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**NICARAGUA**



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B. Special Reports

**Nicaragua**

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# I. INTRODUCTION



# I. INTRODUCTION

1. In keeping with its treaty-based and statutory mandate, the Inter-American Commission on Human Rights (“the Commission,” “the Inter-American Commission,” or “the IACHR”) has been closely following the dire human rights crisis in Nicaragua in the context of the protracted disruption of the constitutional and democratic order.
2. In its Report intitled *Concentration of Power and the Undermining of the Rule of Law*, released in 2021, the Inter-American Commission noted that Nicaragua underwent a process of gradual concentration of power and weakening of democratic institutions, which began to consolidate as of the human rights crisis of 2018 and the reelection of Daniel Ortega, on November 7, 2022, to a fourth consecutive term of the presidency, in a climate of repression, structural impunity and electoral fraud.<sup>1</sup>
3. In this Report, the IACHR indicated that the principle of separation of powers, which governs democratic rule of law, was subverted. It further asserted that no system of checks and balances is currently in place, inasmuch as all institutions serve at the pleasure of the executive branch of government. Thus, the different functions of the State are not performed by separate and independent bodies, whose powers are balanced, but instead, all branches of government are aligned with or directed by the Executive branch. As such, these branches place no limits on the exercise of power nor do they prevent arbitrary acts; on the contrary, they actually facilitate or reinforce such acts. The concentration of power in the executive branch has helped Nicaragua transform into a police state, in which this branch of government enforces a regime of suppression of rights and

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<sup>1</sup> IACHR, Nicaragua: Concentration of Power and Undermining of the Rule of Law, OEA/Ser.L/V/II. Doc. 288, October 25, 2021, par. 122.

fundamental liberties through control and surveillance of the citizenry and repression by State and parastatal security institutions.<sup>2</sup>

4. After Daniel Ortega took office on January 10, 2022, the Commission noted an escalating strategy of repression aimed at coopting and taking full control of civic space in order to silence any and all criticism, obliterate dissidence or political opposition and completely restrict the participation of the citizenry in matters of public and social interest. Specifically, throughout the current year, as provided hereunder, the IACHR ascertained dire conditions of detention; the forced closure of thousands of civil society organizations and dozens of media outlets; intensifying repression against the Catholic church; continuing criminalization of dissenting voices; restrictions on entries into and departures from the country for human rights defenders and the family members of victims of repression; as well as calling and holding municipal elections in circumstances at odds with international standards and recommendations on the subject matter.<sup>3</sup>
5. In this context, the IACHR warns that the political, social, and human rights crisis continues to deepen, while a climate of fear and

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<sup>2</sup> IACHR, Nicaragua: Concentration of Power and Undermining of the Rule of Law, OEA/Ser.L/V/II. Doc. 288, October 25, 2021, par. 174.

<sup>3</sup> IACHR. Press release No. 248/22 – IACHR Warns of the Lack of Appropriate Conditions for Holding Free, Fair Municipal Elections in Nicaragua. Washington, D.C, November 4, 2022; Press release No. R218/22 - In light of serious allegations regarding the closure of civic spaces in Nicaragua, UN and IACHR Special Rapporteurs urge authorities to comply with their international obligations to respect and guarantee fundamental freedoms, Washington, D.C, September 28, 2022; Press Release No. 197/22 - IACHR and Its SRESCER Call for Immediate Release of Political Prisoners Being Held in Appalling Conditions in Nicaragua. Washington, D.C, September 5, 2022; Press Release No. 184/22 - IACHR Condemns Repression and Arrests of Members of Roman Catholic Church in Nicaragua. Washington, D.C, August 19, 2022; Press Release No. R163/22 - Nicaragua must cease persecution of independent press and be held accountable for its actions. Washington, D.C, July 15, 2022; Press Release No. 117/22 - IACHR Concerned About Health Condition of Women Who Are Deprived of Liberty in Nicaragua. Washington, D.C, May 27, 2022; Press Release No. 88/22 - IACHR Rejects the Revocation of the Legal Status of 25 Additional Organizations, Deepening the Shutdown of Democratic Platforms in Nicaragua. Washington, D.C, April 26, 2022; Press Release No. 81/22 – Four Years into Nicaragua's Human Rights Crisis, the IACHR Stresses Its Commitment To the Country. Washington, D.C, April 18, 2022; Press Release No. 67/22 - IACHR and Its Special Rapporteurships for Freedom of Expression and for Economic, Social, Cultural, and Environmental Rights Reject Cristiana Chamorro's Conviction and the Cancellation of the Legal Status of Several Organizations. Washington, D.C, March 30, 2022; Press Release No. 65/22 - Comments Made by Nicaraguan Ambassador to the OAS and His Subsequent Dismissal Confirm Serious Human Rights Violations in Nicaragua. Washington, D.C, March 29, 2022.

ensorship in the country is perpetuated, facilitating imposition and dissemination of an official narrative denying the current crisis and the gross human rights violations that have been perpetrated since April 18, 2018. A context of widespread and structural impunity persists<sup>4</sup> with respect to gross human rights violations committed since 2018, leaving a toll of at least 355 deaths; more than 2,000 people injured; more than 1,614 people arrested; hundreds of arbitrary dismissals of health care professionals, and more than 150 unjustified expulsions of university students.<sup>5</sup> As of September 30, 2022, according to information from the *Mechanism for the Recognition of Political Prisoners in Nicaragua*, 209 individuals continue to be deprived of liberty.<sup>6</sup>

6. Additionally, in 2022 the information available to the Commission suggests a troubling massive increase in the flow of Nicaraguans migrating to other countries as a consequence of the political, social, human rights and economic crisis. Based on public information, from January to August 2022, more than 100,000 Nicaraguans had fled to the United States, mostly asylum seekers.<sup>7</sup> Likewise, according to the

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<sup>4</sup> The IACHR recalls that impunity has been defined in Inter-American legal precedents as: the total lack of investigation, prosecution, capture, trial and conviction of those responsible for violations of the rights protected by the American Convention, in view of the fact that the State has the obligation to use all the legal means at its disposal to combat that situation, since impunity fosters chronic recidivism of human rights violations, and total defenselessness of victims and their relatives. IA Court of HR. Case of *Bámaca Velásquez v. Guatemala*. Merits. Judgment of November 25, 2000. Series C No. 70. par. 211.

<sup>5</sup> IACHR, [Press Release No. 81/22 - Four Years into Nicaragua's Human Rights Crisis, the IACHR Stresses Its Commitment To the Country](#), Washington, D.C, April 18, 2022.

<sup>6</sup> Mechanism for the Recognition of Political Prisoners, [Lista – Informe preliminar personas presas políticas en Nicaragua](#) [‘List – Preliminary Report political prisoners in Nicaragua’]. September 29, 2022.

<sup>7</sup> On this score, in her oral update on the Situation of Human Right in Nicaragua, the United Nations High Commissioner noted that: “In the past eight months, the number of Nicaraguan refugees and asylum seekers in Costa Rica has doubled, reaching a total of 150,000 new applicants since 2018. This represents three percent of Costa Rica’s population. The number of Nicaraguans intercepted at the borders of the United States of America is also experiencing an unprecedented increase, rising from 3,164 in September 2020 to 92,037 in April 2022. In March 2022, the number reached 16,088, the highest recorded to date for a single month, and eight times higher than that recorded in March 2021.” United Nations High Commissioner for Human Rights, Michelle Bachelet, [Actualización Oral sobre la situación de derechos humanos en Nicaragua](#) [Oral Update on the Situation of Human Rights in Nicaragua], June 16, 2022. Also see: Inter-American Dialogue, [Apuesta por la Libertad, Garantizar una transición democrática en Nicaragua a través de la presión internacional](#) [A Push for Freedom: Ensuring a Democratic Transition in Nicaragua through International Pressure]. May 2022.

United Nations Agency for Refugees (UNHCR), from April 18, 2018, to 2022, more than 150,000 people were forced to seek international protection in Costa Rica. This trend could end up undermining the Costa Rican asylum system and overburden support networks in the country.<sup>8</sup> In short, more than 250,000 people have been forcibly displaced to other countries since 2018.<sup>9</sup>

7. After assessing the human rights situation in Nicaragua in 2022, the IACHR decided to include Nicaragua, for the fifth year in a row, in Chapter IV.B because it deems that the situation falls under the grounds set forth in subparagraphs 6.a.i, 6.b. and 6.c. of Article 59 of its Rules of Procedure, which lay out the following criteria for inclusion of a Member State in this Chapter:

(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:<sup>10</sup>

(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

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<sup>8</sup> According to UNHCR, these figures are confirmation that, as of February 2022, the number of Nicaraguans seeking protection in Costa Rica surpasses the total number of refugees and asylum seekers from 1980s war-torn Central America, when Costa Rica became a sanctuary for those fleeing the violence. UNHCR, [El número de nicaragüenses desplazados en Costa Rica se ha duplicado en menos de un año](#) [‘The number of Displaced Nicaraguans has doubled in less than one year’]. March 25, 2022.

<sup>9</sup> Inter-American Dialogue, [La Migración y la Democracia: alternativas entre la exclusión y la expulsión](#), [‘Migration and Democracy: alternatives between exclusion and expulsion’], June 2022, pg. 8.

<sup>10</sup> IACHR Rules of Procedure, approved by the Commission at its 137<sup>th</sup> Regular Session, held on October 28, to November 13, 2009; and amended on September 2, 2011 and at its 147<sup>th</sup> Regular Session, held from March 8 to 22, 2013, for entry into force on August 1, 2013. Article 59.6.a.

emergency, state of siege, suspension of constitutional guarantees, or exceptional security measures.<sup>11</sup>

(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.<sup>12</sup>

8. Additionally, this year the Special Rapporteur for Freedom of Expression (SRFOE) condemned the increasingly more violent persecution of the independent press, the escalating risk to the practice of journalism in Nicaragua, as well as the forced exile of journalists and media outlet workers, including the forced displacement of the entire news room of the daily newspaper *La Prensa*.<sup>13</sup> It also confirmed that the escalating repression against the independent press had given rise to media silence zones throughout the country as a consequence of the shutdown and confiscation of dozens of television channels and community radio stations.<sup>14</sup> In September 2022, the IACHR Special Rapporteur for Freedom of Expression and the United Nations (UN) Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association noted that the restrictions on fundamental freedoms have reached a critical point and asserted that, in Nicaragua, there was no longer any space for dissenting voices inasmuch as the strategy of censorship silenced anyone who questions the government in any available realm of public and social participation.<sup>15</sup>

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<sup>11</sup> IACHR Rules of Procedure, approved by the Commission at its 137<sup>th</sup> Regular Session, held from October 28 to November 13, 2009; and amended on September 2, 2011 and at its 147<sup>th</sup> Regular Session, held from March 8 to 22, 2013, for its entry into force on August 1, 2013. Article 59.6.b.

<sup>12</sup> IACHR Rules of Procedure, approved by the Commission at its 137<sup>th</sup> Regular Session, held from October 28 to November 13, 2009; and amended on September 2, 2011 and at its 147<sup>th</sup> Regular Session, held from March 8 to 22, 2013, for its entry into force on August 1, 2013. Article 59.6.c.

<sup>13</sup> IACHR, Press Release No. R163/22 - Nicaragua must cease persecution of independent press and be held accountable for its actions. Washington, D.C, July 15, 2022.

<sup>14</sup> IACHR, Press Release No. R163/22 - Nicaragua must cease persecution of independent press and be held accountable for its actions. Washington, D.C, July 15, 2022.

<sup>15</sup> IACHR, Press Release No. R218/22 - In light of serious allegations regarding the closure of civic spaces in Nicaragua, UN and IACHR Special Rapporteurs urge authorities to comply with their international obligations to respect and guarantee fundamental freedoms. Washington, D.C, September 28, 2022.

9. In light of serious allegations regarding the closure of civic space in Nicaragua, the Inter-American Commission noted that the situation of human rights defenders continues to be dire. As is examined in this report, acts of harassment, threats, assault, persecution, and criminalization against defenders persist, in addition to other patterns of repression such as arbitrary restrictions preventing their entry into and departure from the country. These acts, for the most part, are perpetrated against women human rights defenders and their families.<sup>16</sup>
10. Over the period covered by this report, the IACHR has also confirmed a worsening of a systematic context of persecution, criminalization, harassment, police abuse, stigmatizing statements by high-level state authorities and, in general, acts of repression against members of the Catholic church in Nicaragua due to its role as mediator in the National Dialogue in 2018 and its crucial role in denouncing human rights violations in the country. As of the end of November 2022, at least eleven priests remained arbitrarily detained, while a dozen of them have been forcibly displaced to other countries.<sup>17</sup>
11. In the framework of the strategy of control implemented by the State, the IACHR also noted with concern the revocation of the legal status of thousands of civil society organizations based on laws that have been enforced at the discretion of authorities to limit public debate, curtail democratic participation, criminalize, intimidate and to dissolve organized civil society in the country. On this score, the available information suggests that, from April 18, 2018, to October 18, 2022, the Nicaraguan State revoked the legal status of a total of 2,381 organizations.<sup>18</sup>

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<sup>16</sup> IACHR, 183<sup>rd</sup> Regular Session, Thematic hearing: Situation of Human Rights in the context of impunity in Nicaragua, March 14, 2022.

<sup>17</sup> IACHR, Press Release no. 184/22 - IACHR Condemns Repression and Arrests of Members of Roman Catholic Church in Nicaragua. Washington, D.C, August 19, 2022; Press release no. 119/22 - IACHR and Its Special Rapporteurship for Freedom of Expression Urge the State of Nicaragua to End Persecution of the Church and to Enable a Plurality of Voices. Washington, D.C, May 27, 2022.

<sup>18</sup> Confidential, “Régimen de Ortega cancela 42 oenegés nacionales y 58 extranjeras” [‘Ortega regime cancels 42 national and 58 foreign NGOs’], October 18, 2022.

12. With regard to persons arbitrarily deprived of liberty, the IACHR ascertained persisting dire conditions of detention, as well as the troubling deterioration of the health and physical condition of such persons as a consequence of protracted detention in conditions at odds with human dignity and international standards on the subject matter. As is addressed in this report, the manipulation of the criminal justice system and the lack of an independent judiciary and public prosecutor's office are still evident. Furthermore, persisting arbitrary detentions<sup>19</sup> and judicial or police harassment against the family members of detainees, people in exile and opposition members, make clear the executive branch's intention of maintaining a climate of fear, ripe for its perpetuation in power and coopting the last available spaces for political participation.
13. Furthermore, over the current year, the Commission also received information about persisting acts of violence against indigenous and Afro-descendant peoples of the Caribbean Coast, which have been further exacerbated by extractive activities on their territories and permanent encroachment by settlers and third parties, who act with the acquiescence and tolerance of the State in a climate of absolute impunity.<sup>20</sup> Likewise, the IACHR strenuously condemns the revocation

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<sup>19</sup> In relation to the notion of arbitrary detention, the IA Court of HR has established that it is not sufficient that any reason for the deprivation or restriction of the right to liberty is embodied in the law, but this law and its application must be compatible with the Convention. In other words, to ensure that this measure is not arbitrary, it must respect the following requirements: i) that the purpose of the measures that deprive or restrict liberty is legitimate (it is worth noting that the Court has recognized that ensuring that the accused does not impede the development of the proceedings or evade the action of justice are legitimate purposes); ii) that the measures adopted are appropriate to achieve the intended objective; iii) that they are necessary, in the sense that they are absolutely essential to attain the desired objective, and that there is no measure that is less onerous in relation to the affected right, among all those that are similarly appropriate to achieve the proposed objective (for this reason, the Court has indicated that the right to personal liberty presupposes that any limitation must be exceptional), and iv) that the measures are strictly proportionate, so that the sacrifice inherent in the restriction of the right to liberty is not exaggerated or disproportionate compared with the advantages obtained by the use of this restriction and the achievement of the intended objective. Any restriction of liberty that does not include sufficient grounds that allow an assessment to be made of whether it is adapted to these conditions will be arbitrary and, consequently will violate Article 7.3 of the Convention. IA Court of HR. Case of Yvon Neptune v. Haiti. Merits, Reparations and Costs. Judgment of May 6, 2008. Series C No. 180, par. 98.

<sup>20</sup> In this regard, on July 28, 2022, in the framework of its visit to Costa Rica, the IACHR held a working meeting with indigenous peoples, Afro-descendants and indigenous leaders. At the meeting, participants reported that gross violations of the human rights of indigenous communities continue to be committed. They underscored that indigenous people are the

of the legal status of the Center for Justice and Human Rights of the Atlantic Coast of Nicaragua (CEJUDHCAN), an organization that has historically contributed to the defense of the rights of indigenous and Afro-descendant peoples and communities. In this regard, several communities decried the dire effects that the closure of this organization has on the protection of their rights and traditional territories.<sup>21</sup>

14. Based on the circumstances described above, the Inter-American Commission deemed that the situation in Nicaragua also meets the criteria set forth in subparagraphs 6.d.i), 6.d.ii), 6.d.iii) of Article 59 of its Rules of Procedure, which read:

(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:<sup>22</sup>

- 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;

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victims of physical and psychological violence. They reported on the lack of access to an adequate and balanced diet because they live off of what the land produces and that, because there has been further encroachment by settlers, they are limited in terms of where they can go and thus are unable to get to their plots of land to produce the food they need. They also contended that, because of deeper encroachment of the settlers onto their lands and baseless fear, they have been unable to access drinking water. Lastly, they reported on the lack of access to education of indigenous and Afro-descendant community member children and adolescents. Also: Situation of indigenous communities of the Northern Caribbean Coast of Nicaragua. Briefing on the serious situation of indigenous communities of the Northern Caribbean Coast of Nicaragua who are beneficiaries of protection measures in the Inter-American Human Rights Protection System. In IACHR archives.

<sup>21</sup> IACHR, Press Release no. 67/22 - IACHR and Its Special Rapporteurships for Freedom of Expression and for Economic, Social, Cultural, and Environmental Rights Reject Cristiana Chamorro's Conviction and the Cancellation of the Legal Status of Several Organizations. Washington, D.C, March 30, 2022.

<sup>22</sup> IACHR Rules of Procedure, approved by the Commission at its 137<sup>th</sup> Regular Session, held on October 28, to November 13, 2009; and amended on September 2, 2011, and at its 147<sup>th</sup> Regular Session, held from March 8 to 22, 2013, for entry into force on August 1, 2013. Article 59.6.d.

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;

15. In fact, for the inclusion of Nicaragua in this chapter, the IACHR has taken into consideration the persistent unwillingness of the Nicaraguan State to address the social, political and human rights crisis impacting the country, as evinced by the lack of comprehensive reform of State institutions, its withdrawal from the international community, its failure to comply with the recommendations of the IACHR, as well as its failure to take actions to foster an inclusive, broad and effective dialogue to restore the rule of law and human rights to the citizenry.
16. In this vein, on March 23, the IACHR became aware of the comments of Ambassador Arturo McFields, Permanent Representative of Nicaragua to the OAS Permanent Council, bearing witness to the gross human rights violations committed, the institutional deterioration and the worsening of the executive branch's strategy to silence the voices of the opposition.<sup>23</sup> The same day, the State disavowed the comments of the, then, Ambassador and ordered his removal from his position.<sup>24</sup> Subsequently, on April 24, the Ministry of Foreign Affairs ratified the decision of the State to leave the OAS and withdraw the credentials of its representatives to this organization. On April 24, the National Police confiscated the facilities and property of the OAS in Managua, which were declared as property of public utility and earmarked for the creation of the so-called "museum of infamy."<sup>25</sup>

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<sup>23</sup> IACHR, Press Release No. 65/22 - Comments Made by Nicaraguan Ambassador to the OAS and His Subsequent Dismissal Confirm Serious Human Rights Violations in Nicaragua. Washington, D.C, March 29, 2022.

<sup>24</sup> IACHR, Press Release No. 65/22 - Comments Made by Nicaraguan Ambassador to the OAS and His Subsequent Dismissal Confirm Serious Human Rights Violations in Nicaragua. Washington, D.C, March 29, 2022.

<sup>25</sup> Office of the Inspector General of the Republic (Procuraduría General De La República), Administrative Decision No. 10-2022. "Declaratoria de Utilidad Pública, de una Propiedad en el Municipio de Managua, para la creación del "Museo De La Infamia" ['Declaration of Public Utility of a Property in the Municipality of Managua for the creation of the "Museum of Infamy']]. Nicaragua. Official Gazette, April 27, 2022.

17. In this regard, the OAS General Secretariat reminded the State of Nicaragua that, “although it has denounced its Charter, this denunciation will only enter into force at the end of 2023, subject to this country having complied by then with all the obligations that the Inter-American System imposes on all its members, regarding the respect and fulfillment of its aims and purposes.<sup>26</sup>” In this vein, it recalled that Nicaragua is a full member of the Organization and must comply with all its commitments, including the commitment stemming from Article 33 of the OAS Charter to ensure the immunity of its activities in member countries. For its part, in a resolution of May 13, the Permanent Council condemned the unlawful entry into its premises and the seizure of its property inasmuch as such acts are contrary to international law.<sup>27</sup>
18. In this context, on March 11, the IACHR became aware of the withdrawal of the approval of the Apostolic Nuncio in Managua and request for him to leave the country. The Nuncio had participated as a mediator at the Negotiating Table of 2019, leading to the release of hundreds of arbitrarily detained individuals in the context of the crisis. On March 24, the State withdrew the approval from the chief of mission of the International Committee of the Red Cross (ICRC), an act that was widely condemned by the families of the detainees in the country.<sup>28</sup> Then, on September 28, the State of Nicaragua declared the European Union Ambassador “*persona non grata*” and ordered her to leave the country<sup>29</sup> and on September 30, it announced the decision to sever diplomatic ties with the Netherlands in the face of its “meddlesome, interventionist and neocolonialist position.”<sup>30</sup> These measures were taken in response to the appeals of the European

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<sup>26</sup> OAS, [Press Release of the OAS General Secretariat](#), April 24, 2022.

<sup>27</sup> OAS Permanent Council, “The seizure of OAS Offices in Nicaragua,” Resolution CP/doc.5780/22 rev. 1, May 13, 2022.

<sup>28</sup> Infobae, “[Ortega expulsa de Nicaragua al representante de la Cruz Roja](#)” [‘Ortega expels Red Cross Representative from Nicaragua’], March 24, 2022; El País, “[Daniel Ortega expulsa al jefe de misión del Comité Internacional de la Cruz Roja](#)” [‘Daniel Ortega expels the chief of mission of the International Committee of the Red Cross’], March 24, 2022; Artículo 66, “[Familiares de Presos rechazan la expulsión de Delegado de la CICR](#)” [‘Family members of Prisoners reject expulsion of CICR Delegate’], March 24, 2022.

<sup>29</sup> European Union, “[Nicaragua: Statement by the High Representative on the latest diplomatic developments](#)”, October 10, 2022.

<sup>30</sup> Ministry of Foreign Affairs, [Nota Diplomática](#) Diplomatic Note of September 30, 2022.

Union to “restore democracy” and to “put an end to all repression,” issued in the framework of the United Nations General Assembly.<sup>31</sup>

19. Lastly, on October 5, 2022, the OAS General Assembly voiced its concern over the continued deterioration of the human rights situation, resulting from arbitrary arrests and detentions, the imprisonment of political figures, forced closure of civil society organizations and universities, seizure of municipal offices, repression of journalists and raids on media organizations, and intimidation of community leaders, including women social leaders.<sup>32</sup> Accordingly, it approved the Resolution titled *The Political and Human Rights Crisis in Nicaragua*, calling on the government to cease “all violent action against people in the country and to fully restore civic and political rights, religious freedoms and the rule of law<sup>33</sup>”; “to guarantee the physical, mental and moral integrity, liberty and the right to life of all those who have been arbitrarily detained, and to immediately release all political prisoners, in compliance with the decisions and recommendations of the Inter-American Court of Human Rights and the Inter-American Commission on Human Rights”.<sup>34</sup> Additionally, the OAS encouraged the State to accept “the offers of regional and international cooperation to restore the nation to the path to democracy, the rule of law and peaceful progress for all its citizens.”<sup>35</sup>
20. According to the provisions of Article 59.5 of the IACHR Rules of Procedure, for the preparation of this report and for the purpose of

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<sup>31</sup> France 24, “[Nicaragua declara "persona non grata" a la embajadora de la UE en el país, según prensa local](#)” [‘Nicaragua declares EU Ambassador in the country “persona non grata”], September 29, 2022; El País, “[Daniel Ortega ultima la expulsión de la embajadora de la Unión Europea en Nicaragua](#)” [‘Daniel Ortega completes expulsion of European Union Ambassador in Nicaragua’], September 29, 2022.

<sup>32</sup> General Assembly, “Resolution the Political and Human Rights Crisis in Nicaragua,” approved by the Fifty-Second Regular Period, AG/doc.5780/22 rev. 1. Lima, Peru. October 5, 2022. Whereas [Considering] clauses.

<sup>33</sup> General Assembly, “Resolution the Political and Human Rights Crisis in Nicaragua,” approved by the Fifty-Second Regular Period, AG/doc.5780/22 rev. 1. Lima, Peru. October 5, 2022. Operative paragraph 1.

<sup>34</sup> General Assembly, “Resolution the Political and Human Rights Crisis in Nicaragua,” approved by the Fifty-Second Regular Period, AG/doc.5780/22 rev. 1. Lima, Peru. October 5, 2022. Operative paragraph 2.

<sup>35</sup> General Assembly, “Resolution the Political and Human Rights Crisis in Nicaragua,” approved by the Fifty-Second Regular Period, AG/doc.5780/22 rev. 1. Lima, Peru. October 5, 2022. Operative paragraph 7.

monitoring the situation of human rights in Nicaragua, the Commission has availed itself of its different mechanisms and tools, including: convening public hearings; the operation of the Special Monitoring Mechanism for Nicaragua (MESENI), press releases; requests for information from the State based on Article 41 of the American Convention on Human Rights (ACHR); working visits to other countries; public information from the State and civil society organizations, as well as from other international organizations.

21. In 2022, the IACHR issued 38 press releases.<sup>36</sup> Additionally, the Inter-American Commission approved 17 precautionary measure

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<sup>36</sup> IACHR. [Press release No. 248/22 – IACHR Warns of the Lack of Appropriate Conditions for Holding Free, Fair Municipal Elections in Nicaragua](#). Washington, D.C, November 4, 2022; [Press Release No. R218/22 - In light of serious allegations regarding the closure of civic spaces in Nicaragua, UN and IACHR Special Rapporteurs urge authorities to comply with their international obligations to respect and guarantee fundamental freedoms](#). Washington, D.C, September 28, 2022; [Press Release No. 200/22 - IACHR Requests from Inter-American Court of Human Rights Temporary Measures in Favor of 45 Individuals Held at 8 Detention Facilities in Nicaragua](#). Washington, D.C, September 8, 2022; [Press Release No. 197/22 - IACHR and Its SRESCER Call for Immediate Release of Political Prisoners Being Held in Appalling Conditions in Nicaragua](#). Washington, D.C, September 5, 2022; [Press release No. 189/22 - Four Years On, IACHR Presents an Assessment of the Activities Held by Its Special Monitoring Mechanism for Nicaragua and the Results They Attained](#). Washington, D.C, August 29, 2022; [Press Release no. 184/22 - IACHR Condemns Repression and Arrests of Members of Roman Catholic Church in Nicaragua](#). Washington, D.C, August 19, 2022; [Press release No. 179/22 - IACHR Concludes Promotional Visit to Miami, United States of America, and San José, Costa Rica to Monitor the Situation of Nicaraguan Individuals](#). Washington, D.C, August 12, 2022; [Press Release No. R163/22 - Nicaragua must cease persecution of independent press and be held accountable for its actions](#). Washington, D.C, July 15, 2022; [Press release no. 119/22 - IACHR and Its Special Rapporteurship for Freedom of Expression Urge the State of Nicaragua to End Persecution of the Church and to Enable a Plurality of Voices](#). Washington, D.C, May 27, 2022; [Press Release No. 117/22 - IACHR Concerned About Health Condition of Women Who Are Deprived of Liberty in Nicaragua](#). Washington, D.C, May 27, 2022; [Press release No. 108/22 - IACHR requests that the I/A Court H.R. extend provisional measures for nine persons deprived of liberty in the electoral context in Nicaragua](#). Washington, D.C, May 18, 2022; [Press release No. 103/22 - IACHR Urges Nicaragua to Guarantee that Political Prisoners Have Regular Contact with Their Families in Conditions of Dignity](#). Washington, D.C, May 13, 2022; [Press Release No. 88/22 - IACHR Rejects the Revocation of the Legal Status of 25 Additional Organizations, Deepening the Shutdown of Democratic Platforms in Nicaragua](#). Washington, D.C, April 26, 2022; [Press Release No. 81/22 - Four Years into Nicaragua's Human Rights Crisis, the IACHR Stresses Its Commitment To the Country](#). Washington, D.C, April 18, 2022; [Press Release no. 67/22 - IACHR and Its Special Rapporteurships for Freedom of Expression and for Economic, Social, Cultural, and Environmental Rights Reject Cristiana Chamorro's Conviction and the Cancellation of the Legal Status of Several Organizations](#). Washington, D.C, March 30, 2022; [Press release No. 65/22 - Comments Made by Nicaraguan Ambassador to the OAS and His Subsequent Dismissal Confirm Serious Human Rights Violations in Nicaragua](#). Washington, D.C, March 29, 2022; [Press release No. 27/22 - IACHR Condemns Manipulation of Criminal Law and Lack of Guarantees in Trials of](#)

resolutions for the protection of individuals whose rights were at serious risk of irreparable harm.<sup>37</sup> In view of the extremely serious and urgent situation of some beneficiaries, the IACHR filed several requests for expansion and/or granting of provisional measures from the Inter-American Court of Human Rights (IA Court of HR), all of which were granted.

