

## CHAPTER IV.b

### Nicaragua



## **CHAPTER IV.B: NICARAGUA**

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## CHAPTER IV.B

### NICARAGUA

#### I. INTRODUCTION

1. In compliance with its conventional and regulatory mandate,<sup>1</sup> the Inter-American Commission on Human Rights (“the Commission”, “the Inter-American Commission” or “the IACHR”) has followed up on with special attention the serious human rights crisis in Nicaragua in the context of the protracted breakdown of the constitutional and democratic order.

2. In 2023, the Commission observed the persistence of serious and systematic human rights violations occurring in the context of the breakdown of the principle of separation of powers. As background, in the report *Concentration of Power and the Undermining of the Rule of Law*, the Inter-American Commission warned that Nicaragua was undergoing a gradual process of concentration of power and deterioration of democratic institutions. This was consolidated as of the human rights crisis of 2018 and with the reelection of Daniel Ortega in 2022 as president for a fourth consecutive term, in a context of repression, structural impunity and electoral fraud.<sup>2</sup>

3. Indeed, as documented by the Commission, the social protests initiated on April 18, 2018, by the elderly – and supported by young people and university students in response to proposed reforms to the Social Security Act – spontaneously exposed the social discontent that had built up over several years, in the face of the institutional processes that had gradually restricted citizen expression, co-opted public institutions and led to a concentration of state power in the hands of the executive branch.<sup>3</sup> The state response to this expression of social dissent was the use of violence. In the report *Gross Human Rights Violations in the Context of Social Protests in Nicaragua*, the Commission concluded that the magnitude of the state repression, as well as the strategies deployed to dissuade the demonstrations that had begun in 2018, evidenced the government’s intention to stifle social demands and regain control over public space.<sup>4</sup>

4. Since September 2018, demonstrations and social protests by sectors perceived as opponents of the government had been banned by the National Police through public and *de facto* communications. This marked the beginning of moves by the National Police to co-opt public spaces used for demonstrations, which

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<sup>1</sup> The IACHR prepared this report by virtue of its competence and functions, as established in Article 18 of its Statute, and pursuant to Article 41 of the American Convention on Human Rights. On September 25, 1979, the State of Nicaragua ratified the American Convention on Human Rights. Despite Nicaragua having denounced the OAS Charter on November 18, 2021, the IACHR has ratified its jurisdiction over the country. See Press Release No. [312/21 “The IACHR Stresses Its Competent Jurisdiction Concerning Nicaragua and laments Nicaragua’s Decision to Denounce the Charter of the OAS in a Context of Serious Human Rights Violations.”](#) Washington, D.C., November 20, 2021.

<sup>2</sup> IACHR, [Nicaragua: Concentration of Power and the Undermining of the Rule of Law](#), OAS/Ser.L/V/II Doc. 288, October 25, 2021, para. 122.

<sup>3</sup> IACHR, Press Release No. 67/23 - [“Five Years into Nicaragua’s Human Rights Crisis, the IACHR Calls for the Restoration of Democracy and Stresses Its Solidarity with Victims.”](#) Washington, D.C., April 18, 2023; see also: GIEI, *Report on the Violent Events That Took Place between April 18th and May 30th, 2018*, December 21, 2018.

<sup>4</sup> In particular, the Commission revealed that state violence followed a common pattern, marked by: the excessive and arbitrary use of police force, including lethal force; the use of parapolice forces or shock groups with the acquiescence, tolerance and cooperation of state authorities; intimidation and threats against leaders of social movements; arbitrary arrests of young people and adolescents who were participating in protests; lack of diligence in opening investigations into the killings and bodily injuries taking place in this context; obstacles in accessing emergency medical care for the wounded, as a form of retaliation for their participation in protests; and the dissemination of propaganda and stigmatization campaigns, measures of direct and indirect censorship. IACHR, [Gross Human Rights Violations in the Context of Social Protests in Nicaragua](#) OAS/Ser.L/V/II Doc. 86, June 21, 2018, para. 2.

included the harassment of the population.<sup>5</sup> This strategy was further used to criminalize and censor other expressions of dissent and protest, both in physical and digital spheres.<sup>6</sup>

5. Then, arbitrary detentions and politically motivated deprivation of liberty were used to repress any opposition to the regime, and criminal law was manipulated to criminalize critical voices. These were the main strategies employed to deteriorate civic space since the beginning of the crisis in April 2018.<sup>7</sup> In the report *Persons Deprived of Liberty in Nicaragua in connection with the Human Rights Crisis that Began on April 18, 2018*, the Commission stated that arbitrary detentions and deprivation of liberty had been used with the main purpose of repressing any opposition to the ruling regime and to convey a message of fear and control to the Nicaraguan population. According to the records of the Commission, over 2,000 people were arbitrarily detained in Nicaragua between April 18, 2018, and February 10, 2023.<sup>8</sup> In this regard, the Inter-American Court has recognized that the deprivation of liberty of opponents in Nicaragua carries an implicit message of intimidation aimed at dissuading and silencing other political opponents. Furthermore, the Commission warned that “the persistence of this situation continues to erode the rules of the democratic game and the Rule of Law.”<sup>9</sup>

6. In the course of 2023, the Commission verified that repressive actions were still in place with the purpose of consolidating a regime of concentration of power in the executive branch based on the imposition of a police state, the *de facto* suspension of the fundamental rights and freedoms that are part of civic space, and, ultimately, the disappearance of organized civil society in the country.<sup>10</sup> As described in this report, the worsening of repression resulted in the arbitrary deprivation of Nicaraguan nationality as a mechanism of punishment and retaliation against 317 people, including the country’s main social, political and religious leaders; former officials and diplomats; renowned human rights defenders; and journalists and workers of the main media outlets.<sup>11</sup>

7. In 2023, the Commission observed that the persistence of repression and the widespread situation of impunity<sup>12</sup> for the human rights violations committed in the country had led to a serious political, social, economic, and human rights crisis. As documented, the violent and repressive state response against dissent and political opposition has resulted in the deaths of at least 355 people; more than 2,000 people arbitrarily detained; more than 2,000 people injured; hundreds of arbitrary dismissals of health professionals; more than 150 unjustified expulsions of university students; 317 people deprived of their nationality; and the

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<sup>5</sup> In September 2018, the IACHR expressed its concern over the Police’s decision to declare the illegality of protests or demonstrations carried out by social movements, students and organizations, as well as its decision to require prior authorization for all types of protests in public spaces. IACHR, *2018 Annual Report*, Chapter IV.B Nicaragua, paras. 118 and 128.

<sup>6</sup> IACHR, *2018 Annual Report*, Chapter IV.B Nicaragua, paras. 118 and 128. In 2019, the IACHR became aware of an increase in the number of cases involving the criminalization of acts of protest such as picketing; whistle blowing; sit-ins or brief standstills; throwing paper slips or straws and paint marks on the streets using national colors. In this context, according to information in the public domain, the IACHR received a report on the detention of Tamara Dávila that occurred on April 9, 2019, in the department of Carazo. According to information in the public domain, the reason for her arrest was that she allegedly had scattered blue and white straws in the street. Similarly, the IACHR became aware of the arrest by police personnel on April 19, 2019, in Managua, of a group of teenagers, who were organizing a so-called express picket line. IACHR, Press Release No. 108/19, “[Amid Ongoing Restrictions on Public Protest, IACHR Urges Nicaragua to Comply with Implementation of Agreements.](#)” Washington, D.C., April 30, 2019. See also: IACHR, *Closure of civic space in Nicaragua* OAS/Ser.L/V/II Doc. 212/23, approved on September 23, 2023.

<sup>7</sup> IACHR, [Persons Deprived of Liberty in Nicaragua in connection with the Human Rights Crisis that Began on April 18, 2018](#), OAS/Ser.L/V/II, October 5, 2020, p. 5.

<sup>8</sup> IACHR, Press Release No. 67-23 - “[Five Years into Nicaragua’s Human Rights Crisis, the IACHR Calls for the Restoration of Democracy and Stresses Its Solidarity with Victims.](#)” Washington, D.C., April 18, 2023.

<sup>9</sup> IACHR Court, Matter of 45 persons deprived of liberty in eight detention centers regarding Nicaragua. Provisional Measures. Order of the Inter-American Court of Human Rights, October 4, 2022, para. 22.

<sup>10</sup> IACHR, [Closure of civic space in Nicaragua](#) OAS/Ser.L/V/II Doc. 212/23, approved on September 23, 2023.

<sup>11</sup> IACHR, [Closure of civic space in Nicaragua](#) OAS/Ser.L/V/II Doc. 212/23, approved on September 23, 2023.

<sup>12</sup> Impunity has been defined in inter-American jurisprudence 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. IACHR Court, *Bámaca-Velásquez v. Guatemala*. Merits. Judgment of November 25, 2000. Series C No. 70, para. 211.

cancellation of the legal status of 3,390 civil society organizations.<sup>13</sup> As of January 2023, more than 250,000 people had allegedly been forcibly displaced to other countries since 2018.<sup>14</sup>

8. After assessing the human rights situation in Nicaragua in 2023, the Commission decided to include Nicaragua, for the sixth 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 the 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>15</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 emergency, state of siege, suspension of constitutional guarantees, or exceptional security measures.<sup>16</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>17</sup>

9. In relation to the above, the Commission took into account the findings of the Group of Human Rights Experts on Nicaragua (GHREN), which, on March 2, 2023, concluded that “widespread human rights violations that amount to crimes against humanity were committed against civilians by Nicaragua’s Government for political reasons.”<sup>18</sup> These human rights violations included extrajudicial executions, arbitrary detentions, torture, arbitrary deprivation of nationality and of the right to remain in one’s own country, which allegedly was not an isolated phenomenon, “but the product of the deliberate dismantling of democratic institutions and destruction of civic and democratic space.”<sup>19</sup>

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<sup>13</sup> See IACHR, [Closure of civic space in Nicaragua](#) OAS/Ser.L/V/II Doc. 212/23, approved on September 23, 2023. Moreover, the IACHR MESENI records are available at: <https://www.oas.org/en/iachr/jsForm/?File=/en/iachr/meseni/default.asp>.

<sup>14</sup> According to the UNHCR, as of June 2022, more than 260,000 Nicaraguans had been forced to flee their country, including 191,875 to Costa Rica, 30,937 to Mexico, 21,556 to the United States of America, 8,124 to Guatemala, 6,774 to Spain, and 5,170 to Panama. UNHCR, [International Protection Considerations with Regard to People Fleeing Nicaragua](#) HCR/PC/NIC/2023/01, January 2023, p. 32.

<sup>15</sup> [IACHR Rules of Procedure](#), approved by the Commission at its 137<sup>th</sup> regular period of sessions, held from October 28 to November 13, 2009; and amended on September 2, 2011, and at its 147<sup>th</sup> regular period of sessions, held from March 8 to March 22, 2013, for entry into force on August 1, 2013. Article 59.6.a.

<sup>16</sup> [IACHR Rules of Procedure](#), approved by the Commission at its 137<sup>th</sup> regular period of sessions, held from October 28 to November 13, 2009; and amended on September 2, 2011, and at its 147<sup>th</sup> regular period of sessions, held from March 8 to March 22, 2013, for entry into force on August 1, 2013. Article 59.6.b.

<sup>17</sup> [IACHR Rules of Procedure](#), approved by the Commission at its 137<sup>th</sup> regular period of sessions, held from October 28 to November 13, 2009; and amended on September 2, 2011, and at its 147<sup>th</sup> regular period of sessions, held from March 8 to March 22, 2013, for entry into force on August 1, 2013. Article 59.6.c.

<sup>18</sup> United Nations Human Rights Council, “[Nicaragua: Crimes against humanity being committed against civilians for political reasons, investigation says](#),” March 2, 2023.

<sup>19</sup> United Nations Human Rights Council, “[Nicaragua: Crimes against humanity being committed against civilians for political reasons, investigation says](#),” March 2, 2023.

10. In 2023, the Commission noted the persistence of arbitrary detentions and deprivation of liberty for political reasons to repress opposition and criticism of the government with the aim of sending a message of fear and control to the population. In turn, the continued lack of independence of the justice system facilitated the use and manipulation of criminal law to criminalize and prosecute dissenting voices through hundreds of proceedings on unfounded and disproportionate charges, as well as serious violations of the right to a fair trial. According to the records of the Mechanism for the Recognition of Political Prisoners, as of August 31, 2023, 79 persons continued to be arbitrarily deprived of their liberty.<sup>20</sup>

11. During 2023, the Inter-American Commission on Human Rights condemned the escalation of human rights violations. In this regard, on February 9, 2023, the Commission learned of the release of 222 persons who had been deprived of their liberty for political reasons in Nicaragua. After being let out of prison, they were expelled to the United States of America and deprived of their nationality on the same day, as decided by the First Criminal Chamber of the Court of Appeals of Managua.<sup>21</sup> The decision was not based on the Nicaraguan law and it constituted a violation of the principles of legality and non-retroactivity.<sup>22</sup> Subsequently, the aforementioned Chamber of the Court of Appeals officially approved the confiscation of the real property, shares and commercial companies of these persons, which also affected community property and the rights of third parties, worsening the situation of these individuals and their relatives in the country.<sup>23</sup>

12. On February 15, 2023, the Court of Appeals issued a new resolution against other 94 persons identified as political opponents, who were labelled as “fugitives from justice”<sup>24</sup> and “traitors to the homeland”<sup>25</sup> after being convicted of the crime of “conspiracy to undermine national integrity”<sup>26</sup> concurrently with the crime of “spreading fake news through information and communication technologies.”<sup>27</sup> Likewise, said Court imposed the following penalties in violation of the right to defense and due process, namely: absolute and special disqualification from holding public office, performing public functions on behalf of or in the service of the State of Nicaragua and holding any office elected by popular vote; deprivation of citizenship rights for life; deprivation of Nicaraguan nationality; freezing and confiscation, in favor of the State of Nicaragua, of all real property, shares and other assets.<sup>28</sup>

13. In sum, at least 317 persons were affected by the arbitrary deprivation of their nationality and their political rights, and by the confiscation of all their property. Two cases that are particularly noteworthy are that of human rights defender Vilma Núñez de Escorcía, beneficiary of provisional measures by the Inter-American Court of Human Rights, who is in Nicaraguan territory under a serious police siege,<sup>29</sup> and that of

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<sup>20</sup> Mechanism for the Recognition of Political Prisoners, “[Lista – Informe preliminar personas presas políticas en Nicaragua](#)”. List – Preliminary report political prisoners in Nicaragua. August 31, 2023.

<sup>21</sup> AP, “[Nicaragua libera a más de 200 opositores y los envía a EE. UU.](#),” February 9, 2023; *Infobae*, “[Más de 200 presos políticos fueron desterrados por el régimen de Daniel Ortega y enviados a Estados Unidos](#),” February 9, 2023; *BBC*, “[Nicaragua libera a 222 opositores presos, los deporta a EE. UU. y les quita la nacionalidad](#),” February 9, 2023.

<sup>22</sup> IACHR, Press Release No. 24/23 - “[IACHR and OHCHR Condemn Escalation of Human Rights Violations in Nicaragua](#).” Washington, D.C./Panama City, February 17, 2023; IACHR, Press Release No. 21/23 “[IACHR Welcomes Release of Political Prisoners in Nicaragua but Rejects Arbitrary Deprivation of Nationality](#).” Washington, D.C., February 13, 2023.

<sup>23</sup> *Confidencial*, “[Dictadura ordena confiscar los bienes de los 222 exreos políticos desterrados](#),” June 9, 2023; AP, “[Gobierno de Nicaragua confisca bienes a 222 expresos desterrados](#),” June 9, 2023.

<sup>24</sup> See Resolutions issued on February 15, 2023, against 94 defendants accused by the Office of the Public Prosecutor of conspiracy to undermine national integrity concurrently with the crime of spreading fake news. Operative paragraphs.

