



**fidh**



# Accountability now! Extrajudicial executions and repression in Nicaragua, 2018-2020

## Executive Summary

March of May 30, 2018, «Tribute to the Mothers of April».  
Cover photo: «Nicaragua mourns its dead», 2018. © Photography by Jader Flores.»

# Index

<b>Introduction .....</b>	<b>4</b>
<b>I. The 2018 extrajudicial executions as crimes against humanity.....</b>	<b>5</b>
1. Genesis and consolidation of the policy of repression.....	5
2. Extrajudicial executions as crimes against humanity .....	6
3. Entities responsible for crimes of extrajudicial execution .....	12
<b>II. 2019-2020 repression remains with the same actors but a different modus operandi.....</b>	<b>18</b>
1. Continued repression in 2019 and 2020 with the same perpetrators but a different modus operandi .....	18
2. Inadequate management of the Covid-19 pandemic and its effects .....	20
3. New legislation on social, political and economic control .....	21
<b>Conclusions and recommendations .....</b>	<b>22</b>

# Introduction

The 18<sup>th</sup> of April 2018 marked a turning point in Nicaragua, with the outbreak of student and citizen protests which, over the following months, led to the consolidation of a dictatorial regime based on impunity and systematic repression by State entities, operating in conjunction with parastatal entities.

That day, a group of students took to the streets to protest against a unilateral reform of the social security system, by which Daniel Ortega's government intended to increase workers' contributions and reduce retirement pensions. The police forces and parastatal entities linked to the ruling party, the Sandinista National Liberation Front (*Frente Sandinista de Liberación Nacional* - FSLN), quelled this spontaneous youth action with unbridled repression. This led to the outbreak of widespread protests that escalated over the subsequent days and weeks. Two attempts at national dialogue, the first of which was initiated on 16 May 2018, failed to halt the serious political and institutional crisis that persists today.

Yet the April rebellion did not happen by chance. Since Ortega's return to power in 2007, social discontent had been mounting. It increased further in the years leading up to 2018, amid an escalation of state coercion against individuals and organisations that were critical of the government, restrictions on freedom of expression and mobilisation, allegations of electoral fraud, and the increasingly evident loss of independence of the branches of the State, combined with the authoritarian concentration of power in the hands of the Executive. Indeed, the students who rose up in protest on 18 April had mobilised days earlier against government negligence in responding to a raging fire that threatened the Indio Maíz Reserve in the southeast of the country, in this same area where over a hundred peasant demonstrations had been held since 2013 against the project to build an inter-oceanic canal, which remains in limbo today.

The report "**Accountability now! Extrajudicial executions and repression in Nicaragua, 2018-2020**," produced by the International Federation for Human Rights (FIDH) and its member organisation in Nicaragua, the Nicaraguan Centre for Human Rights (*Centro Nicaragüense de Derechos Humanos* - CENIDH) is based on monitoring of the situation in the country over the period 2018-2020.

The report analyses 113 deaths reported to CENIDH among the 328 deaths recorded<sup>1</sup> during the repression. It describes the genesis and consolidation of the policy of repression, explores the extent to which the documented deaths amount to extrajudicial executions and crimes against humanity, and analyses the operation of the entities that contributed to the implementation of this system of repression. It reveals the ways in which the country continues to live under this regime of systematic repression and impunity, in a context of inadequate management of the Covid-19 pandemic by the regime and the implementation of new legislation imposing social, political and economic control on the population in general, and on human rights organisations and defenders in particular. Conclusions and recommendations are presented to the State of Nicaragua, the international community, the Organisation of American States, the universal system of the United Nations, and the European Union.

This executive summary of the report is divided into the following sections:

## **I. The 2018 extrajudicial executions as crimes against humanity**

1. Genesis and consolidation of the policy of repression
2. Extrajudicial executions as crimes against humanity
3. Entities responsible for crimes of extrajudicial execution

## **II. 2019-2020 repression remains with the same actors but a different modus operandi**

1. Continued repression in 2019 and 2020 with the same perpetrators but a different modus operandi
2. Inadequate management of the Covid-19 pandemic and its effects
3. New legislation on social, political and economic control

## **Conclusions and recommendations**

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1. "Así resiste Nicaragua la represión", CENIDH, 25 November 2019, available at <https://www.cenidh.org/recursos/85/>

# I. The 2018 extrajudicial executions as crimes against humanity

## 1. Genesis and consolidation of the policy of repression

The establishment and consolidation of the regime led by Daniel Ortega and his wife and Vice President, Rosario Murillo, dates back to 10 January 2007, when the current President returned to power for the second time, after serving a first term between 1985 and 1990. His return was facilitated by the so-called Alemán-Ortega pact (1998-2000),<sup>2</sup> which led to a series of constitutional reforms aimed at favouring his candidacy and which enabled him to win the 2006 elections, as an FSLN candidate, with 38% of the valid ballots cast.

At the same time, a new Electoral Law introduced limitations on the exercise of political rights by the Nicaraguan population, such as the exclusion of associations or other traditional forms of organisation from electoral processes; restrictions on the formation of political parties and the establishment of discretionary criteria to suspend and terminate them, which contributed to the neutralisation of candidates and opposition parties. This favoured the FSLN party, weakened the democratic structures in Nicaragua and gave way to the increasing institutionalisation of manipulated and fraudulent electoral processes, in a context of regression of democratic pluralism and worsening human rights violations, which would become more serious as of April 2018.

The pact with former Liberal President Arnaldo Alemán also laid the groundwork for giving a legal basis to Daniel Ortega's disputed presidential re-election in the 2011 general election. He ran despite an express prohibition in the Constitution under Article 147, which had been amended through the aberrant Ruling 504 issued by the Constitutional Chamber of the Supreme Court of Justice on 19 October 2009, so as to guarantee that he could remain in power. As of 2017, after winning the no less disputed elections of 6 November 2016, his wife Rosario Murillo was made Vice President, rendering the ruling family's presence more visible in the various offices of power and institutions.

In 2014, new constitutional reforms also strengthened the concentration of power in the figure of the President of the Republic, granting him the power to issue executive decrees of general application in administrative matters, to provide direct leadership to the Army and the National Police as Supreme Chief of those institutions, and to authorise the involvement of the Army in civil activities. This has made it possible to create a model of government in which all the branches of the State (Executive, Legislative, Judicial, Electoral), the public forces (National Police and Army), the Prosecutor's Office, the Office of the Human Rights Ombudsperson (*Procuraduría para la Defensa de los Derechos Humanos*) and even public universities, act in concert according to the political project driven by the Ortega Murillo regime.

These elements are essential to understanding the progressive weakening of democratic institutions and the rule of law prior to the repression which began in April 2018, as well as the coordinated repressive strategy of the State in the face of social protests.

### The 2018 repression

Many serious human rights violations were committed in the course of 2018, including arbitrary detention and killings. The 2018 repression highlighted the government's practice of maintaining a permanent state of exception, which evolved in several stages:

#### Stage 1: Violent repression of protests between April and May 2018

The outrage at the killing of three people during the peaceful self-organised protests carried out by students and people affected by the announced social security reform on 18 and 19 April led to the extension of the protests to other universities in the country and other cities (National University of Engineering (*Universidad Nacional de Ingeniería* - UNI), National Autonomous University of León,

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2. See Medina, Fabián, "Diez datos para entender el pacto Alemán-Ortega", *Magazine - La Prensa Nicaragua* (blog), 13 April 2019, <https://www.laprensa.com.ni/magazine/reportaje/pacto/>



## 2. Extrajudicial executions as crimes against humanity

Agrarian University, Polytechnic University of Nicaragua (*Universidad Politécnica de Nicaragua - UPOLI*)). Within three weeks, more than 70 people had been killed by the police and parastatal<sup>3</sup> Ortegaista groups. On 30 May, a march was organised in solidarity with the mothers of the deceased. Police and parastatal Ortegaista groups shot into the crowd, killing 19 people and injuring dozens of others. During this period, hundreds of people were arbitrarily detained.



A masked young man protests against Nicaraguan President Daniel Ortega's government in front of a line of riot police blocking a street in Managua, on September 13, 2018, Inti Ocon / AFP.

### Stage 2: Imposition of a state of terror and “Operation Clean-up” between June and July 2018

In June, demonstrators erected roadblocks (known as “*tranques*”) in villages and on roads inside the country. The State reacted by launching “operation clean-up” (“*operación limpieza*”), in which parastatal Ortegaista groups in coordination with the state security forces continued to carry out extrajudicial executions in order to dismantle the roadblocks. Further killings were recorded during the social protests which took place in the period up to 23 September 2018, when a march called “We are the voice of our political prisoners” took place. At that date, the death toll following this wave of repression was 328 people. Arbitrary detention also continued with a total of more than 700 people arbitrarily detained with disproportionate use of force.