22. On December 19, 2022, the IACHR forwarded to the Nicaraguan State a preliminary draft of this document, which is part of Chapter IV.B of its 2022 Annual Report and, pursuant to its Rules of Procedure, asked it to submit its observations within a period of one month. The State did not present any information.
23. Hereunder, the IACHR examines in greater detail the factors that prompted the IACHR to include Nicaragua in Chapter IV.B of the 2022 Annual Report; specifically, the process of closing down civic and democratic space, the situation of freedom of expression and economic, social, cultural and environmental rights; and, lastly, the situations of particular groups.

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Political Prisoners in Nicaragua. Washington, D.C, February 11, 2022; Press release No. RD26/22 - REDESCA condemns the cancellation of the status of 26 universities and associations for academic and social purposes by the National Assembly of Nicaragua Washington, D.C, February 10, 2022; Press release No. 23/22 - IACHR Urges State of Nicaragua to Release All People Held in Arbitrary Detention. Washington, D.C, January 31, 2022.

<sup>37</sup> IACHR, Resolution No. 68/22, PM 265-22; 859-22; 866-22 - Cynthia Samantha Jirón Padilla Ubieta, Jeannine Horvilleur Cuadra and Ana Carolina Álvarez Horvilleur, and Harry Bayardo Chávez Cerda, Nicaragua; Resolution No. 64/22(EXTENSION), PM 693-18 - Katya Milady Reyes Ortiz , Nicaragua; Resolution No. 57/22, PM 660-22 - José Santos Sánchez and his immediate family, Nicaragua; Resolution No. 57/22, PM 660-22 – José Santos Sánchez and his immediate family, Nicaragua; Resolution No. 49/22, PM 652-22 - Juan Lorenzo Holmann Chamorro and his immediate family, Nicaragua; Resolution No. 47/22, PM 608-22, 625-22 - Edder Oniel Muñoz Centeno and Nidia Lorena Barbosa Castillo, Nicaragua; Resolution No. 42/22, PM 485-22 - Yolanda del Carmen González Escobar and her immediate family, Nicaragua; Resolution No. 38/22, PM 506-22 - Rusia Evelyn Pinto Centeno , Nicaragua; Resolution No. 27/22, PM 266-22 – José Alejandro Quintanilla Hernández and his immediate family, Nicaragua; Resolution No. 26/22, PM 66-22, 135-22 - José Antonio Peraza Collado, Roger Abel Reyes Barrera e Irving Isidro Larios Sánchez and his immediate family, Nicaragua; Resolution No. 23/22, PM 212-21 - Samuel Mauricio Mairena Rocha, Nicaragua; Resolution No. 21/22, PM 145-22 - Yoel Izbán Sandino Ibarra, Nicaragua.



## **II. RULE OF LAW AND THE CLOSURE OF CIVIC SPACE**



## II. RULE OF LAW AND THE CLOSURE OF CIVIC SPACE

24. In this section, the IACHR examines the drastic shrinking of civic and democratic space in Nicaragua over 2022, as a consequence of the concentration of power in the hands of the executive branch and the protracted imposition of a police state. Additionally, the IACHR specifically addresses the lack of independence of the judiciary in relation to the patterns of criminalization of political opponents, serious infringements of the right to due process of law, arbitrary detentions and the use of deprivation of liberty to repress and maintain a climate of fear among the people.
25. The IACHR recalls that democracy is understood as “[...] a universal value based on the freely expressed will of people to determine their own political, economic, social and cultural systems and their full participation in all aspects of their lives.<sup>38</sup> It is indispensable for the exercise of fundamental freedoms and human rights.<sup>39</sup> In order for it to consolidate, it is essential for institutions to be guided by the separation and balance of powers and the independence of the branches of government, as well as the effective exercise of political rights through free and fair elections and respect for and promotion of pluralism in society.<sup>40</sup>
26. The IACHR understands that democratic rule of law, as a form of political power organization, is governed by the separation of powers, among other fundamental principles. It presupposes that the different state functions correspond to separate and independent bodies

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<sup>38</sup> UN, General Assembly, Documento Final de la Cumbre Mundial 2005, Final Document World Summit A/60/L.1, September 15, 2005, par. 135.

<sup>39</sup> Article 7 of the Inter-American Democratic Charter.

<sup>40</sup> Article 3 of the Inter-American Democratic Charter; and, UN Commission on Human Rights, Resolution 2000/47, Promoting and Consolidating Democracy, April 25, 2000.

whose powers are balanced so as to create the limits necessary on the exercise of power and prevent arbitrariness.<sup>41</sup>

27. Pursuant to the Nicaraguan Constitution, sovereign power is expressed through the legislative, executive, judicial and the electoral branches of government. These branches have specialized and separate functions, working together harmoniously to serve their purposes.<sup>42</sup> Likewise, Nicaragua recognizes itself as having democratic and social rule of law, which promotes “the primacy of human rights” and “adheres to the principles shaping American international law, as recognized and ratified in the exercise of its sovereignty.”<sup>43</sup>
28. In Nicaragua, as was noted above, the process of concentration of power and rupture of democratic institutions came to a head when Daniel Ortega was reelected and took office for a fourth consecutive term as president.<sup>44</sup> As has been widely documented by the IACHR, the protracted grip on power, for a period longer than 15 years, led to the rupture of the principle of the separation of powers as recognized in the Constitution. Moreover, all branches of government are aligned with or are directed by the executive branch, which maintains the country in a serious political, social, economic, and human rights crisis.<sup>45</sup>
29. On this score, the IACHR stresses that the indefinite reelection or long presidential terms in office by a single person in certain contexts where there are no adequate safeguards or guarantees in place may entail certain risks to representative democracy, which is a key pillar of the Inter-American system.<sup>46</sup> Thus, while the incumbent government has the authority to appoint officials to monitoring bodies

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<sup>41</sup> IACHR, Nicaragua: Concentration of Power and Undermining of the Rule of Law, OEA/Ser.L/V/II. Doc. 288, October 25, 2021, par. 176.

<sup>42</sup> Political Constitution of the Republic of Nicaragua, Published in the Official Gazette, Diario Oficial N°. 32 of February 18, 2014. Art 1.

<sup>43</sup> Political Constitution of the Republic of Nicaragua, Published in the Official Gazette, Diario Oficial N°. 32 of February 18, 2014. Arts. 1, 5 and 129.

<sup>44</sup> IACHR, Nicaragua: Concentration of Power and Undermining of the Rule of Law, OEA/Ser.L/V/II. Doc. 288, October 25, 2021, par. 122.

<sup>45</sup> IACHR, Nicaragua: Concentration of Power and Undermining of the Rule of Law, OEA/Ser.L/V/II. Doc. 288, October 25, 2021, par. 122 et seq.

<sup>46</sup> IACHR, Report No. 303/20. CASE 13.727, Report on the Merits, Fabio Gadea Mantilla, Nicaragua, par. 78.

and other branches of government, their prolonged or indefinite permanence in government may lead to a concentration of power that renders illusory the institutional balance secured through the system of checks and balances and may end up undermining the foundations of democracy such as rotation in office and access to power as a guarantee of pluralism.<sup>47</sup>

30. The IACHR again underscores how urgent it is to find solutions with the participation of civil society in order to restore the guarantees and democratic freedoms that are common to the democratic rule of law through full respect for the principle of separation of powers, as well as ensuring the necessary conditions for holding fair, free and transparent elections.

## **A. Municipal elections and the closure of the democratic space**

31. Over the current year, the Inter-American Commission documented a string of measures taken by the government to create a climate of total control, censorship, and impunity in the country, that is conducive to maintaining and perpetuating control over democratic institutions, as well as privileges and immunities of the executive branch and the ruling party. Also, by manipulating and controlling all bodies of the State, as well as approving laws limiting the exercise of human rights in the face of a proven lack of an independent judiciary, the civic and democratic space in Nicaragua has drastically been curtailed.
32. In fact, this year the legislative branch continues to function as an arm of the executive branch, approving laws that illegitimately restrict rights and fundamental freedoms of any democratic society. Specifically, on March 31, it approved an amendment to the General Law of Education and of Reform and an Addition to the Law of Autonomy of Higher Education Institutions<sup>48</sup> in order to grant the

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<sup>47</sup> IACHR, Report No. 303/20. CASE 13.727, Report on the Merits, Fabio Gadea Mantilla, Nicaragua, par. 78.

<sup>48</sup> El 19 digital "[Asamblea Nacional aprueba reformas a leyes educativas universitarias](#)" ['National Assembly approves reforms to university education laws'], March 31, 2020.

National Council of Universities (CNU) new powers to “take over” higher education institutions, further undermining university autonomy and consolidating partisan control over higher education. Additionally, that amendment would exclude the University of Central America (UCA) from the CNU, seriously impacting its budget (See *infra*. Situation of economic, social, cultural, and environmental rights).<sup>49</sup>

33. Also on March 31, the Assembly passed Law no. 1115, “General Law of Regulation and Control of Non-profit Organizations<sup>50</sup>” which placed new restrictions on the registration and operation of non-governmental organizations. According to the UNHCHR, although the legislation is, in principle, intended to prevent money laundering and the financing of terrorism, it seriously undermines civic space, inasmuch as its provisions make it harder to register non-governmental organizations, forcing them to request approval from the government to engage in their activities, and it imposes new reporting requirements, such as providing details about funding sources, financial statements, their activities and beneficiary statements.<sup>51</sup> Then, on August 11, the Assembly approved Law 1127 amending the object of Law No. 1115, granting powers to the Ministry of Government to punish civil society organizations with measures such as revocation of their legal status.<sup>52</sup> Based on these provisions of

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<sup>49</sup> Jesuitas, “Nicaragua: excluyen a la UCA del Consejo Nacional de Universidades”, [‘Nicaragua: UCA is excluded from National Council of Universities’], March 30, 2022; La Prensa, “[Reforma a leyes le dará poder al CNU para intervenir más universidades](#)” [‘Amendment to laws gives power to CNU to take over more universities’], March 29, 2022; “[Nicaragua reforma leyes que excluyen a la UCA del Consejo de Universidades](#)” [‘Nicaraguan reforms laws that exclude UCA from the Council of Universities’], March 31, 2022.

<sup>50</sup> National Assembly, Law No. 1115, [Ley General de Regulación y Control de Organismos Sin Fines de Lucro](#), [General Law of Regulation and Control of Non Profit Organizations], The Gazette, Diario Oficial, April 6, 2022.

<sup>51</sup> OACNUDH, “Nicaragua: La ley sobre lavado de dinero restringe aún más el funcionamiento de la sociedad civil”, [‘Nicaragua: Law on money laundering restricts even further the functioning of civil society’], May 9, 2022.

<sup>52</sup> Request for thematic hearing on gross violations of the right to freedom of association in Nicaragua and its impact on people’s human rights. Communication of October 6, 2022. In IACHR archives; Pursuant to Article 47 of Law No. 1115 [[Ley no. 1115](#)] the grounds for revocation of legal status are the following: 1. Dissolution and liquidation; 2. If it is used for the commission of unlawful acts; 3. If it is used to disturb the public order; 4. For hindering the control and surveillance of the General Directorate of Registry and Control of the OSFL; 5. If the objectives and purposes for which it was created are distorted, in accordance with the Charter and its By-laws; 6. If it has failed for at least 1 (one) year to not submit financial statements and changes in the Board of Directors to the enforcement authority; 7. If its activities are contrary

law, more than 2,000 civil society organizations were impacted as their legal status was revoked this year (See *infra*. Human rights defenders).

34. Elsewhere, the IACHR learned of the Supreme Electoral Council’s call for municipal elections on November 6, 2022, to turn over office-holders in the 153 municipalities of the country,<sup>53</sup> in a context of repression against the political opposition, measures aimed at impeding its participation and a lack of reforms to restructure and modernize the Supreme Electoral Council (CSE) and the Electoral Law in accordance with the recommendations issued by national and international organizations.
35. In this same vein, in September, the Commission confirmed the escalation of repression and persecution of political opponents and members of the political party UNAMOS, formerly Movimiento Renovador Sandinista (MRS).<sup>54</sup> Among other cases, it received information about the arbitrary detention, on September 4, of Raúl Oporta, leader of UNAMOS in Nueva Guinea;<sup>55</sup> as well as Jeannine Horvilleur and Ana Carolina Horvilleur, both of Franco-Nicaraguan nationality, and family members of Javier Álvarez Zamora, a member of UNAMOS, who is in exile.<sup>56</sup> Additionally, media outlets reported about at least ten more cases occurring in Managua, Bluefields,

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to the nature of the legal status, including for profit; 8. For using the organizational arrangement to promote destabilization campaigns in the country, supporting, facilitating and inciting infringements of citizen security and the legitimate exercise of the human rights of Nicaraguan families; 9. For administrative sanction stemming from breach of obligations or engaging in prohibited actions as established in the instant Law, its Regulations and Rules.

<sup>53</sup> Supreme Electoral Council, Proyecto de Calendario Electoral Elecciones Municipales 2022. Draft Electoral Calendar Municipal Elections 2022. The Gazette. Official Registry, August 18, 2022, p. 8606.

<sup>54</sup> Twitter account of CENIDH (@cenidh), posted on September 16, 2022 [only in Spanish]; Twitter account of Unamos, Published September 14, 2022 [only in Spanish]. Also see: Infobae, “Nueva ola represiva del régimen de Daniel Ortega: vuelven los arrestos de opositores a dos meses de elecciones municipales” [‘New repressive wave of Daniel Ortega regime: arrests of opposition return two months after municipal elections’], September 14, 2022.

<sup>55</sup> La Prensa, “Unamos denuncia detención de miembro en Nueva Guinea por la policía del régimen” [‘Unamos denounces arrest of member in Nueva Guinea by regime’s police’] September 5, 2022; Twitter account of Unamos (@unamosnica), publicación del 5 de septiembre de 2022 Posted on September 5, 2022.

<sup>56</sup> Colectivo de Derechos Humanos Nicaragua Nunca +, Denuncia urgente por detención arbitraria contra madre e hija, [‘Urgent denunciation for the arbitrary detention of a mother and daughter’]. September 15, 2022.

Matagalpa and other departments, on the eve of the municipal elections of November.<sup>57</sup>

36. From July 3 to July 4, five mayor's offices held by the party *Ciudadanos por la Libertad* —whose legal status was revoked in 2021— were stormed and raided by the National Police and political operatives of the Sandinista Front for National Liberation (FSLN), who became the *de facto* acting authorities.<sup>58</sup> The information received by the IACHR suggests that, since 2018, the FSLN had taken *de facto* control of seven mayor's offices, out of a total of 18 that were not held by that party,<sup>59</sup> thereby seeking to take over the 153 municipalities, even before the elections.<sup>60</sup>
37. Likewise, civil society organizations told the IACHR that, on May 5, the National Assembly passed new amendments to Law No. 331, the Electoral Law,<sup>61</sup> limiting even further citizen oversight by establishing an express electoral process —with fewer polling stations, holding election campaigns within 20 days and forming the Electoral Councils in 5 days—, in violation of international standards on the subject matter.

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<sup>57</sup> La Prensa, “[Allanan viviendas y arrestan a miembros de Unamos en varios departamentos del país](#)” [‘Residences are raided and members of Unamos arrested in several departments of the country’], September 12, 2022; Confidencial, “[Cinco detenidos en “embestida represiva” del régimen Ortega-Murillo contra Unamos](#)” [‘Five arrested in “repressive charge” of the Ortega-Murillo regime against Unamos’], September 14, 2022; Voice of America, “[Denuncian nuevas detenciones arbitrarias en Nicaragua](#)” [‘Further arbitrary arrests decried in Nicaragua’], September 17, 2022.

<sup>58</sup> Divergentes, “[Dictadura Ortega-Murillo da golpe a todas las alcaldías gobernadas por CxI](#)” [‘Ortega-Murillo dictatorship carries out coup of all mayor’s offices governed by CxI’], July 4, 2022; Urnas Abiertas, [Boletín de Coyuntura no. 1](#), [Bulletin on current climate], July 4, 2022.

<sup>59</sup> According to information from Urnas Abiertas, the other seizures in the municipality of Mulukukú on the Northern Caribbean Coast took place when Mayor Apolonio Fragas was arbitrarily arrested; and in 2020, in the municipality of Wiwilí in Jinotega, because judicial-administrative proceedings were instituted against Mayor Reyna Hernandez, both former mayors are currently in exile. Urnas Abiertas, [Boletín de Coyuntura no. 1](#), July 4, 2022. Divergentes, “[Golpe a alcaldías opositoras aniquila proceso electoral municipal de noviembre](#)” [‘Coup against opposition mayors annihilates municipal electoral process of November’], July 4, 2022.

<sup>60</sup> Urnas Abiertas, [Boletín de Coyuntura no. 1](#), July 4, 2022. Divergentes, “[Golpe a alcaldías opositoras aniquila proceso electoral municipal de noviembre](#)” [‘Coup against opposition mayors annihilates municipal electoral process of November’], July 4, 2022.

<sup>61</sup> National Assembly, “[Asamblea Nacional aprueba Reformas a la Ley Electoral de cara a las próximas Elecciones Municipales](#)” [‘National Assembly approves reforms to Electoral Law as municipal elections draw near’], May 5, 2022.

38. Based on the foregoing, the Commission regrets the failure to put in place the minimum conditions necessary to hold free, fair, and competitive elections, the proven lack of an independent electoral system and the continuing violations of the human rights of individuals identified as opponents to the government. The IACHR recalls that the exercise of political rights constitutes an end in itself and, at the same time, a means for democratic societies to ensure their other rights.

## **B. Independence of the judiciary**

39. In relation to the lack of an independent judiciary, the IACHR notes that there continues to be patterns of criminalization of political opponents, serious infringements of guarantees of due process of law, arbitrary detentions and the use of deprivation of liberty to repress and maintain a climate of terror among the people, making it evident that the justice system serves at the pleasure of the government in clear detriment to the rule of law and democracy.
40. According to a report of the *Mechanism for the Recognition of Political Prisoners in Nicaragua*, the use of arbitrary detention “continues to be a systematic strategy of repression exercised by the State.” From January 1 to August 31, 2022, this Mechanism registered a total of 43 new detentions, in other words, up to five detentions per month, for reasons of political persecution. In some instances, the individuals were released hours or days later under threat, while others faced legal proceedings without due process guarantees.<sup>62</sup> Likewise, the IACHR was informed of a new pattern that allegedly includes raiding residences and arresting close family members as a form of retaliation and control to force them to provide information that will lead to the capture of the wanted person. These acts have given rise to self-censorship among these families and fear of speaking out in public against further arrests of this sort.<sup>63</sup>

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<sup>62</sup> Mechanism for the Recognition of Political Prisoners, [Lista de presas políticas en Nicaragua](#), List of political prisoners in Nicaragua, August 2022.

<sup>63</sup> Mechanism for the Recognition of Political Prisoners, [Lista de presas políticas en Nicaragua](#), List of political prisoners in Nicaragua, August 2022; [Lista de presas políticas en Nicaragua](#), List of political prisoners in Nicaragua, September 2022, p. 11; Also see: Colectivo de Derechos Humanos Nicaragua Nunca +, [Denuncia urgente por detención arbitraria contra madre e hija](#), [‘Urgent denunciation for arbitrary arrest of mother and daughter’], September 15, 2022; DW,

41. Furthermore, in February 2022, the IACHR expressed concern over the announcement of the Office of the Public Prosecutor to resume the oral trials against more than 30 political prisoners remaining in new prison facilities of the Judicial Support Department (Dirección de Auxilio Judicial) known as “El Chipote” or “new Chipote”, and under house arrest, after being suspended for more than three months in the context of the 2021 presidential elections. All the defendants were accused by the Public Prosecutor’s Office in the government-friendly media as “criminals and delinquents” and responsible for “the terrorist acts of aggression of the failed attempted *coup d’état* of 2018.”<sup>64</sup>
42. In the framework of these proceedings, the IACHR documented that hearings were held at “El Chipote” facilities behind closed doors and without permitting access to independent media. In some cases, entry was denied to next of kin; and the defendants were presented without prior notice.<sup>65</sup> Additionally, legal counsel for the defense decried harassment, police abuse, and removal of belongings that were needed to take part in the hearings. Moreover, they were reportedly subjected to disproportionate body searches and inspections which gave rise to improper fondling of women attorneys and family members.<sup>66</sup> The IACHR condemned these acts, which amount to sexual violence, infringe dignity and physical integrity, and are used as another mechanism of intimidation and humiliation.<sup>67</sup>
43. Likewise, the IACHR received information about the manipulation of evidence to inculcate defendants, as well as accusations based on the testimonies of public officials, the belonging to *WhatsApp* groups, social media posts, as well as on activities in political leadership, social

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“Ortega detiene y hace rehenes a familiares de opositores” [‘Ortega arrests and takes hostage family members of opposition’], September 17, 2022.

<sup>64</sup> IACHR, [Press release No. 27/22 - IACHR Condemns Manipulation of Criminal Law and Lack of Guarantees in Trials of Political Prisoners in Nicaragua](#). Washington, D.C, February 11, 2022.

<sup>65</sup> IACHR, [Press release No. 27/22 - IACHR Condemns Manipulation of Criminal Law and Lack of Guarantees in Trials of Political Prisoners in Nicaragua](#). Washington, D.C, February 11, 2022.

<sup>66</sup> IACHR, [Press release No. 27/22 - IACHR Condemns Manipulation of Criminal Law and Lack of Guarantees in Trials of Political Prisoners in Nicaragua](#). Washington, D.C, February 11, 2022.

<sup>67</sup> IACHR, [Press release No. 27/22 - IACHR Condemns Manipulation of Criminal Law and Lack of Guarantees in Trials of Political Prisoners in Nicaragua](#). Washington, D.C, February 11, 2022.

protest, or human rights defense leadership. In every case, the legal representatives decried obstruction in accessing case files prior to the trial, having contact with their client and denials by judicial officials in processing motions and appeals. As of the end of June, 35 individuals remained in custody at El Chipote and some were held under house arrest, including the seven primary election candidates for president, whose convictions were upheld in the appeals courts and were sentenced to 8 to 13 years in jail for committing crimes such as “undermining national integrity”, “spreading fake news,” asset laundering and other related offenses, some defined in the Special Cybercrime Law and the Law of Defense of the Rights of the People to Independence, Sovereignty and Self-Determination for Peace, both of which are contrary to Inter-American standards.<sup>68</sup>

44. In this context, the Commission took note of the resolution passed by the European Parliament on June 16, 2022, titled *Instrumentalisation of Justice as a Repressive Tool in Nicaragua*. In that resolution, the Parliament denounced “the lack of trial guarantees and the illegal convictions of political prisoners”<sup>69</sup> and noted that the illegitimate judgments of the courts left no doubt about “the implementation of an orchestrated strategy with the clear connivance of the judiciary.”<sup>70</sup>

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<sup>68</sup> In the framework of the thematic hearing “Situation of human rights in the context of impunity in Nicaragua,” civil society organizations denounced that the trial and conviction of the 35 individuals detained in the context of the elections took place in proceedings that even breached the rules of procedure set forth in the Code of Criminal Procedure regarding the public and oral nature of proceedings and the competence of the court, IACHR, 183<sup>rd</sup> Regular Session, Thematic hearing: Situation of Human Rights in the context of impunity in Nicaragua, March 14, 2022. Also see: Expediente público, “18 opositores condenados en juicios exprés en Nicaragua” [‘18 opposition members convicted in express trials in Nicaragua’], February 12, 2022; Infobae, “Tras la farsa electoral, la farsa judicial: cómo Daniel Ortega condenó a los 7 candidatos que intentaron enfrentarlo” [‘After electoral farse, judicial farse: how Daniel Ortega convicted the 7 candidates that attempted to unseat him’], April 3, 2022; Voice of America, “Declarados culpables siete aspirantes a la presidencia de Nicaragua” [‘Seven challengers to the presidency of Nicaragua found guilty’], March 14, 2022.

<sup>69</sup> “5. Condemns the abusive detention, the lack of trial guarantees and the illegal convictions of political prisoners that have been taking place in Nicaragua; urges the Nicaraguan authorities to restore guarantees for the full exercise of the civil and political rights of all Nicaraguans, cease the persecution of the democratic opposition, the press and civil society, immediately and unconditionally release those detained since April 2018, annul the legal proceedings against them and allow the safe return of all refugees and exiles to their homes; Resolution of the European Parliament of June 9, 2022 on the instrumentalisation of justice as a repressive tool in Nicaragua, operative paragraph 5.

<sup>70</sup> Resolution of the European Parliament of June 9, 2022, on the instrumentalisation of justice as a repressive tool in Nicaragua, Whereas clause A.

Likewise, it deemed that “the lack of separation of powers and the total control over institutions by the regime has given rise to the submission of the judiciary and the Office of the Attorney General to the will of the regime, in order to establish a dictatorship.”<sup>71</sup>

45. In the sphere of the Universal Human Rights System, Opinion number 10/2022 of the United Nations Working Group on Arbitrary Detention determined that the cases brought before it —relating to fourteen individuals arrested in the context of the 2021 elections— proved to be another example of arbitrary detention and the use of criminal proceedings by the State to keep political opponents from voicing their opinions and participating in public life, in violation of the obligations enshrined in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights.<sup>72</sup>
46. On another note, in its *provisional concluding observations on the second periodic report of Nicaragua*, the UN Committee against Torture also expressed its concern over the lack of independence and impartiality of the judiciary and the public prosecutor’s office vis-à-vis the executive branch, as well as reports suggesting that the current lack of separation of powers facilitated the use of criminal law to criminalize dissidence, violated procedural guarantees and contributed to impunity. In its observations, the Committee recommended Nicaragua to provide for the full independence, impartiality and effectiveness of the judiciary and office of the attorney general, through a reform that conforms to international

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<sup>71</sup> European Parliament, “[Nicaragua: la UE debe sancionar a los jueces responsables de la represión](#)” [‘Nicaragua: the EU should sanction the judges responsible for the repression’], September 6, 2022.

<sup>72</sup> The Working Group learned of the deprivation of liberty of Arturo Cruz Sequeira, Violeta Granera Padilla, José Aguerri Chamorro, José Bernard Pallais Arana, Daysi Dávila Rivas, Ana Vijil Gurdíán, Dora Téllez Argüello, Suyen Barahona Cuan, Jorge Hugo Torres Jiménez, Víctor Tinoco Fonseca, Luis Rivas Anduray, Miguel Mora Barberena, Miguel Mendoza Urbina and Pedro Chamorro Barrios and determined that it is arbitrary, inasmuch as it infringes Articles 6, 8, 9, 10, 11, 19, 20 and 21 of the Universal Declaration of Human Rights and Articles 2, 7, 9, 10, 14, 19, 21, 22 and 25 of the International Covenant on Civil and Political Rights, and falls under categories I, II, III and V Human Rights Council, Working Group on Arbitrary Detention, Opinion No. 10/2022, relating to Arturo Cruz Sequeira et al (Nicaragua), A/HRC/WGAD/2022/10, approved at its 93<sup>rd</sup> session, March 30 to April 8, 2022.

standards, such as the *Basic Principles on the Independence of the judiciary* and the *Guidelines on the Role of Prosecutors*.<sup>73</sup>

47. Lastly, in the Provisional Measures Resolution regarding Nicaragua in favor of 45 detainees in eight detention centers, the Inter-American Court reiterated that, the deprivation of liberty of individuals opposing the government sends an implicit message of intimidation aimed at deterring and silencing other political opponents. According to the Inter-American Court, this persisting situation continues to erode the democratic rules and the rule of law in Nicaragua.<sup>74</sup>
48. As has been established by the IACHR, since the outset of the social protest to date, arbitrary detentions and deprivation of liberty have been used mostly to stifle any position opposing the current regime and to send a message of fear and control over the Nicaraguan people. During the period under consideration, manipulation of the criminal justice system and the lack of independence of the judiciary and public prosecutor's office to silence opponents, including human rights defenders and journalists, has been evident. Moreover, persisting arbitrary detentions and judicial harassment of the family members of persons living in exile and members of the opposition make clear the intention of the executive branch to maintain a climate conducive to perpetuate itself in power and co-opt the last spaces available for political participation.
49. Based on the foregoing, the IACHR reiterates its appeal to the State to take the necessary measures to overcome the crisis gripping the country, restore democratic institutions, full respect for the rule of law and guarantees of fundamental freedoms. For this purpose, the State must foster the necessary conditions to contribute to building confidence among the citizenry by ceasing the repression, releasing all arbitrarily detained persons, recognizing the acts committed and complying with its international obligations in the area of truth, justice and reparation.