<sup>25</sup> See Resolutions issued on February 15, 2023, against 94 defendants accused by the Office of the Public Prosecutor of conspiracy to undermine national integrity concurrently with the crime of spreading fake news. Operative paragraphs.

<sup>26</sup> See Resolutions issued on February 15, 2023, against 94 defendants accused by the Office of the Public Prosecutor of conspiracy to undermine national integrity concurrently with the crime of spreading fake news. Operative paragraphs.

<sup>27</sup> See Resolutions issued on February 15, 2023, against 94 defendants accused by the Office of the Public Prosecutor of conspiracy to undermine national integrity concurrently with the crime of spreading fake news. Operative paragraphs.

<sup>28</sup> See Resolutions issued on February 15, 2023, against 94 defendants accused by the Public Prosecutor of conspiracy to undermine national integrity concurrently with the crime of spreading fake news. Operative paragraphs.

<sup>29</sup> IACHR X account (@CIDH), “[#CIDH repudia decisión de #Nicaragua de privar arbitrariamente de nacionalidad a la defensora Doña Vilma Núñez de Escorcía junto con otras 93 personas por defender DDHH. Urge a proteger su vida e integridad de conformidad con las medidas provisionales otorgadas por @CorteIDH](#)” [IACHR repudiates decision of Nicaragua to arbitrarily deprive defender Doña Vilma Núñez de Escorcía of her nationality along with that of 93 others for defending HR. Urges to protect her life and integrity in accordance with the provisional measures granted by the IAHR Court], February 15, 2023.

Monsignor Rolando Álvarez, bishop of Matagalpa, who is a beneficiary of provisional measures and is deprived of his liberty under serious conditions of detention and *incommunicado*.<sup>30</sup>

14. In 2023, the Commission observed the tightening of an arbitrary policy that prevented the free entry into or exit from the country, which consisted of the arbitrary withdrawal and retention of passports, as well as the refusal to issue passports as a mechanism to prevent people from leaving the country.<sup>31</sup> The Commission has also documented cases of Nicaraguans not being allowed to return to their country, which led them to undergo forced displacement and to seek the regularization of their migratory status or the access to international protection mechanisms in other countries. Some people who were arbitrarily prevented by the State from returning to their country of origin reported that they were unable to renew expired passports or access other identity documents because they were outside the country and because of the State's refusal to issue said documentation. These policies resulted in the forced separation of many Nicaraguan families.<sup>32</sup>

15. In 2023, the Commission pointed out that the cancellation of the legal status of thousands of Nicaraguan civil society organizations was the most exemplary and extreme method to attack pluralism, as it showcased the State's intention to completely close civic and democratic spaces in Nicaragua. According to the Commission, between April 18, 2018 and August 31, 2023, the State cancelled the legal status of 3,390 organizations out of a total of 7,227 legally registered organizations in the country in 2018.<sup>33</sup> In this context, the Office of the United Nations High Commissioner for Human Rights (OHCHR) considered that, "[w]ith the progressive elimination of all independent associations, the control of all public institutions and the expulsion and exile of the main leaders of the opposition, the Government has shrunk the civic and democratic space to an extent that leaves no room for dissent."<sup>34</sup>

16. Furthermore, repression of representatives of the Nicaraguan Roman Catholic Church who were critical of the government became more intense in 2023, as did restrictions of religious freedom. For example, in March, more than 20 people were reportedly arrested for failing to comply with the police ban on Catholic Easter celebrations in public spaces.<sup>35</sup> The Commission also documented the arbitrary detention, imprisonment and expulsion from the country of priests and nuns without due process, as well as the confiscation of their property. In May 2023, the State ordered the bank accounts of at least three of the nine dioceses of the Catholic Church be frozen for alleged illicit acts related to money laundering and "treason".<sup>36</sup>

17. Regarding persons who were arbitrarily deprived of their liberty, the Commission received information on the persistence of dire conditions of detention, as well as on the concerning deterioration of their health and physical condition as a consequence of their protracted detention under circumstances that violate human dignity. Against this backdrop, the information and testimonies gathered through the Special Follow-up Mechanism for Nicaragua (MESENI) regarding the group of persons released from prison and expelled to the United States on February 9, 2023, serves to prove the systematic pattern of torture, cruel treatment and precarious conditions of detention affecting persons considered to be political prisoners (see *infra* II. E. Persons deprived of their liberty).

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<sup>30</sup> IACHR, Press Release No. 24/23 - "[IACHR and OHCHR Condemn Escalation of Human Rights Violations in Nicaragua](#)," Washington, D.C./Panama City, February 17, 2023; IACHR, Press Release No. 21/23 "[IACHR Welcomes Release of Political Prisoners in Nicaragua but Rejects Arbitrary Deprivation of Nationality](#)," Washington, D.C., February 13, 2023.

<sup>31</sup> IACHR, Press Release No. 123/23 - "[IACHR Rejects Ongoing Repression and Human Rights Violations in Nicaragua](#)," Washington, D.C., June 16, 2023.

<sup>32</sup> IACHR, Press Release No. 123/23 - "[IACHR Rejects Ongoing Repression and Human Rights Violations in Nicaragua](#)," Washington, D.C., June 16, 2023.

<sup>33</sup> IACHR, [Closure of civic space in Nicaragua](#) OAS/Ser.L/V/II Doc. 212/23, approved on September 23, 2023.

<sup>34</sup> UN. Human rights situation in Nicaragua. Report of the United Nations High Commissioner for Human Rights, [A/HRC/54/60](#), August 2023, para. 76.

<sup>35</sup> IACHR, Press Release No 67/23 - "[Five Years into Nicaragua's Human Rights Crisis, the IACHR Calls for the Restoration of Democracy and Stresses Its Solidarity with Victims](#)," Washington, D.C., April 18, 2023.

<sup>36</sup> IACHR, Press Release No. 218/23 - "[IACHR Urges State of Nicaragua to End Repression Against Roman Catholic Church](#)," Washington, D.C., September 15, 2023.

18. With regard to indigenous communities, the Commission received reports of new attacks against different peoples of the Caribbean coast by armed settlers acting with the acquiescence of state authorities, which were part of a systematic pattern that has had a serious impact on the rights to life and personal integrity of the members of those communities, as well as on the communities' rights to land, territory and survival.<sup>37</sup> Likewise, the Commission warned about the worsening of repression marked by the detention of indigenous leaders, the cancellation of the legal status of the YATAMA party, the closure of indigenous radio stations and other actions that are part of a repressive strategy to consolidate a regime of concentration of power ahead of the regional elections in the Caribbean coast scheduled for 2024<sup>38</sup> (see *infra* II. F. Indigenous peoples and afro descendants in the Caribbean coast of Nicaragua).

19. In 2023, the Commission and the Office of the Special Rapporteur for Freedom of Expression (RELE) declared that censorship and repression had reached alarming levels. Journalists attempting to report on matters of general interest faced an imminent risk of arrest; for example, journalist Víctor Ticay was sentenced to eight years of imprisonment for the crimes of conspiracy to undermine national integrity and spreading fake news after covering a religious procession during Holy Week. Likewise, in 2023, persecution continued against activists, human rights defenders, journalists, artists, opponents and religious leaders for merely expressing their ideas and opinions. As analyzed in this report, the control and censorship mechanisms deployed by the government have contributed to the closing of the civic and democratic spaces in Nicaragua and have undermined basic conditions for the exercise of freedom of expression (see *infra* III. Situation of freedom of expression).

20. With regard to the guarantee of economic, social, cultural and environmental rights, the Commission and the Office of the Special Rapporteur on Economic, Social, Cultural and Environmental Rights (REDESCA) noted with concern setbacks and violations of such rights. These particularly included the infringement of the principles of academic freedom and university autonomy – given the forced closure of universities and educational centers –; violations of the right to social security in the context of the deprivation of nationality of the elderly and the confiscation of their property; and attacks against indigenous communities in the context of the noncompliance with the guidelines of the Green Climate Fund (GCF) for the implementation of a project in the BOSAWÁS and Rio San Juan Biospheres (see *infra* IV. Economic, social and cultural rights).

21. 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 as follows:

- (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>39</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;

<sup>37</sup> IACHR, Press Release No.67/23 - "[Five Years into Nicaragua's Human Rights Crisis, the IACHR Calls for the Restoration of Democracy and Stresses Its Solidarity with Victims.](#)" Washington, D.C., April 18, 2023.

<sup>38</sup> IACHR, Press Release No. 243/23 - "[IACHR and Its Special Rapporteurship for Freedom of Expression Urge Nicaragua to End Repression Against Indigenous Communities in Its Caribbean Coast.](#)" Washington, D.C., October 10, 2023.

<sup>39</sup> IACHR Rules of Procedure, approved by the Commission at its 137<sup>th</sup> regular period of sessions, held from October 28 to November 13, 2009; and amended on September 2, 2011, and at its 147<sup>th</sup> regular period of sessions, held from March 8 to March 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 [...].

22. For the inclusion of Nicaragua in this chapter, the Commission has taken into consideration the persistent unwillingness of the Nicaraguan State to address the social, political and human rights crisis impacting the country, as evidenced by the lack of a comprehensive reform of state institutions, its withdrawal from the international community,<sup>40</sup> its failure to comply with the recommendations of the Commission and the Inter-American Court of Human Rights, 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.

23. Previously, on November 22, 2022, the Inter-American Court claimed that the State of Nicaragua continued to be unwilling to comply with the decisions of the Court, which constituted “an act of evident contempt over time, contrary to the international principle that imposes on the State the duty to comply with its treaty obligations in good faith,” and therefore ordered its president to report to the Organization of American States (OAS) on the matter.<sup>41</sup>

24. On March 29, 2023, the President of the Inter-American Court, Judge Ricardo C. Pérez Manrique, informed the Permanent Council of the Organization of American States about the permanent acts of contempt by the State of Nicaragua, contrary to the decisions of the Court, and about the absolute lack of protection of the beneficiaries of the provisional measures granted by Court.<sup>42</sup> The President of the Inter-American Court recalled that, “in the event of a manifest breach by one of the States of a decision ordering provisional measures, it is their duty to submit it to the OAS General Assembly, by virtue of Article 65 of the Convention, as much as it is the duty of the latter to ensure timely compliance with the decisions through the adoption of a dialogue or institutional measures of a collective nature that are effective, timely and prompt to ensure the effectiveness of the American Convention”<sup>43</sup> so as to “prevent inter-American justice from becoming a mere illusion, by being left to the discretion of a State’s domestic decisions.”<sup>44</sup>

25. Finally, in a resolution issued on November 6, 2023, the Permanent Council of the Organization of American States expressed its concern about the negative impact of the entry into force of the denunciation of the Charter of the Organization of American States by Nicaragua on November 19, 2023, as well as its withdrawal from the Organization, its relationship with the inter-American system and its participation therein.<sup>45</sup>

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<sup>40</sup> For example, the Committee on the Elimination of Discrimination against Women (CEDAW Committee) deplored that the dialogue with Nicaragua to consider the implementation of the Convention on the Elimination of All Forms of Discrimination against Women in the country could not take place as planned. In particular, it noted that the Ambassador and Permanent Representative of Nicaragua, Her Excellency Ms. Rosalía Concepción Bohórquez Palacios, was present at the beginning of the review and delivered a statement including baseless accusations. Immediately following her statement, while the Chair of the Committee opened the floor for Committee members to ask questions, the Ambassador left the podium and made a sudden exit from the conference room. The Committee continued its review without the Ambassador’s presence. United Nations, “[UN women’s rights committee deplores withdrawal of Nicaraguan Ambassador from public review](#),” October 25, 2023.

<sup>41</sup> Between June 2021 and February 2023, the Inter-American Court adopted eight (8) resolutions on provisional measures and its Presidency adopted two (2) resolutions on urgent measures, under which the State of Nicaragua was required to release the persons referred to in the provisional measures and to immediately adopt all necessary measures to protect and guarantee the life, health, access to adequate food and personal integrity of a total of 87 beneficiaries, and to immediately and effectively adopt all necessary measures to effectively protect the life, integrity and personal liberty of the members of their family units in Nicaragua. IAHR Court, [Matter of Juan Sebastián Chamorro et al. regarding Nicaragua. Provisional Measures](#). Order of the Inter-American Court of Human Rights, November 22, 2021, paras. 45 and 50.

<sup>42</sup> [Presentation by the President of the Inter-American Court of Human Rights, Judge Ricardo C. Pérez Manrique, to the OAS Permanent Council within the mandate of the Resolution. Matter of Juan Sebastián Chamorro et al. regarding Nicaragua.](#)

<sup>43</sup> [Presentation by the President of the Inter-American Court of Human Rights, Judge Ricardo C. Pérez Manrique, to the OAS Permanent Council within the mandate of the Resolution. Matter of Juan Sebastián Chamorro et al. regarding Nicaragua.](#)

<sup>44</sup> [Presentation by the President of the Inter-American Court of Human Rights, Judge Ricardo C. Pérez Manrique, to the OAS Permanent Council within the mandate of the Resolution. Matter of Juan Sebastián Chamorro et al. regarding Nicaragua.](#)

<sup>45</sup> OAS, Resolution “[Measures consequent to denunciation of the Charter of the Organization of American States by the Republic of Nicaragua](#)”, adopted by the Permanent Council on November 6, 2023. CP/doc.5941/23 rev. 1. Whereas paragraphs.

26. Additionally, the Permanent Council reiterated that said denunciation “does not nullify the other legal obligations for which it is responsible by virtue of its ratification of other inter-American conventions, particularly, but not only, those related to the promotion and protection of human rights.”<sup>46</sup> In this regard, it reaffirmed that “Nicaragua remains bound to respect all human rights reflected in customary norms; all human rights contained in the multilateral human rights conventions to which Nicaragua is a party, as well as those derived from general principles of international law that ensure universal protection for human dignity.”<sup>47</sup>

27. In accordance with Article 59.5 of the Rules of Procedure of the Commission, this report is based on information obtained from the following sources: official acts of all levels and branches of government, including constitutional amendments, legislation, decrees, judicial decisions, policy statements, official communications to the Commission and to other human rights organs, as well as any other statement or action attributable to the government;; information available in cases, petitions and precautionary and provisional measures in the inter-American system; information obtained during public hearings held by the Commission; information obtained through press releases and from the MESENI; conclusions of other international human rights bodies, including treaty bodies, rapporteurs, working groups, the Human Rights Council and other United Nations bodies and specialized agencies; human rights reports issued by governments and regional organs; reports by civil society organizations, as well as information submitted by said organizations and by individuals; and public information that is widely disseminated in the media.

28. In 2023, the Commission at least 17 press releases on Nicaragua.<sup>48</sup> In addition, the Inter-American Commission adopted six precautionary measures resolutions aimed at protecting persons whose rights were at serious and irreparable risk.<sup>49</sup> Taking into account the extremely serious and urgent situation of some of the beneficiaries, the Commission submitted several requests for the extension and/or granting of provisional measures to the Inter-American Court of Human Rights, which were granted.<sup>50</sup>

29. On November 29, 2023, the Inter-American Commission on Human Rights approved the final version of this report. Subsequently, on January 12, 2024, the Commission sent a preliminary draft of the report

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<sup>46</sup> OAS, Resolution “[Measures consequent to denunciation of the Charter of the Organization of American States by the Republic of Nicaragua](#),” adopted by the Permanent Council on November 6, 2023. CP/doc.5941/23 rev. 1. Operative paragraph no. 3.

<sup>47</sup> OAS, Resolution “[Measures consequent to the denunciation of the Charter of the Organization of American States by the Republic of Nicaragua](#),” adopted by the Permanent Council on November 6, 2023. CP/doc.5941/23 rev. 1. Operative paragraph no. 4.