### Stage 3: Criminalisation of social protest, selective detention of former political prisoners and shutting down of civil society space

On 16 July 2018<sup>4</sup>, the National Assembly, with its majority of FSLN representatives, approved the Law on Money Laundering, Financing of Terrorism and Financing of the Proliferation of Weapons of Mass Destruction. This legislation is a tool to criminalise peaceful social protest. Its text is vague

3. These are parallel structures to the state security forces which act in coordination and connection with state agents, and with their acquiescence, in joint or separate operations and in intelligence, intimidation and repression activities

4. See, National Assembly of the Republic of Nicaragua, “*Ley contra el Lavado de Activos, el Financiamiento al Terrorismo y el Financiamiento a la Proliferación de Armas de Destrucción Masiva*”, Law No. 977, adopted on 16 July 2018. Published in *La Gaceta Diario Oficial* (Official Journal) No. 138 of 20 July 2018, 20 July 2018, <http://legislacion.asamblea.gob.ni/Normaweb.nsf/xpNorma.xsp?documentId=BB5A26A950E18E13062582D5007698FC&action=openDocument>.

and broad, making it easy to apply it against people who are simply exercising their right to protest.

In December of the same year, as part of the institutionalised repression, the National Assembly also approved the cancellation of the legal status of nine civil society organisations, including CENIDH.<sup>5</sup> This decision was accompanied by coordinated National Police operations, to conduct raids and occupation of NGO premises and enforce immediate dispossession of their property, with particular zeal against CENIDH, which has also suffered constant attacks involving defamation, harassment, threats against and persecution of its members. Alongside other actions of the executive and the judiciary, the decision has had a marked impact on the activities and actions of CENIDH, which has had a significant effect on the security of its members and on the assistance provided to victims who turn to CENIDH on a daily basis, contributing to further deterioration of the human rights situation in the country. Yet, despite the frequent acts of harassment, persecution and threats, CENIDH's work aimed at denouncing and documenting human rights violations continues unabated. Faced with this context, the Inter-American Commission on Human Rights (IACHR) requested the Inter-American Court of Human Rights (Inter-American Court) to replace the existing precautionary measures (2008) with provisional measures, on the grounds of increased repression and constant persecution against the CENIDH team. The government in office has not complied with the precautionary measures requested by the Commission, nor has it responded to the Inter-American Court on the issue of provisional measures.

Persecution of the independent media has been another key element in the State's repressive policy, ranging from the destruction and burning down of *Radio Dario* in Leon on 20 April 2018 by clash groups ("*fuerzas de choque*"), to the closure and occupation by the National Police of the offices of the weekly newspaper *Confidencial* and the "*Esta Semana*" and "*Esta Noche*" television programmes, as well as the headquarters of the television channel *100% Noticias*. The director of *100% Noticias*, Miguel Mora, and head of press, Lucía Pineda Ubau, were imprisoned for almost six months and accused of the crimes of "incitement, solicitation and conspiracy to commit terrorist acts", which the authorities claimed were committed in the course of their work as journalists. The buildings in which NGOs and the media used to operate continue to be illegally occupied by the police to this day.<sup>6</sup> In this context, the National Assembly also approved reforms to the Organic Law on Legislative Power and the nationalisation of private companies, in order to avoid the impact of the sanctions imposed by the governments of the United States and Canada on the President of the National Assembly, Deputy Gustavo Porras, on the grounds of his involvement in serious human rights violations during state repression of the protests. Similar sanctions have been imposed on approximately twenty senior government officials and persons close to Ortega since April 2018.

### **Research methodology**

Looking at 113 cases from among the 328 recorded deaths, the research team from FIDH and CENIDH developed a methodology for analysing the information, based on an assessment of the context, i.e. the facts surrounding each death, the evidence, and the national and international legal framework, in order to determine the legal significance of each case.

The study found that, from 18 April 2018, state and parastatal entities acted in coordination and connection with the highest public authorities within the State apparatus, under their direction and with their acquiescence.

Among the sources of information, in addition to the documentation of cases carried out by CENIDH, the research team organised information available from open sources in relation to the context and operations carried out by state and parastatal agents. In addition, information

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5. On 12 December 2018, CENIDH had its legal status cancelled. On the evening of 13 December, the Ministry of the Interior carried out a raid on its offices, deploying 60 police officers, who tied up and beat the security guard José Morales. They destroyed and looted equipment and documentation. By 14 December, its bank accounts had been frozen.

6. "Represión contra medios en Nicaragua, como pocas vistas en América latina", La Prensa, 24 August 2019, <https://www.laprensa.com.ni/2019/08/24/nacionales/2582499-represion-contra-medios-en-nicaragua-como-pocas-vistas-en-america-latina-asegura-relator-especial-para-la-libertad-de-expresion-de-la-cidh>. CENIDH, "Derechos Humanos en Nicaragua," July-August 2019, published on 13 September 2019, Managua, Nicaragua, available at [https://www.cenidh.org/media/documents/docfile/INFORME\\_CENIDH\\_julio\\_agosto.pdf](https://www.cenidh.org/media/documents/docfile/INFORME_CENIDH_julio_agosto.pdf).

on the events surrounding the deaths of the 113 individuals was obtained through meetings and interviews with survivors and key figures held during three missions in Nicaragua carried out by FIDH in coordination with CENIDH, in August and October 2019, and February 2020.

It has been a major challenge to document cases related to extrajudicial executions and other serious human rights violations, in particular to obtain official information given the widespread fear in the country arising from the repression. Although it was not possible to hold meetings with state agents to exchange on the information, this was offset by organising and analysing information contained in the four reports published to date by the Truth, Justice and Peace Commission (*Comisión de la Verdad, Justicia y Paz* - CVJP).

Government's observations on reports presented by international human rights organisations and mechanisms, press releases and statements by the National Police, as well as information published in the media and on social networks containing the government's version of events were also analysed.

### ***General definitions of the crime of extrajudicial execution and crimes against humanity:***

An extrajudicial execution consists of the arbitrary deprivation of the life of one or more persons by state agents, or by individuals acting under their command or with their complicity or acquiescence, without the sanction of any judicial proceeding or legal process. Extrajudicial executions may be carried out by a state agent in the exercise of his or her authority, in isolation, with or without political motivation, or more seriously, as an act forming part of an institutional pattern.<sup>7</sup>

Crimes against humanity form a category under international law, as codified in Article 7 of the Rome Statute of the International Criminal Court. According to the Rome Statute, crimes against humanity are defined as any of the following acts when committed as part of a widespread or systematic attack directed against any civilian population and with knowledge of the attack: murder, extermination, enslavement, deportation or forcible transfer of population, imprisonment or other severe deprivation of physical liberty, torture, enforced disappearance of persons, apartheid rape, sexual slavery<sup>8</sup> and other inhumane acts of similar character.

In accordance with the above definition, as demonstrated in this study, attacks against demonstrations and *tranques*<sup>9</sup> (roadblocks) reveal repeated patterns, with state and parastatal actors carrying out organised attacks of various kinds (murders, arbitrary detention, disappearances, persecution, etc.) on a large scale (over a hundred deaths), in a widespread manner (in many localities and regions of the country), against the civilian population, intentionally and with knowledge, and sometimes with the express purpose of committing such an attack. The deaths, as well as other events documented in this report, fall within the definition of crimes against humanity, regardless of whether the victims were demonstrators (considered to be enemies of the regime) or bystanders.

### ***General characterisation of the victims***

The characterisation of citizens as the internal enemy has been a key element of the repression implemented by state and parastatal agents. Within this category the government includes a large section of the population who are not involved in activism and have no political affinity, including the so-called "self-organised" individuals who joined protests in response to the intensity and scale of the repression. It also includes students who rejected the student leadership; journalists who reported on the demonstrations; health personnel who provided medical assistance to the demonstrators; church members and human rights defenders and organisations, among others.

In her statements following the repression carried out by state and parastatal agents on 18 April 2018 targeting those protesting against the social security reforms, Vice-President Rosario Murillo referred to protesters as "...very small groups who threaten peace and development with political, selfish,

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7. Henderson, Humberto, "La ejecución extrajudicial o el homicidio en las legislaciones de América Latina", *Revista del Instituto Interamericano de Derechos Humanos, Costa Rica*, Vol. 43, 2006, p. 285, available at <https://www.corteidh.or.cr/tablas/R08060-7.pdf>.

8. FIDH (2020), *Guide, Sexual and gender-based violence: a glossary from A to Z*, pp. 38-40, [https://www.fidh.org/IMG/pdf/atoz\\_en\\_book\\_screen.pdf](https://www.fidh.org/IMG/pdf/atoz_en_book_screen.pdf).

9. *Tranques* are roadblocks set up using rocks, paving stones or logs by demonstrators to block the passage of government forces on streets and roads. During the 2018 protests, more than a hundred *tranques* were set up in different parts of the country.



toxic, hate-filled interests and agendas...”, thereby obscuring in the official discourse the intensity and scale of the repression against the elderly, students and self-organised individuals in general.

It is therefore clear that the government was aware that student demonstrators were not political activists, and that their motives for protesting were linked to social security reforms, as was the case, for example, of Richard Eduardo Pavón Bermúdez, murdered on 19 April 2018, Marlon Manases Martínez Ramírez, murdered on 20 April 2018, and Moroni Jacob López García, murdered on 21 April 2018.