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<sup>73</sup> Committee against Torture, Provisional Concluding Remarks on the second periodic report of Nicaragua, July 26, 2022, pars. 11 and 12.

<sup>74</sup> I/A Court of HR. Matter of 45 persons deprived of liberty in eight detention centers regarding Nicaragua. Provisional Measures. Resolution of the Inter-American Court of Human Rights of October 4, 2022, par. 22.



### **III. SITUATION OF FREEDOM OF EXPRESSION**



## III. SITUATION OF FREEDOM OF EXPRESSION

### A. Journalism and democracy

50. In 2022, the IACHR Office of the Special Rapporteur for Freedom of Expression (RELE from its Spanish language acronym) received information regarding increased police operations at the residences of journalists and media outlet facilities, raids and seizure of media outlets, seizure of work equipment, and forced displacement and exile of journalists.<sup>75</sup> Additionally, the reports suggested that some of the media outlets had curtailed their coverage of political issues in response to threats of being shut down by the government.<sup>76</sup> The reports received by the RELE make it evident that the actions undertaken by the State are aimed at silencing the press and controlling any speech that calls into question or contradicts government voices, thus undermining the basic protections for the exercise of fundamental freedoms.
51. In 2022, the daily newspaper *La Prensa* and its staff were one of the prime targets of persecution of the government.<sup>77</sup> As that media outlet reported publicly, this blitz impacted the entire reporting team,

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<sup>75</sup> IACHR, Press Release No. R163/22 - Nicaragua must cease persecution of independent press and be held accountable for its actions. Washington, D.C, July 15, 2022; See par. 49 et seq of the instant report.

<sup>76</sup> IACHR, Press Release No. R163/22 - Nicaragua must cease persecution of independent press and be held accountable for its actions. Washington, D.C, July 15, 2022; Swissinfo. July 11, 2022. Prensa de Nicaragua suprime temas políticos tras amenazas del Gobierno; [‘Nicaraguan press suppresses political issues after threats from government’]; Nicaragua Investiga. July 12, 2022. Informe revela que dictadura amenazó con cierre definitivo a tres medios [‘Report reveals that dictatorship threatened to close three media outlets for good’].

<sup>77</sup> El País. July 21, 2022. Los periodistas de ‘La Prensa’ dejan Nicaragua por el acoso del régimen de Daniel Ortega; [‘The journalists of La Prensa leave Nicaragua because of harassment from the regime of Daniel Ortega’]; Deutsche Welle. July 21, 2022. Periodistas de La Prensa abandonan Nicaragua denunciando persecución [‘Journalist of La Prensa leave Nicaragua denouncing persecution’].

including drivers, photographers and reporters.<sup>78</sup> According to the information received, in July the National Police raided the residences of the members of the newspaper staff and arbitrarily detained some of them, who were subsequently transferred to the new Chipote prison facility.<sup>79</sup> Based on public information, the actions perpetrated against the media outlet are allegedly linked to its coverage of the expulsion of the Missionaries of Charity religious order by the government, after revoking its legal status on June 29, 2022.<sup>80</sup> The newspaper *La Prensa* demanded the Nicaraguan government to “respect laws,” “release the detainees” and “cease the persecution against the staff of the daily newspaper” since “they were only doing their job, without committing any crime at all.”<sup>81</sup> The RELE condemned the escalating repression by authorities against journalists and urged the State to end the persecution, intimidation and harassment of the independent press that reports on matters of public interest, including the human rights crisis, and to restore the full protections to exercise the right to freedom of expression.<sup>82</sup>

52. The use of criminal law proceedings against journalists who report on the political and human rights situation in Nicaragua is one of the main tools of repression used by the government to silence the press. In 2022, the Office learned of several court convictions handed down in closed door trials in which basic due process of law was not respected; and it has been ascertained that, currently, it is almost a foregone

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<sup>78</sup> La Prensa. July 7, 2022. *Régimen orteguista desata persecución en contra del personal de LA PRENSA*; [‘Pro-Ortega regime unleashes persecution of staff of La Prensa’]; Onda Local. July 7, 2022. *La Prensa denuncia persecución a sus trabajadores*. [‘La Prensa decries persecution of its workers’].

<sup>79</sup> La Prensa. July 7, 2022. *Régimen orteguista desata persecución en contra del personal de LA PRENSA* [‘Pro-Ortega regime unleashes persecution of staff of La Prensa’]; AP. July 9, 2022. *Nicaragua goes after newspaper for reporting nuns’ expulsion*; CPJ. July 18, 2022. *La policía nicaragüense allana las viviendas de dos periodistas del diario La Prensa y detiene a dos trabajadores de medios* [‘Nicaraguan police raid residences of journalists of the daily newspaper La Prensa and arrest media workers’].

<sup>80</sup> Voice of America. July 8, 2022. *Nicaragua: detienen a trabajadores de La Prensa que reportaron expulsión de 18 misioneras religiosas* [‘Nicaragua: La Prensa workers who reported the expulsion of 18 nuns detained’], AP. July 9, 2022. *Nicaragua goes after newspaper for reporting nuns’ expulsion*

<sup>81</sup> La Prensa. July 7, 2022. *Régimen orteguista desata persecución en contra del personal de LA PRENSA* [‘Ortega regime unleashes persecution of La Prensa staff’].

<sup>82</sup> IACHR, Press Release No. R163/22 - *Nicaragua must cease persecution of independent press and be held accountable for its actions*. Washington, D.C, July 15, 2022

conclusion that Nicaraguan journalists who persist in practicing their profession, despite the government's threats, will end up in jail.<sup>83</sup>

53. On February 4, 2022, the Second Criminal District Court sentenced journalist and presidential candidate Miguel Mora to 13 years in prison and disqualification from holding public office, for allegedly committing the crime of “conspiracy to undermine national integrity,” pursuant to Law 1055 of Defense of the Rights of the People to Independence, Sovereignty and Self-Determination for Peace.<sup>84</sup> Miguel Mora, owner and former editor in chief of the TV channel *100% Noticias*, was arrested on June 20, 2021 in Managua and has been deprived of his liberty for more than 440 days at the Judicial Support Department (DAJ) facility known as El Chipote prison.<sup>85</sup> His family has denounced that Miguel's health has been severely deteriorating because of poor diet and the conditions of imprisonment.<sup>86</sup> From July to August, the journalist maintained a 59-day hunger strike to demand that authorities allow him to see his son and to have access to a bible.<sup>87</sup> On August 12, 2022, at a special session of the OAS Permanent

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<sup>83</sup> BBC. February 11, 2022. *Denuncian que la justicia de Nicaragua condenó a opositores en juicios a puerta cerrada a penas de hasta 13 años de cárcel* [‘Nicaraguan justice convicted opponents in closed door trial proceedings sentencing them to 13 years in jail’], Inter-American Press Association (IAPA). March 2, 2022. *La SIP exige liberación de periodistas presos de conciencia en Nicaragua*; [‘The IAPA demands the release of prisoners of conscience’]. See pars. 51 et seq.

<sup>84</sup> ABC Internacional. February 9, 2022. *Condenan a 13 años de cárcel a Miguel Mora, periodista y pre-candidato a la Presidencia de Nicaragua* [‘Miguel Mora, journalist and presidential hopeful in primaries in Nicaragua sentenced to 13 years in jail’]. AP. February 9, 2022. *Nicaragua sentences journalist, ex-minister for “conspiracy”*

<sup>85</sup> La Prensa. September 3, 2022. *Miguel Mora cumple 440 días en las celdas de la DAJ y logró ver a su hijo Miguelito en la décima visita* [‘Miguel Mora serves 440 days in cells of the DAJ and manages to see his son Miguelito on the tenth visit’]. Artículo 66. October 20, 2022. *Miguel Mora, 16 meses bajo cautiverio en “El Chipote”* [‘Miguel Mora, 16 months in captivity at “El Chipote”’].

<sup>86</sup> Artículo 66. July 28, 2022. *Preocupación por la salud de Miguel Mora, tras 35 días en huelga de hambre porque no le permiten ver a su hijo* [‘Concern over the health of Miguel Mora, after 35 days on a hunger strike because he is not allowed to see his son’]. Inter-American Press Association. *SIP advierte sobre deterioro de salud de periodistas nicaragüenses en prisión* [‘IAPA warns of deterioration of health of Nicaraguan journalist in prison’].

<sup>87</sup> Divergentes. July 30, 2022. *La huelga de hambre de Miguel Mora en El Chipote se extiende y golpea su salud* [‘Miguel Mora's hunger strike in El Chipote is extended and takes a toll on his health’]. 100% Noticias. August 12, 2022. *Vida de Miguel Mora corre peligro a 50 días de huelga de hambre* [‘Life of Miguel Mora in jeopardy after 50 days of hunger strike’]. La Prensa. September 3, 2022. *Miguel Mora cumple 440 días en las celdas de la DAJ y logró ver a su hijo Miguelito en la décima visita* [‘Miguel Mora serves 440 days in the cells of the DAJ and manages to see his son Miguelito on the tenth visit’].

Council, IACHR President Julissa Mantilla, issued an alert about the journalist's hunger strike in prison and demanded that the Nicaraguan State guarantee his life and integrity.<sup>88</sup> According to public information, on August 20, 2022, Miguel Mora was able to meet with his son, after authorities authorized the visit.<sup>89</sup>

54. Likewise, on February 8, 2022, the Ninth Criminal District Trial Court of Managua sentenced sportscaster Miguel Mendoza to nine years in jail for allegedly committing the crime of "conspiracy to undermine national integrity," and to disqualification from holding public office for the same number of years.<sup>90</sup> Additionally, the presiding judge ordered the seizure of all his assets.<sup>91</sup> The sportscaster was arrested in June 2021, following a police raid of his residence located in Managua, in the context of a wave of arrests of political opposition leaders and critics of the government, prior to the general elections of November 2021.<sup>92</sup> As of the time of the drafting of this report, in November 2022, the journalist has been on a hunger strike for more than 40 days in an effort to pressure authorities to allow him to see his daughter.<sup>93</sup> According to available information, eleven motions

<sup>88</sup> IACHR. August 12, 2022. [Discurso de la Presidenta de la CIDH, Comisionada Julissa Mantilla](#) [‘Speech of the President of the IACHR, Commissioner Julissa Mantilla’], Special Session of the Permanent Council.

<sup>89</sup> La Prensa. August 20, 2022. [Régimen autoriza visita a hijos de los presos políticos Tamara Dávila](#) [‘Regime authorizes visit for children of political prisoners Tamara Davila’]. 100% Noticias. August 20, 2022. [Miguel Mora recibe visita de su hijo Miguelito en El Chipote tras 59 días de huelga de hambre](#) [‘Miguel Mora receives visit from his son Miguelito at El Chipote after 59 days of hunger strike’].

<sup>90</sup> CPJ. February 10, 2022. [Condenan al periodista nicaragüense Miguel Mendoza por los delitos de difundir noticias falsas y conspirar contra la integridad nacional](#) [‘Nicaraguan Journalist Miguel Mendoza convicted for the crimes of spreading fake news and conspiring against national integrity’].

<sup>91</sup> El Comercio. February 16, 2022. [Nicaragua: periodista deportivo crítico con Daniel Ortega es condenado a 9 años de prisión por “conspiración”](#) [‘Nicaragua: sports journalist critical of Daniel Ortega is convicted to 9 years in prison for “conspiracy”’]. Artículo 66. February 16, 2022. [Dictan nueve años de cárcel para el cronista deportivo Miguel Mendoza](#) [‘Sports writer Miguel Mendoza sentenced to nine years in jail’].

<sup>92</sup> IACHR. 2021 Annual Report. [Report of the IACHR Special Rapporteurship for Freedom of Expression](#). OEA/Ser.L/V/II Doc. 64 rev. 1. May 26, 2022. Par. 632.

<sup>93</sup> La Prensa. September 21, 2022. [Miguel Mendoza inicia huelga de hambre en el Chipote para que le permitan ver a su hija](#) [‘Miguel Mendoza starts hunger strike at El Chipote so his son is allowed to see him’]. Artículo 66. November 3, 2022. [Miguel Mendoza cumple 500 días sin ver a su hija de ocho años](#) [‘Miguel Mendoza serves 500 days in jail without seeing his eight-year-old daughter’].

were filed by the defense attorney for his daughter to be able to enter El Chipote jail facilities, where the journalist is serving his sentence.

55. On March 23, 2022, in a closed-door trial proceeding —just like in the cases of Miguel Mora and Miguel Mendoza— the Second Criminal District Court of Managua sentenced Juan Lorenzo Holmann Chamorro, general manager of the daily newspaper *La Prensa*, to nine years in prison for allegedly committing the crime of laundering of money, property or assets.<sup>94</sup> Additionally, the sentencing judge ordered him to pay a fine that, according to representatives of the media outlet, would be three times higher than the amount for which the journalist was brought to trial.<sup>95</sup> Based on available information, Juan Lorenzo Holmann has suffered serious deterioration of his health —particularly because of prior eyesight and heart problems— and remains in solitary confinement and *incomunicado*, as well as in unsanitary conditions of incarceration. As of the close of the drafting of this report, the journalist had been in custody for more than 440 days for political reasons.<sup>96</sup> On September 29, 2022, the IACHR granted precautionary measures on behalf of Juan Lorenzo Holmann and his immediate family, after finding that he is in a situation of grave and urgent risk of irreparable harm to his rights in Nicaragua. In its decision, the Inter-American Commission considered the “inadequate conditions” in which Juan Lorenzo Holmann was being held, and the lack of necessary, timely and adequate medical care by the authorities to tend to his health.<sup>97</sup>

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<sup>94</sup> France 24. April 1, 2022. *Nicaragua: director de 'La Prensa' es condenado a nueve años de prisión* [‘Nicaragua: director of La Prensa is sentenced to nine years of prison’]. CPJ. March 28, 2022. *Autoridades condenan a Juan Lorenzo Holmann, gerente general del diario La Prensa, por el delito de lavado de dinero* [‘Authorities convict Juan Lorenzo Holmann, general manager of the daily newspaper La Prensa for the crime of money laundering’].

<sup>95</sup> La Prensa. March 31, 2022. *Dictadura orteguista impone nueve años de cárcel y una multa millonaria al gerente general de LA PRENSA* [‘Ortega dictatorship imposes sentence of nine years in jail and a fine in the millions on the general manager of La Prensa’]. Confidential. April 1, 2022. *Sentencian a nueve años de prisión a Juan Lorenzo Holmann, gerente general de La Prensa* [‘Juan Lorenzo Holmann, general manager of La Prensa, sentenced to nine years in jail’].

<sup>96</sup> Nicaragua Actual. October 28, 2022. *Hija de Juan Lorenzo Holmann expone ante la SIP la grave situación que vive su padre en la cárcel*. [‘Daughter of Juan Lorenzo Holmann exposes to the IAPA dire situation that her father is experiencing in jail’].

<sup>97</sup> IACHR. September 29, 2022. Resolution 49/2022. *Precautionary Measures No. 652-22*. Juan Lorenzo Holmann Chamorro and his immediate family regarding Nicaragua (General Manager of the Newspaper “Diario La Prensa”).

56. In addition to these events, there were serious reports of an increasing number of journalists and broadcasters being driven into forced displacement and exile out of growing fears of retaliation, which can range from police besieging their residences, to even criminalization with disproportionate sentences. The information reported suggests that from 2018 to date at least 140 journalists have left Nicaragua for reasons linked to the lack of protections in practicing their profession.<sup>98</sup> Journalists who publicly announced their decision to leave the country in 2022 include Aminta Ramírez,<sup>99</sup> Julio Jarquín<sup>100</sup> and María Flordeliz Ordóñez<sup>101</sup> —beneficiary of IACHR precautionary measures<sup>102</sup>—; while many journalists preferred to not make their decision to go into exile public, out of fear that their families or inner circle of friends might be targeted for retaliation.<sup>103</sup>

<sup>98</sup> La Prensa. July 27, 2022. *CIDH hasta ahora no tenía registro del exilio de ‘todo una sala de redacción’, como ha sucedido con LA PRENSA* [‘IACHR thus far had no record of the exile of “whole news room,” as it happened to La Prensa’]. Confidential. September 8, 2022. *La guerra de Daniel Ortega contra el periodismo: 54 medios cerrados* [‘Daniel Ortega’s war against journalism; 54 media outlets shutdown’]. UN. Office of the High Commissioner for Human Rights. October 19, 2022. *El Comité de Derechos Humanos examina el informe de Nicaragua en ausencia de una delegación, los expertos preguntan sobre el trato a los manifestantes y las prácticas fraudulentas denunciadas en las pasadas elecciones*. [‘The Human Rights Committee is examining the Nicaragua report in the absence of a delegation, the experts ask about the treatment of the demonstrators and the fraudulent practices reported in past elections’] Press release.

<sup>99</sup> Swissinfo. January 5, 2022. *Otra comunicadora crítica con Ortega abandona Nicaragua por seguridad* [‘Another communicator critical of Daniel Ortega leaves Nicaragua for her own safety’]. Artículo 66. January 5, 2022. *Aminta Ramírez se exilia ante supuesta orden de captura en su contra* [‘Aminta Ramirez goes into exile in the face of an alleged arrest warrant against her’].

<sup>100</sup> 100% Noticias. February 14, 2022. *Cronista deportivo Julio “El Porteño” Jarquín se exilia por amenazas de dictadura de Daniel Ortega* [‘Sportscaster “El Porteño” Jarquín goes into exile because of threats from Daniel Ortega’s dictatorship’]. IP Nicaragua. February 14, 2022. *Julio “El Porteño” Jarquín se exilia por seguridad* [‘Julio “El Porteño” Jarquín goes into exile for his own safety’].

<sup>101</sup> Artículo 66. February 28, 2022. *Periodista de Notimatv se exilia por amenazas y persecución política en su contra* [‘Notimatv journalist goes into exile because of threats and political persecution against her’]. Infobae. March 3, 2022. *La periodista María Flordeliz Ordóñez abandonó Nicaragua y con ella ya suman 120 los comunicadores exiliados* [‘Journalist María Flordeliz Ordóñez left Nicaragua and with her that makes a total of 120 exiled communicators’].

<sup>102</sup> IACHR. June 17, 2020. Resolution 27/2020. Precautionary Measures No. 399-20. Eduardo Walter Montenegro Chavarría et al regarding Nicaragua (Members identified as being from the reporting team of NOTIMATV).

<sup>103</sup> La Prensa. March 2, 2022. *Entre 70 y 120 periodistas están en el exilio, por amenazas y persecución del régimen* [‘Between 70 and 120 journalists are in exile, because of threats and persecution of the regime’].

57. Additionally, assaults on and illegitimate interference in the freedom and independence of the media in Nicaragua are part and parcel of a trend that continued to be on the rise in 2022. The reports show that since the start of the human rights crisis in 2018, at least 54 media outlets have been shut down, almost 30 of them in 2022 alone.<sup>104</sup> Likewise, facilities of the media outlets *100% Noticias*, *Confidencial* and *La Prensa* continue to be occupied and under government control in government possession by confiscation.<sup>105</sup> The information received through the RELE indicates that most of forcibly closed media outlets are local broadcast stations that were located in northern Nicaragua and belonged to the Catholic Church.<sup>106</sup>
58. One of the incidents documented by the RELE was early in the year when the on-line portal *Trinchera de la Noticia* was ordered to shut down and was seized for allegedly “disturbing the social peace and refusing to submit information within the prescribed time period or submitting it incompletely or inaccurately,” according the court

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persecution by the regime’. NTN24. July 18, 2022. *Periodistas independientes en Nicaragua, obligados al exilio* [‘Independent Journalists in Nicaragua, forced into exile’].

<sup>104</sup> Confidencial. September 8, 2022. *La guerra de Daniel Ortega contra el periodismo: 54 medios cerrados* [‘Daniel Ortega’s war against journalism: 54 media outlets shut down’]. UN. Office of the High Commissioner for Human Rights. October 19, 2022. *El Comité de Derechos Humanos examina el informe de Nicaragua en ausencia de una delegación, los expertos preguntan sobre el trato a los manifestantes y las prácticas fraudulentas denunciadas en las pasadas elecciones*. [‘The Human Rights Committee is examining the Nicaragua report in the absence of a delegation, the experts ask about the treatment of the demonstrators and the fraudulent practices reported in past elections’] Press release.

<sup>105</sup> Swissinfo. March 2, 2022. *Gremio exige a Ortega devuelva medios de prensa “confiscados” en Nicaragua* [‘Union demands Ortega return “confiscated” press media in Nicaragua’]. Divergentes. February 23, 2022. *Ortega resucita las confiscaciones como política de Estado* [Ortega resuscitates confiscations as State policy’]. Infobae. June 20, 2022. *La SIP repudió la confiscación y el cierre de cuarto medio en Nicaragua* [‘IAPA rebukes confiscation and shutdown of fourth largest media outlet in Nicaragua’].

<sup>106</sup> Confidencial. September 8, 2022. *La guerra de Daniel Ortega contra el periodismo: 54 medios cerrados* [‘Daniel Ortega’s war against journalism: 54 media outlets shut down’]. CPJ. September 20, 2022. *Nicaraguan government suspends at least 17 local radio and TV stations; Artículo 66*. August 3, 2022. *SIP condena el “cierre masivo” de emisoras por dictadura sandinista* [‘IAPA condemns the “massive shutdown” of broadcast stations by the Sandinista dictatorship’]. La Nación. August 19, 2022. *Persecución contra la Iglesia en Nicaragua: secuestran al obispo más crítico del régimen, en medio del silencio del Papa* [‘Persecution against the church in Nicaragua: the bishop most critical of the regime kidnapped, in the midst of the silence of the Pope’].

decision.<sup>107</sup> The list of media outlets shut down in 2022 includes, *inter alia*, the television station *Condega Visión*, which broadcast from the department of Estelí; channel *NGTV3*, which broadcast from the municipality of Nueva Guinea; *Radio Darío*, from the municipality of León; *Radio Estéreo Libre*, from the municipality of Jinotega; *Radio Católica de Sébaco* and other Catholic radio stations of the Diocese of Matagalpa.<sup>108</sup> In August, the IACHR and its Office of the Special Rapporteur for Freedom of Expression condemned the arbitrary closure of seven Catholic radio stations of the Diocese of Matagalpa, and the violent entry by Police into the Niño Jesús de Praga chapel on August 1, from where radio and TV equipment was reportedly taken, and renewed the call to the State of Nicaragua to end the constant attacks on the Catholic Church.<sup>109</sup>

59. On September 21, at night, the Government of Nicaragua blocked the signal of *CNN en Español* thus taking it off the air.<sup>110</sup> The news network announced that “it will continue to comply with its responsibility to the Nicaraguan audience, by offering our news links *CNNEspanol.com*, so it can have access to information that is not available otherwise.”<sup>111</sup> Furthermore, it reaffirmed its commitment “to the truth and transparency” and its conviction, “in the vital role that freedom of the press plays in a healthy democracy.”<sup>112</sup> On this score, the Nicaraguan Institute of Telecommunications and Postal Service (TELCOR) asserted

<sup>107</sup> Swissinfo. June 10, 2022. [Medio nicaraquíense Trinchera de Noticia denuncia ocupación policial y cierre](#) [‘Nicaraguan media outlet Trinchera de Noticia denounces police occupation and shutdown’]. CNN Español. June 11, 2022. [El medio independiente “Trinchera de la Noticia” denuncia allanamiento y cierre por parte de la Policía](#) [‘Independent media outlet “Trinchera de la Noticia” denounces raid and shut down by the Police’]. CPJ. June 30, 2022. [Nicaraguan police raid, close independent news outlet Trinchera de la Noticia](#);

<sup>108</sup> CPJ. September 20, 2022. [Nicaraguan government suspends at least 17 local radio and TV stations](#); Deutsche Welle (DW). August 11, 2022. [Nicaragua: canal de televisión NGTV anuncia su cierre](#) [‘Nicaragua: NGTV television channel announces it closing’]. CNN Español. August 13, 2022. [Telcor ordena la cancelación de Radio Darío en Nicaragua, la décima en los últimos meses](#) [‘Telcor orders revocation of Radio Dario in Nicaragua, the tenth one in the past months’].

<sup>109</sup> IACHR Twitter Account (@CIDH). [3 de agosto de 2022](#). August 3, 2022.

<sup>110</sup> CNN Español. September 22, 2022. [Gobierno de Nicaragua saca del aire la señal de CNN en Español](#) [‘Government of Nicaragua takes CNN en Español signal off the air’]. Reuters. September 22, 2022. [Nicaragua blocks Spanish-language CNN from air amid government crackdown](#).

<sup>111</sup> CNN Español. September 22, 2022. [Gobierno de Nicaragua saca del aire la señal de CNN en Español](#) [‘Government of Nicaragua takes CNN en Español signal off the air’].

<sup>112</sup> CNN Español. September 22, 2022. [Gobierno de Nicaragua saca del aire la señal de CNN en Español](#) [‘Government of Nicaragua takes CNN en Español signal off the air’].

that the order to remove the channel from the programming grid was issued based on the functions and powers conferred upon it by domestic regulations and on the grounds that it had established that “the content broadcast by the Channel ‘CNN en Español’ over the Television by Subscription network, contravenes, violates and undermines the legal norms (...)” of Nicaragua.<sup>113</sup>

60. According to the information gathered by the Commission, the Government of Nicaragua has used the powers of the Nicaraguan Institute of Telecommunications and Postal Service (TELCOR) as a tool to carry out arbitrary closures and censor news reporting spaces that are critical of the government.<sup>114</sup> In Nicaragua, the functions of this body include, among other ones, supervision and enforcement of laws governing operation and provision of telecommunication services. TELCOR’s official webpage specifies that the responsibility of the agency is “the administration and regulation of the radioelectric frequency spectrum, as well as granting concessions, licenses, permits or certifications of registration (...) [that are] applicable to enterprises interested in providing telecommunications services (...)”<sup>115</sup> The IACHR and its Special Rapporteur have called upon the State to refrain from using its telecommunication regulatory powers as a means of limiting or impeding the circulation of information, ideas and opinions.<sup>116</sup>
61. In light of the foregoing information, the IACHR recalls that journalism is the primary and principal manifestation of freedom of expression, because it is journalists and the media who keep society informed about matters of public interest and contribute to a broad, robust and

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<sup>113</sup> RT. September 22, 2022. *Nicaragua retira la señal de CNN en Español por “contravenir, vulnerar y lesionar las normas jurídicas”; Telcor dice que eliminó del cable a CNN en Español por «vulnerar y lesionar las normas jurídicas» de Nicaragua* [‘Nicaragua blocks Spanish-language CNN signal for “contravening, violating and infringing the legal norms;” ‘Telcor says that it eliminated the cable feed from Spanish-language CNN for “violating and infringing the legal norms” of Nicaragua’].

<sup>114</sup> Voice of America. October 17, 2022. *Telcor: El arma que utiliza Ortega para cerrar medios de comunicación* [‘Telcor: the weapon used by Ortega to shut down media outlets’]. La Prensa. September 12, 2022. *Ortega implementa viejos y nuevos métodos para censurar medios independientes, señala informe de Voces del Sur* [‘Ortega implements old and new methods to censor independent media outlets, notes report of Voces del Sur’].

<sup>115</sup> Government of Nicaragua. *Instituto Nicaragüense de Telecomunicaciones y Correos (TELCOR)*.

<sup>116</sup> Twitter Account of the IACHR (@CIDH). *3 de agosto de 2022*. August 3, 2022.

plural public debate.<sup>117</sup> Therefore, it is the obligation of the States to generate the conditions to ensure that journalists are able to do their job freely, independently and safely.<sup>118</sup>

62. Principle 9 of the IACHR Declaration of Principles on Freedom of Expression establishes that intimidation or threats to social communicators violates the fundamental rights of individuals and greatly abridges freedom of expression.<sup>119</sup> The IACHR and its Special Rapporteur have understood the purpose of this type of action to be to restrict or hinder the efforts of journalists who conduct investigations into attacks, abuses, irregularities or illegal acts of any kind, committed either by public officials or private individuals.<sup>120</sup> Moreover, such acts are used as instruments of intimidation that send a message to those in civil society who engage in the investigation of irregularities in public administration.<sup>121</sup> The IACHR has also held that this practice “seeks to silence the press in its watchdog role,” keeping society from being informed about events of public interest.<sup>122</sup>

63. Likewise, the IACHR emphasizes that direct and indirect pressure from the State aimed at the job of social communicators to report is incompatible with freedom of expression. Principle 13 of the Declaration of Principles on Freedom of Expression of the IACHR establishes that:

the exercise of power and the use of public funds by the state, the granting of customs duty privileges, the arbitrary and discriminatory placement of official advertising and government loans, the concession of radio and television broadcast frequencies, among others, with the intent to put pressure on and punish or reward and provide privileges to social communicators

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<sup>117</sup> IA Court of HR. Advisory Opinion OC-5/85 of November 13, 1985 “Compulsory Membership in an Association Prescribed by Law for the Practice of Journalism.” (Arts. 13 and 29 American Convention on Human Rights). Par. 71; IACHR. Undated. Background and Interpretation of the Declaration of Principles

<sup>118</sup> IACHR. Inter-American legal framework regarding the right to freedom of expression. OEA/Ser.L/V/II CIDH/RELE/INF. 2/09. December 30, 2009. Pars. 8 and 165 et seq.