<sup>48</sup> Among them: 243/23 - “[IACHR and Its Special Rapporteurship for Freedom of Expression Urge Nicaragua to End Repression Against Indigenous Communities in Its Caribbean Coast](#).” Washington, D.C., October 10, 2023; IACHR, Press Release No. 123/23 - “[IACHR Rejects Ongoing Repression and Human Rights Violations in Nicaragua](#).” Washington, D.C., June 16, 2023; IACHR, Press Release No. 67/23 - “[Five Years into Nicaragua’s Human Rights Crisis, the IACHR Calls for the Restoration of Democracy and Stresses Its Solidarity with Victims](#).” Washington, D.C., April 18, 2023; IACHR, Press Release No. 61/23 - “[Nicaragua: IACHR and REDESCA Express Concern About Violations of Property and Social Security Rights](#).” Washington, D.C., April 14, 2023; IACHR, Press Release No. R31/23 “[On Journalists’ Day in Nicaragua, the Office of the Special Rapporteur sends a message of solidarity, support and commitment to the work of the Nicaraguan press](#).” Washington, D.C., March 31, 2023; IACHR, Press Release No. 29/23 - “[IACHR Asks Inter-American Court to Grant Temporary Measures in Favor of Radio La Costeñísima Team in Nicaragua](#).” Washington, D.C., February 27, 2023; IACHR, Press Release No. 24/23 “[IACHR and OHCHR Condemn Escalation of Human Rights Violations in Nicaragua](#).” Washington, D.C./Panama City, February 17, 2023; IACHR, Press Release No. 21/23 - “[IACHR Welcomes Release of Political Prisoners in Nicaragua but Rejects Arbitrary Deprivation of Nationality](#).” Washington, D.C., February 13, 2023.

<sup>49</sup> IACHR, [Resolution No. 60/23](#). Precautionary Measure 812-23, Nancy Elizabeth Henríquez James regarding Nicaragua; [Resolution No. 59/23](#). PM 799-23, Brooklyn Rivera Bryan regarding Nicaragua; [Resolution No. 58/23](#). PM 558-23, José Leonardo Urbina Rodríguez regarding Nicaragua; [Resolution No. 34/23](#). PM 304-23, J.N.S.R. regarding Nicaragua; [Resolution No. 20/23](#). PM 738-22, D.R.Z., D.A.B.A., A.C.L. and I.C.L. regarding Nicaragua; [Resolution No. 19/23](#). PM 214-23, Rolando José Álvarez Lagos regarding Nicaragua.

<sup>50</sup> Among them: IACHR, Press Release No 224/23 - “[IACHR requests provisional measures to I/A Court H.R. in favor of student leader in Nicaragua](#).” Washington, D.C., September 26, 2023; Press Release No. 133/23 - “[IACHR requests I/A Court H.R. to extend provisional measures for Rolando Álvarez, bishop of Matagalpa, Nicaragua](#).” Washington, D.C., June 23, 2023; Press Release No. 132/23 - “[IACHR requests provisional measures to I/A Court H.R. in favor of four members of the Mayanga indigenous people deprived of liberty in Nicaragua](#).” Washington, D.C., June 23, 2023; Press Release No. 78/23 - “[IACHR requests provisional measures to I/A Court H.R. for the inhabitants of Musawas and Wilú indigenous communities in Nicaragua](#).” Washington, D.C., April 26, 2023; Press Release No. 29/23 - “[IACHR Asks Inter-American Court to Grant Temporary Measures in Favor of Radio La Costeñísima Team in Nicaragua](#).” Washington, D.C., February 27, 2023; Press Release No. 2/23 - “[IACHR Requests from Inter-American Court of Human Rights an Extension of Temporary Measures in Favor of 11 Individuals Who Are Deprived of Liberty in Nicaragua](#).” Washington, D.C., January 9, 2023.

to the Nicaraguan State in accordance with Articles 59.7 and 59.10 of the IACHR Rules of Procedure. Allowing a month for the receipt of observations from the State, which, however, did not present any information.

## II. SITUATION OF HUMAN RIGHTS

30. In this section, the Commission addresses the main patterns of human rights violations observed in 2023 following the imposition of a police state and the persistence of criminalization in the country, as well as the factors that led Nicaragua to be included in this chapter of the Annual Report. In particular, the Commission delves into the context of judicial persecution, arbitrary deprivation of nationality, prohibition of return to Nicaragua and risk of statelessness; the massive closure of civil society organizations; religious persecution and restriction on freedom of religion; the situation of persons deprived of their liberty; and, finally, the worsening of the situation of indigenous communities and peoples of the Caribbean coast.

31. As it has already been pointed out by the Commission, the principle of separation of powers that governs democratic states was subverted in Nicaragua. There is currently no system of checks and balances, since all institutions respond to the decisions of the executive branch.<sup>51</sup> The different state functions are not carried out by independent bodies whose powers are balanced, but rather all public powers are aligned with or directed by the executive branch, and therefore do not place limits on the exercise of power or prevent arbitrariness; on the contrary, they facilitate or consolidate it.<sup>52</sup> In this context, the instrumentalization of the justice system by the executive branch has made it possible, on the one hand, to persecute any person identified as an opponent of the government and, on the other hand, to perpetrate impunity for the human rights violations committed, thus creating a climate that is conducive to the repetition of these acts,<sup>53</sup> as analyzed below.

### A. Police state and criminalization

32. Nicaragua has become a police state marked by the prohibition of social protests, the permanent siege of the population, the co-optation of public spaces and the persistent use of arbitrary detentions and deprivation of liberty to perpetuate a feeling of fear in the population, so as to censor any expression of dissent, both in the physical and digital spheres, and even to persecute the expression and practice of the Catholic faith.<sup>54</sup> These facts take place in a context of a complete lack of independence of the justice system that facilitates the use and manipulation of criminal law to prosecute critical voices on unfounded and disproportionate charges and results in serious violations of the right to a fair trial.<sup>55</sup>

33. In 2023, the Commission received information of new arbitrary detentions and increased police harassment of the population. Between April and May 2023, more than 140 people had been arrested during Easter celebrations and on the eve of the commemoration of the anniversary of the protests of April 18, 2018. Moreover, in May, the Commission recorded dozens of mass detentions that had occurred amidst police operations carried out simultaneously nationwide. These detentions were characterized by a disproportionate use of force and by violent raids, which were carried out by the National Police at nighttime or in the early morning.<sup>56</sup> It was reported that, although some detentions were temporary, dozens of people had been prosecuted at secret hearings and expeditious proceedings, infringing the right to a fair trial. In other cases,

<sup>51</sup> IACHR, [Nicaragua: Concentration of Power and the Undermining of the Rule of Law](#) OAS/Ser.L/V/II Doc. 288, October 25, 2021, para. 174.

<sup>52</sup> IACHR, [Nicaragua: Concentration of Power and the Undermining of the Rule of Law](#) OAS/Ser.L/V/II Doc. 288, October 25, 2021, para. 174.

<sup>53</sup> IACHR, [Closure of civic space in Nicaragua](#). OAS/Ser.L/V/II Doc. 212/23, approved on September 23, 2023, para. 218.

<sup>54</sup> IACHR, [Closure of civic space in Nicaragua](#). OAS/Ser.L/V/II Doc. 212/23, approved on September 23, 2023, para. 61 et seq.

<sup>55</sup> IACHR, [Closure of civic space in Nicaragua](#). OAS/Ser.L/V/II Doc. 212/23, approved on September 23, 2023, para. 62; Cf. Conclusiones detalladas del Grupo de Expertos en Derechos Humanos sobre Nicaragua [Detailed conclusions of the Group of Experts on Human Rights in Nicaragua], Human Rights Council, 52nd session, A/HRC/52/CRP.5, March 7, 2023, paras. 111 to 115; UN. Human rights situation in Nicaragua. Report of the United Nations High Commissioner for Human Rights. A/HRC/54/60. August 2023, paras. 22 to 27.

<sup>56</sup> See Mechanism for the Recognition of Political Prisoners, [Lista – Informe preliminar personas presas políticas en Nicaragua](#), August 31, 2023; Mechanism for the Recognition of Political Prisoners, [Press Release](#), April-May 2023; Mechanism for the Recognition of Political Prisoners, [Lista – Informe preliminar personas presas políticas en Nicaragua](#), July 30, 2023.

authorities had allegedly summoned people to police stations daily or implemented the precautionary measure of “jail at home,” which led to feelings of distress, siege, and permanent persecution.<sup>57</sup>

34. Another pattern that has been denounced before the Commission is the lack of official information on the whereabouts of the detained persons and their legal situation for several days. In some cases, authorities only acknowledge that persons are detained when they accept food or other items for the detainees, without providing any certainty or confirmation as to their whereabouts. According to the Office of the United Nations High Commissioner for Human Rights (OHCHR), concealing the fate of a disappeared person, thus effectively removing them from the protection of the law and placing their lives at risk is a practice that constitutes an enforced disappearance.<sup>58</sup> Among others, it should be mentioned the case of YATAMA deputy Brooklyn Rivera Bryan, whose relatives have had no information on his whereabouts for more than ten days after he was detained by state agents.<sup>59</sup>

35. In addition, the information provided indicates that the threats and acts of harassment against the population increased considerably in 2023, due to visits from National Police agents to private homes with the purpose of interrogating people about personal activities, even when there were no legal proceedings against them in progress. National Police officers allegedly required that people reported any outings from their homes and allegedly informed the population about the prohibition to hold meetings or encounters of any kind. In some cases, they reportedly searched mobile phones and computers without any warrant or justification; in other cases, they allegedly threatened people by claiming they were under investigation.<sup>60</sup>

36. The Commission notes with concern that the perpetuation of the police state in the context of the massive closure of civil society organizations, as well as the exile and banishment of leaders, journalists, and human rights defenders, as detailed below in the report, has led to increasing levels of self-censorship among the population and to a reluctance to report human rights violations and arrests for fear of reprisals. This outlook significantly hinders the work of the civil society and human rights defenders in the country, as it is further restricted in a hostile and clandestine environment.

37. The Commission recalls that the granting of civic space, far from being optional, is rooted in the norms of international human rights law. It is therefore incumbent upon States to ensure the conditions needed for this environment to be safe, conducive, inclusive, and pluralistic so that individuals and groups can express their opinions, meet, and engage in dialogue among themselves and with the authorities on matters that affect their lives, which derives from the obligations to respect and guarantee those essential rights and freedoms.<sup>61</sup>

38. The creation and maintenance of an enabling, pluralistic and safe environment for civil society entails the negative obligation of States to refrain from actions that arbitrarily interfere with the exercise of human rights related to civic space.<sup>62</sup> Particularly, in light of Article 1 (1) of the Convention, the Inter-American Court has emphasized that it is “the particular duty of States to protect those persons working in non-governmental organizations.”<sup>63</sup> For its part, the Commission has pointed out that different civil society actors must be free from any act of intimidation, harassment, criminalization and retaliation for their activities,

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<sup>57</sup> See Mechanism for the Recognition of Political Prisoners, [Lista – Informe preliminar personas presas políticas en Nicaragua](#), August 31, 2023; Mechanism for the Recognition of Political Prisoners, [Press Release](#), April-May 2023; Mechanism for the Recognition of Political Prisoners, [Lista – Informe preliminar personas presas políticas en Nicaragua](#), July 30, 2023.

<sup>58</sup> UN. *Human rights situation in Nicaragua*. Report of the United Nations High Commissioner for Human Rights [A/HRC/54/60](#), August 2023, para. 39.

<sup>59</sup> IACHR, [Resolution No. 59/23](#), *Precautionary Measure No. 799-23, Brooklyn Rivera Bryan regarding Nicaragua*, October 9, 2023.

<sup>60</sup> See Mechanism for the Recognition of Political Prisoners, [Lista – Informe preliminar personas presas políticas en Nicaragua](#), August 31, 2023; Mechanism for the Recognition of Political Prisoners, [Press Release](#), April-May 2023; Mechanism for the Recognition of Political Prisoners, [Lista – Informe preliminar personas presas políticas en Nicaragua](#), July 30, 2023.

<sup>61</sup> OHCHR, *Practical recommendations for the creation and maintenance of a safe and enabling environment for civil society, based on good practices and lessons learned*. Report of the United Nations High Commissioner for Human Rights [A/HRC/32/20](#), April 11, 2016; IACHR, [Closure of civic space in Nicaragua](#) OAS/Ser.L/V/II Doc. 212/23, approved on September 23, 2023, para. 51.

<sup>62</sup> IACHR, [Closure of civic space in Nicaragua](#) OAS/Ser.L/V/II Doc. 212/23, approved on September 23, 2023, para. 53.

<sup>63</sup> IAHR Court, [Matter of Members of the Nicaraguan Center for Human Rights and the Permanent Commission on Human Rights \(CENIDH-CPDH\) regarding Nicaragua. Provisional Measures](#). Order of the Inter-American Court of Human Rights of October 14, 2019.

whether online or in a physical space,<sup>64</sup> which includes arbitrary detentions. The Commission urges compliance with these obligations, the cessation of repression against the population and the adoption of immediate measures to reestablish the enjoyment of human rights.

## B. Arbitrary deprivation of nationality, prohibition of return and risk of statelessness

39. Throughout 2023, the Commission condemned the worsening of repression through the arbitrary deprivation of Nicaraguan nationality as a mechanism of punishment and retaliation against the country's main social, political, and religious leaders; former officials and diplomats; renowned human rights defenders; and journalists and workers of the main media outlets, among others. According to gathered information, at least 317 people have been affected.<sup>65</sup>

40. On February 9, 2023, the Commission learned of the release of 222 persons who had been deprived of their liberty for political reasons in Nicaragua. After being let out of prison, they were expelled to the United States of America and deprived of their nationality on the same day, as decided by the First Criminal Chamber of the Court of Appeals of Managua.<sup>66</sup> While the Commission acknowledged that these releases had put an end to years of arbitrary incarceration in appalling conditions of detention, it also repudiated the fact that these had come hand in hand with the arbitrary deprivation of Nicaraguan nationality and deportation.<sup>67</sup> The latter measures were adopted without being provided for at the time in Nicaraguan legislation and constituted a violation of the principles of legality and non-retroactivity of penalties.<sup>68</sup>

41. Subsequently, on February 9, 2023, the National Assembly announced the expedited approval of an amendment to Article 21 of the Constitution regarding nationality, as well as the passing of a new law that "regulates the forfeiture of Nicaraguan nationality."<sup>69</sup> Pursuant to this new legislation, on February 15, 2023, the Court of Appeals issued a new resolution against 94 persons identified as political opponents, who were labelled as "fugitives from justice"<sup>70</sup> and "traitors to the homeland"<sup>71</sup> after being convicted of the crime of "conspiracy to undermine national integrity"<sup>72</sup> concurrently with the crime of "spreading fake news through information and communication technologies."<sup>73</sup> Likewise, said Court imposed the following penalties: absolute and special disqualification from holding public office, performing public functions on behalf of or in the service of the State of Nicaragua and holding any office elected by popular vote; deprivation of citizenship

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<sup>64</sup> See IACHR, [Criminalization of Human Rights Defenders](#) OAS/Ser.L/V/II Doc. 49/15, December 31, 2015, para. 285, Recommendation 7; see Joint Statement on Protecting and Supporting Civil Society At-Risk. The United Nations Special Rapporteur on the rights to freedom of peaceful assembly and of association, the Special Rapporteur on Freedom of Expression of the Inter-American Commission on Human Rights (IACHR), the Special Rapporteur on Human Rights Defenders and focal point for reprisals in Africa of the African Commission on Human and Peoples' Rights (ACHPR), and the OSCE Office for Democratic Institutions and Human Rights (ODIHR), 2021.

