively protect journalist and defenders who are at risk for practicing their profession as journalists or human rights defenders.
11. Close all court cases against journalists or media outlets that have been arbitrarily opened to repress, sanction, and punish the right to freedom of expression.
12. Adopt a variety of meaningful and sustainable measures to address the situation of impunity for crimes against journalists, and promote timely, diligent, independent, and transparent investigations in these cases, in keeping with international human rights standards and best practices, in consultation with civil society.

Economic, Social, Cultural, and Environmental Rights

13. Adopt as quickly as possible a pandemic management strategy based on the best scientific information available, taking into consideration the recommendations made by specialized international organizations. In order to safeguard the right to health of the entire population, said measures must also be coupled with a strengthening of health sector goods, services, and infrastructure, including the supply of personal protection equipment and adequate training on how to use them to all sector workers.
14. Refrain from engaging in acts of intimidation and persecution against health workers who are calling for improvement in their biosecurity, working conditions, or health system.
15. Guarantee the labor rights of health sector workers, as well as their integrity and security both inside and outside health centers. Also, cease all unjustified dismissals and other practices of workplace harassment against health personnel who, when doing their work and complying with their professional ethics, are providing guidance about how to prevent COVID-19 infection.
16. Adopt urgent measures to ensure access of students who were separated from the various institutions of higher education to their right to education, in particular those who have been identified as opponents of the government. By the same token, the state must guarantee teaching and academic freedom in specialized education and research centers. The Commission and the SRESCER urge the state to reinstate all persons who have been removed from their teaching and research jobs in the context of the pandemic because they might have criticized the state's handling of the health crisis.

Human Rights Defenders

17. Cease the harassment and criminalization of human rights defenders and social leaders, and guarantee conditions so they can fully carry out their work and exercise their rights, in particular, to freedom of expression, assembly, and association.
18. Declare null and void all decrees terminating the legal status of civil society organizations that were approved without guaranteeing due process of law for

affected persons. Immediately close all administrative and criminal investigations into the organizations themselves.

19. Adapt the Law Regulating Foreign Agents, Law No. 1040 in accordance with the international standards on human rights, and refrain from restricting the sources of funding for civil society organizations, including access to foreign funding in the framework of international cooperation and related standards.
20. Prevent murders, threats, and intimidation against human rights defenders, journalists, media workers, social leaders, and dissidents by properly and efficiently implementing precautionary measures granted by the IACHR and the provisional measures granted by the Inter-American Court.
21. Implement comprehensive prevention strategies and protection measures that are culturally appropriate, with an intersectional perspective, and specialized, in order to guarantee that women can carry out their work of human rights protection, participation, and political representation and exercise their right to freedom of expression and opinion, without any kind of violence or discrimination.

Persons Deprived of Liberty

22. Release all those illegally or arbitrarily detained in the context of or during the social protests that began on April 18 or for their political dissidence.
23. Eliminate the practice of detaining persons without a written warrant issued by a government official expressly empowered by law to do so, even in cases of *flagrante delicto*, as this practice stands in violation of Article 33(1) of the Political Constitution of Nicaragua.
24. Bring detainees before a judicial authority within the statutory time-limit of no longer than 48 hours—in accordance with Article 33 of the Constitution and Article 95 of the Code of Criminal Procedure—in order to resolve their legal situation.
25. Immediately verify whether the use of pretrial detention is consistent with international standards on the matter, that is, with the criteria of exceptionality, legality, proportionality, and reasonableness. When procedural criteria such as risk of flight or obstruction of the investigation are not applicable, then alternative measures to pretrial detention should be ordered.
26. Guarantee due process for the detainees. In particular, immediately inform the detainees, their family, and representatives about causes and reasons for their detention. Likewise, an adequate defense must be ensured, one that would enable persons charged to have regular contact with their legal representative and to be involved in preparing for their respective hearings. Additionally, it is essential for their legal representatives to have unrestricted access to their clients.
27. Guarantee the decent treatment of persons in the custody of the state. In particular, ensure that they benefit from medical care services in keeping with

their individual health conditions, receive enough of food with a high nutritional value, and are living in sanitary conditions.