**Most of the victims, participating in the demonstrations were not activists and were not affiliated to any political party:**

The majority of those murdered during the April 2018 repression - which is the subject of analysis in this report - took part in the demonstrations between April and September of the same year, without necessarily being activists or members of any Nicaraguan political party.

An analysis of the facts shows that as the repression intensified, demonstrations were joined by individuals reacting not only to the repression in general, but also to the attacks suffered by relatives, friends and fellow students, as it was the case, for example, of Maycol Cipriano Gonzalez Hernandez, murdered on 30 May 2018, and Roberto Pablo Corea Chavez, murdered on 12 June 2018.

With regard to political links, it has been established that most of the victims were not involved in activism and had no political affinity with any party. Data show that 98 (86.73%) of the victims were individuals without direct or indirect links to political movements but who participated in the social movement initiated in April 2018. Only 11 (9.73%) of the 113 victims were activists or had political affiliation with the governing party (FSLN), either directly or through family members, and 4 (3.54%) had links with opposition parties.

Another relevant aspect of the profile of the victims concerns the issue of participation in demonstrations. According to the documentation and analysis carried out, 87 of the 113 victims participated in the demonstrations or supported the demonstrators (76.99%), while 20 victims did not participate in the demonstrations (17.70%). In the case of another 6 victims, there is no information making it possible to affirm or exclude their direct or indirect participation in the demonstrations.

**Young people and children among those most affected by attacks on demonstrations:**

According to the fourth report of the Truth, Justice and Peace Commission,<sup>10</sup> 16 of the 251 recorded victims were under 16 years of age; 73 were aged between 18 and 24 years; 71 between 25 and 34 years; 44 between 35 and 44 years; 25 between 45 and 54 years; 19 between 55 and 64 years and 3 victims were aged 65 years or older. This makes it clear that the repression was directed against the youth population, mainly of school and university age, with the youngest victim under one year of age and the oldest victim aged 80.

With regard to the profile of the cases of the 113 victims analysed in this report, 92% of them had not reached the age of 45, 67% were within the age range of university students (18-34 years) and 12% were minors, with the youngest victim aged 14 months whose death was the result of an indiscriminate attack by parastatal elements.

***Patterns of activity showing the widespread and systematic nature of extrajudicial executions***

The demonstrations and roadblocks conducted between 18 April and 23 September 2018 met with a repressive response from the government through coordinated and connected actions by state and parastatal agents, which resulted in 328 deaths. Based on analysis of the 113 cases examined, CENIDH and FIDH identified the following patterns of action in relation to the murders of individuals considered enemies of the regime:

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10. Truth, Justice and Peace Commission, “IV Informe Preliminar”; Truth, Justice and Peace Commission, “IV Informe Aclaración y Verificación de Fallecidos - Periodo 18 abril 2018 al 15 julio 2019 - Resumen Ilustrado”.

As of 18 April 2018, members of the National Police, with the help of parastatal entities that mobilised using vehicles owned by government institutions, attacked those participating in the demonstrations and prevented them from exercising their rights to demonstrate and protest. The protesters were subject to planned sieges, by which they were penned in for easy attack. The use of firearms causing death and injury as a strategy to generate fear became commonplace, while the eviction of demonstrators by means of the use of firearms had the additional objective of causing material damage. This behaviour was replicated throughout the country. In addition, people injured during the demonstrations were prevented from receiving medical care in public hospitals.

i. **Direct attacks against demonstrators** caused the death of 56 people in various cities throughout the country, while attacks against people not linked to the demonstrations resulted in 9 deaths (2 in Estelí, 1 in León, 5 in Managua and 1 in Masaya).

- **Ángel Eduardo Gahona, 42 years old**, a journalist working for the news programme “*El Meridiano*”, was murdered on 21 April 2018 while he was making a live broadcast of the citizen protests in the city of Bluefields, in the South Caribbean Coast Autonomous Region (RACCS). His murder is evidence of the increased targeting and censorship of independent media by the regime.
- **Michael Humberto Cruz Sánchez, 30 years old**, a graduate student at the Polytechnic University (Upoli), was murdered on 20 April 2018 during a police attack on Upoli, during which he was shot in the chest and head.
- **Franco Alexander Valdivia Machado, 24 years old**, a university student, was murdered on 20 April 2018 in the city of Estelí, while taking part in a student protest in front of the town hall, where he was shot by a sniper, causing his instant death.

ii. **Attacks against roadblocks**: during the first few days of June 2018, the National Police and members of parastatal entities launched their “Operation Clean-up”, using weapons for the exclusive use of the Army. The siege carried out in the “clean-up” operations to dismantle the roadblocks caused the death of at least 27 people in various cities across the country.

- **Junior Gaitán, 15 years old**, was murdered on 2 June in Monimbó, Masaya. According to a witness, a policeman shot him point-blank in the chest, as he knelt down and begged: “Don’t kill me man, you know me” but the policeman showed no mercy”.
- **Marcelo Mayorga** was murdered during the “clean-up” operation carried out by the National Police on 19 June 2018 in Masaya. He was shot in the head and left lying on the ground in a pool of his own blood. His wife recovered his body while being threatened by heavily armed police.



Murder of Marcelo Mayorga during the Operation Clean-Up (“*Operación Limpieza*”) in Masaya, on June 19, 2018. Photography: Taken from social networks.

iii. **Disappearances, detention, persecution and looting by state and parastatal agents**, causing the deaths of 15 people in various cities around the country.

Direct attacks against individuals considered enemies by state and parastatal agents, continued beyond the events surrounding demonstrations and roadblocks that took place between April and September 2018, causing the deaths of 6 people out of the 113 cases documented by the CENIDH team (3 in Trojes, el Paraíso, Honduras, 2 in Jinotega and 1 in León).

- The Montenegro family cases, murders documented by CENIDH, reflect the existence of a vicious campaign against those who participated in the April 2018 demonstrations. Olivier José Montenegro Centeno from the municipality of El Cuá, Jinotenga and his brother Edgard Montenegro Centeno, who took part in the social protest that began in April 2018, were forced to leave the area for a while, due to direct death threats from the police and supporters of the regime. Subsequently, Olivier Montenegro was killed on 23 January 2019, 200 metres from his property and his brother Edgard was killed on 27 June of the same year, along with his foster son Yalmar Antonio Zeledón Olivas, who was shot in the neck and in the leg. In order to escape death threats, Edgard and Yalmar had sought refuge in Trojes, a municipality in the department of El Paraíso, Honduras, where they were killed. At the end of August 2019, a fourth member of the Montenegro family, Francisco Blandón Barrera, was gunned down by a stranger on a motorbike in the community of San José de Maleconcito in the municipality of Wiwilí, Jinotega, when he returned from shopping.

iv. Deaths from **targeted and indiscriminate attacks** took place during the attacks on demonstrations and roadblocks in the period from 18 April to 23 September 2018, which also coincided with disappearances, detention, persecution, looting and arson. Targeted attacks differ from indiscriminate attacks in terms of the profile of the victim and the context of disappearance, detention or persecution surrounding death. This practice was frequent at the end of demonstrations or when people were moving to or from the roadblocks.

- **Gerald Vásquez, 19 years old**, was murdered by a shot in the head on 14 July 2018. Together with a group of young people defending the protest trenches of the National Autonomous University of Nicaragua in Managua (UNAN-Managua), he had taken refuge in the church Divina Misericordia, to protect himself from the brutal attack by the paramilitaries and police. On the same day Francisco Flores, 21 years old, was also murdered.



Susana López, mother of Gerald Vásquez, murdered on July 14, 2018, in the attack on Divina Misericordia Church, Managua, demands justice in front of her son's coffin. © Photography by Carlos Herrera, for Confidencial, Nicaragua: [www.confidencial.com.ni](http://www.confidencial.com.ni)



There were also cases in which the victim was preselected by the aggressors. Targeted attacks have continued since 23 September 2018 until the time of writing this report.

From an analysis of the cases, it can be concluded that extrajudicial executions carried out by means of targeted attacks reflected a model of punishment against demonstrators, while those caused by means of indiscriminate attacks reflected a model of widespread terror, with the aim of exercising control over the population.

### **3. Entities responsible for crimes of extrajudicial execution**

#### ***Profile of the perpetrators responsible for the deaths of the 113 individuals***

Documentation of the cases reveals that state and parastatal agents participated jointly and separately in the operations deployed, with the knowledge and tolerance of the highest authorities of the State, and under their direction, each of them playing specific roles in the perpetration of the death of the abovementioned individuals, within the scope of their duties.

With regard to the profile of those responsible, it has been established that the deaths of 28 of the 113 people covered by this study can be attributed to operations carried out by state agents; 33 to operations carried out by parastatal agents and 45 to operations carried out jointly by state and parastatal agents. It has not yet been possible to establish the responsibility of state agents, parastatal agents or both in the deaths of the remaining 7 people.

Furthermore, the deaths of 31 of the 113 victims reported in this study are allegedly attributable to persons identified with names, nicknames, aliases and positions, whether they are state agents or members of parastatal groups belonging to the Sandinista Youth or gangs. These individuals served in public entities and included ex-policemen, ex-military, ex-combatants and/or persons identified simply as paramilitaries.