<sup>65</sup> IACHR, 186<sup>th</sup> period of sessions, public hearing "Arbitrary deprivation of nationality and human rights violations in Nicaragua," held on March 10, 2023; IACHR, Press Release No. 21/23 - "[IACHR Welcomes Release of Political Prisoners in Nicaragua but Rejects Arbitrary Deprivation of Nationality](#)," February 13, 2023.

<sup>66</sup> AP, "[Nicaragua libera a más de 200 opositores y los envía a EE. UU.](#)," February 9, 2023; *Infobae*, "[Más de 200 presos políticos fueron desterrados por el régimen de Daniel Ortega y enviados a Estados Unidos](#)," February 9, 2023; *BBC*, "[Nicaragua libera a 222 opositores presos, los deporta a EE. UU. y les quita la nacionalidad](#)," February 9, 2023.

<sup>67</sup> IACHR, Press Release No. 21/23 - "[IACHR Welcomes Release of Political Prisoners in Nicaragua but Rejects Arbitrary Deprivation of Nationality](#)," February 13, 2023.

<sup>68</sup> IACHR, Press Release No. 24/23 - "[IACHR and OHCHR Condemn Escalation of Human Rights Violations in Nicaragua](#)," Washington, D.C./Panama City, February 17, 2023; IACHR, Press Release No. 21/23 - "[IACHR Welcomes Release of Political Prisoners in Nicaragua but Rejects Arbitrary Deprivation of Nationality](#)," Washington, D.C., February 13, 2023.

<sup>69</sup> National Assembly, "[Aprueban reforma a la Constitución y ley especial que regula la pérdida de la nacionalidad nicaragüense](#)," February 9, 2023.

<sup>70</sup> See Resolutions issued on February 15, 2023, against 94 defendants accused by the Office of the Public Prosecutor of conspiracy to undermine national integrity concurrently with the crime of spreading fake news. Operative paragraphs.

<sup>71</sup> See Resolutions issued on February 15, 2023, against 94 defendants accused by the Office of the Public Prosecutor of conspiracy to undermine national integrity concurrently with the crime of spreading fake news. Operative paragraphs.

<sup>72</sup> See Resolutions issued on February 15, 2023, against 94 defendants accused by the Office of the Public Prosecutor of conspiracy to undermine national integrity concurrently with the crime of spreading fake news. Operative paragraphs.

<sup>73</sup> See Resolutions issued on February 15, 2023, against 94 defendants accused by the Office of the Public Prosecutor of conspiracy to undermine national integrity concurrently with the crime of spreading fake news. Operative paragraphs.

rights for life; deprivation of Nicaraguan nationality; and freezing and confiscation, in favor of the State of Nicaragua, of all real property and corporations that the prosecuted individuals had registered under their name.<sup>74</sup>

42. As indicated to the Commission, this resolution was adopted without a prior trial and sentenced the affected individuals to “a civil death.”<sup>75</sup> In this regard, in the *Matter of the Nicaraguan Center for Human Rights and the Permanent Commission on Human Rights (CENIDH-CPDH) regarding Nicaragua*, the Inter-American Court found that this criminal proceeding had been concluded in less than 24 hours and that the accused had learned about it for the first time at the press conference that was arranged by the Chair Magistrate of the Court of Appeals of Managua to communicate the ruling, which allegedly prevented the accused from exercising their right to defense.<sup>76</sup> According to the Inter-American Court, “this proceeding, *prima facie*, has allegedly failed to comply with the minimum guarantees that should govern any criminal proceeding.”<sup>77</sup>

43. Additionally, the Inter-American Court considered that the specific penalties imposed on the human rights defenders who were beneficiaries of provisional measures, Vilma Núñez de Escorcía and Guillermo Gonzalo Carrión, could imply the use of criminal proceedings as an instrument to continue exercising and aggravating intimidation and silencing upon them.<sup>78</sup> As for the deprivation of nationality, the Inter-American Court has warned that this type of punishment pushes the beneficiaries to potential statelessness, thus increasing their vulnerability.<sup>79</sup> Therefore, the Inter-American Court believes the convictions imposed as a result of a trial in which no guarantee of due process was respected prevented these persons from exercising their basic rights as citizens and even accounted for “an extreme act of political persecution targeted at human rights defenders and anyone who may raise a critical voice against the current regime, which is inadmissible in a democratic State under the Rule of Law.”<sup>80</sup>

44. Furthermore, the Commission has received information and testimonies on the tightening of an arbitrary policy that prevented the free entry into or exit from the country, which consisted of the arbitrary withdrawal and retention of passports, as well as the refusal to issue passports as a mechanism to prevent Nicaraguans from leaving the country.<sup>81</sup> The MESENI also reported to the Commission cases of Nicaraguans not being allowed to return to their country, which has thus led them to undergo forced displacement and to face risk of statelessness, as they have to seek the regularization of their migrant status or access international protection mechanisms in other countries. Some people who were arbitrarily prevented by the State from returning to their country of origin reported that they were unable to renew expired passports or access other

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<sup>74</sup> See Resolutions issued on February 15, 2023, against 94 defendants accused by the Public Prosecutor of conspiracy to undermine national integrity concurrently with the crime of spreading fake news. Operative paragraphs.

<sup>75</sup> IACHR and OHCHR, Press Release No. 24/23 - “[IACHR and OHCHR Condemn Escalation of Human Rights Violations in Nicaragua](#),” February 17, 2023; *CNN en Español*, “[¿Quiénes son las personas condenadas por traición a la patria en Nicaragua? Esto es lo que sabemos](#),” February 16, 2023; *Voces del Sur* and FLED, “[Cárcel, censura y exilio: la receta aplicada por Ortega en contra de la prensa independiente en Nicaragua](#),” [Prison, censorship and exile: Ortega’s formula against independent press in Nicaragua], July 10, 2023.

<sup>76</sup> IAHR Court, [Matter of Members of the Nicaraguan Center for Human Rights and the Permanent Commission on Human Rights \(CENIDH-CPDH\) regarding Nicaragua. Provisional Measures](#). Order of the Inter-American Court of Human Rights, October 20, 2023, para. 19.

<sup>77</sup> See [IAHR Court, Matter of Members of the Nicaraguan Center for Human Rights and the Permanent Commission on Human Rights \(CENIDH-CPDH\) regarding Nicaragua. Provisional Measures](#). Order of the Inter-American Court of Human Rights of October 20, 2023.

<sup>78</sup> See [IAHR Court, Matter of Members of the Nicaraguan Center for Human Rights and the Permanent Commission on Human Rights \(CENIDH-CPDH\) regarding Nicaragua. Provisional Measures](#). Order of the Inter-American Court of Human Rights, October 20, 2023, para. 22.

<sup>79</sup> See [IAHR Court, Matter of Members of the Nicaraguan Center for Human Rights and the Permanent Commission on Human Rights \(CENIDH-CPDH\) regarding Nicaragua. Provisional Measures](#). Order of the Inter-American Court of Human Rights, October 20, 2023, para. 22.

<sup>80</sup> See [IAHR Court, Matter of Members of the Nicaraguan Center for Human Rights and the Permanent Commission on Human Rights \(CENIDH-CPDH\) regarding Nicaragua. Provisional Measures](#). Order of the Inter-American Court of Human Rights, October 20, 2023.

<sup>81</sup> IACHR, Press Release No. 123/23 - “[IACHR Rejects Ongoing Repression and Human Rights Violations in Nicaragua](#),” Washington, D.C., June 16, 2023.

identity documents because they were outside the country and because the State refused to issue said documentation. These policies resulted in the forced separation of many Nicaraguan families.<sup>82</sup>

45. The Commission has acknowledged that nationality is a non derogable right of all persons and that the arbitrary deprivation of said right, especially as a punishment or sanction for political reasons, is contrary to international human rights law.<sup>83</sup> In accordance with the Inter-American Principles on the Human Rights of All Migrants, Refugees, Stateless Persons, and Victims of Human Trafficking, the Commission recalls that “[e]very migrant has a non derogable right to a nationality and not to be stateless [...] and may not arbitrarily deny, lose or be deprived of her or his nationality.”<sup>84</sup> In addition, these Principles recognize that “[a]ll migrants, regardless of their migration status, have a right to return to the State of which they are nationals.”<sup>85</sup>

46. For the Inter-American Commission, the arbitrary deprivation of nationality imposed on persons who express political dissent, as well as the prohibition to return to their country of origin, constitutes a clear violation of the right to freedom of expression, both in individual and collective terms, since this has a serious inhibiting effect on public discourse. In the current landscape of Nicaragua, these measures fuel an atmosphere of fear and self-censorship among Nicaraguan citizens and send a clear message to society – those who dare to convey critical opinions may be severely punished, even to the point of being stripped of their nationality. The Commission urges Nicaragua to guarantee the return of its nationals and full access and enjoyment of the right to nationality, as well as to adopt measures to prevent and eradicate statelessness, for which it calls on the State to repeal recent legislative amendments contrary to international and inter-American standards on the subject.

### C. Mass closure of civil society organizations

47. In 2023, the Inter-American Commission on Human Rights noted that the cancellation of the legal status of thousands of Nicaraguan civil society organizations illustrated the most exemplary and drastic pattern of the State’s attacks on pluralism, as well as its intention to completely close civic and democratic space in Nicaragua.<sup>86</sup> In this regard, the Commission warned that, in Nicaragua, “[t]here [were] no conditions for civil society to participate freely in social and political life [...]”<sup>87</sup>

48. According to the findings of the report *Closure of civic space in Nicaragua*, the Commission noted that between April 18, 2018, and August 31, 2023, the State had cancelled the legal status of 3,390 organizations out of a total of 7,227 legally registered organizations in the country in 2018.<sup>88</sup> This measure affected, among others, the main national and foreign entities in the country dedicated to defending and promoting human rights in Nicaragua; to promoting democracy; to fostering development; to carrying out humanitarian work; to fostering international cooperation; to protecting groups in a situation of discrimination and historical exclusion, and to protecting the environment. Student and artist associations, cultural services,

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<sup>82</sup> IACHR, 186th period of sessions, public hearing “Arbitrary deprivation of nationality and human rights violations in Nicaragua,” held on March 10, 2023; IACHR, Press Release No. 123/23 - [“IACHR Rejects Ongoing Repression and Human Rights Violations in Nicaragua.”](#) Washington, D.C., June 16, 2023.

<sup>83</sup> IACHR, Press Release No. 123/23 - [“IACHR Rejects Ongoing Repression and Human Rights Violations in Nicaragua.”](#) Washington, D.C., June 16, 2023. In this regard, Article 20 of the ACHR recognizes the right to nationality and protects it against arbitrary deprivation. American Convention on Human Rights.

<sup>84</sup> IACHR, Inter-American Principles on the Human Rights of All Migrants, Refugees, Stateless Persons and Victims of Human Trafficking, [Resolution 04/19](#) adopted by the Commission on December 7, 2019, Principle 22.

<sup>85</sup> IACHR, Inter-American Principles on the Human Rights of All Migrants, Refugees, Stateless Persons and Victims of Human Trafficking, [Resolution 04/19](#) adopted by the Commission on December 7, 2019, Principle 76.

<sup>86</sup> IACHR, [Closure of civic space in Nicaragua](#) OAS/Ser.L/V/II Doc. 212/23, approved on September 23, 2023, para. 70.

<sup>87</sup> IACHR, [Closure of civic space in Nicaragua](#) OAS/Ser.L/V/II Doc. 212/23, approved on September 23, 2023, para. 59.

<sup>88</sup> Communication from the State of Nicaragua. Note MPN-OEA/0093, Observations of the State of Nicaragua on the Draft Report of the IACHR on the Forced Migration of Nicaraguans to Costa Rica, July 29, 2019, para. 8. In its observations on this report, the State pointed out that, “in Nicaragua there are 7,227 non-profit organizations, known as NGOs, respecting the constitutional right of association [Article 49].” State of Nicaragua, Note MPN-OAS-0069-100LAR, Observations of the State of Nicaragua on the preliminary document titled “Chapter IV. B - Annual Report of the Inter-American Commission on Human Rights,” December 19, 2019, p. 53.

medical associations and religious organizations and foundations were also impacted.<sup>89</sup> In particular, the Commission observed that, out of the 3,390 organizations abolished, 32 percent worked on development issues; 16 percent pursued trade union purposes; 11 percent were religious organizations; and 10 percent were dedicated to the defense and promotion of human rights, including the rights of children and adolescents, women and indigenous peoples.<sup>90</sup>

49. The Commission verified that, as a result of the cancellation of their legal status, dozens of civil society organizations had also been affected by the confiscation and illegitimate appropriation of their assets, the police occupation of their premises and the freezing of their bank accounts. According to information in the public domain, at least 87 properties of more than 150 organizations had been confiscated in violation of due process.<sup>91</sup> In this regard, the United Nations Group of Human Rights Experts on Nicaragua (GHREN) pointed out that the confiscation of the assets of nonprofit organizations was a practice that had been institutionalized since the passing of Law No. 1115 in 2022, which set forth that the assets of organizations affected by the cancellation of their legal status were to immediately become the property of the State, except in cases of voluntary liquidation and dissolution. According to the GHREN, this provision constituted a disproportionate sanction, as it was applicable to all grounds for the cancellation of nonprofit organizations.<sup>92</sup>

50. In its report *Closure of civic space in Nicaragua*, the Commission concluded that the mass closure of organizations had severely limited the ability of civil society actors to actively participate in political, social, cultural, and religious life, as well as in activities for the promotion and defense of human rights and the return of democracy. Because of this stepped-up repression, dozens of human rights defenders have been forced to work from exile, either by transferring the structure of their organizations or creating new entities or acting as individuals. As for the organizations that remain in the country, even after the cancellation of their legal status, they are said to be working clandestinely, in a climate of fear, persecution and self-censorship.<sup>93</sup>

51. The Commission recognizes that an important part of the defense of human rights is exercised through legal entities and, therefore, it is essential that human rights defenders in these organizations enjoy the protection and independence needed to fully carry out their functions. In particular, the Commission holds that, just as trade union organizations constitute instruments for the exercise of the right of association of workers, as political parties are vehicles for the exercise of political rights of citizens and as media outlets are mechanisms that serve to exercise the right to freedom of expression of those who use them as a means of disseminating their ideas or information,<sup>94</sup> nongovernmental organizations or civil associations working to defend human rights are a vehicle for the realization of other rights such as the right to freedom of association, the right to freedom of expression and the right to defend human rights.<sup>95</sup>

52. The Commission underscores that the participation of civil society in all its diversity, both in the physical and digital spheres, is a crucial element for strengthening democracy and the Rule of Law. Freedom of association is an appropriate way for people to engage and act collectively in all matters that interest or affect them. Together with the right of assembly and freedom of expression, they constitute a democratic vehicle for collectively expressing peaceful dissent and criticism against the government. In the case of Nicaragua, these rights and liberties are essential to demand the return of democracy and the end of the police system that was set up in the country.

<sup>89</sup> IACHR, [Closure of civic space in Nicaragua](#) OAS/Ser.L/V/II Doc. 212/23, approved on September 23, 2023, para. 73.

<sup>90</sup> IACHR, [Closure of civic space in Nicaragua](#) OAS/Ser.L/V/II Doc. 212/23, approved on September 23, 2023, para. 74; [Database of civil society organizations cancelled in Nicaragua](#) prepared by the IACHR.

<sup>91</sup> IACHR, [Closure of civic space in Nicaragua](#) OAS/Ser.L/V/II Doc. 212/23, approved on September 23, 2023, para. 181.

<sup>92</sup> For an analysis on this issue, see: United Nations Human Rights Council, 52<sup>nd</sup> session, Detailed conclusions of the Group of Human Rights Experts on Nicaragua A/HRC/52/CRP.5, March 7, 2023.