<sup>119</sup> IACHR. October 20, 2000. Declaration of Principles on Freedom of Expression.

<sup>120</sup> IACHR. Undated. Background and Interpretation of the Declaration of Principles.

<sup>121</sup> IACHR. Undated. Background and Interpretation of the Declaration of Principles.

<sup>122</sup> IACHR. Undated. Background and Interpretation of the Declaration of Principles.

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.<sup>123</sup>

64. As was noted above, the evidence gathered thus far shows that there is currently no guarantee whatsoever to exercise the right to freedom of expression in Nicaragua.<sup>124</sup> In light of this situation, the IACHR renews its appeal to the State to end the escalating repression and to ensure the right of journalists to report without pressure and interference in their work. The IACHR stresses that it is the duty of the State to promote, respect and guarantee the right of every person to express their opinions or ideas by any means and without fear of being persecuted, punished or stigmatized as a result; to participate in the public debate to foster and enrich it; and to access relevant information to exercise the political oversight that makes true democracy possible.<sup>125</sup>

## B. Freedom of expression, rule of law and democratic institutions

65. In 2022, the restrictions on fundamental freedoms reached a critical point in Nicaragua.<sup>126</sup> According to information received by the RELE, the principal strategies used by the government to curtail freedom of expression and citizen participation this year have been massive revocation of legal status of civil society organizations, judicial persecution, and implementation of monitoring and surveillance mechanisms of human rights defenders, civil society actors, academicians, students, members of the Catholic Church, political

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<sup>123</sup> IACHR. October 20, 2000. Declaration of Principles on Freedom of Expression.

<sup>124</sup> IACHR, Press Release No. R163/22 - Nicaragua must cease persecution of independent press and be held accountable for its actions. Washington, D.C, July 15, 2022

<sup>125</sup> IACHR. Inter-American legal framework regarding the right to freedom of expression. OEA/Ser.L/V/II CIDH/RELE/INF. 2/09. December 30, 2009; IACHR. Undated. Background and Interpretation of the Declaration of Principles.

<sup>126</sup> IACHR. Press Release No. R218/22 - In light of serious allegations regarding the closure of civic spaces in Nicaragua, UN and IACHR Special Rapporteurs urge authorities to comply with their international obligations to respect and guarantee fundamental freedoms. Washington, D.C, September 28, 2022.

parties, opponents to the government and anyone who actively takes part in public life.<sup>127</sup> The IACHR and the RELE warn that there is no longer any space for critical voices in Nicaragua, inasmuch as the government's censorship strategy has been steadily deployed against anyone who attempts to call into question the regime and against all available arenas of democratic participation.<sup>128</sup>

66. According to information submitted by civil society organizations to the IACHR, from 2018 until the present time the State of Nicaragua has revoked the legal status of 2,634 civil society organizations, 95% of which were revoked in 2022.<sup>129</sup> The list of revoked entities includes women's organizations or those that work for the rights of women; indigenous and Afro-descendant organizations; environmental organizations; among others. Likewise, the IACHR and the RELE received reports of the *de facto* confiscation of at least 43 entities and of the different methods of expropriation used by the State, which range from freezing accounts and assets, and seizure of workers' personal property, to police occupation of their buildings.<sup>130</sup>
67. The International community has emphatically condemned these acts. In July 2022, UN experts issued an alert about the arbitrary closure of hundreds of civil society organizations and the chilling effect that it has on actors of civil society; and warned that this situation represents "a clear pattern of repression of the civic space."<sup>131</sup> In September 2022, the UN Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association and the IACHR Special Rapporteur for

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<sup>127</sup> IACHR. Press Release No. R218/22 - In light of serious allegations regarding the closure of civic spaces in Nicaragua, UN and IACHR Special Rapporteurs urge authorities to comply with their international obligations to respect and guarantee fundamental freedoms. Washington, D.C., September 28, 2022.

<sup>128</sup> IACHR. Press Release No. R218/22 - In light of serious allegations regarding the closure of civic spaces in Nicaragua, UN and IACHR Special Rapporteurs urge authorities to comply with their international obligations to respect and guarantee fundamental freedoms. Washington, D.C., September 28, 2022.

<sup>129</sup> IACHR. 185<sup>th</sup> Regular Session. Thematic Hearing: Situation of freedom of association in Nicaragua, October 27, 2022

<sup>130</sup> IACHR. 185<sup>th</sup> Regular Session. Thematic Hearing: Situation of freedom of association in Nicaragua, October 27, 2022

<sup>131</sup> UN. July 29, 2022. Oficina del Alto Comisionado para los Derechos Humanos. Nicaragua: Expertos/as de la ONU denuncian el cierre arbitrario de organizaciones de la sociedad civil [Office of the High Commissioner for Human Rights. 'Nicaragua: UN Experts denounce the arbitrary closure of civil society organizations'].

Freedom of Expression asserted that there is a “closure and government co-optation of civic spaces and democratic participation in Nicaragua” and urged the State to restore and reimplement the full enjoyment of civil and political rights, in particular freedom of expression, peaceful assembly and association.<sup>132</sup> Additionally, they called for the international community to step up its commitment to provide support to the victims of the human rights crisis.<sup>133</sup> The situation of the right to freedom of association was also the subject of analysis by the IACHR at a public hearing held at the 185<sup>th</sup> Session.<sup>134</sup> On that occasion, the Inter-American Commission described the situation of Nicaragua as “a regime of terror” and emphasized the importance of continuing to closely monitor the situation of fundamental liberties in the country.<sup>135</sup>

68. The RELE underscores that any limitation or restriction on freedom of peaceful assembly and of association must rigorously meet several requirements. International human rights law provides that the only restrictions that shall be legitimate are those that are expressly established by law, are suitable and necessary to attain one of the compelling objectives provided for under international law and are proportional to that objective. In this regard, the IACHR emphasizes that the involuntary dissolution of civil society and media organizations is one of the severest sanctions that can be imposed on an organization, and it should only be used in the strictest adherence to the above-mentioned requirements.<sup>136</sup> Additionally, under international standards, organizations should have the opportunity to challenge the revocation decision before an independent and

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<sup>132</sup> IACHR. [Press Release No. R218/22 - In light of serious allegations regarding the closure of civic spaces in Nicaragua, UN and IACHR Special Rapporteurs urge authorities to comply with their international obligations to respect and guarantee fundamental freedoms](#). Washington, D.C, September 28, 2022.

<sup>133</sup> IACHR. [Press Release No. R218/22 - In light of serious allegations regarding the closure of civic spaces in Nicaragua, UN and IACHR Special Rapporteurs urge authorities to comply with their international obligations to respect and guarantee fundamental freedoms](#). Washington, D.C, September 28, 2022.

<sup>134</sup> IACHR. 185<sup>th</sup> Regular Session. [Thematic Hearing: Situation of freedom of association in Nicaragua](#), October 27, 2022.

<sup>135</sup> IACHR. 185<sup>th</sup> Regular Session. [Thematic Hearing: Situation of freedom of association in Nicaragua](#), October 27, 2022.

<sup>136</sup> UN. Report of the Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association, Maina Kiai. A/HRC/20/27. May 21, 2012. Par. 75.

impartial court.<sup>137</sup> The RELE stresses that one of the pillars of freedom of association, which should be considered when limits are placed on this right, is the presumption that the association's activities are lawful.<sup>138</sup>

69. The IACHR and its Special Rapporteurship renew the call for the State to refrain from using the law arbitrarily and selectively, and from engaging in abusive governmental practices to hinder or restrict citizen participation and freedom of expression, peaceful assembly and association.<sup>139</sup> As the UN and IACHR Special Rapporteurs noted, “the closure and widespread cancellation of civil society organizations and media outlets highlights the governmental co-optation of civic space and the intention to consolidate the official narrative as the only permitted discourse, which is deepened by official propaganda strategies and pressures to replicate it.”<sup>140</sup>
70. While government persecution and censorship has affected a wide range of organizations, in 2022 the IACHR and its Special Rapporteurship particularly noticed an increase in acts of harassment against the Catholic Church.<sup>141</sup> In May, the IACHR and the RELE condemned the order of the regulatory agency TELCOR to remove the Catholic Channel from the cable television programming schedule.<sup>142</sup> The Catholic Channel, which was founded in 2011, belongs to the

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<sup>137</sup> UN. Report of the Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association, Maina Kiai. A/HRC/20/27. May 21, 2012. Par. 61.

<sup>138</sup> UN. Report of the Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association, Maina Kiai. A/HRC/23/39. April 24, 2013. Par. 18.

<sup>139</sup> IACHR. [Press Release No. R218/22 - In light of serious allegations regarding the closure of civic spaces in Nicaragua, UN and IACHR Special Rapporteurs urge authorities to comply with their international obligations to respect and guarantee fundamental freedoms.](#) Washington, D.C., September 28, 2022.

<sup>140</sup> IACHR. [Press Release No. R218/22 - In light of serious allegations regarding the closure of civic spaces in Nicaragua, UN and IACHR Special Rapporteurs urge authorities to comply with their international obligations to respect and guarantee fundamental freedoms.](#) Washington, D.C., September 28, 2022.

<sup>141</sup> IACHR. [Press release no. 119/22 - IACHR and Its Special Rapporteurship for Freedom of Expression Urge the State of Nicaragua to End Persecution of the Church and to Enable a Plurality of Voices.](#) Washington, D.C., May 27, 2022; IACHR. [Press Release no. 184/22 - IACHR Condemns Repression and Arrests of Members of Roman Catholic Church in Nicaragua.](#) Washington, D.C., August 19, 2022.

<sup>142</sup> IACHR. [Press release no. 119/22 - IACHR and Its Special Rapporteurship for Freedom of Expression Urge the State of Nicaragua to End Persecution of the Church and to Enable a Plurality of Voices.](#) Washington, D.C., May 27, 2022.

Nicaraguan Bishops' Conference and was taken off the air while it was broadcasting religious activities.<sup>143</sup> According to available information, TELCOR's order came the day after the bishop of the Diocese of Matagalpa, apostolic manager of the Estelí Diocese, denounced on social media increased harassment and hounding by National Police.<sup>144</sup>

71. Articles 12.1 and 12.3 of the American Convention provides for the “freedom to profess or disseminate one’s religion or beliefs, either individually or together with others, in public or in private” and it establishes that “the freedom to manifest one’s religion and beliefs may be subject only to the limitations prescribed by law that are necessary to protect public safety, order, health, or morals, or the rights or freedoms of others.” As was noted by the IACHR and its RELE, the order to remove the Catholic Church’s religious channel *Canal Católico* from the programming schedule may constitute an arbitrary limitation on the dissemination of religion and beliefs and, in view of the current context, it could also be retaliation against the church for its role as mediator and supporter of the victims of the human rights crisis.<sup>145</sup>
72. Furthermore, information submitted by civil society organizations at the aforementioned public hearing suggests that the practices perpetrated by the government to impede or hinder the exercise of

<sup>143</sup> IACHR. [Press release no. 119/22 - IACHR and Its Special Rapporteurship for Freedom of Expression Urge the State of Nicaragua to End Persecution of the Church and to Enable a Plurality of Voices](#). Washington, D.C, May 27, 2022; La Prensa. May 20, 2022. [Telcor ordena a las compañías de cable eliminar el Canal Católico de su señal](#) [‘Telcor orders cable companies to drop the Catholic Channel from their signal’]. Artículo 66. May 31, 2022. [Régimen de Ortega se apodera de la frecuencia del Canal Católico](#) [‘Ortega’s Regime takes over frequency of Catholic Channel’].

<sup>144</sup> IACHR. [Press release no. 119/22 - IACHR and Its Special Rapporteurship for Freedom of Expression Urge the State of Nicaragua to End Persecution of the Church and to Enable a Plurality of Voices](#). Washington, D.C, May 27, 2022; La Prensa. May 19, 2022. [Monseñor Rolando Álvarez denuncia persecución de la Policía y se resguarda en la Parroquia Santo Cristo de Las Colinas](#) [‘Monsignor Rolando Alvarez denounces persecution by Police and seeks sanctuary in the Parish of Santo Cristo de Las Colinas’]. El País CR. May 21, 2022. [Obispo denuncia que sufre persecución policial del gobierno de Nicaragua](#) [‘Bishop denounces that he endures police persecution from the government of Nicaragua’].

IACHR. [Press release no. 119/22 - IACHR and Its Special Rapporteurship for Freedom of Expression Urge the State of Nicaragua to End Persecution of the Church and to Enable a Plurality of Voices](#). Washington, D.C, May 27, 2022;

freedom of expression, assembly and of association have been based, for the most part, on a restrictive legal framework with respect to these rights and provisions that run afoul of international human rights standards.<sup>146</sup> According to information documented by the RELE, the principal laws used by the State against the different civil society actors include Law No. 977 of 2018 against Money Laundering, the Financing of Terrorism and the Financing of the Proliferation of Weapons of Mass Destruction; Law No. 1040 on the Regulation of Foreign Agents, of 2020; Law No. 1042 on Cybercrimes, of 2020; and Law No. 1115 of Regulation and Control of Non-Profit Organizations, of 2022.

73. In 2022, several UN Special Rapporteurs expressed their concern about the aforementioned General Law of Regulation and Control of Non-Profit Organizations, known as the “OSFL Law,” which was approved by the National Assembly on March 31, 2022. In particular, the experts admonished the State about imposing extensive administrative and registration procedures, disclosing beneficiaries’ personal information, and placing significant limitations on external financing to organizations.<sup>147</sup> Likewise, the Special Rapporteurs reminded the State that “its obligation to protect, promote and enforce human rights is applicable to the context of the fight against terrorism, including when enacting measures to fight against the financing of terrorism.”<sup>148</sup>
74. In 2022, the RELE also became aware of the approval of amendments to the Law of National Cinematheque, published in The Gazette on

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<sup>146</sup> IACHR. 185<sup>th</sup> Regular Session. Thematic Hearing: Situation of freedom of association in Nicaragua, October 27, 2022.

<sup>147</sup> Mandates of the Special Rapporteur on the Promotion and Protection of Human Rights and Fundamental Liberties in the Fight against Terrorism; Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and of Expression; Special Rapporteur on the Human Rights of Migrants; Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association and of the Special Rapporteur on the Situation of Human Rights Defenders. May 5, 2022. Ref. OL NIC 1/2022.

<sup>148</sup> Mandates of the Special Rapporteur on the Promotion and Protection of Human Rights and Fundamental Liberties in the Fight against Terrorism; Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and of Expression; Special Rapporteur on the Human Rights of Migrants; Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association and of the Special Rapporteur on the Situation of Human Rights Defenders. May 5, 2022. Ref. OL NIC 1/2022.

October 18, 2022, under Law 1132.<sup>149</sup> The Rapporteurship is concerned about the breadth of powers ascribed to the National Cinematheque, which, in the context of the human rights crisis Nicaragua is going through, could be used arbitrarily with the intent to limit or restrict cinematographic production. Thus, for example, the law grants the entity the power to “authorize pre-production, production, realization or filming, exhibition and distribution of national or foreign audiovisual and cinematographic projects, in Nicaragua.”<sup>150</sup> The statute also provides for “measures of seizure of a preventive character,” that could involve “the prohibition of the development, public exhibition, commercialization of cinematographic and audiovisual products, as well as the seizure thereof.”<sup>151</sup>

75. A group of independent Nicaraguan film makers decried that the law “undermines the freedom of creation and of expression of independent film makers,” inasmuch as “the National Cinematheque shifts from promoting and disseminating cinematography and audiovisual arts, to regulating and overseeing cinematography and audiovisual arts in every aspect and format.”<sup>152</sup> Accordingly, they made an appeal to “reflect on the importance of defending creative liberty (...) and guaranteeing that the rights to freedom of expression and cultural creation are respected.”<sup>153</sup>
76. The IACHR recalls that the right to freedom of expression encompasses “the freedom to seek, receive and impart information

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<sup>149</sup> Government of Nicaragua. October 18, 2022. *La Gaceta* - Nº 195.

<sup>150</sup> Law 1132 of Reforms and Additions to Law No. 909 Law Creating the National Cinematheque and Reforms to Law No. 723 Law of Cinematography and of the Audiovisual Arts. First Article: reforms. Powers.

<sup>151</sup> Law 1132 of Reforms and Additions to Law No. 909 Law Creating the National Cinematheque and Reforms to Law No. 723 Law of Cinematography and of the Audiovisual Artes. Second Article. Measures of seizure.

<sup>152</sup> Voice of America. October 13, 2022. [\*Nicaragua aprueba reforma para controlar la producción de material audiovisual\*](#) [‘Nicaragua passes reform to control production of audiovisual material’]. 100% Noticias. October 13, 2022. [\*Aprueban reforma para controlar la producción de material audiovisual en Nicaragua\*](#) [‘Reform to control production of audiovisual material in Nicaragua approved’]. Twitter Account of Ricardo Zambrana (@Zambranitis). [13 de octubre de 2022](#).

<sup>153</sup> Voice of America. October 13, 2022. [\*Nicaragua aprueba reforma para controlar la producción de material audiovisual\*](#) [‘Nicaragua passes reform to control production of audiovisual material’]

and ideas of all kinds, regardless of frontiers, either orally, in writing, in print, in the form of art, or through any other medium of one's choice." The Inter-American human rights system protects the right to artistic or symbolic expression, to the dissemination of artistic expression, and to access to art, in all of its forms. The Special Rapporteurship finds that the imposition of "measures of seizure of a preventive character" could entail censorship of artistic expressions that are protected by international human rights law. As provided for in Principle 5 of the Declaration of Principles on Freedom of Expression:

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.<sup>154</sup>

Likewise, the broad powers granted to the National Cinematheque could be particularly risky in the current context of the human rights crisis in Nicaragua, especially because of the challenges with respect to democratic institutions. As the IACHR stated in its report on *Concentration of Power and Undermining of the Rule of Law in Nicaragua*, the government has clearly undermined "the rule of law and democracy, evident in the disregard for the mandate of judicial independence and separation of powers, especially through the criminalization of dissidence in the country, the lack of guarantees of the independence and impartiality of the judiciary, and the impunity surrounding human rights violations."<sup>155</sup>

## **C. Freedom of expression and the fight against discrimination and exclusion**

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<sup>154</sup> IACHR. October 20, 2000. *Declaration of Principles on Freedom of Expression*.

<sup>155</sup> IACHR, *Nicaragua: Concentration of Power and Undermining of the Rule of Law*, OEA/Ser.L/V/II. Doc. 288, October 25, 2021, par. 47.

77. In 2022, the RELE became aware of the differentiated impact that the actions identified throughout the previous sections of this report have had on voices traditionally excluded from the public debate. The scenario is further exacerbated by the failure to gather official statistical data on violence against groups in vulnerable situations, the ultimate effect of which is to infringe not only the right of access to information of the citizenry, but also to hinder public policy planning on the subject matter.
78. The RELE has received information on the closure, seizure of equipment and raids of the premises of community radio broadcaster *Radio Vos*, which defines itself as a “radio school with a feminist profile.”<sup>156</sup> In August, TELCOR reportedly revoked the broadcast license of the radio channel for allegedly failing to comply with the provisions of the General Telecommunications and Postal Service Law. In September, the radio broadcaster decried that State agents had raided and occupied the premises of the radio station, which operated out of a leased space, and impeded access to the building.<sup>157</sup> The forced closure of *Radio Vos* took place in a context of a growing absence of news coverage in areas removed from the capital of the country, which the RELE has dubbed “zones of media silence.”<sup>158</sup>

<sup>156</sup> SwissInfo. September 6, 2022. *Emisora comunitaria denuncia expropiación de sus instalaciones en Nicaragua* [‘Community broadcast station decries expropriation of their facilities in Nicaragua’]; Infobae. *El régimen de Daniel Ortega expropió las instalaciones de la emisora comunitaria Radio Vos* [‘The regime of Daniel Ortega expropriated the facilities of a community radio station Radio Vos’]; La Lupa. August 3, 2022. *Radio Vos: “Pueden apagar la radio, pero no nos pueden apagar la voz”* [‘Radio Vos: You can turn off the radio, but you turn off the voice’]; *Confidencial. 6 de septiembre de 2022. Régimen asalta y confisca las instalaciones de Radio Vos de Matagalpa* [‘September 6, 2022. ‘Regime storms and seizes facilities of Radio Vos of Matagalpa’].

<sup>157</sup> SwissInfo. September 6, 2022. *Emisora comunitaria denuncia expropiación de sus instalaciones en Nicaragua* [‘Community broadcast station decries expropriation of their facilities in Nicaragua’]; Infobae. *El régimen de Daniel Ortega expropió las instalaciones de la emisora comunitaria Radio Vos* [‘The regime of Daniel Ortega expropriated the facilities of community radio station Radio Vos’]; La Lupa. August 3, 2022. *Radio Vos: “Pueden apagar la radio, pero no nos pueden apagar la voz”* [‘Radio Vos: You can turn off the radio, but you turn off the voice’]; *Confidencial. 6 de septiembre de 2022. Régimen asalta y confisca las instalaciones de Radio Vos de Matagalpa*. [‘September 6, 2022. ‘Regime assaults and seizes facilities of Radio Vos of Matagalpa’].

<sup>158</sup> IACHR. Press release No. 179/22 - IACHR Concludes Promotional Visit to Miami, United States of America, and San José, Costa Rica to Monitor the Situation of Nicaraguan Individuals. Washington, D.C, August 12, 2022; IACHR. August 12, 2022. *Discurso de la Presidenta de la CIDH*,

79. Additionally, in 2022, the RELE has monitored the impact that the closure of more than 2,000 non-governmental organizations has had on actors who perform jobs linked to the rights of women, LGBTI+ persons and other groups in vulnerable situations. According to information available to the public, the period of 2018 to June 2022 saw the revocation of the legal status of 176 women’s or women’s rights organizations, 76 indigenous and Afro-descendant organizations, and 109 environmental organizations.<sup>159</sup> The list of organizations that were shutdown include the Asociación Programa Regional Feminista La Corriente, whose premises were raided and seized by security forces.<sup>160</sup> The revocation of the legal status of La Corriente was only one of another 50 NGO legal status revocations on the occasion of “National Day of Dignity.”<sup>161</sup> Likewise, during LGBTI+ Pride month, Nicaraguan activists in exile denounced violence against LGBTI persons in the country, the troubling impact that closure of NGOs in Nicaragua has on the defense of the rights of this group of individuals, and the effects of self-censorship that the repression has.<sup>162</sup>

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Comisionada Julissa Mantilla [‘Speech of IACHR President Julissa Mantilla’]. Special Session of the Permanent Council.

<sup>159</sup> IACHR. 185<sup>th</sup> Regular Session. Thematic Hearing: Situation of freedom of association in Nicaragua, October 27, 2022; Iniciativa Mesoamérica de Mujeres Defensoras de Derechos Humanos. June 3, 2022. Gobierno de Daniel Ortega no da respiro: tras nueva jornada de cancelaciones van 57 organizaciones feministas y por los derechos de las mujeres ilegalmente canceladas desde 2018. [‘Government of Daniel Ortega does not let up: after a new day of cancellations that makes 57 women’s and women’s rights organizations cancelled illegally since 2018’].

<sup>160</sup> 100% Noticias. May 5, 2022. Cierre de la Asociación feminista “La Corriente” parte de política de “aniquilación” del régimen de Nicaragua [‘Closure of Women’s Association “La Corriente” part of the policy of “annihilation” by the regime of Nicaragua. Artículo 66. July 8, 2022. La Corriente: «La toma de nuestras instalaciones es un acto ilegal que atenta contra la libertad de asociación» [‘La Corriente: “The seizure of our premises is an illegal act that undermines freedom of association’].

<sup>161</sup> 100% noticias. May 4, 2022. Cancelan en Nicaragua a 50 ONGs, diputado dice que así evitan que sigan “engañando” [‘50 NGOs cancelled in Nicaragua, deputy says that this way they avoid that they continue to “deceive”’]

<sup>162</sup> La Lupa. June 29, 2022. Personas LGBTIQ+ en Nicaragua y en el exilio exigen respeto a sus derechos humanos [‘LGBTIQ+ persons in Nicaragua and in exile demand respect’]; La Prensa. June 26, 2022. Comunidad LGBTI+ nicaragüense exiliada en Costa Rica se unió a la Marcha del Orgullo [‘Nicaraguan LGBTI+ community in exile in Costa Rica joined the Pride March’]; Artículo 66. June 24, 2022. Comunidad LGBTIQ+ denuncia que sus derechos han sido arrebatados en Nicaragua [‘LGBTI+ Community denounces that its rights have been torn away in Nicaragua’]

80. The IACHR Special Rapporteurship recalls that speech that expresses elements of the identity or the personal dignity of those who express themselves, is speech that is specially protected by the American Convention on Human Rights.<sup>163</sup> The Rapporteurship underscores the duty of the State of Nicaragua to respect and guarantee the right to freedom of expression of historically discriminated groups. As the Rapporteurship has noted in the past, these groups often lack a channel or path to make their complaints heard, express their ideas and opinions or to become informed on matters affecting them. Consequently, it is essential for the State to promote public policies to include these groups in the media and other spaces of activism and public advocacy; and to refrain from curtailing existing civic and public participation spaces for these groups.<sup>164</sup>
81. Lastly, the Rapporteurship notes with concern the impact that the crackdown against human rights defenders, activists and opposition members has had on women, who are doubly vulnerable. They are not only at risk because of the practice of journalism or human rights defense, but they are also disproportionately impacted and are the targets of retaliation because of their gender. Thus, for example, in 2022, the RELE learned of reports of the creation of fake profiles of women defenders of women's rights, linking them to pornography sites, as a strategy of intimidation, harassment and smearing their names because of the job they do.<sup>165</sup> Additionally, in early January, the women journalists of *Radio La Costeñísima*, Kalúa Salazar and Yahaciela Barrera, were the targets of harassment by the Police when they were covering a case of femicide in Bluefields.<sup>166</sup> In this context,

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<sup>163</sup> IACHR. Inter-American legal framework regarding the right to freedom of expression. OEA/Ser.L/V/II CIDH/RELE/INF. 2/09. December 30, 2009. Par. 53.

<sup>164</sup> IACHR. Violence against Lesbian, Gay, Bisexual, Trans and Intersex Persons in America. Chapter IV: Hate Speech and Incitement to violence against Lesbian, gay, bisexual, trans and intersex persons in America. OAS/Ser.L/V/II.rev.2 Doc. 36. November 12, 2015. Pars. 217-221.

<sup>165</sup> Colectivo de Derechos Humanos Nicaragua Nunca +; CEJIL; IM-Defensoras. March 18, 2022. Communication to the Honorable Commissioner Esmeralda Arosemena de Troitiño and to the Honorable Mr. Pedro Vaca Villareal about the situation of defense of human rights and freedom of expression in the digital space Nicaragua. Archives of the Rapporteurship.

<sup>166</sup> Artículo 66. January 5, 2022. Policia orteguista asedia a periodistas de Radio La Costeñísima [‘Pro-Ortega police besiege journalists of Radio La Costeñísima’]. Voces del Sur. January 2022. Más represión estatal y menos denuncias: así inicia el 2022 la prensa independiente en Nicaragua [More State repression and less reporting: that’s how the independent press in Nicaragua is starting 2022’].

the IACHR, through the MESENI and the Office of the Special Rapporteur received reports of the attempt by the Police to force their way into the residence of Kalúa Salazar.<sup>167</sup> Likewise, the Special Rapporteurship received information about alleged intimidation and assaults on *Notimatv* TV channel reporter María Flordeliz Ordóñez, who reported that a police patrol raided her residence without a court warrant remaining inside for 55 minutes, and had beaten and threatened her husband, forcing him to remain silent while the Police interrogated her about her work.<sup>168</sup>

82. In this context, the IACHR Office of the Special Rapporteur called attention to significant persisting challenges in gathering official data on discrimination and violence against women and LGBTI+ persons, which hinder citizens' access to information and renders invisible the magnitude of the issue.<sup>169</sup> As the IACHR and its RELE have noted earlier, access to information is instrumental to the exercise of other human rights; and it entails the fulfillment of different obligations by States, including the obligation to collect and produce information, and the obligation of active transparency. The collection and production of disaggregated information about the situation of violence and discrimination against women and LGBTI+ persons make public policy design and evaluation more effective and focused on combatting this issue.<sup>170</sup>
83. Lastly, the Office of the Rapporteur voices its concern over the repression against the Catholic Church —examined in the previous section of this report<sup>171</sup>— and renews its call for the Nicaraguan State to ensure a plurality of voices and content in the media, including

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<sup>167</sup> Twitter Account of the IACHR (@CIDH). [7 de enero de 2022](#).