Elements relating to the profile of the perpetrators both as entities and as senior officials in such entities are summarised below.

#### **a. State agents**

With regard to the state structures identified as being responsible for the planning, control and implementation of extrajudicial executions, three (3) structures can be mentioned: the institutional political leadership structure; the police structure; and the health system structure.

#### **On the institutional political leadership structure and individual perpetrators**

The political leadership structure includes Daniel Ortega, President of the Republic; Néstor Moncada Lau, Private Secretary to the President of the Republic; Oscar Salvador Mojica Obregón, Minister of Transportation and Infrastructure since 18 August 2017; Orlando José Castillo Castillo, Director General of the Nicaraguan Institute of Telecommunications and Postal Service (*Instituto Nicaragüense de Telecomunicaciones y Correos – TELCOR*) (who died in 2020); Roberto José López Gómez, Director of the Nicaraguan Social Security Institute (*Instituto Nicaragüense de Seguridad Social – INSS*); and Bosco Castillo Cruz, Minister for Youth.

With regard to the institutional political leadership structure, it can be concluded that each of the individuals identified contributed, within the operational scope of the positions held, by action or omission, to the perpetration of killings of persons considered to be enemies of the regime in the context of demonstrations, roadblocks, targeted attacks and indiscriminate attacks in which acts of leadership, coordination, planning and tolerance or acquiescence in relation to the actions of state and parastatal entities have been observed.

In this framework, the President of the Republic, Daniel Ortega, is the highest authority in the country's government and security forces, and also the General Secretary of the FSLN Party. By legal provision, he is the Supreme Chief of the National Police, a hierarchical entity that carried out systematic, widespread, targeted and indiscriminate operations against persons considered to be enemies, by means of joint or separate actions with parastatal agents, as

part of the strategy to control, neutralise and eliminate any demonstration, protest or social demand against the regime.

Furthermore, with regard to the repression unleashed since 18 April 2018, Daniel Ortega has justified the actions of the National Police and paramilitary groups that have caused the deaths of more than 300 people whom he considers to be “*golpistas*” (“coup perpetrators”).<sup>11</sup>

With respect to the participation of Néstor Moncada Lau, his actions as security advisor to the President and the Vice President of the Republic have been documented, as well as his work generating links with the FSLN Secretariat and various government entities that have been key to the repression directed against those considered as “opponents” since April 2018.<sup>12</sup>

Moreover, he is understood to have played various intelligence roles aimed at controlling and neutralising demonstrations against the government, to have made payments to counter these protests, and is alleged to have carried out blackmail and bribery<sup>13</sup> to obtain support or prevent expression of opposition to the regime.<sup>14</sup>

Oscar Salvador Mojica Obregón is understood to have designed the “exile, prison or death” strategy to neutralise opposition to the Ortega regime.<sup>15</sup> This policy has led to the continuation of serious human rights violations against persons considered to be opponents of the regime since April 2018.<sup>16</sup>

In an audio recording, Mojica claimed that they defeated the opposition on 30 May 2018, among the dates with the highest numbers of extrajudicial executions in the country; as well as with the caravans to remove the roadblocks in the national territory. These events resulted in an increase in the number of deaths, injuries, prisoners and exiles. According to his own statements, he also contributed to the stigmatisation of people considered to be “opponents”, especially political prisoners, saying that “they should be neutralised every time they raise a finger”.<sup>17</sup>

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11. See Annex containing speeches of President Daniel Ortega in the full report.

12. See Flores, Judith, “Rosario Murillo y Néstor Moncada Lau estrenaron programa de sanciones de la OFAC para Nicaragua”, *La Prensa* (blog), 14 December 2018, <https://www.laprensa.com.ni/2018/12/14/politica/2505457-rosario-murillo-y-nestor-moncada-lau-estrenaron-programa-de-sanciones-de-la-ofac-para-nicaragua>; Confidencial.com.ni, “Néstor Moncada Lau, el custodio de los secretos de El Carmen”, *Confidencial* (blog), 2 December 2018, <https://confidencial.com.ni/nestor-moncada-lau-el-custodio-de-los-secretos-de-el-carmen/>.

13. Office of Foreign Assets Control, Press release, “Treasury Targets Nicaraguan Vice President and Key Advisor over Violent Response to Protests”, U.S. Department of the Treasury, 27 November 2018, <https://home.treasury.gov/news/press-releases/sm554->

14. Silva, José Adán and Roy Moncada, “Sanción de Estados Unidos a Oscar Mojica es un mensaje para el Ejército, según expertos”, *La Prensa* (blog), 23 June 2019, <https://www.laprensa.com.ni/2019/06/22/politica/2562773-sancion-de-estados-unidos-oscar-mojica-es-un-mensaje-para-el-ejercito-segun-expertos>; E&N, “Nicaragua: EEUU bloquea cuentas e intereses de Rosario Murillo”, *Revista Estrategia & Negocios*, 27 November 2018, <https://www.estrategiaynegocios.net/lasclavesdeldia/1237384-330/nicaragua-eeuu-bloquea-cuentas-e-intereses-de-rosario-murillo>; Connectas.org, “El laberinto de Daniel Ortega”, *CONNECTAS* (blog), last accessed on 7 April 2020, <https://www.connectas.org/analisis/el-laberinto-de-daniel-ortega/>; Martínez, Moisés, “Los Intocables del Régimen: Néstor Moncada Lau, el ejecutor entre las sombras”, 13 June 2018, <http://kiosko.gepnicaragua.com/uploads/la-prensa/2018/06/20180613/files/assets/common/downloads/page0005.pdf>.

15. Elnuevodiario.com.ni, “Razones por las que EEUU sancionó a Gustavo Porras, Sonia Castro, Orlando Castillo y Oscar Mojica”, *El Nuevo Diario*, 21 June 2019, <http://www.elnuevodiario.com.ni/nacionales/494836-sanciones-estados-unidos-funcionarios-nicaragua/>.

16. Rojas, Jorge, “(+Video) General Oscar Mojica: La fuerza del sandinismo es imbatible”, *Canal 4 Nicaragua*, 18 July 2019, <https://www.canal4.com.ni/index.php/multinoticias/49462-oscar-mojica-sandinismo-imbatible>; *La Prensa*, “¿Quién es Oscar Mojica, uno de los sancionados por Estados Unidos?”, 21 June 2019, <https://www.laprensa.com.ni/2019/06/21/politica/2562347-quien-es-oscar-mojica-uno-de-los-sancionados-por-estados-unidos>; #LaPrensaLive 13 April 2018, last accessed on 7 April 2020, [https://www.facebook.com/laprensanicaragua/videos/10155731653264790/?comment\\_tracking=%7B%22tn%22%3A%22O%22%7D](https://www.facebook.com/laprensanicaragua/videos/10155731653264790/?comment_tracking=%7B%22tn%22%3A%22O%22%7D); Chamorro, Carlos, “Carlos F. Chamorro en Twitter: ‘Miren quién anda de guardaespaldas de Laureano Ortega en la cumbre de Doha, intentando alejar al periodista para que no le haga preguntas al funcionario sancionado’”, <https://t.co/CBORJPAmAB> / Twitter, 15 December 2019, <https://twitter.com/cefeche/status/1206275451972440066>; López Orrante, Alfonso, “El suicidio, una opción que toman los opositores al gobierno de Nicaragua”, *Cobertura 360*, 27 January 2020, <https://cobertura360.mx/2020/01/27/el-extranjero/el-suicidio-una-opcion-que-toman-los-opositores-a-la-dictadura-de-nicaragua/>; <https://www.estrategiaynegocios.net/lasclavesdeldia/1237384-330/nicaragua-eeuu-bloquea-cuentas-e-intereses-de-rosario-murillo>; Connectas.org, “El laberinto de Daniel Ortega”, *CONNECTAS* (blog), last accessed on 7 April 2020, <https://www.connectas.org/analisis/el-laberinto-de-daniel-ortega/>; Martínez, Moisés, “Los Intocables del Régimen: Néstor Moncada Lau, el ejecutor entre las sombras”, <http://kiosko.gepnicaragua.com/uploads/la-prensa/2018/06/20180613/files/assets/common/downloads/page0005.pdf>.

17. See “Oscar Mojica exhorta a orteguistas a ‘neutralizar’ a los opositores ‘cada vez que levanten un dedo’”, 22 June 2019, <http://spotlightnic.com/2019/06/22/oscar-mojica-exhorta-a-orteguistas-a-neutralizar-a-los-opositores-cada-vez-que-levanten-un-dedo/>; Velásquez, Uriel, “Mojica : ‘Tenemos que neutralizar a los puchitos cada vez que levanten un dedo’ | Despacho 505”, 22 June 2019, <https://www.despacho505.com/mojica-tenemos-que-neutralizar-a-los-puchitos-cada-vez-que-levanten-un-dedo/>; Office of Foreign Assets Control, “Issuance of a new Nicaragua-related Executive Order; Nicaragua-related Designations”, U.S. Department of the Treasury, 27 November 2018, <https://home.treasury.gov/policy-issues/financial-sanctions/recent-actions>.