<sup>93</sup> IACHR, [Closure of civic space in Nicaragua](#) OAS/Ser.L/V/II Doc. 212/23, approved on September 23, 2023, para. 93.

<sup>94</sup> IAHR Court, Entitlement of legal entities to hold rights under the Inter-American Human Rights System (Interpretation and scope of Article 1(2), in relation to Articles 1(2), 8, 11(2), 13, 16, 21, 24, 25, 29, 30, 44, 46 and 62(3) of the American Convention on Human Rights, as well as of Article 8(1)(A) and (B) of the Protocol of San Salvador). Advisory Opinion OC-22/16 of February 26, 2016. Series A No. 22, para. 115.

<sup>95</sup> IACHR, [Closure of civic space in Nicaragua](#) OAS/Ser.L/V/II Doc. 212/23, approved on September 23, 2023, para. 94.

## D. Freedom of religion and religious persecution

53. In 2023, the Commission noted the persistent persecution of members of the Catholic Church, as well as a series of repressive actions that have intensified in the context of the closure of civic space in Nicaragua and the state strategy aimed at silencing the plurality and diversity of opinions and beliefs in the country.<sup>96</sup>

54. In this regard, the Commission observes that members of the Catholic Church still endure acts of harassment, siege, intimidation, monitoring, surveillance, and even physical violence. Also, there continues to be arbitrary detentions and criminalization at the hands of the National Police and progovernment groups.<sup>97</sup> The information available to the Commission indicates that, from 2022 to September 2023, at least 18 priests were arbitrarily detained.<sup>98</sup> Out of these, five were released and expelled to the United States in February 2023; subsequently, on October 18, 2023, the State of Nicaragua reported the release of 12 priests and their transfer to the Vatican “after fruitful conversations with the Holy See,”<sup>99</sup> with the exception of the bishop of Matagalpa, Rolando Álvarez, who remains deprived of his liberty.<sup>100</sup>

55. The Commission notes with concern that, on February 10, 2023, Monsignor Rolando Álvarez Lagos was sentenced to 26 years and 4 months in prison for the crimes of undermining national integrity, spreading fake news through information and communication technologies, aggravated obstruction of duties and disobedience and contempt of authority to the detriment of the State and the society of Nicaragua. Previously, Monsignor Álvarez Lagos had been publicly accused by the authorities of “engaging in acts of hatred” and “destabilizing the State.” Furthermore, the country’s vice president publicly accused him of committing “crimes against spirituality,” because of his denunciation of and opposition to the confiscation and closure of seven radio stations of the Diocese of Matagalpa.<sup>101</sup>

56. According to the information available, as of July 2023, Bishop Rolando Álvarez was reportedly held in the maximum-security cells of La Modelo prison, known as “El Infiernillo,” in complete isolation. These cells are reportedly small spaces with a size of two by three meters that lack ventilation, sunlight, drinking water and adequate sanitary conditions. In addition to being deprived of medication, the

<sup>96</sup> IACHR, [Closure of civic space in Nicaragua](#) OAS/Ser.L/V/II Doc. 212/23, approved on September 23, 2023, para. 114 *et seq.*

<sup>97</sup> For example, in 2018, the Commission received reports of aggressions suffered by several members of the Catholic Church in Diriamba on July 9, when religious leaders were attacked by at least 100 people, who hurled insults, threats and blows at them. On September 3, the bishop of the Diocese of Matagalpa, Rolando Álvarez, was insulted and harassed by progovernment groups at a National Police checkpoint and in the presence of state agents. On September 9, progovernment persons reportedly broke into the church of La Merced, in Granada, insulting and threatening the priest who was offering mass. On the same day, Priest Edwin Román Calderón was attacked and harassed by government sympathizers in the vicinity of the church of San Miguel, in Masaya. IACHR, Press Release No. 223/2018 - [“IACHR warns of new wave of repression in Nicaragua.”](#) Washington, D.C., October 18, 2018; see also: CENIDH, [Ataque a la Iglesia católica en Nicaragua 2019-2020](#); Marta Patricia Molina, [Nicaragua: ¿Una Iglesia perseguida? \(2018-2023\)](#).

<sup>98</sup> Among other cases: Óscar Danilo Benavides Dávila, priest of Mulukukú, released on February 9, 2023; Ramiro Reynaldo Tijerino Chávez, priest of Matagalpa, released on February 9, 2023, and declared “stateless;” Sadiel Antonio Eugarríos Cano, priest of Matagalpa, released on February 9, 2023; José Luis Díaz Cruz, priest of Matagalpa, released on February 9, 2023; Raúl Antonio Vega González, priest of Matagalpa, released on February 9, 2023; Benito Enrique Martínez, priest of the Diocese of León, released on February 9, 2023; Rolando José Álvarez, bishop of the Diocese of Matagalpa and apostolic administrator of the Diocese of Estelí, convicted; Manuel Salvador García Rodríguez, parish priest of Nandaime, convicted and under arrest for the alleged crime of threatening with weapons; priest Fernando Zamora Silva of the Diocese of Siuna (in the North Caribbean region), arrested on July 9, 2023; priest Jaime Iván Montecinos Saucedo, 61, priest of the church Juan Pablo II of the municipality of Sébaco, in Matagalpa, arrested on May 23, 2023; priests Eugenio Rodríguez Benavides and Leonardo Guevara Gutiérrez, under investigation since May 23, 2023, in “prison seminary.” *Confidencial*, [“Aquellos portones horribles \(de El Chipote\) aún suenan en mi mente;”](#) February 21, 2023; *El País*, “Daniel Ortega profundiza la persecución de sacerdotes con el arresto del cura Enrique Martínez,” October 15, 2022; Marta Patricia Molina, [Nicaragua: ¿Una Iglesia perseguida? \(2018-2023\)](#).

<sup>99</sup> Government of Reconciliation and National Unity of the Republic of Nicaragua, Press Release [“12 sacerdotes hacia el Vaticano por acuerdos Gobierno - Santa Sede.”](#) October 18, 2023.

<sup>100</sup> Priests Manuel Salvador García Rodríguez, José Leonardo Urbina Rodríguez, Jaime Iván Montesinos Saucedo, Fernando Israel Zamora Silva, Osman José Amador Guillén, Julio Ricardo Norori Jiménez, Cristóbal Reynaldo Gadea Velásquez, Álvaro José Toledo Amador, José Iván Centeno Tercero, Eugenio Rodríguez Benavidez, Yessner Cipriano Pineda Meneses and Ramón Angulo Reyes.

<sup>101</sup> *Infobae*, [“El régimen en Nicaragua prohibió dos procesiones católicas y EE. UU. denunció una mayor persecución contra la Iglesia.”](#) September 22, 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.

bishop has faced deficient nutrition, poor hygiene and limited physical and sensory activity. Said inadequate detention conditions could potentially lead to medical complications with serious health implications. Taking into account the risk to the bishop's life, health and personal integrity, on June 27, 2023, the Inter-American Court adopted provisional measures on his behalf and ordered the State of Nicaragua to release him immediately.<sup>102</sup> Likewise, the United Nations Special Rapporteur on freedom of religion or belief, Nazila Ghanea, and the United Nations Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, Irene Khan, called for an end to the arbitrary detention of Monsignor Alvarez.<sup>103</sup>

57. The intensification of repression against the Church has included migration restrictions, arbitrary expulsions from the country and forced displacements of religious and lay people belonging to different congregations. According to information in the public domain, since 2018, more than 70 members of the Catholic Church, both lay people and priests, have been forced to flee the country,<sup>104</sup> while at least "40 nuns and 44 religious women" have been arbitrarily expelled; among them, there were 18 religious women of the order of the Missionaries of Charity of Nicaragua.<sup>105</sup>

58. Another method of repression used by the National Police was the *de facto* prohibition of holding religious events in public spaces. The authorities hindered the celebration of mass by sieging churches, conducting arbitrary detentions, or barricading temples to prevent people from entering. According to the information received, the prohibition imposed by the National Police against the celebration of the Holy Week in 2023 affected 3,000 religious processions that were to be held across the country.<sup>106</sup> In April 2023, the Mechanism for the Recognition of Political Prisoners recorded the arbitrary detention of 21 persons during the Holy Week celebrations, "most of whom were exercising their right to religious freedom."<sup>107</sup>

59. Moreover, on May 26, 2023, the State reportedly ordered the bank accounts of at least three of the nine dioceses of the Catholic Church of Nicaragua be frozen for alleged illicit acts related to money laundering and "treason."<sup>108</sup> This is another example of the stigmatizing actions taken by the executive branch. In a public speech delivered in February 2023, the country's president accused "bishops, priests, popes" of being "a mafia," given the "crimes" they had committed "in the financial field," since they had "embezzled millions", among other accusations.<sup>109</sup>

60. Among other events of grave concern, on August 19, 2023, six members of the Society of Jesus were expelled after their residence in the community of Villa del Carmen had been confiscated. Jesuit workers of the Universidad Centroamericana (UCA) lived in said residence.<sup>110</sup> The day before, the forced closure and cancellation of the legal status of the UCA had been made official following a ruling issued by the Tenth District Criminal Court of Nicaragua on August 15. This court's decision ordered the seizure of all the property of the UCA, as well as its bank accounts, arguing that the university served as a "center of terrorism, which organizes criminal groups."<sup>111</sup>

61. In addition to the aforementioned facts, in March 2023, the government closed two universities linked to the Catholic Church: the Universidad Juan Pablo II and the Universidad Cristiana

<sup>102</sup> IACHR Court, [Matter of Monsignor Rolando José Álvarez Lagos regarding Nicaragua. Adoption of Provisional Measures](#). Order of the Inter-American Court of Human Rights of June 27, 2023.

<sup>103</sup> United Nations, ["Nicaragua: UN experts urge freedom for Bishop Álvarez after 12 Catholic priests were released."](#) October 18, 2023.

<sup>104</sup> *Infobae*, ["Persecución contra la Iglesia en Nicaragua: ya son 77 los religiosos que dejaron el país por el régimen de Ortega,"](#) June 7, 2023; Marta Patricia Molina, ["Nicaragua: ¿Una Iglesia perseguida? \(2018-2023\)."](#)

<sup>105</sup> *Aleteia*, ["A un año de la expulsión de las misioneras de la caridad Nicaragua,"](#) July 6, 2023; Marta Patricia Molina, ["Nicaragua: ¿Una Iglesia perseguida? \(2018-2023\)."](#)

<sup>106</sup> See: Marta Patricia Molina, ["Nicaragua: ¿Una Iglesia perseguida? \(2018-2023\)."](#)

<sup>107</sup> Mechanism for the Recognition of Political Prisoners, [Press Release](#), April-May 2023, p. 9.

<sup>108</sup> National Police, [Press Release No. 10-2023 on criminal activity in the management of funds and bank accounts](#), 2023.

<sup>109</sup> *El País*, ["Ortega carga contra la Iglesia y el Vaticano: "Los curas, los obispos y los papas son una mafia,"](#) February 21, 2023.

<sup>110</sup> *La Prensa*, ["Régimen confisca vivienda de los jesuitas a nombre de la Compañía de Jesús,"](#) August 19, 2023; *BBC*, ["El gobierno de Ortega disuelve la orden de los jesuitas en Nicaragua y le confisca sus bienes,"](#) August 23, 2023.

<sup>111</sup> *France 24*, ["Daniel Ortega confisca la jesuita Universidad Centroamericana tras acusarla de 'terrorismo'."](#) August 16, 2023; *El País*, ["Ortega y Murillo acusan de terrorismo a la universidad de los jesuitas y ordenan incautar todos sus bienes."](#) August 16, 2023.

Autónoma de Nicaragua (UCAN).<sup>112</sup> That same month, the closure of the Universidad Panamericana and the Universidad del Pacífico was also ordered.<sup>113</sup> In April, the government ordered the closure of the Fundación Prouniversidad Metropolitana (UNIMET), the Asociación Universidad del Norte de Nicaragua (UNN) and the Asociación Universidad Adventista de Nicaragua (UNADENIC).<sup>114</sup> The former rector of the Universidad Americana (UAM), Ernesto Medina, stated that the closure of universities by the government was an act of retaliation against the antigovernment demonstrations of 2018, in which students had played a central role.<sup>115</sup>

62. In its report *Closure of civic space in Nicaragua*, the Commission concluded that the persecution against the Catholic Church, the prohibition of religious celebrations, the closure of religious organizations and the cancellation of Catholic channels might constitute an arbitrary interference in the exercise of religious freedom and a limitation to the expression and practice of the Catholic faith. The Commission added that these acts had progressively weakened the civic space in Nicaragua.<sup>116</sup>

63. The Commission recalls that Article 12 of the American Convention on Human Rights (ACHR) recognizes the right of all persons to freedom of conscience and religion, which entails “the freedom to profess or disseminate one’s own religion or beliefs, either individually or together with others, in public or in private.”<sup>117</sup> Furthermore, it sets forth that “[f]reedom 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.”<sup>118</sup>

64. Freedom of religion or belief and freedom of expression are closely interrelated and mutually reinforcing rights when they are exercised in the legal framework established by international human rights law. Both rights are essential to democratic societies and to individual self-fulfillment, and they are foundational to the enjoyment of human rights.<sup>119</sup> According to the *Inter-American Legal Framework regarding the Right to Freedom of Expression*, religious speech enjoys a special degree of protection under the American Convention, since it expresses an integral element of personal identity and dignity.<sup>120</sup> This is of particular importance in a country where the majority of the population professes the Catholic religion. In Nicaragua, the state policies used to suppress civic space have resulted in violations of these rights.

65. The Commission emphasizes that the exercise of freedom of religion depends on the existence of an inclusive, free and pluralistic environment in which different religious expressions coexist and contribute to the cultural and social enrichment of a community. In other words, an open and plural civic space is essential to guarantee that people have the freedom to profess, manifest and practice their religion or beliefs without discrimination.<sup>121</sup> Particularly in the Nicaraguan context, the opening of civic space is vital for religious organizations, particularly those linked to the Catholic Church, to play an active role in society and continue to pursue their work related to humanitarian purposes, social justice, equality and the protection of human rights.<sup>122</sup>

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<sup>112</sup> *Deutsche Welle*, “[Nicaragua cierra dos universidades de la Iglesia católica](#),” March 8, 2023; *La Prensa*, “[Régimen cancela y confisca dos universidades](#),” March 7, 2023.

<sup>113</sup> *La Prensa*, “[Ministerio de Gobernación cancela dos universidades más](#),” March 14, 2023; *Swissinfo*, “[Nicaragua cierra otras dos universidades privadas y ordena decomisar bienes](#),” March 14, 2023.

<sup>114</sup> *La Prensa*, “[Ministerio de Gobernación cancela otras tres universidades](#),” April 24, 2023.

<sup>115</sup> *Voice of America*, “[Crece preocupación por el cierre de dos universidades privadas en Nicaragua](#),” March 10, 2023.

<sup>116</sup> IACHR, *Closure of civic space in Nicaragua*. OAS/Ser.L/V/II Doc. 212/23, approved on September 23, 2023, para. 124.

<sup>117</sup> *American Convention on Human Rights (Pact of San José)*, 1969. Article 12.1.

<sup>118</sup> *American Convention on Human Rights (Pact of San José)*, 1969. Article 12.3.

<sup>119</sup> See: United Nations Human Rights Council, 40<sup>th</sup> session, *Freedom of religion or belief*. Report of the Special Rapporteur on freedom of religion or belief. [A/HRC/40/58](#), 2019.

<sup>120</sup> See: 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.

<sup>121</sup> IACHR, *Closure of civic space in Nicaragua*. OAS/Ser.L/V/II Doc. 212/23, approved on September 23, 2023, para. 127.

<sup>122</sup> IACHR, *Closure of civic space in Nicaragua*. OAS/Ser.L/V/II Doc. 212/23, approved on September 23, 2023, para. 127.