<sup>168</sup> Twitter Account of Alertas Libertad de Prensa Nicaragua (@AlertasLP\_Nic). [28 de febrero de 2022](#); La Prensa. March 2, 2022. [Periodista de Matagalpa se exilia tras amenazas de detención](#) [‘Journalist from Matagalpa goes into exile after threats of arrest’]; Infobae. March 3, 2022. [La periodista María Flordeliz Ordóñez abandonó Nicaragua y con ella ya suman 120 los comunicadores exiliados](#) [‘Journalist Maria Flordeliz Ordóñez left Nicaragua and with her that makes 120 exiled communicators’].

<sup>169</sup> UN. Report of the Office of the United Nations High Commissioner for Human Rights on Nicaragua. [A/HRC/49/23](#). September 2, 2022.

<sup>170</sup> IACHR. [Access to information, violence against women and the administration of justice in the Americas](#). OAS/Ser.L/V/II.154 Doc. 19. March 27, 2015. par. 42.

<sup>171</sup> See pars. 68 and 69.

religious speech.<sup>172</sup> The Rapporteurship and the IACHR underscore that, as established in the Inter-American Legal Framework on the Right to Freedom of Expression, religious speech enjoys a special level of protection under the American Convention on Human Rights (ACHR), inasmuch as it expresses elements constituting personal identity and dignity.<sup>173</sup> This is of particular importance in a country where the majority of the population professes the Catholic religion.<sup>174</sup>

## D. Freedom of expression and Internet

84. The Office of the Rapporteur recognizes the importance of the digital civic space for the sustainability and survival of independent journalism in Nicaragua and for the exercise of the defense of human rights. In 2022, the RELE received information about serious restrictions on the right to freedom of expression, assembly, and association on Internet; and a growing climate of self-censorship of citizens who, out of fear of retaliation, opt to not post information or express their ideas and opinions on social networks.<sup>175</sup> Furthermore, challenges persist in introducing universal Internet coverage throughout the country.<sup>176</sup>
85. In 2022, the Rapporteurship documented numerous criminal convictions of citizens based on the Special Law of Cybercrimes.<sup>177</sup> In

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<sup>172</sup> IACHR. Press release no. 119/22 - IACHR and Its Special Rapporteurship for Freedom of Expression Urge the State of Nicaragua to End Persecution of the Church and to Enable a Plurality of Voices. Washington, D.C, May 27, 2022.

<sup>173</sup> IACHR. Inter-American legal framework regarding the right to freedom of expression. OEA/Ser.L/V/II CIDH/RELE/INF. 2/09. December 30, 2009. Par. 56.

<sup>174</sup> IACHR. Inter-American legal framework regarding the right to freedom of expression. OEA/Ser.L/V/II CIDH/RELE/INF. 2/09. December 30, 2009. Par. 53 et seq.

<sup>175</sup> See par. 83 et seq of the instant report.

<sup>176</sup> Freedom House. October 2022. Freedom on the Net. Nicaragua; Colectivo de Derechos Humanos Nicaragua Nunca +; CEJIL; IM-Defensoras. March 18, 2022. Communication to the Honorable Commissioner Esmeralda Arosemena de Troitiño and to the Honorable Mr. Pedro Vaca Villareal about the situation of defense of human rights and freedom of expression in the digital space Nicaragua. Archives of the Rapporteurship.

<sup>177</sup> Nicaragua Investiga. October 3, 2022. Dictadura acusa a 13 personas por propagación de noticias falsas y "conspiración" [“Dictatorship accuses 13 people of spreading fake news and “conspiracy””]; 100% Noticias. October 4, 2022. Acusan a sacerdotes de Mataqalpa por “conspiración” y “noticias falsas”. DW. 20 de octubre de 2022; Fiscalía de Nicaragua acusa de

January 2022, the Criminal Trial District Court of Chinandega sentenced Donald Alvarenga to 12 years in jail for allegedly committing the crimes of conspiracy to undermine national integrity and spreading fake news through information and communications technology.<sup>178</sup>

86. The Office of the Rapporteur also became aware of other cases, such as the 11-year prison sentence, for the same charges, against activist Masaya Nidya Barbosa Castillo;<sup>179</sup> the 8-year prison sentence, for these same charges, against activist Cinthia Samantha Padilla Jirón;<sup>180</sup> and the 8-year prison sentence, also for the same charges, of diplomat Edgar Parrales.<sup>181</sup> Likewise in March, activist Yoel Ibzán Sandino, founder of the Facebook Page “Mentes Libres,” was sentenced to 11 years in prison for conspiracy to undermine the national integrity and spreading fake news, in connection with different posts on his page.<sup>182</sup>

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*conspiración a otro sacerdote | Las noticias y análisis más importantes en América Latina* [‘Priest from Matagalpa accused of “conspiracy” and “fake news”. ‘Office of the Attorney General of Nicaragua accuses another priest of conspiracy’].

<sup>178</sup> La Prensa. January 18, 2022. *Donald Alvarenga, primer opositor condenado bajo la Ley de Cibercrimitos* [‘Donald Alvarenga, first opposition member convicted under Cybercrimes Law’]; La Prensa. January 28, 2022. *Jueza “rectifica” condena contra el opositor Donald Alvarenga, aumenta pena a 12 años de cárcel y multa de más de 42 mil córdobas* [‘Judge “rectifies” sentence against opponent Donald Alvarenga, increases punishment to 12 years in jail and a fine of more than 42 thousand Córdoba’]; Artículo 66. January 31, 2022. *Donald Alvarenga, el exsandinista condenado a 12 años por «incitar a la violencia» a través de sus redes sociales* [‘Donald Alvarenga, former Sandinista, sentenced to 12 years for “inciting violence” through his social network accounts’].

<sup>179</sup> Twitter Account of CENIDH (@Cenidh). *11 de febrero de 2022*; Nicaragua Investiga. August 4, 2022. *Condenan a 11 años de prisión a presa política Nidia Barbosa* [‘Political prisoner Nidia Barbosa sentenced to 11 years prison’].

<sup>180</sup> 100% Noticias. March 8, 2022. *Samantha Padilla Jirón condenada a ocho años de prisión por “traición” en Nicaragua* [‘Samantha Padilla Jirón sentenced to eight years in prison for “treason” in Nicaragua’]; La Prensa. November 3, 2022. *Samantha Jirón cumple 360 días en La Esperanza. Estas son las mujeres recluidas en este sistema penitenciario* [‘Samantha Jirón serves 360 days in La Esperanza. These are the women imprisoned in this prison system’].

<sup>181</sup> CNN. April 27, 2022. *Condenan a exdiplomático de Nicaragua por cargos de conspiración y difusión de noticias falsas*; Confidencial. [‘Former Nicaraguan diplomat convicted on charges of conspiracy and spreading fake news’]; April 27, 2022. *Edgard Parrales ante juez orteguista: “Yo soy inocente, me avala una historia de vida y de compromiso en la defensa de Nicaragua”* [‘Edgard Parrales before pro-Ortega judge: “I am innocent, I am endorsed by a life history and commitment to defense of Nicaragua”’].

<sup>182</sup> Nicaragua Investiga. March 24, 2022. *Condenan a 11 años y medio de cárcel al activista Yoel Sandino, creador de Mentes Libres* [‘Activist Yoel Sandino, creator of Mentes Liberes sentenced to 11 and a half years of jail’]. Artículo 66. March 23, 2022. *Justicia de Ortega condena a 11 años*

On May 5, 2022, the IACHR granted precautionary measures on behalf of Yoel Ibzán Sandino, and determined that the State must take the necessary measures to protect the rights to life, physical integrity and health of Yoel Ibzán Sandino Ibarra. In examining and deciding this case, the IACHR particularly considered the threats and acts of harassment of which Yoel Sandino Ibarra had been the target for speaking out over the social networks criticizing the government.<sup>183</sup> According to information reported by the media outlet *Confidencial*, as of March 2022, at least 30 individuals had been convicted for the crimes of conspiracy and spreading fake news.<sup>184</sup>

87. The Office of the Rapporteur has received numerous reports that these criminal proceedings did not respect minimal fair trial rights, especially with regard to the rules of evidence.<sup>185</sup> According to the available information, during the trial that the State instituted against journalist Miguel Mendoza, which led to a 9-year prison sentence, the court admitted as evidence several posts of the journalist on his social media accounts.<sup>186</sup> Likewise, the RELE learned of alleged violations of fair trial rights in the criminal proceedings that the Office of the

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*de prisión al opositor Yoel Sandino* [‘Ortega’s justice sentences opponent Yoel Sandino to 11 years of prison’].

<sup>183</sup> IACHR. May 5, 2022. Resolution 21/22. Precautionary Measures No. 145-22. Yoel Ibzán Sandino Ibarra. Nicaragua.

<sup>184</sup> Confidencial. March 8, 2022. *Régimen suma más de 30 presos políticos condenados por “conspiración” y “ciberdelitos”*. [‘Regime convicts another 30 political prisoners of “conspiracy” and “cybercrimes”’]

<sup>185</sup> Confidencial. February 15, 2022. *Condenas a presos políticos de Nicaragua basadas en “pruebas ridículas”* [‘Convictions of political prisoners from Nicaragua based on “ridiculous evidence”’]; Civicus. February 15, 2022. *Nicaragua: juzgan y condenan a varios presos políticos - CIVICUS - Tracking conditions for citizen action* [‘Nicaragua: several political prisoners tried and convicted’]; Artículo 66. February 11, 2022. *Condenan a 12 años de prisión al padre de Miss Mundo Nicaragua Douglas Cerros* [‘Father of Miss World Nicaragua Douglas Cerros sentenced to 12 years of prison’]; SwissInfo. February 12, 2022. *El padre de Miss Mundo Nicaragua condenado a 12 años de prisión* [‘Father of Miss World Nicaragua sentenced to 12 years prison’]; Artículo 66. August 12, 2022. *Sala Penal de la CSJ absuelve a Douglas Cerros: «Versión de oficiales no es creíble»* [‘Criminal Chamber of CSJ acquits Douglas Cerros: “Story of officers is not credible”’]; Nicaragua Investiga. August 12, 2022. *Sala Penal de la CSJ absuelve a Douglas Cerros* [‘Criminal chamber of CSJ acquits Douglas Cerros’].

<sup>186</sup> CPJ. February 10, 2022. *Condenan al periodista nicaraquense Miguel Mendoza por los delitos de difundir noticias falsas y conspirar contra la integridad nacional* [‘Nicaraguan journalist Miguel Mendoza convicted of crimes of spreading fake news and conspiracy against national integrity’]; La Prensa. February 16, 2022. *Condenan a 9 años de prisión al periodista y cronista deportivo Miguel Mendoza* [‘Journalist and sportscaster Miguel Mendoza sentenced to 9 years in prison’].

Attorney General brought against 56-year-old rural worker (*campesino*) Santos Camilo Bellorín Lira, who was sentenced to 11 years in prison for allegedly committing the crime of undermining national integrity and spreading fake news through information and communication technology.<sup>187</sup> According to the available information, Santos Bellorín Lira did not have a recent profile of activity on social networks, nor even a cellphone with the necessary technology to connect to the mobile network, much less a computer.<sup>188</sup> In order to sustain the charge of cybercrimes, the Prosecutor’s Office submitted as evidence screenshots of posts on social networks, which, as it claimed, belonged to Mr. Bellorín Lira; nonetheless, the Prosecutor’s Office did not offer sufficient evidence that those profiles indeed belonged to Santos Bellorín Lira.<sup>189</sup>

88. According to reports from the National Assembly of Nicaragua, in 2022, several parliamentary committees conducted processes of consultation and analysis about the latest criminal laws, including the Law of Cybercrimes.<sup>190</sup> In the consultation with the judiciary, in February, the representatives of the Supreme Court deemed the Special Law of Cybercrimes “complete,” inasmuch as “they found no gaps at the time of application of the Law in the proceedings.”<sup>191</sup> Likewise, in the consultation with the Office of the Counsel General

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<sup>187</sup> Confidencial. February 21, 2022. *Condenan por ciberdelitos a campesino que no tiene smartphone ni redes sociales* [‘Farm worker who doesn’t have a smartphone nor an account on social networks convicted of cybercrimes’]; Artículo 66. February 15, de 2022. *Campesino de Estelí condenado por ciberdelito sin saber sobre tecnología* [‘Campesino from Estelí convicted for cybercrime without knowing about technology’].

<sup>188</sup> Confidencial. February 21, 2022. *Condenan por ciberdelitos a campesino que no tiene smartphone ni redes sociales* [‘Campesino who has no smartphone nor an account on social networks convicted of cybercrimes’]; Artículo 66. February 15, 2022. *Campesino de Estelí condenado por ciberdelito sin saber sobre tecnología* [‘Campesino from Estelí convicted for cybercrime without knowing about technology’].

<sup>189</sup> Confidencial. February 21, 2022. *Condenan por ciberdelitos a campesino que no tiene smartphone ni redes sociales* [‘Campesino who has no smartphone nor an account on social networks convicted of cybercrimes’]; Artículo 66. 15 de febrero de 2022. *Campesino de Estelí condenado por ciberdelito sin saber sobre tecnología* [‘Campesino from Estelí convicted for cybercrime without knowing about technology’].

<sup>190</sup> National Assembly of Nicaragua. February 24, 2022. *Comisiones Parlamentarias continúan las consultas y análisis de las leyes aprobadas de carácter Penal* [‘Parliamentary committees continue consultations and analysis of criminal statutes approved’].

<sup>191</sup> National Assembly of Nicaragua. February 24, 2022. *Comisiones Parlamentarias continúan las consultas y análisis de las leyes aprobadas de carácter Penal*. [‘Parliamentary committees continue consultations and analysis of criminal statutes approved’].

for Human Rights of Nicaragua (Procuraduría de los Derechos Humanos de Nicaragua), which took place in March, the body asserted that “the laws approved have contributed to the work of the entity dedicated to the protection of the human rights of the citizenry, such as the Law of Cybercrimes, with which many responses have been given to many reports of crimes linked to information technologies.”<sup>192</sup>

89. As in prior years, the IACHR’s Office of the Special Rapporteur underscores that the right to freedom of expression is applicable to Internet in the same way it is to all communications media. The RELE reaffirms that restrictions on freedom of expression on Internet are only acceptable when they meet international standards, which require, among other things, that they should be provided for by the law, pursue a legitimate purpose recognized by international law, be necessary and proportional to this purpose (the three-pronged test).<sup>193</sup>
90. The Special Rapporteurship reiterates how important it is for any legislation that is aimed at regulating content on Internet to not provide vague and general definitions nor have a disproportionate impact on the free circulation of information in the digital sphere. Thus, general prohibitions of dissemination of information based on imprecise and ambiguous concepts, including the concept of “fake news,” are incompatible with international standards on the subject matter of freedom of expression.<sup>194</sup>

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<sup>192</sup> National Assembly of Nicaragua. March 9, 2022. *Normas de carácter penal contribuyen a dar respuestas a las demandas de la población* [‘Laws of a criminal nature contribute to providing a response to the demands of the people’].

<sup>193</sup> United Nations (UN) Special Rapporteur for Freedom of Opinion and of Expression, the Representative for Freedom of the Media of the Organization for Security and Cooperation in Europe (OSCE), the Organization of American States (OAS) Special Rapporteur for Freedom of Expression, and the Special Rapporteur on Freedom of Expression and Access to Information of the African Commission of Human and Peoples’ Rights (CADHP). Joint Declaration on Freedom of Expression and Internet. June 1, 2011.

<sup>194</sup> United Nations (UN) Special Rapporteur for Freedom of Opinion and of Expression, the Representative for Freedom of the Media of the Organization for Security and Cooperation in Europe (OSCE), the Organization of American States (OAS) Special Rapporteur for Freedom of Expression, and the Special Rapporteur on Freedom of Expression and Access to Information of the African Commission of Human and Peoples’ Rights (CADHP). Joint Declaration on Freedom of Expression and Fake News, Disinformation and Propaganda. March 3, 2017.

91. Furthermore, restrictions on digital civic space and self-censorship have escalated, in some instances, into the community of individuals in forced exile through threats, harassment and persecution. In 2022, the Office of the Rapporteur continued to follow up on the case of Kevin Adrián Monzón Mora, who had been forced to leave the country in September 2021. On February 22, 2021, the IACHR granted precautionary measures on his behalf, including his immediate family, deeming that because of his posts on the social network TikTok, he was at risk of threats, harassment and acts of violence in Nicaragua.<sup>195</sup> Despite the precautionary measures granted by the IACHR, the Office of the Special Rapporteur learned of continuing acts of harassment and violence being perpetrated against him.<sup>196</sup> It came to the attention of this Office that, when he attempted to return to the United States, Kevin Monzón was held up for at least 40 days at an immigration station, from August to September 2022.<sup>197</sup> According to available information, he is in the process of requesting political asylum in the United States.<sup>198</sup>
92. The RELE also became aware of attempted hacking of newspapers and portals in Nicaragua, such as the newsletter *Confidencial* on WhatsApp, the WhatsApp account of *Artículo 66* and the Twitter account of *100% Noticias*.<sup>199</sup> These cases are set in a context of constant reports of smear campaigns, harassment and the practice of doxing<sup>200</sup> in the digital arena, especially of Nicaraguan human rights

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<sup>195</sup> IACHR. April 22, 2021. Resolution 33/2021. Precautionary Measures No. 205-21. Kevin Roberto Solís. Nicaragua.

<sup>196</sup> IACHR. Annual Report 2021. Report of the Special Rapporteur for Freedom of Expression. OEA/Ser.L/V/II. Doc. 64 rev. 1. May 26, 2022. Par. 653.

<sup>197</sup> Artículo 66. October 3, 2022. Kevin Monzón recobra su libertad después de 40 días detenido por Migración de EE. UU.; ['Kevin Monzón regains his freedom after 40 days in US Immigration detention']; 100% Noticias. August 18, 2022. Kevin Monzón cruza río Bravo y solicita asilo político en EEUU. ['Kevin Monzón crosses Rio Bravo and requests asylum in US']

<sup>198</sup> Artículo 66. October 3, 2022. Kevin Monzón recobra su libertad después de 40 días detenido por Migración de EE. UU. ['Kevin Monzón regains his freedom after 40 days in US Immigration detention']; 100% Noticias. August 18, 2022. Kevin Monzón cruza río Bravo y solicita asilo político en EEUU. ['Kevin Monzón crosses Rio Bravo and requests asylum in US'].

<sup>199</sup> Freedom House. October 2022. Freedom on the Net. Nicaragua.

<sup>200</sup> The practice of "doxing" or "doxing" involves the obtaining and making public of personal and private, or identifiable information about a person on Internet, usually for purposes of intimidation.

defenders and journalists.<sup>201</sup> On this score, a report of the UNOHCHR of September 2022 noted that “officials and citizens who are aligned with the Sandinista Front for National Liberation had also participated in acts of harassment, intimidating others for allegedly using the social networks against the government.”<sup>202</sup>

93. The exercise of freedom of expression on-line also faces important challenges of infrastructure in Nicaragua, particularly because of low Internet penetration in some territories. According to information gathered by civil society organizations, even though in the past years there has been progress, currently less than half of the Nicaraguan population has access to Internet.<sup>203</sup> As far as what this Office has been able to find, the most recent statistics on Internet access are from 2017.<sup>204</sup> Moreover, available information suggests that Internet service continues to be costly and inaccessible to most of the population, even though over the past years the cost of access has gradually decreased.<sup>205</sup>
94. The RELE calls for actions to be taken to promote, progressively, universal access to Internet infrastructure and to the necessary technology for its use and affordability.<sup>206</sup> As the IACHR and its Rapporteurship have noted on several occasions, access to Internet at the present time stands as a sine qua non condition for the full enjoyment of human rights. The Office of the Rapporteur encourages the State to continue working to develop positive measures to close the digital gap faced by vulnerable groups, which can often heighten the preexisting inequalities to which they are exposed.<sup>207</sup>

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<sup>201</sup> Colectivo de Derechos Humanos Nicaragua Nunca +; CEJIL; IM-Defensoras. March 18, 2022. Communication to the Honorable Commissioner Esmeralda Arosemena de Troitiño and to the Honorable Mr. Pedro Vaca Villareal about the situation of defense of human rights and freedom of expression in the digital space in Nicaragua. Archives of the Rapporteurship.

<sup>202</sup> UN. Report of the United Nations High Commissioner for Human Rights on Nicaragua. [A/HRC/49/23](#). September 2, 2022.

<sup>203</sup> Data Reportal. February 16, 2022. [Digital 2022: Nicaragua](#); Freedom House. October 2022. [Freedom on the Net. Nicaragua](#).

<sup>204</sup> CANITEL. January 2018. [Estadísticas Canitel: Enero de 2018](#). [Canitel Statistics: January 2018]

<sup>205</sup> Freedom House. October 2022. [Freedom on the Net. Nicaragua](#).

<sup>206</sup> IACHR. Special Rapporteurship for Freedom of Expression. [Freedom of Expression and Internet](#). OEA/Ser.L/V/II. CIDH/RELE/INF. 11/13. December 31, 2013. Par. 15

<sup>207</sup> IACHR. Special Rapporteurship for Freedom of Expression. [Guide to guarantee freedom of expression regarding deliberate disinformation in electoral contexts](#). OEA/Ser.G CP/CAJP/INF.652/19. 2019. p. 39.



## **IV. ECONOMIC, SOCIAL AND CULTURAL RIGHTS**



## IV. ECONOMIC, SOCIAL AND CULTURAL RIGHTS

95. As for the general situation of economic, social, cultural, and environmental rights (ESCER) in the country, the IACHR and the Special Rapporteurship on Economic, Social, Cultural, and Environmental Rights (REDESCA) noted with concern the impact that the closure of civic space and the lack of institutional guarantees have had on the exercise and enjoyment of these rights in the country. Likewise, the REDESCA is concerned, given that context, that indicators of poverty and inequality in the country have not improved, bearing out that the political and institutional crisis continues to exacerbate poverty and inequality.
96. The Economic Commission for Latin America and the Caribbean (ECLAC), in a recent study, noted that in 2022 overall poverty in Nicaragua would grow from 45.3% of the population, as observed at the close of 2021, to affect 46.0% of the all persons in the country — should inflation hold at the 8.74% it was measured to be in the first quarter— or up to 46.8% of the total population, should it rise another two percentage points over the rest of the year.<sup>208</sup> Likewise, the increased price of a basket of basic food staples and difficulties in accessing food and other basic inputs is another pressing factor. The period of May 2021 to May 2022 saw a rise of at least 20.3% in this area.<sup>209</sup> This increase was also noticeable from September 2021 to September 2022, when the basic food basket increased by 2,657 *córdobas*, according to the National Institute of Development Information.<sup>210</sup>

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<sup>208</sup> ECLAC, [Repercusiones en América Latina y el Caribe de la guerra en Ucrania: ¿cómo enfrentar esta nueva crisis?](#), [‘Repercussions in Latin America and the Caribbean of the war in Ukraine: How should the region face this new crisis?’]. June 6, 2022

<sup>209</sup> Confidencial, [Familias no soportan alzas en alimentos para “medio comer”](#), [‘Families cannot bear rise in food prices to “half eat”’], July 6, 2022

<sup>210</sup> INIDE, [Precio Canasta Básica Septiembre 2022 y Precio Canasta Básica Septiembre 2021](#), [Price of Basic Staples Basket September 2022 and Price of Basic Staples Basket September 2021’], updated as of November 2022

97. Additionally, in relation to the right to health, the Commission and the REDESCA thus far have no official information about the situation of the pandemic in the country. On this score, the REDESCA has been monitoring the situation in the country through different mechanisms, such as the Citizens COVID-19 Observatory. Nonetheless, since July 2022, no new reports have been released from that citizen watchdog platform.
98. In this regard, in its bulletin of July 15, 2022, the Observatory wrote that given the decreased capacity to monitor the pandemic, it would be reducing its reporting. In the same issue, it said that the reduced reporting is also a consequence, “among other things, of the fear of retaliation by the government of Nicaragua for providing information and the apparent “normalization” of the situation of the pandemic as a result of insufficient, distorted and late information that the government provides about the pandemic.”<sup>211</sup> In that context, according to the latest report, during that period several reports were received of at least 121 events in the country heavily attended by crowds, without any call by authorities for attendees to take biosafety measures. Likewise, it has been reported on several occasions that people are denied medical care at public establishments and must resort to private facilities to be helped.<sup>212</sup>
99. In this same vein, the Commission and the REDESCA take note that, in order to strengthen the State’s response to the pandemic, the World Bank approved on December 8, 2020, US\$20 million, plus another US\$116 million in June 2022 to ensure access to vaccines and to return the health care system to the pre-COVID-19 situation in terms of essential services, medications, vaccines, medical and laboratory supplies and equipment.<sup>213</sup> Nonetheless, according to an investigation conducted by the COVID-19 Citizen Observatory, a civil society organization, the figures that were provided by the State to guarantee the loan, were not consistent, inasmuch as data such as how many

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<sup>211</sup> Observatorio Ciudadano COVID-19 en Nicaragua, Informe 30/06/2022 al 13/07/2022, July 15, 2022

<sup>212</sup> Observatorio Ciudadano COVID-19 en Nicaragua, Informe 30/06/2022 al 13/07/2022, July 15, 2022

<sup>213</sup> World Bank, Estrategia País, Country strategy, updated as of October 4, 2022

tests have been conducted, how many of them were positive, and what territories did those samples come from, were only partially answered by the State.<sup>214</sup>

100. Likewise, given the context of forced dissolution of civil society organizations by different State agencies, the Commission and the REDESCA are concerned because many of these organizations were devoted to providing care to individuals in a vulnerable health situation. For example, in March 2022, it was reported that 25 non-governmental organizations, including Operation Smile, were shut down.<sup>215</sup> This organization had been engaged in providing health care to disadvantaged children, particularly performing facial reconstruction surgery for children and adolescents with cleft lips and palates.<sup>216</sup> Additionally, in July of the current year, the organization issued a release noting that over its 30 years of work it had performed at least 11,000 surgical procedures, benefiting 5,738 patients, free of charge. In July 2022, it was reported that its facilities were seized.<sup>217</sup>
101. Additionally, the Commission and the REDESCA have voiced their concern over the health situation and conditions of detention of political prisoners in the country. The Commission and the REDESCA have received persistent information about dire conditions of detention of persons deprived of liberty at different facilities of the National Penitentiary System, such as "La Modelo," "La Esperanza" and "Waswalí." The reports recount, among other things, the lack of access to health care, worsening diseases, inadequate nutrition and of poor quality, use of isolation regimes or arbitrary punishment.<sup>218</sup>

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<sup>214</sup> Observatorio Ciudadano COVID-19 en Nicaragua, Informe 16/06/2022 al 29/06/2022, June 29, 2022

<sup>215</sup> Artículo 66, Dictadura cancela 25 ONG entre ellas Operación Sonrisa y Ética y Transparencia, [‘Dictatorship revokes 25 NGOs including Operation Smile and Etica y Transparencia’]. March 17, 2022

<sup>216</sup> 100% Noticias, Diputados le roban oportunidad de sonreír a niños con labios leporinos y paladar hendido, [‘Deputies snatch away opportunity to smile from children with cleft lips and palates’], March 17, 2022

<sup>217</sup> Artículo 66, Operación Sonrisa se despide de Nicaragua luego de confiscación de sus oficinas, [‘Operation Smile bids Nicaragua farewell after its offices are seized’], July 8, 2022

<sup>218</sup> IACHR, Press Release No. 197/22 - IACHR and Its SRESCER Call for Immediate Release of Political Prisoners Being Held in Appalling Conditions in Nicaragua. Washington, D.C, September 5, 2022.

102. Likewise, the IACHR and the REDESCA became aware of the serious deterioration of health and physical condition of the individuals held at the Judicial Support Department (*Dirección de Auxilio*) as a result of protracted deprivation of liberty in appalling and unhealthy conditions, persistent acts of abuse, isolation, incommunicado detention, constant interrogation, lack of adequate and sufficient nutrition, as well as a lack of access to timely, adequate and specialized medical care.<sup>219</sup>
103. On this score, the REDESCA recalls that it is the obligation of the State of Nicaragua to provide adequate medical care to persons deprived of liberty, stemming from the right to humane treatment enshrined in Articles 1.1 and 5 of the American Convention on Human Rights. The State's obligation to respect their physical integrity, to not engage in cruel and inhuman treatment and to respect the dignity inherent to the human being, also extends to ensuring access to adequate medical care of persons deprived of liberty. Moreover, the State must guarantee the minimum conditions necessary to contribute to the effective enjoyment of those rights, which may not be abridged in any circumstances, such as the right to food and health.<sup>220</sup>
104. In relation to the right to education and academic freedom, the Commission and the REDESCA have repeatedly received reports of the closure of private universities and constant roadblocks to students being able to continue attending classes in the country. New arrests of student organization leaders have been reported.
105. The REDESCA received information that, despite the State asserting that the forcibly dissolved universities had not completed the process of regularization with the public agencies, civil society contended that the competent authorities had refused to receive the documentation that, in general terms, the now dissolved entities had tried to submit to the Ministry of Government. The case of Universidad Paulo Freire was widely covered in the media. Moreover, the Special Rapporteurship noted that the legislative branch approved laws

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<sup>219</sup> IACHR, [Press Release No. 197/22 - IACHR and Its SRESCER Call for Immediate Release of Political Prisoners Being Held in Appalling Conditions in Nicaragua](#). Washington, D.C, September 5, 2022.