It is important to underline that from April 2018, Orlando Castillo, then the highest-ranking official in TELCOR, was in charge of taking action to control and neutralise the media considered to be opposed to the regime, within the framework of the multiple attacks that have constituted violations of the right to freedom of expression, freedom of the press and the right of the population to be informed. These actions include the suspension and blocking of transmission of various television channels, including *Canal 12*, *Canal de Noticias de Nicaragua* (CDNN23), *Telenorte*, *Canal 51* and *100% Noticias*, and of digital media such as the weekly *Confidencial*, which covered the issues related to the protests and social demands.

In addition, TELCOR is one of the institutions that has on its payroll young people recruited and trained by the police to act as “clash groups” (*grupos de choque*). They are used to commit acts of repression against individuals considered to be opponents of the regime, under the coordination or tolerance of state agents.<sup>18</sup>

Roberto José López Gómez, Director of the INSS, is alleged to have contributed to the serious human rights violations committed since April 2018, notably by including on the INSS payroll members of clash groups who have been recruited, trained and armed to commit acts of aggression against members of the opposition. According to documentation by the Interdisciplinary Group of Independent Experts for Nicaragua (*Grupo interdisciplinario de expertos independientes* - GIEI), the secretaries of the ruling political party are in charge of recruitment, particularly through the programme “Young people at risk” managed by the Youth Affairs Division of the National Police. These individuals are put on the payroll of various state institutions, including the INSS, “[...] while others go back to their neighbourhoods, awaiting calls from the police or leaders in charge of each neighbourhood, district or city”.<sup>19</sup>

This case is similar to that of Mr. Bosco Castillo Cruz, Minister for Youth. The GIEI found that the Ministry of Youth was one of the institutions putting on the payroll young people employed as members of clash groups in the repression that began in April 2018.<sup>20</sup> Moreover, according to information in the public domain, while the Ministry of Youth has been acting as one of the regime’s indoctrination centres, its budget has increased.<sup>21</sup>

## **-On the police structure**

The National Police has been the most visible state entity implementing plans and strategies aimed at repressing those considered to be opponents of the regime. Since 2014 it has been under the direct responsibility of the President of the Republic. Prior to 2018, it had already been involved in serious human rights violations.

In addition to the President of the Republic who holds the position of Supreme Chief of the institution, the following individuals are alleged to bear responsibility, within the operational scope of their positions: Aminta Elena Granera Sacasa, Director of the National Police from 5 September 2006 to 31 August 2018; Francisco Javier Díaz Madriz, Director of the National Police of Nicaragua from 5 September 2018 to the present day (he has *de facto* held this position since 2011); Ramón Antonio Avellán Medal, Deputy Director of the National Police; Juan Antonio Valle Valle, Head of the Surveillance and Patrol Division of the National Police; Justo Pastor Urbina, Head of the Special Police Operations Division (*Dirección de Operaciones Especiales Policiales* - DOEP); Fidel de Jesús Domínguez Álvarez, Chief Police Commissioner in the Department of León, and Adolfo Joel Marengo Corea, General Commissioner, Deputy Director of the National Police and Head of Police Investigation and Political Intelligence.

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18. See GIEI, *NICARAGUA: Informe sobre los hechos de violencia ocurridos entre el 18 de abril y el 30 de mayo de 2018* (NICARAGUA: Report on acts of violence between 18 April and 30 May 2018), <https://www.oas.org/es/cidh/actividades/giei-nicaragua/GIEI-INFORME.pdf>.

19. *Idem* pp. 55 and 191, last accessed on 18 November 2019.

20. See GIEI, *NICARAGUA: Informe sobre los hechos de violencia ocurridos entre el 18 de abril y el 30 de mayo de 2018*.

21. See *Despacho 505*, “Viceministra y secretaria general del Ministerio de la Juventud resign”, *Despacho 505* (blog), 24 March 2020, <https://www.despacho505.com/renuncian-viceministra-y-secretaria-general-del-ministerio-de-la-juventud/>.

The report sets out in detail the elements which demonstrate the responsibility of these actors both in their role as the superiors of the direct perpetrators of murder, arbitrary detention, cruel and inhuman treatment, torture, and in some cases as direct perpetrators of these crimes.

Joint action by the National Police and parastatal entities, as well as action taken by parastatal entities with the tolerance of the National Police, have been documented in various reports by national and international organisations and mechanisms within the international and inter-American human rights systems.

### **- On public health bodies and individual perpetrators**

With regard to public health bodies, the cases documented are consistent with the findings of reports by other organisations.<sup>22</sup> They confirm the denial of medical care to protesters injured since 19 April 2018, leading to the deaths of those brought to national hospitals to receive medical treatment.

Media reports have also documented doctors' responses to the decision made by officials of the Oscar Danilo Rosales Argüello Teaching Hospital (HEODRA) in León who, on 18 April 2018, when the protests broke out, ordered the security guards to close the doors to the centre in order to prevent the entry of medical interns and people injured during the protests.<sup>23</sup>

Thus, responsibility can be attributed to the highest-ranking public health officials, as well as those running the hospitals where medical assistance was denied to the injured. As for the role of hospital directors, their responsibility derives, in principle, from their actions in implementing the orders to refuse medical assistance to those injured in the context of attacks against demonstrations and roadblocks.

Sonia Castro González, Minister of Health until 26 June 2019 and then Minister-Advisor to the President of the Republic on health issues pursuant to Presidential Agreement No. 108-2019 of 25 July 2019, as well as Enrique Javier Beteta Acevedo, Deputy Minister of Health, are among the highest-ranking public health authorities who are alleged to bear responsibility for these acts.

Ms. Castro Gonzalez is responsible for having issued orders to deny medical care to those injured in the demonstrations, which, in the context of political repression, increased the risk to the health and lives of the victims. The lack of prompt medical attention resulted in a greater number of casualties,<sup>24</sup> in addition to frequent alteration of medical records.<sup>25</sup>

It has also been shown that Sonia Castro Gonzalez implemented a system of persecution and dismissal of doctors and other health workers who provided medical assistance to persons considered to be opponents of the regime.<sup>26</sup> To date, more than 405 health professionals have been dismissed.<sup>27</sup>

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22. See GIEI, *NICARAGUA: Informe sobre los hechos de violencia ocurridos entre el 18 de abril y el 30 de mayo de 2018*, p. 178; Amnesty International, *Shoot to Kill: Nicaragua's Strategy to Repress Protest*; *La Voz de Goicoechea*, "Amnistía Internacional: Gobierno de Nicaragua utiliza una estrategia de represión letal", 29 May 2018, <https://www.lavozdegoicoechea.info/2018/05/amnistia-internacional-gobierno-de.html>.

23. See López Hernández, Eddy, "Médicos se rebelan en el hospital de León e informan que atenderán a estudiantes", *La Prensa* (blog), 11 May 2018, <https://www.laprensa.com.ni/2018/05/11/departamentales/2417744-medicos-se-rebelan-en-el-hospital-de-leon-e-informan-que-atenderan-a-estudiantes>. See also "Sonia Castro ministra de salud niega la entrada al hospital de León a estudiantes TE VAS CON DANIEL", last accessed on 8 April 2020, <https://www.youtube.com/watch?v=7R2OYAFXmvo>.

24. See GIEI, *NICARAGUA: Informe sobre los hechos de violencia ocurridos entre el 18 de abril y el 30 de mayo de 2018*.

25. Salinas Maldonado, Carlos, "Negligencia médica intencional: 'Tenían voluntad de matar'", *Confidencial* (blog), 6 November 2018, <https://confidencial.com.ni/negligencia-medica-intencional-tenian-voluntad-de-matar/>.

26. See "Sonia Castro ardida porque la sancionaron, dice Jamás Se Negó La Atención en los Hospitales", last accessed on 10 March 2020, <https://www.youtube.com/watch?v=suxD9ChFX9s>; "Sonia Castro debe ser juzgada", dice especialista en salud Ana Quirós", last accessed on 10 March 2020, <https://www.youtube.com/watch?v=hnD4D9J5QJA>; "Razones por la que EEUU sanciona a 4 nuevos funcionarios nicaragüenses", last accessed on 27 February 2020, <https://www.youtube.com/watch?v=u3jTd3mBfAU>; "Sonia Castro se convierte en la primer destituida por Daniel Ortega después de ser sancionada", last accessed on 10 March 2020, <https://www.youtube.com/watch?v=FtRQAI9XRnQ>.

27. See Special Monitoring Mechanism for Nicaragua (*Mecanismo Especial de Seguimiento para Nicaragua* – MESENI), *Situation of human rights in Nicaragua*, January 2020; MESENI, *Situation of human rights in Nicaragua*, December 2019.