## E. Situation of persons that are arbitrarily deprived of their liberty

66. In 2023, the Commission noted with concern the persistence of deplorable conditions of detention for persons arbitrarily deprived of liberty in Nicaragua, as well as ill-treatment, isolation regimes, lack of medical care and food, and allegations of torture, among others. Against this backdrop, the information and testimonies gathered through the MESENI regarding the group of persons released from prison and expelled to the United States on February 9, 2023, serve as a confirmation of a systematic pattern of torture, cruel treatment and precarious conditions of detention affecting persons considered to be political prisoners.

67. As of August 31, 2023, 79 persons continued to be arbitrarily deprived of their liberty, of whom 16 were women and 63 were men. Likewise, according to the Mechanism for the Recognition of Political Prisoners, among the persons deprived of liberty in Nicaragua there are one minor and 11 elderly persons.<sup>123</sup> Out of the 79 persons, one is hospitalized in a health center in Managua, two are under house arrest and 76 are detained in the different centers of the National Penitentiary System (SPN): Forty-eight men are held in the Jorge Navarro prison, known as “La Modelo,” with five of them being placed in maximum security cells; and 16 women are detained in La Esperanza prison.<sup>124</sup>

68. The Commission received information about the obstacles to the right to defense and due process in the judicial proceedings against political prisoners. According to the said information, in 2023, it was observed a new trial methodology was in place, under which private hearings were held via videoconference, without transferring people to the court building and without allowing them to communicate with the legal representative of their choice and trust.<sup>125</sup> Likewise, there continues to be a denial of access to court files and hearing records to allow for the preparation of the defense and the exhaustion of the available legal remedies at each stage of the judicial proceeding.<sup>126</sup> The Commission also received complaints about members of the National Police acting as witnesses in complicity with prosecutors and judges during judicial proceedings.<sup>127</sup>

69. Regarding the conditions of detention, the Commission received reports of persistent mistreatment, prolonged isolation regimes, prohibition of periodical communication with the next of kin; lack of access to medication; lack of specialized and adequate medical care; insufficient and non-nutritious food; and lack of drinking water. The information received indicates that these conditions have caused physical and emotional health problems, as well as an increase in skin problems due to the lack of hygiene and to the unsanitary conditions in the cells, in addition to the presence of insects, rats and cockroaches.<sup>128</sup>

70. Moreover, the Commission learned that both in La Modelo and La Esperanza prisons, the authorities continued to discretionally restrict family visits and the delivery of packages and food, which must be provided by the families of the detainees. In particular, the Commission noted that, on many occasions, prison authorities did not allow the entry of medicines required by some detainees, and that when they did

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<sup>123</sup> Mechanism for the Recognition of Political Prisoners, [Lista – Informe preliminar personas presas políticas en Nicaragua](#), August 31, 2023.

<sup>124</sup> Mechanism for the Recognition of Political Prisoners, [Lista – Informe preliminar personas presas políticas en Nicaragua](#), August 31, 2023.

<sup>125</sup> Centro América 360, “[Enjuician y condenan por videollamada a preso político en Nicaragua](#),” August 10, 2023; Mechanism for the Recognition of Political Prisoners, [Lista – Informe preliminar personas presas políticas en Nicaragua](#) [translated supra], July 30, 2023; Unidad de Defensa Jurídica, Informe de actualización sobre situación de las personas privadas de libertad por motivos políticos en Nicaragua [Updated report on the situation of persons deprived of their liberty for political reasons in Nicaragua], October 31, 2023, para. 14; Confidencial, “[Dictadura agrava las condiciones de los presos políticos en Nicaragua](#),” October 26, 2023.

<sup>126</sup> Mechanism for the Recognition of Political Prisoners, [Lista – Informe preliminar personas presas políticas en Nicaragua](#), July 30, 2023; Unidad de Defensa Jurídica, [Informe de actualización sobre situación de las personas privadas de libertad por motivos políticos en Nicaragua](#), October 31, 2023, para. 19; Confidencial, “[Dictadura agrava las condiciones de los presos políticos en Nicaragua](#),” October 26, 2023.

<sup>127</sup> Mechanism for the Recognition of Political Prisoners, [Lista – Informe preliminar personas presas políticas en Nicaragua](#), August 31, 2023; Unidad de Defensa Jurídica, [Informe de actualización sobre situación de las personas privadas de libertad por motivos políticos en Nicaragua](#), October 31, 2023, para. 11.

<sup>128</sup> Mechanism for the Recognition of Political Prisoners, [Lista – Informe preliminar personas presas políticas en Nicaragua](#), August 31, 2023.

allow them to enter, they were not administered in the prescribed doses. The Commission also received information on the denial of access to the specialized medical care required by some detainees.<sup>129</sup>

71. According to the information received by the Commission, most of the women detained at La Esperanza began a hunger strike on September 11, 2023, demanding better detention conditions, including daily access to a patio to get sunlight, access to drinking water and professional and quality medical care.<sup>130</sup> In this regard, on September 22, 2023, the Commission learned of the delicate health condition in which Olesia Muñoz was, which had resulted from the lack of medical care and the precarious conditions of detention. She had reportedly suffered three high blood pressure episodes in 15 days, which had led to a diagnosis of “almost a pre infarction.”<sup>131</sup>

72. The Commission urges the Nicaraguan authorities to guarantee dignified treatment and access to adequate medical care, sufficient nutritious food and healthy conditions of detention for all persons under their custody. Once again, the Commission emphasizes that providing adequate medical care to persons deprived of liberty is an obligation that derives directly from the State’s duty to guarantee the right to personal integrity set forth in Articles 1(1) and 5 of the American Convention, and Article 1 of the American Declaration.<sup>132</sup> Similarly, the Commission recalls that the State’s obligation to protect physical integrity, not resort to cruel or inhuman treatment, and respect the dignity that is inherent to all human beings extends to ensuring access to adequate medical care for individuals who are deprived of liberty. Likewise, considering that the imprisonment of women results in particular violations of their rights on the basis of their gender and the intersectionality with other factors such as age, the Commission urges the State to adopt, with due diligence, all necessary and comprehensive measures so that all their rights are effectively respected and guaranteed.<sup>133</sup>

73. Based on the foregoing, the Commission calls on the State of Nicaragua once again 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 Commission and the Inter-American Court, respectively. It also urges the State to immediately release all persons that have been arbitrarily deprived of their liberty in the context of the crisis that began on April 18, 2018.

## **F. Situation of the indigenous and Afro-descendant peoples on the Caribbean coast**

74. Throughout 2023, the Inter-American Commission has monitored the increasing levels of violence committed against indigenous communities in their ancestral territories on the Caribbean coast of Nicaragua by armed settlers acting with the acquiescence and tolerance of the State. The main acts of violence recorded include murders, kidnappings, threats and harassment, invasion of ancestral lands and burning of homes, livestock, crops and communal property. According to the information received, this situation of violence against indigenous communities has resulted in the forced displacement of people who have fled to safeguard their lives and physical integrity.

75. Over the course of 2023, the Commission received information about the murders of nine indigenous persons amidst the land conflict in the Miskitu and Mayangnas communities.<sup>134</sup> Among other cases,

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<sup>129</sup> Unidad de Defensa Jurídica, [Informe de actualización sobre situación de las personas privadas de libertad por motivos políticos en Nicaragua](#), October 31, 2023, para. 19.

<sup>130</sup> CNN, “[Presas políticas en Nicaragua inician huelga de hambre para exigir que se les respeten sus derechos.](#)” September 21, 2023. *Despacho 505*, “[Un grupo de presas políticas inician huelga de hambre en La Esperanza.](#)” September 11, 2023.

<sup>131</sup> Mechanism for the Recognition of Political Prisoners X account (@MPresasPresosNi), “[Alerta por la vida de Olesia Muñoz.](#)” September 22, 2023.

<sup>132</sup> See: IACHR, [2022 Annual Report. Chapter IV.B Nicaragua](#), para. 102.

<sup>133</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, 2023.

<sup>134</sup> ASLA Foundation, “Despojo territorial y negligencia estatal, comunidad Miskito y Mayagna de Nicaragua, en peligro de etnocidio,” [Territorial dispossession and state neglect, Miskito and Mayagna communities in Nicaragua at risk of ethnocide], p. 17.

on February 21, 2023, reports were received on the murder of Alexander Urbina Mora, a Miskitu police officer, who died during a dispute with armed settlers in Alto de Wangki, in the BOSAWÁS Reserve.<sup>135</sup>

76. Additionally, the Commission learned of an attack that had occurred on July 2, 2023, in the Musawas community, which had resulted in the murder of Sergio Julián Juan, a 42-year-old forest ranger and trustee of the Betlehem community.<sup>136</sup> Information was also received on the kidnapping and subsequent murder of Serato Juwith Charly, who was 23 years old, in the Mayangna Sauni As territory on July 5, 2023. The facts took place when he, together with other two indigenous persons, was fleeing from an attack by an armed gang<sup>137</sup> which, according to information in the public domain, had been accused by community members of usurping their ancestral lands and of perpetrating acts of violence against them.<sup>138</sup> Also, on September 12, 2023, Clen Dixon Fernández, a member of the Mayagana community, was murdered in the Sauni Bu territory after having been shot several times.<sup>139</sup>

77. On March 11 and 12, 2023, the Wilú community was reportedly attacked by a group of heavily armed persons. Most of the people that were present at the time of the attack were elderly people, women and children. The settlers invaded the Wilú community and set fire to all houses, only leaving the church, the parsonage and the school standing. The attack resulted in the murder of five community members: L.V.P.F., M.D.P., J.E.J.Z., E.R.H. and A.C.P. In addition, young M.P.F. of the community of Anishusna was seriously injured. It was reported that the attackers left a letter addressed to the community leaders containing threats of future attacks and confirming that the aggression was a consequence of the territorial conflict. After the events, an operation was deployed by officers of the National Police and the Army in the community for at least 25 days.<sup>140</sup>

78. Regarding other aggressions that resulted in members of the community being insured, the Commission observed that, on March 6, 2023, a group of five settlers arrived at the farmlands in Sabakitang with axes and chainsaws, with the intention of felling trees in the area. Six members of the Musawas community who were at the site were verbally assaulted, one of them was shot in the chest, and another had four fingers cut off his right hand. Due to the fear caused by this situation, a group of 30 families moved to the territory of the Musawas community.<sup>141</sup>

79. On January 2, 2023, community member S.F.S. was kidnapped when he was on his way to go fishing and hunting and was held captive for two days. After his release, the settlers sent videos with threats to the Wilú community members, telling them that the same could happen to them “if they approached their area.”<sup>142</sup> Moreover, on January 19, a group of settlers kidnapped another community member, who had a knife wound on his right hand and was severely beaten at the time he was found and rescued.<sup>143</sup> On March 10, three

<sup>135</sup> *Onda local*, “[Policía miskito asesinado](#),” February 23, 2023; *Fuentes confiables*, “[Policía miskito asesinado por Colonos evidencia el nivel de violencia que viven las comunidades](#),” February 23, 2023; *Confidencial*, “[Genocidio en impunidad: 70 indígenas de Nicaragua asesinados en la última década](#),” April 25, 2023.

<sup>136</sup> *Despacho 505*, “[Otro indígena es asesinado en el Caribe en menos de una semana](#),” July 6, 2023; Center for Legal Assistance for Indigenous People (CALPI), “[El segundo asesinado en la misma semana en el territorio mayangna Sauni As en la reserva de la Biósfera de Bosawás](#),” July 6, 2023; *La Vanguardia*, “[Denuncian el asesinato de dos indígenas en el Caribe de Nicaragua](#),” July 8, 2023.

<sup>137</sup> *Despacho 505*, “[Otro indígena es asesinado en el Caribe en menos de una semana](#),” July 6, 2023; Center for Legal Assistance for Indigenous People (CALPI), “[El segundo asesinado en la misma semana en el territorio mayangna Sauni As en la reserva de la Biosfera de BOSAWÁS](#),” July 6, 2023.

<sup>138</sup> *Confidencial*, “[Impunidad en los crímenes contra las comunidades indígenas](#),” August 9, 2023; *La Prensa*, “[Asesinan a joven guardabosques en el territorio mayangna Sauni As. el segundo en la semana](#),” July 7, 2023; *Despacho 505*, “[Otro indígena es asesinado en el Caribe en menos de una semana](#),” July 6, 2023.

<sup>139</sup> Mawarat, “[Pronunciamiento Mawarat](#),” September 12, 2023; *Despacho 505*, “[La violencia contra los indígenas caribeños no cesa: colonos asesinan a otro mavagna](#),” September 15, 2023; *Confidencial*, “[Denuncian el asesinato de otro indígena mayangna en el territorio Sauni Bu](#),” September 15, 2023.

<sup>140</sup> IAHR Court, [Matter of Members of the Miskitu Indigenous People of the Northern Caribbean Coast regarding Nicaragua. Extension of Provisional Measures](#), Order of the Inter-American Court of Human Rights of June 27, 2023, para. 8.

<sup>141</sup> IAHR Court, [Matter of Members of the Miskitu Indigenous People of the Northern Caribbean Coast regarding Nicaragua. Extension of Provisional Measures](#), Order of the Inter-American Court of Human Rights of June 27, 2023, para. 8.

<sup>142</sup> IAHR Court, [Matter of Members of the Miskitu Indigenous People of the Northern Caribbean Coast regarding Nicaragua. Extension of Provisional Measures](#), Order of the Inter-American Court of Human Rights of June 27, 2023, para. 8.

<sup>143</sup> Autonomous Territorial Government of Mayangna Sauni As, [Communication No. 200123](#), January 23, 2023.

Musawas community members were kidnapped by armed settlers while they were on their way to work in the fields along the banks of the Waspuk river. The captors released them after having held them for more than eight hours.<sup>144</sup>

80. In addition to the above, the Commission has documented other acts of threats and harassment perpetrated by settlers or other armed groups over the course of the year, including the obstruction of roads so that community members could not access their lands or fishing areas; the temporary detention of community members for interrogation, threats and humiliation; the constant presence of armed persons in communal lands to instill terror; and the constant threat of death, kidnapping and burning of lands and belongings. As a result, at least 70 families from different communities had to be sheltered in the community of Musawas in the context of a humanitarian crisis.<sup>145</sup>

81. Furthermore, between September 29 and October 1, 2023, the Commission received information about the detention of National Assembly member and president of the Yapti Tasba Masraka Nanih Asla Takanka (YATAMA) party Brooklyn Rivera,<sup>146</sup> as well as of YATAMA legal representative and alternate deputy Nancy Elizabeth Henríquez.<sup>147</sup> Subsequently, on October 4, 2023, the Supreme Electoral College notified the cancellation of the legal status of the YATAMA party, claiming that its legal representative and leaders had publicly made comments that “distorted the reality of the country,” which constituted a violation of the Law of Defense of the Rights of the People to Independence, Sovereignty and Self-Determination for Peace.<sup>148</sup>

82. On April 26, 2023, the Commission requested the Inter-American Court of Human Rights to extend the provisional measure in the *Matter of Members of the Miskitu Indigenous People of the Northern Caribbean Coast regarding Nicaragua*,<sup>149</sup> so as to include therein the inhabitants of the Musawas and Wilú indigenous communities of the Mayangna Sauni As territory. When assessing the request, the Commission considered that the members of both communities were facing an extremely serious emergency and were at risk of irreparable harm to their rights due to the severe acts of violence they were facing. These acts included death threats, kidnappings and the presence of heavily armed groups seeking to take over community lands, as well as violent murders of community members by settlers, which had resulted in the forced displacement of many other members from their territories.<sup>150</sup>

83. On June 27, 2023, the Inter-American Court of Human Rights decided to extend the provisional measure in the *Matter of Members of the Miskitu Indigenous People of the Northern Caribbean Coast regarding Nicaragua*<sup>151</sup> on behalf of the members of the Musawas and Wilú indigenous communities. In said resolution, the Inter-American Court of Human Rights stated that “there were elements that accounted for an extremely serious and urgent emergency situation and a reasonable risk of continued irreparable harm to the rights to

<sup>144</sup> ICHR Court, [Matter of Members of the Miskitu Indigenous People of the Northern Caribbean Coast regarding Nicaragua. Extension of Provisional Measures](#). Order of the Inter-American Court of Human Rights of June 27, 2023.