<sup>220</sup> IACHR, [Press Release No. 197/22 - IACHR and Its SRESCER Call for Immediate Release of Political Prisoners Being Held in Appalling Conditions in Nicaragua](#). Washington, D.C, September 5, 2022.

creating new universities, replacing the defunct ones and transferring all their property to these new institutions.<sup>221</sup>

106. Likewise, it was noted that the authorities of the replacement universities will be appointed by the National Council of Universities, an institution attached to the regime. Additionally, it is concerned that this situation may give rise to acts of harassment and intimidation against associations and private universities that do not share the views of the regime, which stands at odds with Principle IV of the Inter-American Principles on Academic Freedom and University Autonomy.<sup>222</sup>
107. Particularly, the REDESCA is aware that the Universidad Paulo Freire implemented the Continuing Higher Education Program (PROCES) for students that have been unfairly expelled from public universities, in order for them to continue their studies at this institution. Additionally, students of the Universidad Politécnica de Nicaragua (Upoli), which was also forcibly dissolved, played a leading role in the protests of 2018 and stand in opposition to the government. Similarly, the REDESCA voiced its concern over the forced dismissal of the rector of the Universidad Paulo Freire and of the student who headed the PROCES program of the same educational institution.<sup>223</sup>
108. This is of special concern because in March 2022 the National Assembly passed an amendment to Law 89 on Autonomy of Higher Education Institutions, regulating the creation of a new Higher Council of Universities (CNU). This Council is made up of State universities and those that were stripped of their legal status, and the law excludes the University of Central America (UCA) from the CNU and, in so doing,

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<sup>221</sup> IACHR, [Press release No. RD26/22 - REDESCA condemns the cancellation of the status of 26 universities and associations for academic and social purposes by the National Assembly of Nicaragua](#) Washington, D.C, February 10, 2022.

<sup>222</sup> IACHR, [Press release No. RD26/22 - REDESCA condemns the cancellation of the status of 26 universities and associations for academic and social purposes by the National Assembly of Nicaragua](#) Washington, D.C, February 10, 2022.

<sup>223</sup> IACHR, [Press release No. RD26/22 - REDESCA condemns the cancellation of the status of 26 universities and associations for academic and social purposes by the National Assembly of Nicaragua](#) Washington, D.C, February 10, 2022.

stripped it of the benefit of 6% of the funding of its budget as established in the charter of this education center.<sup>224</sup>

109. The IACHR and its REDESCA recall that 6 student activists have been held in custody since last year, namely, Lesther Alemán, Max Jerez, Sergio Beteta, Kevin Solís, Muammar Vado and Samantha Jirón.<sup>225</sup> In addition to those individuals, Mildred Rayo and Miguel Flores, members of the Nicaraguan University Alliance, were detained and taken into custody by the State the morning of November 1, 2022 by the Sandinista Army in the vicinity of Río Sapoa in Cárdenas, Rivas, according to civil society organizations.<sup>226</sup> The Alliance said that it had lost communication with its colleagues at 9:30 A.M. when Mr. Flores indicated they were transferred to military facilities.<sup>227</sup>
110. On this score, the Commission and the REDESCA condemn these acts and emphasize that as for academic freedom and university autonomy, the Inter-American principles on the subject matter assert that State regulations of education must be aimed at ensuring the process of learning, teaching, research and dissemination in an accessible, plural, participatory and democratic way, as well as to ensure self-government of academic institutions, which includes, *inter alia*, the free functioning of the faculty or student bodies. Likewise, the closure or renewal of accreditations of institutions, libraries, laboratories or other spaces where academic activity is carried out as retaliation for dissenting from the government's ideological views has a negative impact on academic freedom.
111. The Commission and the REDESCA expressed their concern about the revocation of the legal status of the Alexander von Humboldt Center (Humboldt Center) and the Nicaraguan Foundation for Economic and

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<sup>224</sup> Assembly of Nicaragua, Ley No. 1114: Ley de Reforma a la Ley N°. 582, Ley General de Educación y de Reforma y Adición a la Ley N°. 89, Ley de Autonomía de las Instituciones de Educación Superior, March 31, 2022; Alianza Universitaria Nicaragüense, Todos Somos UCA, ['We are all UCA'], April 1, 2022

<sup>225</sup> IACHR, Press release No. RD26/22 - REDESCA condemns the cancellation of the status of 26 universities and associations for academic and social purposes by the National Assembly of Nicaragua Washington, D.C, February 10, 2022.

<sup>226</sup> Aula Abierta, Summary of Detentions of University Rectors, November 2, 2022 (Archives of the REDESCA)

<sup>227</sup> AUN, Ejército Sandinista secuestra a miembros de AUN, [Sandinista Army kidnaps member of AUN'], November 2, 2022

Social Development (FUNIDES), who advocated for the defense of the environment and for the territories in the face of climate change and for the eradication of poverty and the promotion and protection of ESCERs. The REDESCA underscores that the Humboldt Center also serves as a regional coordinator of the Climate Action Network for Latin America (CANLA), which brings together a wide-ranging network of civil society organizations who join efforts to promote and advocate for climate action with a human rights-based approach in the region.<sup>228</sup>

112. With respect to cultural rights, the IACHR took note of the amendment to the Law Creating the National Cinematheque and the Law of Cinematography and Audiovisual Arts, which provides that “every national or foreign individual or legal entity, that intends to engage, on national territory, in audiovisual and cinematographic activities of any kind, must meet the requirements of registration with the National Cinematheque and have the proper authorization for engaging in such activities.”<sup>229</sup>
113. In this regard, the REDESCA recalls that according to Article 14 of the Protocol of San Salvador, it is the obligation of the State to adopt measures for the promotion and protection of creative activity which, in turn, is aimed at securing international cooperation for recognition of benefits arising from scientific, artistic and cultural phenomena.<sup>230</sup> Similarly, the OAS Charter establishes that States must attach primary importance to the encouragement of culture, geared toward the overall improvement of the individual, and as a foundation for social justice and democracy (Article 47); then, it recognizes the individual and joint commitment to preserve the cultural heritage of the American peoples (Article 48); and also enshrines the right to the participation of excluded and discriminated against sectors in the

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<sup>228</sup> IACHR, Press Release No. 67/22 - IACHR and Its Special Rapporteurships for Freedom of Expression and for Economic, Social, Cultural, and Environmental Rights Reject Cristiana Chamorro's Conviction and the Cancellation of the Legal Status of Several Organizations. Washington, D.C, March 30, 2022

<sup>229</sup> IACHR and REDESCA, Compendium on Economic, Social, Cultural and Environmental Rights. OEA/Ser.L/V/II. Doc. 465, December 31, 2021, par. 71

<sup>230</sup> IACHR, Maya Kaqchikel Indigenous Peoples of Sumpango et al (Case 13.608) v. Guatemala. OEA/Ser.L/V/II.174 Doc. 184 (November 9, 2019), par. 93

cultural life of the country (Article 45.f). Therefore, any action that may shrink cultural spaces, or the capacity of the people in general to benefit from culture, can be regarded as a breach of the States' obligations. Consequently, it is essential that such reforms do not serve as an impediment to generating new audiovisual or artistic production that enables the wide dissemination of ideas among different sectors of society.

114. As concerns labor rights, the REDESCA and the IACHR have received information about revocation of the legal status of the Maria Elena Cuadra organization. This organization has focused for several years on the defense of the labor rights of women workers in maquiladoras in the country and in different parts of Central America.<sup>231</sup>
115. The REDESCA also received information about acts of harassment and hounding of civil servants. According to civil society organizations, government employees were forced to participate in citizen verification days. Specifically, it was noted that public institutions were heavily pressured to hold Citizen Verification, especially, the members of the FSLN electoral structures known as Electoral Victory Units (UVE from their Spanish language acronym) and the political secretaries of these units were in charge of persecuting, harassing and forcing State workers.<sup>232</sup> Public entities where such actions were reported included the Ministry of Health, Ministry of Education, National Port Enterprise, Mayor's Offices, and other entities.<sup>233</sup>

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<sup>231</sup> La Prensa, Mujeres trabajadoras y sobrevivientes de violencia son las más afectadas con la ilegalización del Movimiento María Elena Cuadra ['Women workers and survivors of violence are the most affected by making Maria Elena Cuadra Movement illegal'], February 16, 2022; IM Defensoras, El gobierno nicaragüense clausura dos organizaciones feministas más: FUNDEMUNI y Movimiento de Mujeres María Elena Cuadra. ['Nicaraguan government shuts down two more women's organizations: FUNDEMUNI and Maria Elena Cuadra Women's Movement'], February 15, 2022. By way of background, given that the organization assumed it would be revoked by the State, in 2021, it filed an administrative claim against the Ministry of Government for it to certify the directives of its organization to provide evidence that it was complying with the requirements of the regulations. Organización María Elena Cuadra, Administrative Claim filed in July 2021 with the Administrative Chamber of the Supreme Court of Justice of Nicaragua, Archives of the REDESCA.

<sup>232</sup> Urnas Abiertas, Trabajadores estatales obligados y hostigados en la verificación ciudadana, ['State workers forced and harassed in citizen verification'], September 8, 2022

<sup>233</sup> Urnas Abiertas, Trabajadores estatales obligados y hostigados en la verificación ciudadana, ['State workers forced and harassed in citizen verification'], September 8, 2022.

116. In light of the foregoing, such acts of harassment and intimidation could amount to discriminatory acts that violate the right to work in connection with the principle of equality and non-discrimination. Therefore, if a difference in treatment based on political opinion can be established, it is presumed to be incompatible with the American Convention, reversing the burden of proof to the State, which must provide grounds of much weight to support a distinction of this nature in light of the test of proportionality and of its sub-principles of legitimate aim—which in the case of a strict test must be a compelling social need— suitability, necessity and proportionality in the strictest sense of the word.<sup>234</sup> The workers must exercise their rights, including freedom of expression and the right to peaceful assembly, without fear of possible reprisals or threats, hostile acts, harassment, smear campaigns or workplace violence.<sup>235</sup>

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<sup>234</sup> IACHR, Report No. 75/15. Case 12.923. Merits. Rocío San Miguel Sosa et al. Venezuela. October 28, 2015

<sup>235</sup> IACHR, Gross Human Rights Violations in the Context of the Social Protests in Nicaragua. OEA/Ser.L/V/II, Doc. 86, June 21, 2018, par. 168



## **V. SITUATION OF SPECIFIC GROUPS**



## V. SITUATION OF SPECIFIC GROUPS

### A. Human Rights Defenders

117. The Inter-American Commission notes that the situation of human rights defenders continues to be dire due to the accelerating shrinking of civic spaces and consequent deterioration of the context in which they must do their job in Nicaragua. As is examined hereunder, in 2022, we have observed the persistence of acts of harassment, threats, assaults, criminalization; as well as restrictions on their entry and departure from the country; the massive shut down of civil society organizations that defend human rights; and intensifying repression against the Catholic Church in retaliation for its role criticizing the current government.
118. On this score, in the framework of the thematic hearing *Situation of human rights in the context of impunity in Nicaragua*, held in March 2022, the Inter-American Commission received information about the consequences of protracted detention of opposition politicians and human rights defenders, disproportionate sentences handed down against them and the chilling effect it has on other defenders; as well as persistent assaults, stigmatization, criminalization and other acts of violence perpetrated by State agents and government sympathizers.<sup>236</sup>
119. From 2021 to 2022, civil society organizations reported at least 3,920 assaults on woman human rights defenders, which included arbitrary

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<sup>236</sup> In the context of the thematic hearing “Situation of human rights in the context of impunity in Nicaragua,” civil society organizations decried the prosecuting of human rights defenders, social leaders, campesinos, students and opponents who were arrested in the context of the 2021 elections. IACHR, 183<sup>rd</sup> Regular Session, Thematic hearing: Situation of Human Rights in the context of impunity in Nicaragua, March 14, 2022. Also See: Informe del Centro Nicaragüense de Derechos Humanos (CENIDH) al Comité de Derechos Humanos de Naciones Unidas, [‘Report of the Nicaraguan Center for Human Rights (CENIDH) to the United Nations Human Rights Committee’]. September 2022.

detentions, threats, illegal raids of their residences, smear campaigns and/or stigmatization, as well as torture, sexual violence, cruel, inhuman and degrading treatment in the context of deprivation of liberty.<sup>237</sup> In the context of the commemoration of the launch of the protests of April 18, the *Iniciativa Mesoamericana de Mujeres Defensoras de Derechos Humanos* or Meso American Women Human Rights Defenders' Initiative (*IM-Defensoras*) reported a total of 156 attacks on women human rights defenders, 55 of which involved acts of intimidation and harassment and four raids of defender's residences<sup>238</sup>.

120. In relation to this data, the IACHR notes with concern the persistence of different forms of gender-based violence perpetrated against women human rights defenders. According to the report *Perseguidas por Defender y Resistir* ['Women human rights defenders, persecuted for defending and resisting'], gender-based violence "is not only a response to the job they perform, but also to the fact that, in assuming these duties, women human rights defenders disrupt the socially established gender order in their communities and settings."<sup>239</sup> In other words, the mere fact that they raise their voices in the public arena puts them at odds with the role that has traditionally been assigned to them and relegates them to the private sphere, in their homes, in charge of domestic chores and child care. On this score, women defenders denounced that this violence is part of the process of criminalization against them, inasmuch as they are punished for "having disrupted the social order and not occupying the space assigned to women," with acts of sexual violence, threats of a sexual nature, insults when their physical appearance does not fit the stereotype of "hegemonic femininity;" questioning their sexual and love life, as well as their role as mothers for "abandoning the nest;"

<sup>237</sup> UDJ, CISAS et al. Informe sobre el estado de cumplimiento del Pacto Internacional Derechos Civiles y Políticos Estado a evaluar: Nicaragua, [Report on Nicaragua's compliance with the International Covenant on Civil and Political Rights'], September 2022, par. 74.

<sup>238</sup> *Iniciativa Mesoamericana de Mujeres Defensoras de Derechos Humanos (IM-Defensoras)*, [Alerta Defensoras] NICARAGUA / Daniel Ortega intensifica su política de terror en el marco del 4to aniversario del estallido social del 18 de abril: 156 agresiones contra defensoras en tan sólo 10 días. [Alerta Defensoras] NICARAGUA / Daniel Ortega intensifies his policy of terror in the context of the 4th anniversary of the social explosion of April 18: 156 assaults against defenders in only 10 days'], April 20, 2022.

<sup>239</sup> See: CEJIL, *IM-Women Human Rights Defenders, Persecuted for defending and resisting, Criminalization of women human rights defenders in Honduras, Mexico and Nicaragua*. Chapter Nicaragua, pgs. 50 et seq.

the arbitrary restriction on receiving visits from their young sons and daughters. They further contend that other types of aggression, such as harassment, threats or stigmatization come with a notable component of gender, for example, because their condition as mothers is usually mentioned when these acts are committed. It is common for them to hear in these threats, phrases such as: “remember you have children; take care of your children; your two sons go to the university, remember that they leave by bus;” or, when the women defenders have daughters, sexual threats are made against them.<sup>240</sup>

121. In September, the UNOHCHR also remarked about the persistence of acts of harassment against women human rights defenders; constant and intimidating police presence in front of their homes or work places; permanent surveillance; selective stopping of vehicles, photographing and requiring documents from their occupants; as well as fencing off access roads to the facilities of organizations considered critical of the government, among other things.<sup>241</sup> According to the UNOHCHR, “Nicaraguan authorities have made no progress in investigating the cases previously reported by the Office. On the contrary, they continued to make stigmatizing statements and hate speech against their critics and opponents.”<sup>242</sup>
122. According to assertions of civil society organizations, although more than 30 individuals are the beneficiaries of precautionary measures from the IACHR or provisional measures from the Inter-American Court, the State has not abided by those measures. They further contended to the Commission that the persistent repression had triggered forced displacement and exile of many human rights defenders, exposing them to new patterns of repression, including, immigration detention or refusal to allow them to return to their country.<sup>243</sup>

<sup>240</sup> See: CEJIL, IM-Defensoras, Persecuted for defending and resisting, Criminalization of women human rights defenders in Honduras, Mexico and Nicaragua. Chapter Nicaragua, pgs. 50 et seq.

<sup>241</sup> UN, Report UN High Commission for Human Rights. A/HRC/51/42, September 12, 2022, par. 16.

<sup>242</sup> UN, Report UN High Commissioner for Human Rights. A/HRC/51/42, September 12, 2022, par. 42.

<sup>243</sup> UDJ, CISAS et al. Informe sobre el estado de cumplimiento del Pacto Internacional Derechos Civiles y Políticos Estado a evaluar: Nicaragua, [‘Report on Nicaragua’s compliance with the International Covenant on Civil and Political Rights’]. September 2022, par. 74.

123. In fact, over the course of 2022, the Inter-American Commission confirmed new reports relating to arbitrary restrictions on human rights defenders, family members of victims of repression, clergy, individuals regarded as opponents or critics of the current government to enter the country, after leaving Nicaragua for personal reasons or to participate in activities relating to their human rights defense work.
124. In this regard, *IM-Defensoras* reported that from 2021 to 2022 there were at least 96 cases of individuals who were denied entry into Nicaragua, 60 of whom were women human rights defenders, activists or family members of women defenders.<sup>244</sup> In the current year, the IACHR learned that on September 224, Jorge Huete, Vice Rector of the University of Central American (UCA) was prevented from boarding an airplane after attending an academic activity in Argentina.<sup>245</sup> Additionally, the State denied entry to María Teresa Blandón, sociologist and director of the Women’s Regional Program La Corriente; Juan de Dios García, vicar of the parish of Santo Cristo de Las Colinas; José Alberto Idiáquez Guevara, Jesuit priest and former rector of the UCA.<sup>246</sup> They highlight, in particular, the restriction on the entry of Anexa Alfred Cunningham, indigenous peoples defender and member of the UN Group of Experts on the Rights of Indigenous Peoples, after she took part in the meetings of this mechanism in Geneva, Switzerland.<sup>247</sup>

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<sup>244</sup> IM-Defensoras, [Represión migratoria y destierro por defender derechos en Nicaragua](#) [‘Migratory repression and exile for defending rights in Nicaragua’] October 13, 2022.

<sup>245</sup> El País, [Daniel Ortega impide el regreso a Nicaragua a voces críticas con su régimen](#) [‘Daniel Ortega prevents the return to Nicaragua of voices criticizing his regime’]. September 29, 2022; Religión Digital, [Ortega destierra a Jorge Huete, vicerrector de la UCA](#) [‘Ortega banishes Jorge Huete, Vice Rector of the UCA’], September 29, 2022; Artículo 66, [Dictadura de Nicaragua le niega la entrada al país a vicerrector de la UCA](#) [‘Dictatorship of Nicaragua denies Vice Rector of UCA entry into country’], September 27, 2022.

<sup>246</sup> Confidencial, [Presidente del Consejo de Derechos Humanos de la ONU denuncia destierro de la nica Anexa Alfred Cunningham](#) [‘President of the UN Human Rights Council decries banishment of Nicaraguan Anexa Alfred Cunningham’], September 28, 2022; DW, [Régimen de Ortega niega la entrada de nicaragüenses al país](#) [‘Ortega Regime denies entry of Nicaraguans into country’], September 30, 2022; El País, [Daniel Ortega impide el regreso a Nicaragua a voces críticas con su régimen](#) [‘Daniel Ortega prevents the return to Nicaragua of voices criticizing his regime’], September 29, 2022.

<sup>247</sup> ONU, [Acting High Commissioner: Addressing the Legacies of Colonialism Can Contribute to Overcoming Inequalities Within and Among States and Sustainable Development Challenges of](#)

125. Likewise, in the framework of the hearing *Situation of human rights in the context of impunity in Nicaragua*, the IACHR was apprised about another pattern involving the restriction on departing the country, by taking away the passport of women human rights defenders and of the family members of political prisoners.<sup>248</sup> As was noted above, these acts have triggered a regime of terror against Nicaraguan women defenders and their families, many of whom claimed to be afraid of being exiled every time they leave Nicaragua, as well as the feeling of constant uncertainty and fear that at any time they can be expelled from the country, which demobilizes them, has a chilling effect on them and silences them.<sup>249</sup>
126. On this score, the Inter-American Commission has repeatedly held that human rights defenders make fundamental contributions to the existence and strengthening of democratic societies. Hence, respect for human rights in a democratic state depends, to a large extent, on the human rights defenders enjoying effective and adequate guarantees for freely carrying out their activities.<sup>250</sup>
127. The IACHR has also held that human rights defenders are necessary for citizen oversight of public officials and democratic institutions, which means they play “an irreplaceable role in building a solid and lasting democratic society.”<sup>251</sup> In this vein, acts of violence and other

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the Twenty-First Century, September 28, 2022; Artículo 66, Anexa Alfred Cunningham sufre el destierro «por su trabajo en favor de los derechos del pueblo miskito» [‘Anexa Alfred Cunningham banished “for her work on behalf of the rights of the Miskito people”’], October 04, 2022; 100% NOTICIAS, Dictadura destierra a Anexa Cunningham, experta de pueblos indígenas de la ONU en Nicaragua [‘Dictatorship banishes Anexa Cunningham, UN indigenous peoples expert in Nicaragua’], September 28, 2022.

<sup>248</sup> IACHR, 183<sup>rd</sup> Regular Session, Thematic hearing: Situation of Human Rights in the context of impunity in Nicaragua, March 14, 2022.

<sup>249</sup> IM-Defensoras, [Alerta Defensoras] NICARAGUA / Niegan entrada a su propio país, Nicaragua, a la defensora miskita Anexa Alfred Cunningham., [‘Alert Women Defenders NICARAGUA/Entry denied to her own country, Nicaragua, to Miskita defender Anexa Alfred Cunningham’], October 03, 2022.

<sup>250</sup> 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, pars. 20-41; IACHR, Situation of human rights in Honduras, OEA/Ser.L/V/II. Doc. 42/15, 31 December 2015, par. 58.

<sup>251</sup> 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, par. 23; IACHR, Criminalization of Human Rights Defenders, OEA/Ser.L/V/II. Doc. 49/15 December 31, 2015, par. 22.

attacks on human rights defenders not only affect the guarantees to which all human beings are entitled, but also attack the fundamental role they play in society, rendering all those persons for whom they work defenseless. Therefore, the IACHR reiterates to the State of Nicaragua its duty to protect human rights defenders when their lives and integrity are at risk, by adopting an effective and exhaustive prevention policy to prevent attacks.<sup>252</sup>

### *i. Attacks on the Catholic Church*

128. In the period under consideration, the IACHR ascertained the worsening of a systematic context of persecution, criminalization, harassment, police abuse, stigmatizing statements and, in general, acts of repression against the members of the Catholic Church in Nicaragua by high-level state authorities. This harkens back to its role as mediator in the National Dialogue in 2018 and as retaliation for its criticism in face of reports of human rights violations in the country.
129. In the first half of 2022, the Commission rejected the closure and confiscation of the property of different organizations linked to the Church, such as the Catholic University of Dry Tropic Farming and Livestock, several schools of the Diocese of Estelí and the Foundation of the Missionaries of Charity of Saint Teresa of Calcutta, whose members were expelled from the country. Likewise, the IACHR and the RELE condemned the removal of the Catholic Channel from cable TV programming schedule; the arbitrary shut down of seven Catholic radio stations of the Diocese of Matagalpa; as well as the violent entry by the Police into the Baby Jesus of Prague Chapel in Sébaco, on August 1, to confiscate radio and TV equipment.<sup>253</sup>
130. The IACHR was also informed about the National Police banning and preventing religious ceremonies from being held. Among other

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<sup>252</sup> IACHR, Gross Human Rights Violations in the Context of the Social Protests in Nicaragua. OEA/Ser.L/V/II, Doc. 86, June 21, 2018, par. 262 and 263.

<sup>253</sup> IACHR, Press Release no. 184/22 - IACHR Condemns Repression and Arrests of Members of Roman Catholic Church in Nicaragua. Washington, D.C, August 19, 2022; Press release no. 119/22 - IACHR and Its Special Rapporteurship for Freedom of Expression Urge the State of Nicaragua to End Persecution of the Church and to Enable a Plurality of Voices. Washington, D.C, May 27, 2022.

incidents, on August 14, the priests of the municipalities of Rancho Grande and El Tuma were prevented by Police officers, under threat, from traveling to the city of Matagalpa to participate in religious ceremonies. Likewise, in Managua, the National Police banned the celebration of the religious processions scheduled for August 13 and 14, for reasons of “homeland security.” In the following months, anti-riot police prevented the entry of individuals to churches for the celebration of mass in other communities of the country.<sup>254</sup>

131. Worsening repression and persecution against the Church, resulted in migration restrictions, and forced displacement of clergy members. Over the past four months of the year, at least five priests were prevented from returning to Nicaragua. Also, at least six were forced to flee from Nicaragua, including Father Uriel Vallejos, after remaining under police siege for three days at the Curial Residence of Sébaco.<sup>255</sup>
132. Additionally, the IACHR is concerned that at least eleven priests have been arbitrarily deprived of their liberty in 2022.<sup>256</sup> Among other cases, the Commission became aware of that the Episcopal Curia of Matagalpa was taken by force by the National Police on August 19, in order to arbitrarily arrest bishop Roland Alvarez and seven clergymen and laymen, who were holed up for 15 days under police siege of the premises.<sup>257</sup> According to publicly known information, the Bishop was

<sup>254</sup> Infobae, [El régimen en Nicaragua prohibió dos procesiones católicas y EEUU denunció una mayor persecución contra la Iglesia](#) [‘The Nicaraguan regime banned two Catholic processions and the US denounced further persecution of the Church’]. 22 de septiembre de 2022; IACHR, [Press Release no. 184/22 - IACHR Condemns Repression and Arrests of Members of Roman Catholic Church in Nicaragua](#). Washington, D.C, August 19, 2022.

<sup>255</sup> La Prensa, [“Dictadura destierra a otro sacerdote y niega el ingreso al jefe de los jesuitas en Centroamérica”](#) [‘Dictatorship banishes another priest and denies entry to the head of the Jesuits in Central America’], October 19, 2022; Confidencial, [“Demandan que la Iglesia rompa el silencio ante encarcelamiento de sacerdotes en Nicaragua”](#) [‘Demand for the Church to break silence after imprisonment of priests in Nicaragua’], October 20, 2022.

<sup>256</sup> El País, [“Daniel Ortega profundiza la persecución de sacerdotes con el arresto del cura Enrique Martínez”](#) [‘Daniel Ortega deepens persecution of priests with the arrest of father Enrique Martinez’], October 15, 2022.

<sup>257</sup> In this regard, a recent report of the OUNHCHR recounted the following events: on August 1, the acts of harassment against a Catholic priest escalated to violence when the Police attempted to seize media equipment from the Church that broadcasts from the parish of Jesús de la Divina Misericordia, in Sébaco (Matagalpa). Dozens of police and anti-riot officers violently burst onto the premises causing destruction. The parish priest, along with another six individuals, were holed up in the priest’s residence, from where the priest called for help via the social networks.

held responsible by the authorities for “engaging in acts of hatred” and “destabilizing the State.” Furthermore, the Vice President publicly accused him of committing “crimes against spirituality,” because of his denunciation and opposition to the confiscation and closure of seven radio stations of the Diocese of Matagalpa.<sup>258</sup> As of the present date, he is being held incommunicado under house arrest, though no formal charges have been brought against him.

133. On September 23, the Public Prosecutor’s Office brought charges against priests Ramiro Tijerino Chávez, Rector General of John Paul II University; José Luis Díaz Cruz, Vicar of the Cathedral of Matagalpa and Sadiel Antonio Eugarríos Cano; Deacon Raúl Antonio Vega, seminarists Darvin Leiva Mendoza and Melkin Centeno, as well as graphic reporter Sergio Cadena Flores. All of them have been held in detention since August 19 at El Chipote. Additionally, on October 13, priest Enrique Martínez Gamboa was detained by agents of the National Police and charged with conspiracy and spreading fake news and, therefore, remained at El Chipote.<sup>259</sup>
134. The IACHR recalls that Article 12 of the American Convention recognizes the right of every person to freedom of conscience and religion, which includes “the freedom to profess or disseminate one’s

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Dozens of people responded to his call for help. According to video footage disseminated, the Police used force firing ammunition and tear gas. One citizen endured serious injury to the eye and others were beaten. The seven individuals remained surrounded in the priest’s residence for three days, without access to food and with power outages. The Bishop, another five priests and six laymen remained holed up in and surrounded by dozens of anti-riot agents at the Curia of the Archbishop —one laywoman was able to get out on August 7 and two laymen, on August 17. On August 5, the Police reported that they were opening a criminal investigation, charging the Bishop of inciting hatred with the intention of destabilizing the State and attacking authorities. It also recounted that the individuals under investigation were supposed to remain in their homes, and anyone who gathered in front of the Archbishop’s Curia to pray and try to ease the tense situation of the previous day was summoned to testify. UN, Report of the UN High Commissioner for Human Rights. A/HRC/51/42, September 12, 2022.