## b. Parastatal agents

Since Daniel Ortega's government came to power in 2007, the country has seen the development of parallel structures to the state law enforcement bodies and entities, which act in coordination and connection with state agents, and with their acquiescence, in joint or separate operations, and in intelligence, intimidation and repression activities. Some of them have been given legal status, such as the Voluntary Police, the Councils and Cabinets of Citizen Power and the Cabinets for Family, Community and Life. They also identify themselves as part of the FSLN structures (Sandinista Youth - *Juventud Sandinista*, and Sandinista Leadership Committees - *Comités de Liderazgo Sandinista*) or in some cases, with the so-called "blue shirts", a parallel force to State Security with no legal framework to regulate its operation. Following the events of 2018, this entity has grown with the creation of the Association "*Consejo de Defensores de la Patria Comandante Camilo Ortega Saavedra*" (CODEPAT), made up of former demobilised members of the Army, the Ministry of the Interior and the former State Security. It obtained legal status in February 2019.<sup>28</sup>

These entities are composed of individuals fulfilling various roles in society and operating jointly or separately, the common thread being that they conduct pro-government action in coordination or connection with state agents, or with their agreement, or even under their leadership, as was the case, for example, of municipal mayors and workers. The programmes run by the Youth Affairs Division of the National Police aimed at young gang members and those at risk are among the mechanisms used to recruit parastatal agents. Recruits join the Sandinista Youth and are put on the payroll of various public entities, including municipalities, the INSS, TELCOR and the Ministry for Youth. They are also reintegrated into their neighbourhoods of origin, where they remain, at all times, at the disposal of the National Police and senior officials to be used to commit acts of repression in support of the regime. The consolidation of parastatal entities has provided the Ortega-Murillo regime with a broad apparatus for social control and repression to conduct intelligence activities and the social intimidation at the local, regional and national levels. These entities were instrumental in the 328 deaths recorded since April 2018.

In relation to state and parastatal entities, there is a thin line between those who hold a public position while at the same time being active within political entities (FSLN), professional unions (trade unions) and/or criminal groups (gangs), aimed at contributing to the recruitment, organisation and sustainability of these entities.

For this reason, in addition to the names used to identify entities such as the Sandinista Youth, clash groups, paramilitaries, ex-militaries, ex-policemen, ex-public officials or gangs, they are referred to as **parastatal entities**, since those who are involved in such entities can be part of, and therefore even receive a salary from public institutions such as municipalities, state ministries or other state entities such as TELCOR and INSS.

In this framework, regardless of other levels of responsibility for their actions in paramilitary groups, extrajudicial executions, targeted or indiscriminate attacks against demonstrations and roadblocks, the following individuals bear responsibility for having directed, oriented or contributed to the consolidation of these entities: Ms. Rosario Murillo, Vice President of the Republic; Gustavo Porras Cortés, President of the National Assembly; Fidel Antonio Moreno Briones, Secretary General of the Municipality of Managua, and Lumberto Ignacio Campbell Hooker, President of the Supreme Electoral Council. Furthermore, there is evidence to show that persons holding public office have been involved in directing and coordinating the parastatal entities used in attacks committed since April 2018 against individuals considered enemies of the regime;<sup>29</sup> or have otherwise helped to recruit, form and sustain the activities of youth groups which are part of the so-called clash groups, on the payroll of public institutions, including municipalities TELCOR, the INSS and the Ministry for Youth.

With regard to Vice President Murillo, there is evidence that she played a leading role in the stigmatisation of individuals considered to be opponents of the government, thereby increasing and extending the vulnerability of victims, relatives, individuals and groups who individually and

28. CENIDH, *Informe Derechos Humanos en un "estado de excepción" octubre 2018 – abril 2019*, <https://www.cenidh.org/media/documents/docfile/1465.pdf>

29. "Solo disparamos si es necesario": hablan los paramilitares que defienden al gobierno de Daniel Ortega en Nicaragua (y que él no reconoce)" - *BBC News Mundo*, <https://www.bbc.com/mundo/noticias-america-latina-44937973>

collectively exercise the right to promote and ensure the protection and fulfilment of human rights and fundamental freedoms at the national and international levels.

According to documentation, during the attacks that have taken place since April 2018, members of these parastatal groups conducted their operations in coordination with police forces and with their consent, in response to orders alleged to have been given by the Vice President of the Republic, through emails sent to the party bases to control, neutralise and annihilate those considered to be opponents of the regime.<sup>30</sup>

Furthermore, state and parastatal agents called on professional and political organisations to express support for the government and participate in attacks against demonstrators, through counter-marches, such as that promoted by Gustavo Porras, parliamentarian and trade unionist, on 30 May 2018, or by setting-up roadblocks operated by Sandinista activists, for example, the ones at the entrance of the city of Estelí (North) and in the area surrounding the municipality of Nagarote (West).

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30. "Las órdenes de Murillo durante la rebelión de abril", *Confidencial* (blog), 18 November 2018, <https://confidencial.com.ni/las-ordenes-de-murillo-durante-la-crisis/>; *Univisión*, "Vamos con todo: filtración desvela que Rosario Murillo ordenó aplastar las protestas en Nicaragua", *Univisión*, last accessed on 22 March 2020, <https://www.univision.com/noticias/america-latina/vamos-con-todo-filtracion-desvela-que-rosario-murillo-ordeno-aplastar-las-protestas-en-nicaragua>; "Las órdenes de Murillo, tras el asesinato de Alvaro Conrado", *Confidencial* (blog), 28 December 2019, <https://confidencial.com.ni/las-ordenes-de-murillo-tras-el-asesinato-de-alvaro-conrado/>

## II. 2019-2020 repression remains with the same actors but a different modus operandi

### 1. Continued repression in 2019 and 2020 with the same perpetrators but a different modus operandi

**The repression that began in April 2018 continued in 2019**, with various human rights violations, including the criminalisation of social protest, arrests, new cases of arbitrary detention, and attacks and assaults against independent journalists, former political prisoners and representatives of the Catholic Church, among others. The government diversified its action in various areas, targeting different sections of the Nicaraguan population.

Since 2018, the Ortega-Murillo regime has banned all kinds of public demonstrations against the regime, and has been using armed police, riot police, police dog experts and parapolice forces to suppress peaceful protests, such as those held by students expelled from public universities. Methods of repression also include “express” kidnappings, with a daily average of 10 cases of kidnapping or illegal arrest, carried out by police and armed civilians during the last quarter of 2019. Violations of the right to life continued, primarily in rural areas. Between January and August 2019, CENIDH recorded the murder of 17 farmers, many of whom were considered to be opponents of the regime, in contexts that could amount to extrajudicial killings and are yet to be investigated.

In its bimonthly report covering July-August 2019, CENIDH stated: “During this period, there were frequent and concerning reports of murders perpetrated in the rural areas of Nicaragua. Victims had one common characteristic: they were all farmers who had been directly involved in the social protests that began in April 2018 or who had opposed the Ortega-Murillo regime before that date.

It should be emphasised that impunity has prevailed in all cases, with the failure to comply with the law and prosecute the perpetrators of these crimes revealing the limited independence of the judicial system in relation to policies established by the executive branch”.

During the first six months of repression, the government failed to show a genuine interest in pursuing inclusive and transparent dialogue, rather it boycotted mediation and negotiation efforts and increased violence and repression against the population, as well as the criminalisation of those who had participated in social protests and peaceful demonstrations.

The first dialogue session took place on 16 May. The points on which there was agreement included: the urgency of stopping the violence and brokering a truce, under which the government undertook to send the police back to their barracks and withdraw clash groups and government sympathisers; and civil society committed itself to promoting better conditions for dialogue and normalising traffic.

On 21 May, a second meeting, marked by a stronger civil society participation, took place. During the roundtable discussions, the government was asked to establish follow-up mechanisms together with the IACHR for the implementation of its recommendations. The third session was held on 23 May but was suspended due to the lack of consensus. The government refused to discuss the agenda presented by the bishops, who had proposed a framework law for democratic transition, reform of the Electoral Law, bringing forward the presidential elections, prohibiting presidential re-election and implementation of the IACHR's recommendations.

Following unsuccessful negotiations, the Nicaragua Bishops Conference (*Conferencia Episcopal de Nicaragua* - CEN) suspended the roundtable, owing to the failure to reach any agreement. However, a Joint Commission was set up, made up of three representatives from the government and three members of the Civic Alliance (*Alianza Cívica*), to break the impasse and reach a consensus across sectors. The Commission held a meeting on 28 May, in the midst of another violent repression during which a greater number of people were killed, including for example, several young people during the march organised on 30 May by the Mothers of April (*Madres de Abril*).

A second national dialogue roundtable was initiated on 27 February 2019 and concluded on 3 April without agreement. In response to strong international pressure, the government issued a



controversial Amnesty Law and released more than 700 prisoners who had been arrested in the context of the protests. However, most of those released were placed under house arrest and their trials were not overturned. Indeed, since that time, several of the former prisoners have been placed under surveillance, subjected to police harassment and, in some cases, have been returned to prison.