<sup>145</sup> ICHR Court, [Matter of Members of the Miskitu Indigenous People of the Northern Caribbean Coast regarding Nicaragua. Extension of Provisional Measures](#). Order of the Inter-American Court of Human Rights of June 27, 2023, para. 8.

<sup>146</sup> *Voice of America*, “[Denuncian detención del único diputado indígena de Nicaragua](#),” September 29, 2023; *Despacho 505*, “[La Policía detiene al diputado Brooklyn Rivera, tras cuatro meses burlando una orden de destierro](#),” September 29, 2023; *Confidencial*, “[Policía del régimen captura al diputado indígena Brooklyn Rivera](#),” September 29, 2023.

<sup>147</sup> *Confidencial*, “[Policía del régimen arresta a diputada suplente de Yatama, Nancy Henríquez](#),” October 2, 2023; *100% Noticias*, “[Policía de Nicaragua detiene a diputada suplente de Yatama, Nancy Elizabeth Henríquez](#),” October 1, 2023; *Despacho 505*, “[La dictadura se lanza contra Yatama: detienen a la diputada y presidenta del partido Nancy Elizabeth Henríquez](#),” October 2, 2023.

<sup>148</sup> *Infobae*, “[Persecución en Nicaragua: Tras arrestar a los líderes del partido indígena YATAMA, el régimen de Daniel Ortega lo declaró ilegal](#),” October 4, 2023; *Artículo 66*, “[Ortega manda a encarcelar a Nancy Henríquez, diputada suplente de Yatama](#),” October 1, 2023; *Voice of America*, “[Nicaragua: Denuncian la cancelación de la personería jurídica del partido indígena Yatama](#),” October 4, 2023; *Confidencial*, “[Poder Electoral elimina la personería del partido indígena Yatama](#),” October 4, 2023.

<sup>149</sup> ICHR Court, [Matter of Members of the Miskitu Indigenous People of the Northern Caribbean Coast regarding Nicaragua. Extension of Provisional Measures](#). Order of the Inter-American Court of Human Rights of June 27, 2023.

<sup>150</sup> ICHR Court, [Matter of Members of the Miskitu Indigenous People of the Northern Caribbean Coast regarding Nicaragua. Extension of Provisional Measures](#). Order of the Inter-American Court of Human Rights of June 27, 2023.

<sup>151</sup> ICHR Court, [Matter of Members of the Miskitu Indigenous People of the Northern Caribbean Coast regarding Nicaragua. Extension of Provisional Measures](#). Order of the Inter-American Court of Human Rights of June 27, 2023.

life and personal integrity of the members of the Musawas and Wilú communities.”<sup>152</sup> Therefore, it ordered the State to eradicate violence and protect the lives, personal and territorial integrity, and cultural identity of the members of the Miskitu indigenous people; to establish a group or body to pinpoint the sources of the conflict and propose possible ways of pacification and conflict resolution; and to submit a complete and detailed report on the actions taken to comply with the provisional measures that have been granted.<sup>153</sup>

84. On October 11, 2023, the Commission granted precautionary measures in favor of Brooklyn Rivera Bryan<sup>154</sup> and Nancy Henríquez James.<sup>155</sup> In the resolutions granting the measures, the Commission highlighted the relevance of the case *Yatama v. Nicaragua*, in which the Inter-American Court of Human Rights had ordered the State of Nicaragua implemented a series of measures and reparations, including legislative reforms, with the aim of ensuring the participation of members of indigenous and ethnic communities in electoral processes in an effective manner and taking into account their traditions, customs and practices. Mr. Brooklyn Rivera Bryan had appeared as a witness in this case.<sup>156</sup>

85. The Commission reiterates its concern over the increased repression and violence against indigenous peoples and Afro-descendant communities, as well as the persistent attacks, criminalization, and harassment against the indigenous communities of the Caribbean coast of Nicaragua. The Commission notes that, in sum, these facts are part of a repressive strategy deployed by the executive branch to consolidate a regime based on the concentration of power and the breakdown of the democratic system, by silencing government critics, such as indigenous communities, particularly in the run-up to the regional elections scheduled for 2024.<sup>157</sup>

86. The Commission urges the State of Nicaragua to cease repression against indigenous communities and to respect and guarantee fundamental freedoms. Additionally, it reiterates its call to the State to adopt urgent and differentiated measures aimed at protecting the territories and natural resources of indigenous peoples and Afro-descendant communities, which shall be designed in consultation and coordination with them. In particular, the Commission urges compliance with the protection measures granted under the inter-American system of human rights.

### III. SITUATION OF FREEDOM OF EXPRESSION

87. In 2023, the Commission and the Office of the Special Rapporteur for Freedom of Expression observed that censorship and repression had reached alarming levels in Nicaragua. Journalists attempting to report on matters of general interest faced the imminent risk of arrest. Likewise, as detailed in this section, in 2023, activists, human rights defenders, journalists, artists, opponents and religious leaders continued to be persecuted for merely expressing their ideas and opinions, which is indicative of the intolerance towards any opinion that questions or contradicts the State’s narrative.

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<sup>152</sup> IAHR Court, [Matter of Members of the Miskitu Indigenous People of the Northern Caribbean Coast regarding Nicaragua. Extension of Provisional Measures](#). Order of the Inter-American Court of Human Rights of June 27, 2023.

<sup>153</sup> On the basis of the information submitted to the Court, it is clear that the members of the Musawas and Wilú communities are currently at risk due to the constant presence of third parties (referred to as “the settlers”) on their communal lands. This risk is on the rise due to events such as kidnappings allegedly committed by these settlers, who have been seen carrying firearms in the territory, as well as due to acts of violence such as shootings, attacks and threats targeted at community members. IAHR Court, [Matter of Members of the Miskitu Indigenous People of the Northern Caribbean Coast regarding Nicaragua. Extension of Provisional Measures](#). Order of the Inter-American Court of Human Rights of June 27, 2023.

<sup>154</sup> IACHR, [Resolution No. 59/23](#). *Precautionary Measure No. 799-23, Brooklyn Rivera Bryan regarding Nicaragua*, October 9, 2023.

<sup>155</sup> IACHR, [Resolution No. 60/23](#). *Precautionary Measure No. 812-23, Nancy Elizabeth Henríquez James regarding Nicaragua*, October 11, 2023.

<sup>156</sup> IACHR, [Resolution No. 60/23](#). *Precautionary Measure No. 812-23, Nancy Elizabeth Henríquez James regarding Nicaragua*, October 11, 2023, para. 30.

<sup>157</sup> IACHR, Press Release No. 243/23 - [“IACHR and Its Special Rapporteurship for Freedom of Expression Urge Nicaragua to End Repression Against Indigenous Communities in Its Caribbean Coast.”](#) Washington, D.C., October 10, 2023.

## A. Attacks, threats and intimidation against journalists and media outlets

88. The Commission and the Office of the Special Rapporteur for Freedom of Expression note that journalism constitutes a high-risk profession in Nicaragua due to increased repression by the authorities against the independent press, particularly against those who expose human rights violations and abuses of power committed by the authorities ever since the social and political crisis erupted in April 2018.<sup>158</sup>

89. In 2023, repression against the independent press has continued to manifest itself through various practices, especially through the arbitrary and disproportionate application of criminal law.<sup>159</sup> On June 9, 2023, journalist Víctor Ticay<sup>160</sup> was sentenced to eight years in prison for the crimes of conspiracy to undermine the country's national integrity and spreading fake news.<sup>161</sup> In October 2023, Ticay was still under arrest in the national penitentiary center known as "La Modelo."<sup>162</sup> According to information in the public domain, for at least 40 days as of his arrest, he was kept *incommunicado* and was not informed of the charges brought against him.<sup>163</sup> In addition, he was allegedly denied the right to a private defense attorney and instead was assigned a public defender *sua sponte*.<sup>164</sup>

90. The Office of the Special Rapporteur for Freedom of Expression also learned of the arrest of journalist Hazel Zamora, a reporter at *Canal 10* in Bluefields, while she was traveling by bus with her two children in Managua on May 5, 2023. Zamora was released hours later on condition that she appeared in court on a daily basis and was charged with the alleged crime of spreading fake news. In addition to working as a reporter for the aforementioned TV channel, she covers news related to social issues and public safety on her Facebook page Doce Noticias. According to information in the public domain, on the same day of her arrest, police officers reportedly searched Zamora's home and confiscated her computer.<sup>165</sup>

91. That same week, on the night of May 3, 2023, journalist William Aragón, from the city of Somoto, and Oscar García Vallecillo, from Managua, were also arrested during a police raid. Aragón is a former correspondent of the newspaper *La Prensa* in the departments of Somoto and Estelí, and García Vallecillo works for *Canal 10* in Managua. Both journalists were released hours after their detention, on the condition that they appeared in court regularly, and were charged with the alleged crimes of undermining the country's national integrity and spreading fake news.<sup>166</sup>

92. The Office of the Special Rapporteur for Freedom of Expression has been following up on the situation of journalist Kalúa Salazar, a press officer at *La Costeñísima*, who has been constantly intimidated, threatened, harassed and surveilled for her work in journalism since 2020, as documented in previous reports

<sup>158</sup> *Confidencial*, "[Hacer periodismo 'se ha convertido en una profesión de alto riesgo' en Nicaragua](#)," February 10, 2021; *El País*, "['Divergentes', o el reto de informar sobre Nicaragua desde el exilio](#)," January 12, 2023.

<sup>159</sup> *Infobae*, "[Persecución en Nicaragua: un periodista fue declarado 'traidor a la patria' por cubrir una procesión de Semana Santa](#)," June 10, 2023; *Divergentes*, "[Día del periodista en Nicaragua, entre el destierro y la persecución](#)," March 1, 2023.

<sup>160</sup> Víctor Ticay is a reporter working for *Canal 10*, a local television station, and runs the Facebook page La Portada. He was arrested by police officers on April 6 after posting a video of an Easter celebration in the city of Nandaime on his Facebook page. *CPJ*, "[Journalist Víctor Ticay arrested over coverage of Easter ceremony in Nicaragua](#)," April 7, 2023; *Despacho 505*, "[Denuncian detención del corresponsal de Canal 10 en Nandaime, Víctor Ticay](#)," April 6, 2023; *Deutsche Welle*, "[Denuncian captura de Víctor Ticay por filmar procesión](#)," April 7, 2023.

<sup>161</sup> *Confidencial*, "[Periodista Víctor Ticay condenado a 8 años de prisión](#)," August 17, 2023; *France 24*, "[Nicaragua: condenan a ocho años de prisión al periodista Víctor Ticay](#)," August 18, 2023.

<sup>162</sup> *France 24*, "[Nicaragua: condenan a ocho años de prisión al periodista Víctor Ticay](#)," August 18, 2023; *CPJ*, "[CPI condemns 8-year sentence for Nicaraguan journalist Víctor Ticay](#)," August 17, 2023.

<sup>163</sup> *Despacho 505*, "[Juez orteguista declara culpable de 'ciberdelitos' y 'traición a la patria' al periodista Víctor Ticay](#)," June 9, 2023.

<sup>164</sup> *CPJ*, "[Nicaraguan journalist Víctor Ticay convicted on treason, false news charges](#)," June 12, 2023.

<sup>165</sup> *CPJ*, "[Nicaraguan journalist Hazel Zamora arrested, charged with spreading false news](#)," May 9, 2023; *La Prensa*, "[Liberan a la periodista Hazel Zamora, pero tiene que presentarse a firmar diario](#)," May 5, 2023; *Confidencial*, "[Dictadura detiene y libera horas después a periodista de Canal 10 en Bluefields](#)," May 5, 2023.

<sup>166</sup> *Onda Local*, "[William Aragón con libertad condicionada](#)," May 3, 2023; *Nicaragua Investiga*, "[Dictadura se anota otra embestida: secuestra, acusa y pone al filo de la cárcel a periodistas](#)," May 8, 2023; *Deutsche Welle*, "[Arrestan en Nicaragua a otra periodista](#)," May 6, 2023.

of the Commission.<sup>167</sup> In the early morning hours of January 8, 2023, unidentified individuals reportedly entered the journalist's home while she and her family were asleep. These persons allegedly stole one of the security cameras and cut the cables of the remaining ones, thus severely damaging the house security system.<sup>168</sup> Kalúa Salazar considers that the incident was an attempt to intimidate her by sending the clear message that they could access her home whenever they so wished.<sup>169</sup> Also, on February 23, police officers in plain clothes reportedly stayed for more than three hours at the corner of her street watching what her daughters were doing.<sup>170</sup>

93. Similar acts of intimidation against journalist Yahaciela Barrera, a street reporter for *La Costeñísima*, have also been reported. In particular, according to the information received by the Office of the Special Rapporteur for Freedom of Expression, over the last year, Yahaciela Barrera has been subjected to continuous surveillance and has received threats from unknown persons and from a neighbor who identifies himself as a supporter of the incumbent government.<sup>171</sup> The threats are reportedly filled with stereotypes linked to her sexual orientation.<sup>172</sup> According to the information available, police officers stayed near her house every day, which was reportedly perceived as very intimidating by the journalist.<sup>173</sup> She has also allegedly been receiving threatening calls from a man and a woman unknown to her, usually on Sunday nights, asking if "she was the journalist from *Radio La Costeñísima*" and then hanging up.<sup>174</sup> Most calls were made from private numbers, but some of them came from unknown numbers, which she blocked for security reasons.<sup>175</sup>

94. Given the foregoing context, the Inter-American Court granted provisional measures on behalf of the members of *Radio La Costeñísima* and their next of kin in Nicaragua.<sup>176</sup> The Inter-American Court of Human Rights found that the situation constituted an extremely serious and urgent emergency, due to the imminent risk of irreparable harm to the rights to life and integrity, in relation to the right to freedom of expression, of journalists Salazar and Barrera.<sup>177</sup> In addition, the Court noted that there was "a well-founded fear that the activity of the members of *La Costeñísima* radio station could be criminalized, as it had been the case for other journalists, which had allegedly forced radio workers to resign or leave the country in order to remain safe."<sup>178</sup> The Court argued that, in the particular case of the aforementioned journalists, the risk they faced was greater because of their gender and sexual orientation.<sup>179</sup>

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<sup>167</sup> IACHR, *2020 Annual Report. Report of the Office of the Special Rapporteur for Freedom of Expression* OEA/Ser.L/V/II Doc. 28, March 30, 2021, paras. 1013, 1014 and 1035; IACHR, *2021 Annual Report. Report of the Office of the Special Rapporteur for Freedom of Expression* OEA/Ser.L/V/II Doc. 64 rev. 1. May 26, 2022, paras. 341 and 634; IACHR, *2022 Annual Report. Report of the Office of the Special Rapporteur for Freedom of Expression*, OEA/Ser.L/V/II Doc. 50, March 6, 2023, para. 1033.

<sup>168</sup> IAHR Court, [Matter of Members of the Journalism Team of "La Costeñísima" Radio regarding Nicaragua. Provisional Measures](#). Order of the Inter-American Court of Human Rights of March 22, 2023, para. 35.

<sup>169</sup> IAHR Court, [Matter of Members of the Journalism Team of "La Costeñísima" Radio regarding Nicaragua. Provisional Measures](#). Order of the Inter-American Court of Human Rights of March 22, 2023, para. 35.