<sup>258</sup> Infobae, [El régimen en Nicaragua prohibió dos procesiones católicas y EEUU denunció una mayor persecución contra la Iglesia](#) [‘The Nicaraguan regime banned two Catholic processions and the US denounced further persecution of the Church’]. 22 de septiembre de 2022; IACHR, [Press Release no. 184/22 - IACHR Condemns Repression and Arrests of Members of Roman Catholic Church in Nicaragua](#). Washington, D.C, August 19, 2022.

<sup>259</sup> Confidencial, [“Así fue el violento arresto del sacerdote Enrique Martínez Gamboa”](#) [‘The violent arrest of priest Enrique Martínez Gamboa looked like this’], October 17, 2022; Confidencial, [“Acusan por “conspiración” y “noticias falsas” a sacerdote Enrique Martínez Gamboa”](#) [‘Priest Enrique Martínez Gamboa accused of “conspiracy” and “fake news”’], October 19, 2022.

religion or beliefs, either individually or together with others, in public or in private.” It further establishes that “the freedom to manifest one’s religion and beliefs may be subject only to the limitations prescribed by law that are necessary to protect public safety, order, health, or morals or the rights or freedoms of others.” In this regard, the IACHR again calls for the State of Nicaragua to end the persecution, criminalization, and constant attacks against the Catholic Church, to release the laymen and women and clergy who remain arbitrarily deprived of liberty.<sup>260</sup>

## *ii. Closure of organizations*

135. In the context of the strategy of control implemented by the State that has brought about the rapidly shrinking civic and democratic space in the country, the IACHR rejected the revocation of the legal status of thousands of civil society organizations, including human rights defenders’ organizations, foundations, universities, cooperation agencies, women’s collectives, medical associations. According to public information, from April 18, 2018, to October 18, 2022, a total of 2,381 civil society organizations were impacted by the revocation their legal status, 90% of which were ordered in the current year, through decrees approved by the National Assembly or Decisions of the Ministry of Government.<sup>261</sup>
136. On this score, the IACHR is concerned that these measures are based on laws that grant wide-ranging discretion to authorities and that, in turn, they have been used to limit public debate, curtail democratic participation, criminalize, intimidate and dissolve organized civil society in the country. These measures include: the Law of Foreign Agents;<sup>262</sup> the General Law on Non-Profit Entities (Law No. 147); the

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<sup>260</sup> Infobae, [El régimen en Nicaragua prohibió dos procesiones católicas y EEUU denunció una mayor persecución contra la Iglesia](#) [‘The Nicaraguan regime banned two Catholic processions and the US denounced further persecution of the Church’]. 22 de septiembre de 2022; IACHR, [Press Release no. 184/22 - IACHR Condemns Repression and Arrests of Members of Roman Catholic Church in Nicaragua](#). Washington, D.C, August 19, 2022.

<sup>261</sup> Confidencial, [“Régimen de Ortega cancela 42 oenegés nacionales y 58 extranjeras”](#), [‘Ortega regime dissolves 42 national and 58 foreign NGOs’]. October 18, 2022.

<sup>262</sup> In its Annual Report, the IACHR warned about the punitive nature and chilling effect of Law No. 1040, “Law of Regulation of Foreign Agents,” which now is in effect in conjunction with other national statutes. It further noted that implementation of the law has chilling effects on actions,

General Law of Regulation and Control of Non-Profit Organizations of the Republic of Nicaragua (Law No. 1115) <sup>263</sup> and Law 1127, which amends the object of Law 1115, among other laws.<sup>264</sup>

137. Likewise, the IACHR noted that the government imposed arbitrary or illusory procedures and requirements that hinder access to legal recourse, paperwork or even compliance with newly approved rules, all of which relegated organizations to a status of *de facto* administrative closure. In many instances, the forced closure of organizations has also been carried out through the use of force and confiscation or destruction of assets and properties.<sup>265</sup>
138. As was noted by the IACHR, the forced closure of defender organizations, in addition to curtailing the work of human rights defense, has dire effects on the citizenry, making it more vulnerable in terms of protection and defense of its rights, in a context where the branches of government are aligned with the executive branch and, consequently, there are no limits on the exercise of power or checks

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claims and defense of rights and provision of services from civil society organizations that receive foreign support or financing for the attainment of their social or humanitarian causes. IACHR, Informe Anual 2020, Capítulo IV. B Nicaragua, 2020 Annual Report. Chapter IV. Nicaragua. OEA/Ser.L/V/II. Doc. 28, March 30, 2021, pars. 141-143.

<sup>263</sup> In this respect, several UN Rapporteurs sent a communication to the State to express their concern about several sections of the law. Special Rapporteur on the Promotion and Protection of the Rights and Fundamental Liberties in the Fight against Terrorism; Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and of Expression; Special Rapporteur on the Human Rights of Migrants; Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association; and Special Rapporteur on the Situation of Human Rights Defenders. Comunicación OL NIC 1/2022, May 05, 2022.

<sup>264</sup> Request for thematic hearing on gross violations of the right to freedom of association in Nicaragua and its impacts on the human rights of the people. Communication of October 6, 2022. In IACHR Archives.

<sup>265</sup> IACHR, Press release No. RD26/22 - REDESCA condemns the cancellation of the status of 26 universities and associations for academic and social purposes by the National Assembly of Nicaragua Washington, D.C, February 10, 2022; See IM-Defensoras, Solidaridad feminista internacional ante cancelación ilegal de organizaciones feministas y/o que apoyan o trabajan por los derechos de las mujeres en Nicaragua, [‘International women’s solidarity in the face of illegal forced dissolution of women’ and/or women’s rights support or work organizations in Nicaragua’], April 21, 2022.

on arbitrary acts. Moreover, these measures serve to deepen the economic, social, political, and human rights crisis in the country.<sup>266</sup>

139. On this score, the IACHR was alerted to the dire effects of the closure of women’s organizations, inasmuch as it places Nicaraguan women and young and adolescent girls who benefit from their services, in a more vulnerable situation and exposes them to violence and violation of their fundamental rights, including women and girls in contexts of intersectional discrimination, such as those belonging to indigenous and Afro-descendant communities, or those who live in rural areas.<sup>267</sup>
140. Based on the information it received, the IACHR underscores that a total of 176 feminist’s and women’s rights defenders’ organizations were impacted,<sup>268</sup> some of which decried the dismantling of their offices and confiscation of their property. These organizations include: the March 8 Collective, whose work over the past 26 years has been focused on accompanying women and girls, survivors of violence and femicide, and providing sexual and reproductive health services;<sup>269</sup> the Blanca Aráuz Foundation for the Promotion and Development of

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<sup>266</sup> IACHR, [Press Release No. 88/22 - IACHR Rejects the Revocation of the Legal Status of 25 Additional Organizations, Deepening the Shutdown of Democratic Platforms in Nicaragua](#), Washington, D.C, April 26, 2022.

<sup>267</sup> See in this regard: IM-Defensoras, [Solidaridad feminista internacional ante cancelación ilegal de organizaciones feministas y/o que apoyan o trabajan por los derechos de las mujeres en Nicaragua](#), [Translation supra]. April 21, 2022.

<sup>268</sup> IM-Defensoras, [\[Alerta Defensoras\] NICARAGUA / Durante agosto arrebatan personería jurídica a otras 42 organizaciones feministas y por los derechos de las mujeres: van 147 entidades de este tipo canceladas ilegalmente por Daniel Ortega desde 2018](#), [‘Alert Women Defenders NICARAGUA / In August legal status of another 42 women’s and women’s rights organizations snatched away; bringing the number of entities of this type dissolved illegally by Daniel Ortega to 147 since 2018’]. September 05, 2022. IM-Defensoras, [\[Alerta Defensoras\] NICARAGUA / Daniel Ortega cancela otras 29 organizaciones feministas y por los derechos de las mujeres, sumando 176 desde 2018](#), [‘Alert Women Defenders NICARAGUA / Daniel Ortega revokes legal status of another 29 feminist’s and women’s rights organizations; totaling 176 since 2018’], October, 11, 2022.

<sup>269</sup> IM-Defensoras, [\[Alerta Defensoras\] NICARAGUA / Gobierno nicaragüense cancela otra organización feminista: el Colectivo 8 de Marzo](#), [Alert Women Defenders NICARAGUA / Nicaraguan government revokes another women’s organization: El Colectivo 8 de Marzo’], March 21, 2022; Swissinfo, [Ortega cancela 25 ONG defensoras de ambientalistas, mujeres y periodistas, 17 de marzo de 2022](#) [‘Ortega revokes 25 environmental, women’s and journalist NGOs’] March 17, 2022; France 24, [Nicaragua ordena el cierre de otras 25 oenegés defensoras de derechos humanos](#), [‘Nicaragua orders closure of another 25 human rights defense NGOs’] March 17, 2022.

Women and Children (Fundemuni) and the Maria Elena Cuadra Association of Women Workers and Unemployed (MEC), which were engaged in defending the labor rights of women workers in the maquiladoras, among other activities.<sup>270</sup>

141. In April, the IACHR repudiated the revocation of the legal status of the Permanent Commission on Human Rights (CPDH), one of the last organizations that formally operated in Nicaragua receiving complaints and providing legal representation for dozens of victims. The members of the CPDH have been beneficiaries of provisional measures granted by the Inter-American Court since 2019 because of the threats and other risks to their lives and physical integrity they face as a consequence of their work in defense of human rights. Likewise, it expressed concern over the closure of the Nicaraguan Coordinating Federation of Non-Governmental Organizations Working with Children and Adolescents (CODENI), a body that for more than thirty years has brought together more than a dozen other organizations engaged in the promotion and protection of the rights of children and adolescents in Nicaragua.<sup>271</sup>
142. Likewise, the IACHR strenuously rebuked the revocation of the legal status of the Center for Justice and Human Rights of the Atlantic Coast of Nicaragua (CEJUDHCAN), an organization that has traditionally contributed to the defense of the rights of the indigenous and Afro-descendant peoples and communities of the Caribbean Coast. On this score, several communities decried the dire effects that the closure of

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<sup>270</sup> IM-Defensoras, [\[Alerta Defensoras\] NICARAGUA / El gobierno nicaragüense clausura dos organizaciones feministas más: FUNDEMUNI y Movimiento de Mujeres María Elena Cuadra](#), [‘Alert Women Defenders NICARAGUA / The Nicaraguan government shuts down two more women’s organizations: FUNDEMI and Maria Elena Cuadra Women’s Movement’], February 15, 2022; Infobae, [El régimen de Nicaragua canceló otras seis ONG defensoras de los derechos humanos y ya son 93 en total](#) [‘Nicaraguan regime revokes another six NGOs defending human rights bringing the total to 93’], February 16, 2022; DW, [Cierran en Nicaragua otras seis ONG, incluida PEN Internacional](#) [‘Another six NGOs are shut down in Nicaragua, including PEN International’], February 16, 2022.

<sup>271</sup> IACHR, [Press Release No. 88/22 - IACHR Rejects the Revocation of the Legal Status of 25 Additional Organizations, Deepening the Shutdown of Democratic Platforms in Nicaragua](#). Washington, D.C., April 26, 2022.

this organization has on the protection of their rights and traditional territories in a context of systematic aggression by the “settlers.”<sup>272</sup>

143. The IACHR recalls that freedom of association, as recognized in the American Convention on Human Rights and the American Declaration, is a fundamental right linked to every democratic system. This right involves ensuring that people create and participate in entities or organizations for the purpose of acting collectively and in the pursuit of most diverse ends. Therefore, any restriction on the exercise of this right must be provided for by law, pursue a legitimate purpose and, in short, be suitable, necessary, and proportional in any democratic society. In this regard, the forced closure of human rights defending organizations, in a context of criminalization for doing their job and the application of laws that are contrary to the ACHR, constitutes a gross violation of this right.<sup>273</sup>

## B. Persons deprived of liberty

144. Over the period under examination, the IACHR ascertained the dire conditions of detention of persons deprived of liberty in the context of the crisis in Nicaragua, as well as the concerning deterioration of their health and physical state as a consequence of protracted detention in conditions that are at odds with human dignity and international standards on the subject matter, as analyzed hereunder.
145. According to information from the *Mechanism for the Recognition of Political Prisoners in Nicaragua*, as of September 30, 209 individuals remained in custody, 139 of which were being held at different facilities of the National Penitentiary System, 50 persons at Judicial Support Department (DAJ) “Evaristo Vásquez Sánchez (“El Chipote” or

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<sup>272</sup> IACHR, [Press Release No. 67/22 - IACHR and Its Special Rapporteurships for Freedom of Expression and for Economic, Social, Cultural, and Environmental Rights Reject Cristiana Chamorro's Conviction and the Cancellation of the Legal Status of Several Organizations](#). Washington, D.C, March 30, 2022.

<sup>273</sup> IACHR, [Press Release No. 88/22 - IACHR Rejects the Revocation of the Legal Status of 25 Additional Organizations, Deepening the Shutdown of Democratic Platforms in Nicaragua](#). Washington, D.C, April 26, 2022.

“Nuevo Chipote”), 6 people are at municipal police station holding cells and 14 are under house arrest.<sup>274</sup>

*i. Judicial Support Department “Evaristo Vásquez Sánchez”*

146. As was examined above, over the course of 2022, individuals detained arbitrarily in the context of the elections of November 2021 were found guilty and sentenced to prison terms of up to 13 years in trial proceedings that lacked due process of law protections. Nonetheless, most of them remain at El Chipote even though that facility is meant for short-term stays of persons awaiting criminal conviction. Moreover, that Complex is under the National Police, an institution that is subordinate to the direct designs of the executive branch,<sup>275</sup> leading to more arbitrary acts and infringements of the rights of persons in custody for political reasons.
147. In this regard, the IACHR notes that the situation of extreme gravity and urgency and the irreparable harm to health and integrity stemming from the conditions of detention have resulted in provisional measures being granted by the Inter-American Court for more than 30 individuals at El Chipote and these measures are pending compliance by the Nicaraguan State.
148. Moreover, the IACHR became aware of public denunciations of unsanitary conditions of detention; persisting cruel and inhuman treatment; lack of access to drinking water; inadequate and unhealthy nutrition; lack of adequate, timely and specialized medical care; restrictions on packages, reading material; and the use of solitary confinement and incommunicado imprisonment.<sup>276</sup> These acts have a disproportionate effect on women, including older women, who are

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<sup>274</sup> Mechanism for the Recognition of Political Prisoners, “Lista – Informe preliminar personas presas políticas en Nicaragua”. [Translation *supra*]. September 29, 2022.

<sup>275</sup> See: IACHR, Nicaragua: Concentration of Power and Undermining of the Rule of Law, OEA/Ser.L/V/II. Doc. 288, October 25, 2021, par. 69 et seq; GIEI, Final Report on the Acts of Violence That Occurred from April 18 to May 30, 2018, December 21, 2018, pgs. 48 et seq.

<sup>276</sup> See Press Release of Family Members of Political Prisoners Kidnapped since May 2021 at the Jail known as El Chipote, 21 de marzo del 2022 [March 21, 2022]; Statement of the Family Members of Political Prisoners 7 de junio de 2022 [June 7, 2022]; Press Release of Family Members of Political Prisoners Kidnapped since May 2021 at the Jail known as El Chipote, 1 de agosto de 2022 [August 1, 2022].

allegedly held incommunicado in the most strict conditions with the worse treatment inflicted upon them because of their condition as women human rights defenders, leaders and activists, such as the cases of Ana Margarita Vijil, Suyen Barahona, Dora María Téllez and Tamara Dávila, all of whom are beneficiaries of provisional measures granted by the Inter-American Court.<sup>277</sup>

149. In this dire context, from August 30 to September 1, twenty-seven individuals were brought before the Court of Appeals of Managua in closed door hearings, allegedly to be informed of their bail status. Notwithstanding, it was brought to the attention of the IACHR that these hearings had no basis in law, were conducted without any prior notice and in the absence of any legal representation. Moreover, media outlets aligned with the government published photographs of the detainees patently showing that their physical condition had deteriorated, and they were extremely thin.<sup>278</sup>
150. Pursuant to the *Principles and Best Practices on the Protection of Persons Deprived of Liberty in the Americas*, persons deprived of liberty are entitled to humane treatment, with unconditional respect for their inherent dignity, fundamental rights, especially, to life and physical integrity, and to their fundamental guarantees, such as access to due process of law, which is indispensable for the protection of rights and liberties.<sup>279</sup> The IACHR reiterates that public exhibition of detainees in a humiliating form through the media could constitute a form of cruel, inhuman or degrading treatment, in the context of systematic patterns of repression faced by political prisoners in Nicaragua.<sup>280</sup>
151. The IACHR also received information about restrictions of family visits, including for periods exceeding forty days and requiring the discretionary authorization of prison officials. When visits were

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<sup>277</sup> IACHR, [Press Release No. 117/22 - IACHR Concerned About Health Condition of Women Who Are Deprived of Liberty in Nicaragua](#). Washington, D.C, May 27, 2022..

<sup>278</sup> IACHR, [Press Release No. 197/22 - IACHR and Its SRESCER Call for Immediate Release of Political Prisoners Being Held in Appalling Conditions in Nicaragua](#). Washington, D.C, September 5, 2022.

<sup>279</sup> IACHR, *Principles and Best Practices on the Protection of Persons Deprived of Liberty in the Americas* (Principle I).

<sup>280</sup> IACHR, [Press Release No. 197/22 - IACHR and Its SRESCER Call for Immediate Release of Political Prisoners Being Held in Appalling Conditions in Nicaragua](#). Washington, D.C, September 5, 2022.

authorized, some family members denounced that they were notified barely an hour in advance, thus hindering their ability to provide food to their loved one. Likewise, detainees continue to be denied the ability to communicate with their young daughters or sons due to restrictions on visits of minors, calls, as well as exchange and entry of correspondence, photographs, drawings, or messages. The information available to the IACHR suggests that a total of 19 minor children have been affected by the ban on visits and on having contact with their father or mother.<sup>281</sup>

152. The IACHR recalls that persons deprived of liberty are entitled to receive and dispatch correspondence, subject to such limitations as are consistent with international law; and to maintain direct and personal contact, through regular visits with members of their family, legal representatives and with other people, especially with their parents, sons and daughters, and their respective partners.<sup>282</sup> Family visits are an essential element of the rights of the family, as recognized in Article 17 of the American Convention on Human Rights. As such, it is the obligation of the State of Nicaragua to facilitate contact between persons in custody and their family members, as well as to respect the fundamental rights of protection from abusive and arbitrary interference. Family visits must be conducted at least with the regularity set forth in the Penitentiary Regulations and in dignified conditions that are in no way degrading.<sup>283</sup>
153. As for minor children, recently, the Inter-American Court established that the detention or deprivation of liberty of a parent, principal caregiver or adult in charge is a measure of a legal nature that, albeit

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<sup>281</sup> According to information received, on August 20, leader Tamara Dávila and journalist Miguel Mendoza were successfully visited by their 5-year-old daughter and 21-year-old son, respectively; this was after going on a hunger strike as a protest to the State's refusal. Confidencial, "Después de 14 meses, régimen permite visita a hijos de los reos de conciencia Tamara Dávila y Miguel Mora" ['After 14 months, regime allows visit of children of prisoners of conscience Tamara Davila and Miguel Mora'], August 20, 2022. Also see: Declaración de familiares de Tamara Dávila sobre la primera visita de su hija, después de más de 14 meses de incomunicación ['Statement of family members of Tamara Davila about first visit of her daughter, after more than 14 of being held incommunicado'], August 22, 2022.

<sup>282</sup> IACHR, Principles and Best Practices on the Protection of Persons Deprived of Liberty in the Americas (Principle XVIII)

<sup>283</sup> IACHR. Press Release No. 210/18 - Rapporteur on the Rights of People Deprived of Liberty Visits Nicaragua. Washington, D.C, September 26, 2018. Recommendation 8.

is not directly intended for the child and cannot extend to one, it obviously affects him or her.<sup>284</sup> In this vein, the Convention on the Rights of the Child also establishes the right of children and adolescents to family and recognizes that the deprivation of liberty of their parents shall not be regarded, in principle, as a reason to improperly restrict regular direct contact. Separately, the Commission underscores that this contact is crucial to satisfying emotional needs, wellbeing, security and for the development of their identity. Therefore, the State of Nicaragua must also allow, on an urgent basis, contact of children with their families and take the necessary measures for the meetings to take place in adequate conditions in keeping with their best interests.<sup>285</sup>

## *ii. National Penitentiary System*

154. The Inter-American Commission received word about dire conditions of detention and common patterns of infringement of the rights of individuals identified as “political prisoners” at different facilities of the National Penitentiary System (SPN from its Spanish language abbreviation) or police station holding cells, including: La Modelo, Waswalí (Matagalpa), Cuisalá (Chontales), Chácara, Chinandega, Granada; at the Comprehensive Women’s Penitentiary Center (EPIM), La Esperanza; and at police stations of San Carlos, Nueva Guinea, Jinotega, Chinandega.
155. On June 24, 2022, the IACHR held a supervision hearing on precautionary measures granted to 44 detainees, of which 42 of the beneficiaries are being held at La Modelo. At that meeting, civil society organizations decried serious overcrowding and unsanitary conditions in cells, inasmuch as they were infested with insects, bedbugs and rats. They also reported the lack of access to sanitation services and to quality drinking water. According to the claims, the widespread

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<sup>284</sup> IA Court of HR. [Differentiated approaches with respect to certain groups of persons in detention \(Interpretation and scope of Articles 1\(1\), 4\(1\), 5, 11\(2\), 12, 13, 17\(1\), 19, 24 and 26 of the American Convention on Human Rights and other human rights instruments\)](#). Advisory Opinion OC-29/22 of May 30, 2022. Series A No 29. par. 189.

<sup>285</sup> IACHR, [Press release No. 103/22 - IACHR Urges Nicaragua to Guarantee that Political Prisoners Have Regular Contact with Their Families in Conditions of Dignity](#). Washington, D.C, May 13, 2022.

situation of unsanitary conditions has led to several different ailments such as skin and ear infections, as well as more troubling ailments with symptoms such as dizziness, facial paralysis, and fainting. Furthermore, some individuals presented health conditions such as depression, hallucinations, anxiety, and stress due to isolation, alleged mistreatment and protracted period of time deprived of liberty. As of the date of the hearing, these individuals in custody have not had access to timely, adequate, and specialized medical care.<sup>286</sup>

156. Additionally, the information available to the IACHR indicates that at the facilities of the National Penitentiary System, the diet of individuals identified as political prisoners is deficient and they are dependent upon whatever food their family members are able to bring to them. However, this means of obtaining food is precarious at best because of the discretion vested in prison officials to approve the entry of packages or food and water and other products. At times, these food deliveries are handed over to the inmates after they are spoiled. Likewise, family members denounced being victims of acts of fondling and police harassment when they make visits, including groping, heavy body searches and threats against them should they publicly denounce any of the acts, making it difficult to be able to access information on the situation of detainees at the SPN.<sup>287</sup> In the same vein, the United Nations Committee against Torture (CAT) expressed its concern about the information relating to the

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<sup>286</sup> IACHR, 184<sup>th</sup> Regular Session. Thematic Hearing: Precautionary measures of persons deprived of liberty in Nicaragua, June 24, 2022. Also see: CENIDH, “Personas presas políticas beneficiarias de medidas cautelares de la CIDH sufren torturas, tratos crueles, inhumanos y degradantes” [‘Political prisoner beneficiaries of IACHR precautionary measures suffer torture, cruel, inhuman and degrading treatment’], June 24, 2022. Mechanism for the Recognition of Political Prisoners, Informe – lista de las personas presas políticas de Nicaragua. [Translation *supra*] June 30, 2022.

<sup>287</sup> The Center for Justice and International Law (CEJIL), Colectivo de Derechos Humanos Nicaragua Nunca Más, Instituto Internacional sobre Raza, Igualdad y Humanos Nicaragua Nunca Más, el Instituto Internacional sobre Raza, Igualdad y Derechos Humanos (Raza e Igualdad) la Iniciativa Nicaragüense de Defensoras (IND), Derechos Humanos (Raza e Igualdad) la Iniciativa Nicaragüense de Defensoras (IND), la Iniciativa Mesoamericana de Defensoras (IMD), el Movimiento Autónomo de Mujeres la Iniciativa Mesoamericana de Defensoras (IMD), el Movimiento Autónomo de Mujeres (MAM), la Organización Mundial Contra la Tortura (OMCT), la Unidad de Defensa (MAM), la Organización Mundial Contra la Tortura (OMCT), la Unidad de Defensa Jurídica (UDJ) y la Unidad de Registro (UDR) Jurídica (UDJ) and the Unidad de Registro (UDR). Report for the Second Review of the Obligations of Nicaragua under the Convention against Torture. June 2022.

overcrowding, unsanitary conditions, lack of ventilation and access to natural light, limited access to drinking water and medications at La Modelo and La Esperanza. It also expressed dismay over the denial of access to places of deprivation of liberty to representatives of International Organizations, as well as human rights organizations.<sup>288</sup>

157. Due to the persistent situation of gravity and urgency to the lives and integrity of 45 detainees at eight facilities of the SPN, the IACHR requested the Inter-American Court to grant provisional measures on their behalf, and this request was granted on October 4, 2022. In its Resolution, the IA Court of HR ordered the State to immediately release the 45 individuals it identified. Likewise, it requested that the necessary measures be taken to guarantee the lives, integrity, health, adequate food, and personal liberty, as well as that of their immediate family members.<sup>289</sup>

### *iii. La Esperanza*

158. In relation to women detainees, the IACHR notes that, in addition to facing similar conditions of detention, they did not have access to specific services to meet their gender-specific needs and were the

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<sup>288</sup> Committee against Torture, Provisional concluding observations on the second periodic report of Nicaragua, July 26, 2022.

<sup>289</sup> The beneficiaries are: (1) Jhon Christopher Cerna Zúñiga; (2) Fanor Alejandro Ramos; (3) Edwin Antonio Hernández Figueroa; (4) Víctor Manuel Soza Herrera; (5) Michael Rodrigo Samorio Anderson; (6) Néstor Eduardo Montealto Núñez; (7) Francisco Xavier Pineda Guatemala; (8) Manuel de Jesús Sobalvarro Bravo; (9) Richard Alexander Saavedra Cedeño; (10) Luis Carlos Valle Tinoco; (11) Víctor Manuel Díaz Pérez; (12) Nilson José Membreño; (13) Edward Enrique Lacayo Rodríguez; (14) Maycol Antonio Arce; (15) María Esperanza Sánchez García; (16) Karla Vanessa Escobar Maldonado; (17) Samuel Enrique González; (18) Mauricio Javier Valencia Mendoza; (19) Jorge Adolfo García Arancibia; (20) Leyving Eliezer Chavarría; (21) Carlos Antonio López Cano; (22) Lester José Selva; (23) Eliseo de Jesús Castro Baltodano; (24) Kevin Roberto Solís; (25) José Manuel Urbina Lara; (26) Benjamín Ernesto Gutiérrez Collado; (27) Yubrank Miguel Suazo Herrera; (28) Yoel Ibzán Sandino Ibarra; (29) José Alejandro Quintanilla Hernández; (30) Marvin Antonio Castellón Ubilla; (31) Lázaro Ernesto Rivas Pérez; (32) Gustavo Adolfo Mendoza Beteta; (33) Denis Antonio García Jirón; (34) Danny de los Ángeles García González; (35) Steven Moisés Mendoza; (36) Wilber Antonio Prado Gutiérrez; (37) Walter Antonio Montenegro Rivera; (38) Max Alfredo Silva Rivas; (39) Gabriel Renán Ramirez Somarriba; (40) Wilfredo Alejandro Brenes Domínguez; (41) Marvin Samir López Ñamendis; (42) Irving Isidro Larios Sánchez; (43) Roger Abel Reyes Barrera; (44) José Antonio Peraza Collado, and (45) Rusia Evelyn Pinto Centeno. IA Court of HR: Matter Nicaragua <sup>45</sup> persons deprived of liberty at eight detention centers. Provisional Measures. Resolution of the Inter-American Court of Human Rights of October 4, 2022.

victims of acts of gender-based violence. In fact, according to the information it received, at the facilities of La Esperanza, women were being held in overcrowded and unsanitary conditions, lacking in ventilation, confined to 3 x 8-meter cells, with only two toilets and one shower. Likewise, inmates identified as political prisoners would share cells with “common prisoners,” who would often physically and verbally abuse them with the acquiescence and tolerance of the prison guards.<sup>290</sup> For its part, the CAT noted that reports of assaults and sexual violence against these women were made.<sup>291</sup>

159. In addition to the foregoing, the IACHR received troubling information about health and safety issues afflicting women deprived of liberty, due to the lack of adequate and specialized medical care of preexisting conditions, as well as diseases they acquired while deprived of liberty, especially among older adult women with chronic illnesses such as renal insufficiency and cardiac conditions.<sup>292</sup>
160. Among other cases, in May, the IACHR denounced the serious deterioration of the health of activist María Esperanza Sánchez, who was admitted to the clinic of this facility for several days, in a serious state, without receiving specialized medical care, nor adequate medicine.<sup>293</sup> Likewise, Rusia Evelyn Pinto Centeno, was being held in inadequate conditions without receiving medical care to treat her ailments and health issues. She was also the target of permanent surveillance, as well as acts of stigmatization and discrimination by prison guards, receiving differentiated treatment as compared to the other women inmates.<sup>294</sup> On September 23, the IACHR granted precautionary measures to Nidia Lorena Barbosa Castillo, who had

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<sup>290</sup> Information provided by the Mesoamerican Initiative of Women Human Rights Defenders and the Nicaraguan Initiative of Women Human Rights Defenders to the Special Monitoring Mechanism for Nicaragua. In IACHR Archives.