During the last quarter of 2019, following complaints of human rights violations, political prisoners and citizens who had made use of their constitutional right to peaceful protest were subject to intense and continuous persecution and threats. Under the cover of impunity, paramilitary groups and clash groups aligned with the government threatened and harassed former prisoners and their families and stained their houses with paint, with the collusion of the police, committed to preventing any attempt at social mobilisation. In October 2019, this led to the closure of areas surrounding Catholic churches by the police forces, to prevent citizens from bringing donations for political prisoners and their families who were on hunger strike.

The repression has also targeted the independent press until the present day, even using tax-related and judicial methods to exert pressure on journalists as well as media editors and owners.

### **The repression continues in 2020**

Since the beginning of 2020, the human rights crisis has been simmering in Nicaragua, amid ongoing repression and with no sign of government willingness to seek a peaceful solution for the benefit of the country. With the police and paramilitary permanently mobilised on streets all over the country, the regime has displayed new methods of aggression against journalists, activists and demonstrators, through violent police and paramilitary raids into private facilities and/or establishments. These actions form part of a strategy of terror aimed at intimidating and demobilising the population that is seeking to assert its rights. Between January 2019 and May 2020, state and parastatal agents conducted various acts of aggression in Muelle de los Bueyes (RACCS), Bluefields, Boaco, Camoapa, Diriá, El Viejo (Chinandega), Estelí, Jinotega, Jinotepe, León, Managua, Masatepe, Masaya, Matagalpa, Nueva Guinea, Somoto, Ticuantepe and Tipitapa. They range from threats to the detention and denial of liberty of those subject to prosecution.

The cases presented show that repression at different levels has been directed against a large section of the population, going beyond presence at demonstrations, roadblocks or statements against the government, to those who had not participated in protests. This practice has continued over time, with individuals wearing a symbol considered by the authorities as contrary to the regime being labelled as “enemies” and, therefore, subject to repression. Such symbols include the Nicaraguan national flag, which in response of the scale and intensity of the repression, has become a symbol of protest for citizens. Its use has therefore become a new motive for repression.

In contrast, throughout 2020, the government released thousands of ordinary prisoners under the pretext of “promoting family unity”. Between January and September 2020, over six thousand people deprived of their liberty for ordinary offences were released. However, although many of these people were freed from prison, political prisoners did not benefit from these measures, while the release of thousands of ordinary criminals led to an increase in the rates of violence and insecurity in cities and the countryside. Criminality is also reflected in an increase in domestic violence and femicides, which are not effectively investigated or resolved by the police, since they are focused on the persecution of opponents. According to data from the organisation Catholics for Choice (*Católicas por el Derecho a Decidir* - CDD), at least 69 women were murdered between January and November 2020, leaving children and adolescents orphaned.

The year 2020 also saw an increase in attacks by unknown persons against Catholic priests, property and symbols in different cities across the country, adding to the anonymous threats against priests, allegedly made by activists linked to the governing party. According to CENIDH, the Catholic Church suffered 24 attacks between December 2018 and August 2020, including a case in which a woman sprayed acid on a priest's face, the nine-day incarceration by the police of a priest in his church after cutting off water and electricity supplies, the sequestration of a group of women in Managua's Cathedral and the destruction or theft of religious images in several temples across the country.

CENIDH also conducted and published the results of an investigation conducted in collaboration with an independent expert, into a fire that burned a venerated image of the Blood of Christ at Managua

Cathedral on 31 July 2020. The police attributed the incident to an accidental chemical reaction, while the Nicaraguan Bishops Conference and Pope Francisco described it as a “terrorist attack”.<sup>31</sup>

## 2. Inadequate management of the Covid 19 pandemic and its effects

Since March 2020, when the first case of the new SARS-CoV-2 coronavirus was confirmed in Managua, the World Health Organization (WHO) has supported the Nicaraguan Government to implement its prevention and cooperation strategies to address the pandemic. In contrast to the protocols adopted by most countries worldwide, the Nicaraguan authorities refused to order quarantine, border closure or suspension of classes in educational centres. On the contrary, the government, via its public officials and Sandinista mayors throughout the country, promoted mass events including tourist events, marches, religious processions and sports tournaments, exposing thousands of people to infection.

Government secrecy in relation to the handling of the pandemic was imposed as a state policy, to the point that armed police and paramilitary forces were mobilised to guard public hospitals and cemeteries, in order to prevent the press and citizens in general from documenting cases of infection and deaths from Covid-19. In order to silence reporting, yet again, the Ortega-Murillo regime made use of the repressive entities deployed throughout the country during the 2018 protests. FIDH and CENIDH denounced the government’s lack of transparency and determined attempt to minimise the number of deaths, pointing to an under-recording of the number of cases of infection and deaths caused by Covid-19, which according to figures from the Covid-19 Citizen Observatory (*Observatorio Ciudadano Covid-19*) in June 2020 was 20 times higher than the official figures.

From May onwards, the proliferation of so-called “express funerals”, nocturnal and semi-clandestine funerals often recorded by relatives of the victims, confirmed the scale of the health crisis and cast doubt on the official figures on the pandemic. At the beginning of June, in view of the exponential increase in cases of Covid-19, and in the absence of official information and adequate attention from the health authorities, a total of 34 Nicaraguan Medical Associations assumed the task of providing guidance on prevention and assistance to the public, on a permanent basis. They called on the population to implement a voluntary national quarantine, which was supported by CENIDH with the slogans #YoApoyoAlGremioMedico (“I support the Medical Association”) and #YoMeQuedoEnCasa (“I’m staying home”). By then, the *Observatorio Ciudadano Covid-19*, a network of doctors and social activists, had recorded 691 health workers with symptoms confirmed or suspected to be linked to Covid-19 and 87 suspicious deaths in the profession, including eight doctors, 22 nurses and 11 administrative employees.

Since the new coronavirus reached the country, human rights organisations have been pressing for the release of political prisoners, as well as special attention to be given to the rest of the population deprived of their liberty, taking into account conditions of overcrowding, limited cleaning materials, poor ventilation and the lack of medical attention and access to medicines, exposing them to the infection. In view of this situation, the IACHR requested the State of Nicaragua to adopt precautionary measures in relation to a group of 41 political prisoners. Others, overwhelmed by incarceration and despair, began a hunger strike in early October while some sewed their lips together in protest, as was widely reported and publicised by their relatives.

The Covid-19 pandemic also had an impact on Nicaraguan refugees in Costa Rica. On 28 August 2020, the delegation of the United Nations High Commissioner for Refugees (UNHCR) in San José revealed that more than three-quarters of refugees and asylum seekers “are going hungry, eating only once or twice a day as a result of the socio-economic impact of the COVID-19 pandemic”. The organisation warned that, due to increased livelihood difficulties, many migrants were forced to return to Nicaragua, despite the uncertainty and risk to their safety and lives posed by their return.

During July and August, a critical situation arose on the Central American borders when thousands of Nicaraguan nationals who had migrated to Panama, Costa Rica and Guatemala decided to return

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31. CENIDH, Report, *Atentado terrorista contra la capilla de la Sangre de Cristo en Catedral de Managua*, 11 August 2020, [https://www.cenidh.org/media/documents/docfile/Informe\\_Atentado\\_Terrorista\\_en\\_Catedral\\_de\\_Managua\\_CENIDH.pdf](https://www.cenidh.org/media/documents/docfile/Informe_Atentado_Terrorista_en_Catedral_de_Managua_CENIDH.pdf)

to the country but faced obstacles to their entry into Nicaragua from the authorities, who demanded negative Covid-19 test results. This led to a humanitarian crisis at the border customs offices in Paso Canoas and Peñas Blancas. In Peñas Blancas, hundreds of migrants were left out in the open for several days, without food, sleeping on the ground or on pieces of cardboard, waiting for an entry permit. Civil society organisations from Costa Rica, Panama, Guatemala, Honduras and Nicaragua, in coordination with the migration authorities of the countries where the Nicaraguan nationals were stranded, eventually managed to obtain the support of international cooperation to finance the tests.

### 3. New legislation on social, political and economic control

In the second half of September 2020, the parliamentary group of the ruling FSLN party submitted two bills to the National Assembly for rapid approval: the *Ley de Regulación de Agentes Extranjeros* (Law on the Regulation of Foreign Agents), adopted on 15 October, which aims to control the activities of individuals and NGOs receiving funds from abroad; and the *Ley Especial de Ciberdelitos* (Special Law on Cyber-crimes) (referred to as the “Gag Law” by independent journalists), adopted on 30 October, which provides for imprisonment of those who disseminate what the regime considers, at its discretion, to be “fake news” or who instil “anxiety or fear” among citizens. The use of these laws will enable the authorities to stifle and criminalise critical voices in the country by imposing prison sentences, in the run-up to the general elections scheduled for November 2021.

FIDH, CENIDH and numerous other local and international organisations opposed these measures and called on the international community to speak out to prevent their approval on the grounds that they are contrary to international human rights standards, as well as being unacceptable restrictions on freedom of association and the right to defend human rights in Nicaragua.

On 10 November 2020, the parliamentary group of the Sandinista party in the National Assembly also approved in the first legislative term a legal reform imposing life imprisonment for those who commit “hate crimes”, in response to the increase in cases of femicide and other atrocious murders in the country. The opposition warned of the political implications of the provision, emphasising that the bill hides the government’s intent to impose life imprisonment on its opponents, since Vice-President Murillo has on numerous occasions described the opposition as being responsible for alleged “hate crimes”.