28. Create the necessary conditions to effectively ensure the contact of persons deprived of liberty with their next of kin, by establishing adequate, regular, and predictable rules for visits. In this regard, visits must be permitted at least as often as prescribed in the Prison Regulations and must take place in a dignified manner and in conditions that in no way will be degrading to the persons deprived of liberty. The state must also guarantee the supply of medicines, food, and personal hygiene items.
29. Use solitary confinement associated with maximum security on an exceptional basis, after conducting an individual risk assessment, for the shortest time possible and as a last resort. Solitary confinement orders must be authorized by a competent authority and must be subject to an independent review.

Women

30. Adopt necessary measures to guarantee that all cases of violence against women and, in particular, cases of sexual violence, are investigated with due diligence, on a timely basis, thoroughly, and impartially, taking into account factors such as their cultural identity, sex, gender, age, and other factors, and that the persons responsible are properly punished and that the victims receive comprehensive reparation.
31. Ensure that the State adopts measures of protection to guarantee the personal, physical, and sexual integrity of all women, adolescents, and girls, without distinction of race, ethnic origin, religion, age, cultural identity, or social status.
32. Adopt a comprehensive, coordinated, and adequately funded state policy to ensure that victims of violence have full access to judicial protection, and that acts of violence are adequately prevented, investigated, and redressed.
33. Adopt all necessary and comprehensive measures so that the rights of women detainees are effectively respected and guaranteed, so they do not suffer discrimination and are protected against all forms of violence stemming from their gender status.
34. Adopt investigation protocols to prevent the revictimization of older women, women, girls and adolescents, as well as facilitate their comprehensive access to support services and adapted medical care, including the timely and safe legal termination of pregnancies resulting from sexual violence.

Indigenous and Afrodescendant Communities

35. Guarantee the right of indigenous and Afrodescendant peoples to territory as the first step to safeguard their basic rights. In particular, guarantee the complete and effective demarcation, titling, and remediation of their territories

in accordance with international standards and the recommendations made by the bodies of the inter-American system.

36. Adopt all legislative measures to enforce the right to prior, free and informed, consultation and consent of indigenous communities, in accordance with international standards.
37. Guarantee the right to a life free from violence of indigenous, Afrodescendant communities and their defenders in the face of threats, assaults, and other acts of intimidation by third parties or corporations in their territories.
38. Ensure effective application of the precautionary measures granted by the Inter-American Commission and the provisional measures granted by the Inter-American Court in connection with the indigenous and Afrodescendant communities of the Caribbean Coast. This entails facilitating and guaranteeing the participation of the representatives of the beneficiary communities and their defenders in the framework of their implementation.

Internally Displaced Persons, Migrants, Asylum Seekers, Refugees, and Beneficiaries of Subsidiary Protection

39. Refrain from and immediately cease carrying out acts of persecution against persons who are identified as opponents and adopt effective measures to protect persons who are in situations of persecution and risk.
40. Provide the necessary guarantees so that persons can move about and freely reside in Nicaragua, which necessarily entails refraining from continuing acts of criminalization and from creating reasons for the forced displacement of Nicaraguans.
41. Protect and provide humanitarian aid to persons, who have been or shall be forced to become internally displaced in the country, as well as investigate and punish violent incidents and other incidents leading to internal displacement.
42. Guarantee that all persons are able to leave Nicaraguan territory freely and that their right to seek and receive asylum in a foreign country is respected, in accordance with the provisions of Article 22(2) and 22(7) of the American Convention on Human Rights.
43. Guarantee the right of its nationals to return voluntarily and freely, which entails real safeguards they will not be subjected to persecution once they return to Nicaraguan territory.
44. Guarantee the life and integrity of its nationals who return in the context of the COVID-19 pandemic, in particular by adopting medical and sanitary protocols for that purpose, which must be objective, transparent, and publicly accessible, reflecting an intercultural perspective to prevent returnees from having to wait and from facing the discretionary decisions of the authorities in each individual case.