<sup>291</sup> Committee against Torture. Provisional concluding observations on the second periodic report of Nicaragua, July 26, 2022.

<sup>292</sup> IACHR. [Press Release No. 117/22 - IACHR Concerned About Health Condition of Women Who Are Deprived of Liberty in Nicaragua](#). Washington, D.C, May 27, 2022.

<sup>293</sup> IACHR. [Press Release No. 117/22 - IACHR Concerned About Health Condition of Women Who Are Deprived of Liberty in Nicaragua](#). Washington, D.C, May 27, 2022.

<sup>294</sup> IACHR. [Press Release no. 174/22 - IACHR Grants Precautionary Measures in Favor of Rusia Evelyn Pinto Centeno in Nicaragua](#). Washington, D.C, August 2, 2022

several illnesses, depression, and weight loss and, consequently, had been admitted to the clinic on several occasions.<sup>295</sup>

161. As established by the Inter-American Court, the State must ensure that detainees are held in conditions that are compatible with respect for their dignity; that the manner and method of implementing the custodial measure does not subject the person to anxiety or difficulties that surpass the inevitable degree of suffering inherent to detention; and that, given the practical demands of incarceration, their health and wellbeing must be adequately ensured. Thus, conditions of overcrowding, lack of ventilation and natural light, without a bed for rest or adequate conditions of hygiene are incompatible with the right to humane treatment.<sup>296</sup>
162. The IACHR recalls that the State's obligation to provide adequate medical care to persons deprived of liberty emanates from the right to humane treatment enshrined in Articles 1.1 and 5 of the American Convention. In this vein, the IACHR underscores that the State's obligation to respect physical integrity, not to employ cruel, inhuman treatment and to respect the dignity inherent to the human being, encompasses the guarantee of access to adequate medical care for persons deprived of liberty. Moreover, in view of the fact that the imprisonment of women has its own dimension, stemming from their condition of gender and the intersection with other factors such as age, the IACHR urges the State to take all necessary, comprehensive measures with due diligence for all women's rights to be effectively respected and guaranteed.<sup>297</sup>
163. Based on the foregoing, the IACHR calls on the Nicaraguan State to guarantee the right to life and humane treatment for all persons in its custody, as well as to comply with the precautionary and provisional measures granted by the IACHR and the Inter-American Court,

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<sup>295</sup> IACHR, Press Release no. 216/22 - IACHR Grants Precautionary Measures in Favor of Edder Oniel Muñoz Centeno and Nidia Lorena Barbosa Castillo in Nicaragua. Washington, D.C, September 27, 2022

<sup>296</sup> IA Court of HR. Case of García Asto and Ramírez Rojas v. Peru. Judgment of November 25, 2005. Series C No. 137, par. 223, and Case of Hernández v. Argentina. Preliminary Objection, Merits, Reparations and Costs. Judgment of November 22, 2019. Series C No. 395, par. 60.

<sup>297</sup> IACHR, Press Release No. 197/22 - IACHR and Its SRESCER Call for Immediate Release of Political Prisoners Being Held in Appalling Conditions in Nicaragua. Washington, D.C, September 5, 2022.

respectively. It also urges the State to immediately release all persons deprived of liberty arbitrarily in the context of the crisis that began on April 18, 2018.

## **C. Indigenous and Afro-descendant peoples on the Caribbean Coast of Nicaragua**

164. The Inter-American Commission has steadily continued to monitor the situation of indigenous and Afro-descendant peoples of the Caribbean Coast of Nicaragua, especially with respect to historic claims over their ancestral territories, and other acts of violence that have been resurgent and have been further aggravated by extractive activities on indigenous territory and the climate of systematic impunity of these human rights violations in the context of the dire human rights crisis affecting the country since April 2018.<sup>298</sup>
165. Over the course of 2022, the IACHR has received information about continuous acts of violence against indigenous and Afro-descendant peoples as a result of encroachment by settlers and third parties on their ancestral territories, who continue to act with the acquiescence and tolerance of the State and the enticement of the private sector. As a consequence, these peoples have been forcibly displaced from their ancestral lands and have become a minority within their own territories. According to the available information, in the context of the assaults, the communities have suffered from the deliberate

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<sup>298</sup> July 28, 2022, through MESENI, the IACHR held a working meeting in the framework of the visit to Costa Rica with indigenous peoples, Afro-descendants and indigenous leaders. At this meeting, it was reported that gross human rights violations continue to be perpetrated. The attendees underscored that members of these indigenous communities are the victims of physical and psychological violence. They reported about the lack of access to adequate and balanced nutrition in light of the fact that they live off of what the land produces and that, because there is growing encroachment onto their lands by the settlers, they limit their movements and stop going to their farming plots to produce the crops and food that they need. They further claimed that due to the greater encroachment of settlers onto their lands and unfounded fear, they have been prevented from having access to drinking water. Lastly, they reported about the lack of access of children and adolescent members of the indigenous and Afro-descendant communities to adequate education, because only a few areas have elementary schools, and these schools do not have adequate infrastructure for education.

destruction of their livelihood, natural resources, means of transportation, livestock, forests, *inter alia*.<sup>299</sup> In this context, members of Miskita communities spoke out about their fear of the opening of a bridge spanning the *Wawa Boom* River and that it would contribute to encroachment by settlers, as well as the arrival of more extractive companies onto their territory.<sup>300</sup>

166. As for the violence that occurred in 2022, on March 15, the IACHR became aware of the murder of the indigenous leader of the Mayangna Sauni Arungka territory, Salomón López Smith, whose body was reported to have been found with signs of torture after disappearing for seven days.<sup>301</sup> In short, at least 3 indigenous people have been murdered over the year. Based on the information provided to the IACHR, from 2011 to 2022, more than 66 indigenous people have been reported murdered, 56 injured, 49 abducted and 4 disappeared. Twenty-six of these murders, 38 of these abductions and 41 of the injured persons belong to only 15 beneficiary communities of IAHR protection system, where at least 6 rapes and dozens of incidents of intimidation, including death threats at gunpoint, have also been reported.<sup>302</sup>
167. The IACHR underscores that on February 13, it determined to expand precautionary measures on behalf of Musawas, Suniwas and Wilú Indigenous Communities of the Mayangna Sauni As Territory in the Autonomous Region of the Northern Caribbean Coast. In its Resolution, the IACHR established that the inhabitants of the identified communities are the targets of threats, intimidation and acts of violence on the Caribbean Coast in a context where processes

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<sup>299</sup> In this regard, see: Foundation for Conservation and Development of Southeastern Nicaragua (Fundación Río), Alternative report to the Committee for the Elimination of Racial Discrimination, July 22, 2022, pg. 5-6.

<sup>300</sup> Onda Local, [Puente de Wawa Boom incrementaría invasión de colonos y empresas extractivas, advierten indígenas de Río Coco](#), [‘Wawa Boom bridge would increase encroachment of settlers and extractive companies, warn indigenous of Río Coco’], October 20, 2022.

<sup>301</sup> La Prensa, [Asesinan con saña a tío del diputado Noe Coleman. Su cuerpo fue mutilado, denuncia autoridad territorial](#). [‘Uncle of deputy Noe Coleman viciously murdered. His body was mutilated, territorial authority denounces’], March 16, 2022.

<sup>302</sup> Situation of indigenous communities of the Northern Caribbean Coast of Nicaragua. Brief on the dire situation of indigenous communities of the Northern Caribbean Coast of Nicaragua, beneficiaries of protection measures before the Inter-American Human Rights Protection System. Pg. 4. In IACHR Archives.

of clearing of title are pending in the face of settlers on indigenous territories. The Commission expressed its deep concern about the acts and the intensity of the violence reported, which reflects the context of violence as assessed by the Inter-American Court in provisional measures currently in force.<sup>303</sup>

168. According to the information received by the IACHR, many families have been displaced by the violence. In particular, women, children and adolescents have sought refuge and are dispersed in private homes and neighboring community schools, in precarious conditions, without food, medicine and other basic needs being met. For example, in the community of Esperanza, Río *Wawa*, CEJUDHCAN has cared for at least 361 women and children, who have sought to flee the violence of the communities.<sup>304</sup>
169. Separately, on August 30, the UN Committee for the Elimination of Racial Discrimination made its concluding observations on the periodic reports of Nicaragua, reinforcing the concern over alleged acts of violence against indigenous and Afro-descendant peoples in Nicaragua and urged the authorities of the country to take immediate action to protect the rights of those groups.<sup>305</sup>
170. The IACHR renews its call for the State to adopt urgent and differentiated measures aimed at protecting the territories and natural resources of indigenous peoples and Afro-descendant communities, and for such measures to be implemented in consultation and coordination with them, in particular, preventive actions and the deployment of security forces to those affected territories, mostly in response to the encroachment and trespassing

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<sup>303</sup> IACHR, Resolution 9/22. Precautionary measure No 505/15. Indigenous people of the Msawas, Suniwas and Wilú Communities of the Mayangna Sauni As Territory in the Autonomous Region of the Northern Caribbean Coast, regarding Nicaragua.

<sup>304</sup> Situation of indigenous communities of the Northern Caribbean Coast of Nicaragua. Brief on the dire situation of indigenous communities of the Northern Caribbean Coast of Nicaragua, beneficiaries of protection measures before the Inter-American Human Rights Protection System. Pg. 19. In IACHR Archives.

<sup>305</sup> UN. Committee for the Elimination of Racial Discrimination, Preliminary Version unedited, Observaciones finales sobre los informes periódicos 15º a 21º combinados de Nicaragua [Concluding observations on the 15<sup>th</sup> and 21<sup>st</sup> combined periodic reports of Nicaragua]. CERD/C/NIC/CO/15-21, August 30, 2022.

of third parties and the extractive economic activities described above.

171. It also urges the State to recognize the central role of community territories in the enjoyment and exercise of their rights, the preservation of their cultural identity and ancestral practices, and the facilitation of their material survival and development. The Commission recalls the duty of the State to guarantee the right to a violence-free life for indigenous and Afro-descendant communities and their defenders in the face of threats, aggression or other acts of intimidation perpetrated by third parties or companies on their territories. In particular, the IACHR urges it to comply with the protection measures granted within the IAHRs and the recommendations issued by the Commission.

## D. Persons in the context of human mobility

172. In 2022, the information available to the Commission showed a worrisome massive increase in the flow of emigration of Nicaraguans, who were forcibly displaced to other countries as a consequence of the political, social, human rights and economic crisis. According to public information, from January to August, more than 100,000 Nicaraguans fled to the United States, mostly seeking asylum.<sup>306</sup> Moreover, UNHCR noted that more than 150,000 people were forced to seek international protection in Costa Rica alone, a trend that could eventually break the Costa Rican asylum system and overload the

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<sup>306</sup> In this regard, in her Oral Update on the situation of human rights in Nicaragua, the United Nations High Commissioner for Human Rights noted that: “In the last eight months, the number of Nicaraguan refugees and asylum seekers in Costa Rica has doubled, reaching a total of 150,000 new applicants since 2018. This represents three percent of Costa Rica’s population. The number of Nicaraguans intercepted at the borders of the United States of America is also experiencing an unprecedented increase, rising from 3,164 in September 2020 to 92,037 in April 2022. In March 2022, the number reached 16,088, the highest recorded to date for a single month, and eight times higher than that recorded in March 2021.” United Nations High Commissioner for Human Rights, Michelle Bachelet, [Actualización Oral sobre la situación de derechos humanos en Nicaragua](#), June 16, 2022. Also see: Inter-American Dialogue, [Apuesta por la Libertad, Garantizar una transición democrática en Nicaragua a través de la presión internacional](#), A Push for Freedom: Ensuring a Democratic Transition in Nicaragua through International Pressure]. May 2022.

support networks in the country.<sup>307</sup> In short, more than 250,000 persons have been forcibly displaced to other countries since 2018.<sup>308</sup>

173. In this regard, since late 2021, the IACHR has ascertained the increased number of Nicaraguans who have decided to leave the country because of the crackdown in the context of the presidential elections, the arbitrary detentions of political leaders, as well as the consequent economic and social deterioration, the lack of jobs and permanent human rights violations in the country.<sup>309</sup> In the current year these conditions have not changed. The political, social, and human rights crisis has had dire effects on the economic stability of the country, on top of the persistent repression and use of the full machinery of the State to persecute Nicaraguan civil society, the Church, the press, and this all continues to force thousands of people to flee from Nicaragua, including hundreds of members of more than 2,000 organizations whose legal status was arbitrarily revoked.<sup>310</sup>

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<sup>307</sup> According to UNHCR, these figures are confirmation that, as of February 2022, the number of Nicaraguans seeking protection in Costa Rica surpasses the total number of refugees and asylum seekers from 1980s war-torn Central America, when Costa Rica became a sanctuary for those fleeing the violence. UNHCR, [El número de nicaragüenses desplazados en Costa Rica se ha duplicado en menos de un año](#) [‘The number of Displaced Nicaraguans has doubled in less than one year’]. March 25, 2022.

<sup>308</sup> Inter-American Dialogue, [La Migración y la Democracia: alternativas entre la exclusión y la expulsión](#) [‘Migration and Democracy: alternatives between exclusion and expulsion’], June 2022, p. 8.

<sup>309</sup> IACHR, Annual Report 2021, Chapter IV.B Nicaragua, pars. 155 – 158.

<sup>310</sup> In this context, from July 25-29, the Commission conducted a promotional visit to Miami, state of Florida, United States of America and to San Jose, Costa Rica, in order to follow up on the situation of Nicaraguans who were forced to flee to those countries as a consequence of the crisis that began on April 18, 2018 in Nicaragua. In the framework of its visit to Florida, in the United States, the Commission received information and testimony about the increased number of Nicaraguans fleeing to that country because of repression, as well as the different risks and acts of harassment and violence that they face in their transit. For its part, in Costa Rica, civil society recognized that State’s receptiveness to the thousands of people who are displaced. Notwithstanding, they recounted challenges in the area of access to work, health, housing, and education faced by Nicaraguans seeking international protection in that country. Furthermore, the effects of the COVID-19 pandemic and the increased exodus of Nicaraguans from their country has exacerbated this situation. On its visit to both countries, the IACHR received information and testimony confirming that the crisis in Nicaragua continues to deepen. [IACHR Press release No. 179/22 - IACHR Concludes Promotional Visit to Miami, United States of America, and San José, Costa Rica to Monitor the Situation of Nicaraguan Individuals](#). Washington, D.C, August 12, 2022.

174. In the face of the serious crisis in Nicaragua and the situation of thousands of Nicaraguans who are forcibly displaced to other countries, the Commission calls on the States of the region to implement a strategy with a human rights and gender-based approach to the factors contributing to the displacement of Nicaraguans and their need for protection, including the granting of asylum and other protection measures in keeping with the Resolution “The Political and Human Rights Crisis in Nicaragua,” approved on October 5, 2022 by the OAS General Assembly.<sup>311</sup>

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<sup>311</sup> General Assembly, “Resolution The Political and Human Rights Crisis in Nicaragua,” adopted at the 52<sup>nd</sup> Regular Session, AG/doc.5780/22 rev. 1. Lima, Peru. October 5, 2022. Operative paragraph number. 4.



## **VI. CONCLUSIONS**



## VI. CONCLUSIONS

175. After Daniel Ortega took the oath of office in January 2022 for a fourth consecutive term, it became clear to the IACHR that there is no system of checks and balances in place in Nicaragua pursuant to the principles enshrined in its Constitution. On the contrary, the concentration of power in the hands of the executive branch has paved the way for the protracted imposition of a police state, where the current government maintains a regime of suppression of the people's rights and fundamental liberties. As a consequence, the political, social and human rights crisis continues to deepen, while a climate of fear and censorship pervades the country, helping the government to impose and spread an official narrative denying that there is even a crisis and that gross human rights violations have been perpetrated since April 18, 2018.
176. The IACHR has observed a lack of willingness of the Nicaraguan State to overcome the crisis affecting the country, as evidenced by the absence of comprehensive reform of State institutions, international isolation, failure to comply with the recommendations of the IACHR and the decisions of the IA Court of HR, as well as the failure to act to foster an inclusive, broad and effective dialogue to restore the rule of law and human rights of its people.
177. The Commission also noticed the intensification of a repressive strategy aimed at co-optation and total control of the civic space in order to silence any critical voices, stomp out dissidence or political opposition and heavily restrict participation of the people in matters of public and social interest. Specifically, it confirmed the forced closure of thousands of civil society organizations and dozens of media outlets; the intensification of the repression against the Catholic Church; the continuing criminalization of dissenting voices; the refusal to allow human rights defenders to enter the country; as well as calling and holding municipal elections in conditions that run afoul of international standards and recommendations on the subject matter.

178. The IACHR ascertained that dire conditions of detention of persons deprived of liberty persist in the context of the crisis, as well as a worrisome deterioration of their health and physical condition as a consequence of protracted detention in conditions contrary to human dignity. As of September 30, 209 individuals remained detained, 139 of whom were being held at different facilities of the National Penitentiary System, 50 at the Judicial Support Department “Evaristo Vázquez Sánchez” facility.<sup>312</sup>
179. A context of widespread and structural impunity persists in regard to gross human rights violations committed since 2018, which have resulted in the deaths of at least 355 people; more than 2,000 injured; more than 1,614 arrests; hundreds of arbitrary dismissals of health care professionals; more than 150 unjustified expulsions of university students; more than 2,000 civil society organizations forcibly closed, and their legal status revoked. More than 250,000 people have been forcibly displaced to other countries.
180. The Inter-American Commission once again renews its support for Nicaraguans to regain effective access to justice, reparation, rebuild their democracy and assert their right to memory and truth about the gross human rights violations that have been perpetrated. It also renews its call to the States of the region and the political bodies of the Organization of American States to put to good use the available tools provided for under the Convention to aid in restoring human rights and democratic institutions.

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<sup>312</sup> Mechanism for the Recognition of Political Prisoners, “[Lista – Informe preliminar personas presas políticas en Nicaragua](#)”. List – Preliminary report political prisoners in Nicaragua. September 29, 2022.



## **VII.RECOMMENDATIONS**



## VII. RECOMMENDATIONS

181. Based on the foregoing analysis, the Inter-American Commission renews its call for the State to comply with and implement the recommendations issued in the Final Report of its working visit to the country, the recommendations issued by the Interdisciplinary Group of Independent Experts (GIEI), as well as the recommendations issued under Chapter IV.B of its Annual Reports published from 2018 to 2021, which are still pending compliance. These include:

### General recommendations

1. Adopt the necessary measures to overcome the human rights crisis by reestablishing democratic institutions, the full validity of the rule of law, and fundamental freedoms, including the freedom of expression.
2. Promote and sustain an effective, legitimate, and inclusive dialogue with civil society. To this end, the State must foster the necessary conditions for building trust among the population through the cessation of repression, recognition of the events that occurred, and compliance with its international obligations in matters of truth, justice, and reparation.
3. Release all persons detained in the context of the crisis that began in 2018.
4. Initiate processes that promote truth, justice, and reparations to the victims of the serious crisis that the country is experiencing.
5. End impunity for human rights violations since the beginning of the crisis in 2018.
6. Reconsider the denunciation of the OAS Charter as submitted on November 18, 2021.

## Freedom of Expression

7. Immediately cease the judicial persecution, repression, stigmatization, attacks, threats and intimidation of individuals and groups who exercise their right to freedom of expression both on and offline, including journalists, human rights defenders, activists, artists, academicians, political opponents, and members of religious communities.
8. Provide full judicial guarantees to persons subjected to criminal proceedings for reasons linked to the exercise of the right to freedom of expression. Likewise, guarantee the rights to life and integrity of persons deprived of liberty who face criminal proceedings, with due respect for the dignity inherent to the human being, pursuant to international human rights standards.
9. Fully, exhaustively, and impartially investigate reports of violations of the human rights of persons deprived of liberty for reasons linked to the exercise of their right to freedom of expression.
10. Refrain from enforcing the law and using the resources and powers of the State arbitrarily, selectively and to set an example, and from engaging in abusive government practices in order to hinder or restrict the exercise of the rights to freedom of expression, freedom of peaceful assembly and freedom of association. In particular, cease any kind of pressure against journalists and the media, especially pressure aimed at punishing and silencing those who investigate and report on matters of public interest.
11. Refrain from pressuring or interfering in the media and cable operators, in both news content and editorial opinion, as well as in operations.
12. Refrain from retaliating against persons who file complaints or report information about matters of public interest, especially those linked to the human rights crisis in Nicaragua.
13. Refrain from arbitrarily hindering –including by indirect means – the activities of journalists, including the local press and international correspondents. In particular, restore the powers of operation of the international press in Nicaragua, in those instances where they have been arbitrarily restricted.

14. Guarantee the right of access to public information, observing the guiding principles of maximum disclosure and good faith. In particular, guarantee the right of the citizenry to gain access to the information of the State linked to reports of human rights violations and to judicial investigations into such violations.
15. Bring domestic law into line with international human rights standards. In particular, repeal any provision of law that infringes principles and standards in the area of freedom of expression, peaceful assembly and association, including the Special Law of Cybercrimes, the Law on Foreign Agents, the Law of Defense of the Rights of the People to Independence, Sovereignty and Self-Determination for Peace, and the Law of Regulation and Control of Non-Profit Organizations.
16. Refrain from taking measures that impede Nicaraguans' entry into or departure from the country for reasons linked to the exercise of the right to freedom of expression, such as the withholding of passports or the denial of any other kind of migration documentation.
17. Facilitate the operation of international observation mechanisms with respect to the situation of the right to freedom of expression in Nicaragua, which includes providing all official information that is deemed relevant.

## **Economic, Social, Cultural and Environmental Rights**

18. Increase the efforts to combat poverty and extreme poverty, gearing public policies towards guaranteeing the enjoyment and benefit of economic, social, cultural, and environmental rights (ESCERs) with particular attention to groups in situation of special vulnerability and the absence of protection of rights as a cause for human mobility. Any public policy must be implemented under parameters of inclusivity and non-discrimination, respecting pluralism and accountability mechanisms.
19. Regarding the general handling of the pandemic, the IACHR and SRESCER recommend that the State, make information transparent and provide up-to-date figures on the current situation of the health crisis and its impact on the Nicaraguan population. Accordingly, that information

should be based on scientific criteria and take into account guidelines of specialized international agencies. The IACHR and the SRESCER reiterate that any public policy decision in the context of the pandemic must consider the recommendations set forth in Resolutions 1/2020 and 4/2020, while actions taken in the framework of the process of vaccination must conform to the provisions of resolution 1/2021.

20. Comply with the provisions of the provisional measures requested by the Commission to the Inter-American Court, in order to guarantee medical care and adequate nutrition to persons deprived of liberty at different detention facilities in the country.
21. Stop all acts of harassment and persecution of any civil society organization that engages in activities benefiting the guarantee of ESCERs, such as health, education, and labor rights, especially those targeting persons in vulnerable situations.
22. The State also must cease all acts of persecution against the staff and faculty of higher education establishments. In that same regard, it must guarantee the right to academic freedom at all schools of all levels, avoiding any attempt to indoctrinate ideologies and fostering educational environments that are participatory, inclusive, and diverse.
23. Guarantee access to participation, information, and justice in the area of the environment, so that civil society organizations engaging in environmental defense are able to do so without any type of intimidation by the State; taking into consideration Inter-American standards, IACHR and SRESCER Resolution 3/2021 and the provisions of the Escazú Agreement to which the State is a party.
24. The State must refrain from engaging in practices that restrict the cultural rights of the general population and, in the framework of its international obligations, ensure that cultural spaces are fostered and protected, maintaining their accessibility for everyone without discrimination.
25. Refrain from harassing and persecuting public servants who do not belong to the government party, respecting their fundamental freedoms and the right to work in safe and dignified conditions.

## Human Rights Defenders

26. Cease all harassment and criminalization of human rights defenders, social leaders and students and guarantee conditions so that they can carry out their work and exercise their rights, in particular, their rights to freedom of expression, assembly and association.
27. Repeal all decrees involving the revocation of the legal status of civil society organizations that were approved without guaranteeing the right to due process of law of the affected persons. Immediately dismiss all administrative and criminal proceedings against the organizations themselves.
28. Bring the Law of Regulation of Foreign Agents, Law No. 1040, into line with international human rights standards and refrain from restricting civil society organizations from having access to funding, including access to foreign funding, in the framework of international cooperation and the standards governing this subject matter.
29. Urge State authorities to refrain from making public statements that stigmatize protesters, human rights defenders, journalists or from using State media to wage public campaigns that may encourage violence against persons because of their opinions.
30. Effectively protect defenders and journalists who are at risk because of their journalistic endeavors or human rights advocacy.
31. End the repression and arbitrary detention of leaders and members of the Catholic Church, as well as guaranteed people's freedom of religion.

## Persons Deprived of Liberty

32. Verify immediately that pretrial detention is used in accordance with international standards governing the subject matter, namely, the principles of exceptionality, legality, proportionality, and reasonableness. In the event that this measure does not strictly meet procedural criteria -such as flight risk or hampering the investigation-the use of alternative measures to detention must be determined.

33. Guarantee due process of law for detained persons. In particular, immediately inform the detainees, their family members, and representatives of the grounds and reasons for the detention. Likewise, an adequate defense must be ensured enabling the defendant to have regular contact with their legal representatives and to be involved in preparing for their respective hearings. In addition, it is essential for legal representatives to have unrestricted access to these hearings.
34. Guarantee the dignified treatment of people in the custody of the State. In particular, ensure that they receive medical attention in line with their specific health conditions, are given sufficient food with high nutritional value, and are housed in sanitary conditions.
35. Create the necessary conditions to ensure effective contact between persons deprived of liberty and their family members, by ensuring an adequate, regular, and scheduled system of visits. In that regard, the visits must be held at least on the basis of the periodicity stipulated in the Penitentiary Regulations and take place in a decent manner and in conditions that are in no way degrading to the persons deprived of liberty. The State must also guarantee delivery of medicines, food, and personal hygiene items to said persons.
36. Use solitary confinement measures in connection with maximum security systems on an exceptional basis and based on an individualized assessment of the risk involved, limited to the shortest amount of time possible, and as a last resort. Solitary confinement orders must be authorized by a competent authority and must be subject to independent review.
37. Adopt all necessary and comprehensive measures for the rights of women detainees to be effectively respected and guaranteed, so as not to suffer from discrimination and be protected against any form of violence that may arise as a result of their gender.

## Indigenous and Afro-descendant Communities

38. Guarantee the right of indigenous and Afro-descendant peoples to territory as the first step to safeguard their basic rights. In particular,

guarantee the complete and effective demarcation, titling, and clearance of their territories in accordance with international standards and the recommendations issued by the bodies of the Inter-American system.

39. Adopt all legislative measures to ensure the effective exercise of the right to prior, free, and informed consultation and consent of the indigenous communities, pursuant to international standards.
40. Guarantee the right of indigenous and Afro-descendant communities and their defenders to a life without violence, in the face of threats, aggression, and other acts of intimidation by third parties or companies in their territories.
41. Effectively comply with the precautionary measures granted by the Inter-American Commission and the provisional measures of the Inter-American Court in connection with indigenous communities and Afro-descendants of the Caribbean Coast. This entails facilitating and guaranteeing the participation of the representatives of the beneficiary communities and their defenders in the enforcement of the measures.

### **Internally Displaced Persons, Immigrants, Asylum Seekers, Refugees, and Beneficiaries of Additional Protection**

42. Refrain from and immediately cease acts of persecution against persons who are identified as opponents and adopt effective measures for the protection of persons who are in situations of persecution and risk.
43. Provide the necessary guarantees for persons to be able to transit through and reside in Nicaragua, which necessarily entails refraining from continuing to criminalize them and dealing with the causes that give rise to the displacement of Nicaraguans.
44. Protect and provide humanitarian assistance to persons who have been or will be forced to become internally displaced, as well as investigate and punish acts of violence that lead to internal displacement.
45. Guarantee that everyone can freely leave Nicaraguan territory and that their right to seek and receive asylum in foreign territory is respected, in

accordance with the provisions set forth in Article 22.2 and 22.7 of the American Convention on Human Rights.

46. Guarantee the right to voluntary safe return of its nationals, which entails providing real guarantees that they will not be targeted for persecution once they have returned to Nicaraguan territory.



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