Managua, December 10, 2019, “International Human Rights Day” protest demanding justice and freedom for political prisoners. Photography by Carlos Herrera, for Confidencial, Nicaragua: [www.confidencial.com.ni](http://www.confidencial.com.ni)

# Conclusions and recommendations

## Conclusions

- Since Ortega's return to the presidency in 2007, democratic institutions and the rule of law have been constantly weakened, under a guise of legality, in order to proceed with the consolidation of state and parastatal entities designed to carry out intelligence, persecution and repression operations against anyone who may be considered an enemy of the regime. This has been a key factor in the intensity and recurrence of serious human rights violations.
- The violent repression directed against the civilian population that began on 18 April 2018, was marked by extrajudicial executions as defined under international standards, which, in addition to other serious crimes perpetrated in this context, may amount to crimes against humanity. Attacks against demonstrations and roadblocks reveal recurring patterns, in which state and parastatal actors carried out organised attacks of various kinds (murders, arbitrary detentions, disappearances, persecution) of a widespread nature in numerous localities and regions across the country, intentionally and with knowledge, and sometimes with the express purpose of committing the attack.
- Attacks on life committed during the protests, demonstrations and roadblocks constitute crimes of extrajudicial execution, since they fall into the category - defined by the IACHR- of deaths attributable to state agents, or private individuals acting with their consent, permission or approval, constituting an attack on persons considered to be enemies of the regime. Furthermore, according to the analysis in this report, such attempts on life could constitute crimes against humanity of murder under Article 7(1)(a) of the Rome Statute. Finally, although not the subject of this analysis and in line with the other types of crimes against humanity, the acts of forced displacement, imprisonment and severe deprivation of physical liberty, torture and political persecution that occurred during the repressive actions of the Nicaraguan government could also be considered crimes against humanity.<sup>32</sup>
- The reports published by CENIDH show that, since April 2018, Nicaragua has implemented a sustained policy of multiple human rights violations, including various attacks on journalists and the media, harassment and persecution of victims and individuals considered to be opponents of the regime; attacks against human rights defenders and organisations; restriction of the right to make social demands, demonstration and protest; dismissal of health and education professionals; expulsion of students from educational centres; detention, prosecutions, trials and criminal sanctions imposed in arbitrary proceedings that violate due process guarantees.<sup>33</sup>
- The documented cases of serious human rights violations show that state repression is ongoing, with slight modifications but with the same objective of controlling, neutralising and eradicating those considered to be enemies, and of maintaining an atmosphere of widespread terror as a central element in achieving control of the population and inhibiting any expression considered a threat to the regime.
- In relation to the issue of responsibility for the actions implemented by parastatal entities, the report demonstrates that the highest state authorities directed, coordinated and consented to the actions of parastatal entities, used to carry out attacks against those considered to be enemies of the regime; or supported the recruitment, formation and sustained activities of young people who make up the so-called clash groups.

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32. See Article 7(1), (d), (e), (f) and (h) in conjunction with provisions in article 7(2) (a), (d), (e) and (g) of the Rome Statute.

33. See CENIDH, Report, "623 Días de Represión y Resistencia: Situación de los Derechos Humanos en Nicaragua 18 abril 2018 – 13 diciembre 2019", June 2020, [https://www.cenidh.org/media/documents/docfile/Informe\\_2018-2019\\_v.final.pdf](https://www.cenidh.org/media/documents/docfile/Informe_2018-2019_v.final.pdf)

- The highest authorities in the Executive and other branches of government acted as an indivisible unit, within the operational scope of their duties, powers and responsibilities in directing, coordinating and implementing operations at the national and local levels which, among other violations, led to the deaths of individuals considered enemies of the regime, constituting crimes of extrajudicial execution and crimes against humanity, in accordance with international standards.
- The multiple human rights violations that have occurred since 18 April 2018 continue with impunity and have been aggravated by the government's intentional mishandling of the Covid-19 pandemic, as well as by the set of new laws described in this report aimed at restricting the civil and political rights of the Nicaraguan population.

## **Recommendations**

### **To the State of Nicaragua:**

- Immediately dismantle state and parastatal entities that act in a coordinated and linked manner, in joint or separate attacks, against those considered to be opponents of the regime.
- Adopt the necessary measures to eliminate control, harassment and persecution operations directed against those considered to be opponents; and guarantee the free and full exercise of internationally recognised human rights.
- Immediately release and ensure the safety of political prisoners and issue final sentences discharging all those released of criminal liability, thereby guaranteeing their legal security.
- Create the conditions to allow survivors, individuals and human rights organisations to access official information to shed light on serious human rights violations and to participate in judicial processes, and to guarantee the rights to truth, justice, reparation and measures of non-repetition in accordance with international standards.
- The Nicaraguan judicial system must restore and give primacy to the principle of the independence of the judiciary as a fundamental pillar of democracy and fulfil its obligations under international human rights standards, and in particular those set out by the Inter-American Court of Human Rights to investigate the deaths which occurred in the context of the repression initiated on 18 April 2018, to prosecute those allegedly responsible and, where appropriate, to impose relevant sanctions.
- Immediately reverse its decision not to allow the Inter-American Commission on Human Rights (IACHR) and the United Nations Office of the High Commissioner for Human Rights (OHCHR) to enter Nicaragua.
- Ratify the Rome Statute of the International Criminal Court.

### **To the international community:**

In view of the unacceptable position taken by President Daniel Ortega to avoid international scrutiny as a further means of evading his responsibility, it is even more urgent that the international community should not abandon the Nicaraguan population and we therefore call on States, international organisations and agencies to actively and forcefully commit themselves to:

- Firmly condemn the dictatorial tendency of the Ortega-Murillo regime.
- Demand that the government of Nicaragua, in compliance with its international obligations, adopt measures that guarantee respect for the human rights of those considered to be opponents of the regime, and put an end to attacks against them.



- Support and show solidarity with Nicaraguan society in its demand for truth, justice, reparation and guarantees of non-repetition in relation to the serious human rights violations suffered since 18 April 2018.
- Assist, support and protect all civil society organisations and human rights defenders, in particular those present in Nicaragua who face repression on a daily basis.
- Provide assistance to the Nicaraguan state and society in order to achieve a democratic and peaceful transition in Nicaragua.
- Call for a profound transformation of the electoral system allowing fair, transparent and democratic elections, creating conditions for the Nicaraguan population to fully exercise their civil and political rights.
- Support the opening of universal jurisdiction procedures in cases of serious human rights violations, particularly crimes against humanity (such as extrajudicial executions) mentioned in this report, in order to end impunity.

In addition to the above, we make the following specific recommendations:

To the **Organisation of American States (OAS)**:

- Provide the necessary resources to the IACHR and strengthen the Special Monitoring Mechanism for Nicaragua (MESENI) so that it can continue the important work of monitoring and denouncing the human rights situation in Nicaragua.
- Urge the Nicaraguan government to allow an IACHR mission to enter the country and carry out the suggested monitoring.
- To the States Parties, provide support in their respective countries to the many people exiled since 2018 as a result of the repression in Nicaragua.

To the **United Nations (UN)**:

- To the **Security Council**, in accordance with Article 16 of the Rome Statute, as a situation which may have serious repercussions in the region, refer the situation in Nicaragua to the Office of the Prosecutor of the International Criminal Court so that it may investigate the serious crimes denounced in this report.
- To the **Human Rights Council**, renew the Resolution on Nicaragua at its next session so that the High Commissioner for Human Rights can prioritise monitoring of the situation in the country, until a democratic transition takes place in Nicaragua.
- To the **Human Rights Committee**, strongly condemn the State of Nicaragua at its next session for the multiple violations of the International Covenant on Civil and Political Rights.





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# Keep your eyes open

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**For FIDH, transforming societies relies on the work of local actors.**

The Worldwide Movement for Human Rights acts at national, regional and international levels in support of its member and partner organisations to address human rights abuses and consolidate democratic processes. Its work is directed at States and those in power, such as armed opposition groups and multinational corporations.

Its primary beneficiaries are national human rights organisations who are members of the Movement, and through them, the victims of human rights violations. FIDH also cooperates with other local partner organisations and actors of change.



«CENIDH is a non-governmental social, humanitarian and non-partisan organization devoted to the defense and promotion of human rights. Its objective is peace with social justice, through respect of the Constitution»

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FIDH is an  
international human rights NGO  
federating 192 organisations  
from 117 countries

**fidh**

## ABOUT FIDH

FIDH takes action for the protection of victims of human rights violations, for the prevention of violations and to bring perpetrators to justice.

### **A broad mandate**

FIDH works for the respect of all the rights set out in the Universal Declaration of Human Rights: civil and political rights, as well as economic, social and cultural rights.

### **A universal movement**

FIDH was established in 1922, and today unites 192 member organizations in 117 countries around the world. FIDH coordinates and supports their activities and provides them with a voice at the international level.

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