<sup>170</sup> IAHR Court, [Matter of Members of the Journalism Team of "La Costeñísima" Radio regarding Nicaragua. Provisional Measures](#). Order of the Inter-American Court of Human Rights of March 22, 2023, para. 35.

<sup>171</sup> IAHR Court, [Matter of Members of the Journalism Team of "La Costeñísima" Radio regarding Nicaragua. Provisional Measures](#). Order of the Inter-American Court of Human Rights of March 22, 2023, para. 40.

<sup>172</sup> IAHR Court, [Matter of Members of the Journalism Team of "La Costeñísima" Radio regarding Nicaragua. Provisional Measures](#). Order of the Inter-American Court of Human Rights of March 22, 2023, para. 40.

<sup>173</sup> IAHR Court, [Matter of Members of the Journalism Team of "La Costeñísima" Radio regarding Nicaragua. Provisional Measures](#). Order of the Inter-American Court of Human Rights of March 22, 2023, para. 42.

<sup>174</sup> IAHR Court, [Matter of Members of the Journalism Team of "La Costeñísima" Radio regarding Nicaragua. Provisional Measures](#). Order of the Inter-American Court of Human Rights of March 22, 2023, para. 42.

<sup>175</sup> IAHR Court, [Matter of Members of the Journalism Team of "La Costeñísima" Radio regarding Nicaragua. Provisional Measures](#). Order of the Inter-American Court of Human Rights of March 22, 2023, para. 42.

<sup>176</sup> IAHR Court, [Matter of Members of the Journalism Team of "La Costeñísima" Radio regarding Nicaragua. Provisional Measures](#). Order of the Inter-American Court of Human Rights of March 22, 2023.

<sup>177</sup> IAHR Court, [Matter of Members of the Journalism Team of "La Costeñísima" Radio regarding Nicaragua. Provisional Measures](#). Order of the Inter-American Court of Human Rights of March 22, 2023, para. 43.

<sup>178</sup> IAHR Court, [Matter of Members of the Journalism Team of "La Costeñísima" Radio regarding Nicaragua. Provisional Measures](#). Order of the Inter-American Court of Human Rights of March 22, 2023, para. 43.

<sup>179</sup> IAHR Court, [Matter of Members of the Journalism Team of "La Costeñísima" Radio regarding Nicaragua. Provisional Measures](#). Order of the Inter-American Court of Human Rights of March 22, 2023, para. 46.

95. Moreover, the Office of the Special Rapporteur for Freedom of Expression was informed of restrictions to enter Nicaragua, which had been imposed by the government on journalists. In July, Marcos Medina, director of the digital platform *Fuentes Confiables*, reported that government authorities had prevented him and his family from entering Nicaragua by means of an order issued by the Directorate of Migration and Alien Affairs. The notification of the ban was delivered to him by the airline right before boarding a flight to Managua.<sup>180</sup>

96. On September 10, 2023, the American *National Public Radio (NPR)* aired a podcast episode on censorship in Nicaragua, which was produced by Eyder Peralta, a Nicaraguan journalist and one of the few correspondents of an international media outlet that had managed to enter the country in over a year.<sup>181</sup> His story was an attempt to reflect what life was like from inside a country that “appeared to be normal,” but in reality “was closed off and did not allow journalists in,” and where fear was constantly present and “very much vivid.”<sup>182</sup> Eyder entered and left the country with his Nicaraguan passport through a border post in the north part of the country and, according to his report, he kept a low profile during his stay for fear of being detained.<sup>183</sup> For that reason, he was unable to conduct interviews in public places. He acknowledged that “in Nicaragua, repression is not outspoken, but it is clear that, if you make information public, you’ll be put in jail.”<sup>184</sup>

97. It should be underscored that authorities have not only persecuted and intimidated journalists and media outlets, but they have also attacked the support structure that allows them to be economically sustainable and to convey reliable information. According to public reports, advertisers and sources receive threats if they advertise in media outlets deemed as “enemies” of the government on the basis of their editorial policy or if they provide information that is critical of the incumbent administration.<sup>185</sup>

98. This outlook in which journalism is not protected due to the lack of guarantees for its practice has forced many reporters to leave the profession, particularly those living in Nicaragua. According to a report by *Movimiento Periodistas y Comunicadores Independientes de Nicaragua (PCIN)*, almost 40 percent of independent journalists in Nicaragua have decided to give up their profession.<sup>186</sup> Those who continue to report from Nicaragua do so “clandestinely,” fearing being arrested at any moment, or in “low profile” media outlets.<sup>187</sup>

99. In light of this situation, the Commission is concerned about the emergence of “zones of media silence” in Nicaragua, where there is limited or no independent media coverage or sources of information.<sup>188</sup> Not only does the expansion of these zones severely affect the right of society to be informed about events of public interest, but it also constitutes an obstacle to transparency, government accountability and the control of corruption and abuse of power.<sup>189</sup>

<sup>180</sup> Nicaragua Investiga, “[Periodista Marcos Medina: Destierro ‘no es solo contra mi labor, sino contra mi familia.’](#)” July 26, 2023; *La Prensa*, “[Dictadura destierra al periodista Marcos Medina.](#)” July 25, 2023; *100% Noticias*, “[Nicaragua impide ingreso al país a periodista Marcos Medina: ‘He sido desterrado de mi patria.’](#)” July 25, 2023.

<sup>181</sup> *Confidencial*, “[En Nicaragua todo parece normal, pero se siente el miedo, no hallás a un opositor.](#)” September 17, 2023; *NPR*, “[I returned to Nicaragua, where I was born, and found a country steeped in fear.](#)” September 14, 2023.

<sup>182</sup> *NPR*, “[A rare look into Nicaragua, a country that shuts itself off to journalists.](#)” September 10, 2023; *Confidencial*, “[En Nicaragua todo parece normal, pero se siente el miedo, no hallás a un opositor.](#)” September 17, 2023.

<sup>183</sup> *NPR*, “[I returned to Nicaragua, where I was born, and found a country steeped in fear.](#)” September 14, 2023; *Confidencial*, “[En Nicaragua todo parece normal, pero se siente el miedo, no hallás a un opositor.](#)” September 17, 2023.

<sup>184</sup> *Confidencial*, “[En Nicaragua todo parece normal, pero se siente el miedo, no hallás a un opositor.](#)” September 17, 2023; *NPR*, “[I returned to Nicaragua, where I was born, and found a country steeped in fear.](#)” September 14, 2023.

<sup>185</sup> *Ijnet*, “[Fuentes anónimas y periodismo desde el exilio: el incensurable Confidencial resiste al régimen en Nicaragua.](#)” June 27, 2022.

<sup>186</sup> Pen International, [Ojo en Nicaragua / Observatorio Internacional.](#)

<sup>187</sup> Infobae, “[Denuncian más de 1.300 violaciones a la libertad de prensa en Nicaragua en los últimos cinco años.](#)” September 10, 2023.

<sup>188</sup> IACHR Office of the Special Rapporteur for Freedom of Expression, Press Release No. R31/23 - “[On Journalists’ Day in Nicaragua, the Office of the Special Rapporteur sends a message of solidarity, support and commitment to the work of the Nicaraguan press.](#)” March 1, 2023.

<sup>189</sup> *Confidencial*, “[30 facts that show how Ortega and Murillo impose censorship in Nicaragua.](#)” April 20, 2022.

100. Furthermore, according to data from Voces del Sur and Fundación para la Libertad de Expresión y Democracia (FLED), between early 2018 and mid-2023, at least 208 Nicaraguan journalists went into exile. Out of that figure, 23 reportedly left the country between April and June 2023.<sup>190</sup>

101. Communicators and media outlets operating from exile also face significant challenges and obstacles in the exercise of their profession.<sup>191</sup> Several exiled journalists have highlighted the difficulties of practicing their profession in places that are more costly than their country of origin, which impacts the economic sustainability of the outlets they work for. The cost of living and the lack of adequate sources of funding are some of the main challenges. Moreover, they point out that access to sources in the country is increasingly complex, as most of them are threatened or afraid to speak out on certain issues. In turn, this requires higher standards of verification and cross-checking of information coming from anonymous sources, so as to preserve their integrity. In addition, secure communication channels are required to ensure information sources are kept safe. Exiled journalists are afraid to report information, even from outside the country, because some of their relatives remain in Nicaragua and could be the targets of retaliation.<sup>192</sup>

102. Based on the foregoing, the Commission and the Office of the Special Rapporteur for Freedom of Expression recall the following, according to Principle No. 13 of the Declaration of Principles on Freedom of Expression of the Inter-American: “The exercise of power [...] by the State [...] with the intent to put pressure on and punish or reward and provide privileges to social communicators and communications media because of the opinions they express threaten freedom of expression and must be explicitly prohibited by law. The means of communication have the right to carry out their role in an independent manner. Direct or indirect pressures exerted upon journalists or other social communicators to stifle the dissemination of information are incompatible with freedom of expression.”<sup>193</sup>

103. In addition, Principle No. 5 thereof establishes the following: “Prior censorship, direct or indirect interference in or pressure exerted upon any expression, opinion or information transmitted through any means of oral, written, artistic, visual or electronic communication must be prohibited by law. Restrictions to the free circulation of ideas and opinions, as well as the arbitrary imposition of information and the imposition of obstacles to the free flow of information violate the right to freedom of expression.”<sup>194</sup>

104. As previously stated, an independent and critical press is fundamental to ensuring respect for other freedoms that are part of democratic systems and the Rule of Law.<sup>195</sup> Attacks, harassment, intimidation and judicial persecution against journalists are intended to silence them; thus, in addition to infringing the right of individuals to freedom of expression, they constitute violations of the right of society to have free access to information.<sup>196</sup>

105. The Commission and the Office of the Special Rapporteur for Freedom of Expression reiterate that the State of Nicaragua is under the obligation to respect and ensure the full exercise of the right to freedom of expression in all its manifestations, including independent journalism. The duty to respect implies that authorities must refrain from unduly interfering with the right to freedom of expression, so that journalists and media outlets can fulfill their role and watchdog function in a democratic society. The duty to ensure implies

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<sup>190</sup> *CNN en Español*, “[Al menos 23 periodistas salieron de Nicaragua de abril a junio por asedio del régimen de Daniel Ortega, según informe de dos ONG](#),” July 11, 2023; *Infobae*, “[Nicaragua conmemoró el Día del Periodista con 200 comunicadores en el exilio y 23 declarados ‘traidores a la patria’](#),” March 2, 2023.

<sup>191</sup> *PR Noticias*, “[Nicaragua: periodismo desde el exilio](#),” May 3, 2023; *Voice of America*, “[La ‘presión política’ amenaza con dejar sin periodistas a Nicaragua](#),” March 1, 2023; *La Prensa*, “[Periodismo en el exilio y desde Nicaragua, seguir comprometido con la objetividad](#),” September 12, 2023; *Voice of America*, “[Más de 200 periodistas de Nicaragua viven en el exilio](#),” July 18, 2023; *El País*, “[De incógnito, perseguidos o en el exilio: los periodistas resisten en Centroamérica](#),” May 17, 2023; *Divergentes*, “[La Prensa sigue contando Nicaragua, desde dentro y desde el exilio](#),” September 8, 2022.

<sup>192</sup> *Diálogo Político*, “[Nicaragua: así es el periodismo desde el exilio](#),” October 20, 2022.

<sup>193</sup> IACHR, [Declaration of Principles on Freedom of Expression](#), 2000.

<sup>194</sup> IACHR, [Declaration of Principles on Freedom of Expression](#), 2000.

<sup>195</sup> IACHR, [Report on the Situation of Human Rights in Mexico](#) OEA/Ser.L/V/II.100 Doc. 7 rev. 1, September 24, 1998, para. 649.

<sup>196</sup> IACHR, [Background and Interpretation of the Declaration of Principles on Freedom of Expression](#).

that authorities have the positive obligation to create an enabling environment for media freedom and to guarantee that press professionals can perform their work in a free and safe environment.<sup>197</sup>

106. Finally, regarding the situation of journalists in exile, the Commission highlights the urgent need for States and the international community to increase their financial and political support to the civil society at risk. As noted in the Joint Declaration on Protecting and Supporting Civil Society At-Risk, this should include funding for rapid emergency assistance, safe houses in the hosting country and legal defense, as well as long-term resiliency support, taking into account the specific protection needs of women activists. These efforts should be complemented by diplomatic measures to encourage States to lift any restrictions that prevent civil society groups from gaining access to the financial and human resources necessary to fully exercise their rights.<sup>198</sup>

107. In addition, States should develop or support, with the relevant civil society and professional organizations, assistance and rehabilitation programs for relocated at-risk civil society actors who have been forced to move. Said actors should also be provided with the support necessary to find long-term and durable solutions to the situations in which they find themselves as a consequence of their work in the civil society, including support to continue their activities, if so desired. It is essential that a safe environment and comprehensive support be provided to those who defend freedom of expression and human rights.<sup>199</sup>

## B. Closure of indigenous community media outlets

108. In 2023, the Office of the Special Rapporteur for Freedom of Expression noted the closure of several indigenous community media outlets and reiterated that the repressive practices of the Nicaraguan government had had a significant impact on these groups of people that had been historically discriminated against and excluded from the public debate.<sup>200</sup>

109. On September 28, the Nicaraguan Institute of Telecommunications and Mail (TELCOR) ordered the closure and confiscation of the premises of indigenous community radio stations Yapti Tasba Bila Baikra Bilwi and Waspam, both managed by the YATAMA party.<sup>201</sup> The government, as it had done in cases documented in previous years, argued that these outlets were operating illegally, since they did not have a valid license.<sup>202</sup> These stations covered the news of 17 Mayagna and Miskitu indigenous territories, and reported on issues of general interest. They were also a channel for reporting situations of violence experienced by indigenous communities, as well as environmental and climate change issues and their effects on indigenous communities.<sup>203</sup> Since their foundation in 2001, these media have been considered leading voices in the claim for, promotion of and dissemination of the culture and rights of indigenous peoples.<sup>204</sup>

110. The Commission and the Office of the Special Rapporteurs for Freedom of Expression note with concern the particular impact that the closure of these radio stations has on indigenous peoples, who have been historically discriminated against and excluded from the public debate. In this regard, they emphasize that community radio stations are not only instruments that enable the full participation of these groups in the public discourse, but they are also essential tools for the preservation, transmission and continued development of indigenous cultures and languages.<sup>205</sup> As pointed out by the Inter-American Court: “the absence of indigenous voices in the media not only affects indigenous peoples’ right to freedom of expression,

<sup>197</sup> UN, OSCE, OAS and ACHPR, [Joint Declaration on Media Freedom and Democracy](#), May 2, 2023.

<sup>198</sup> UN, OSCE, OAS and ACHPR, [Joint Declaration on Protecting and Supporting Civil Society At-Risk](#), December 9, 2021.

<sup>199</sup> UN, OSCE, OAS and ACHPR, [Joint Declaration on Protecting and Supporting Civil Society At-Risk](#), December 9, 2021.

<sup>200</sup> IACHR, [2022 Annual Report. Report of the Office of the Special Rapporteur for Freedom of Expression](#) OEA/Ser.L/V/II Doc. 50, March 6, 2023, para. 1029.

<sup>201</sup> *Confidencial*, “[Telcor despoja a Yatama de dos radios comunitarias, policia se toma instalaciones](#),” September 30, 2023; *La Prensa*, “[Telcor cierra emisoras comunitarias en Bilwi y Waspam que eran administradas por Yatama](#),” September 30, 2023.

<sup>202</sup> *Confidencial*, “[Telcor despoja a Yatama de dos radios comunitarias, policia se toma instalaciones](#),” September 30, 2023.

<sup>203</sup> *Nicaragua Investiga*, “[Régimen cierra dos radios administradas por el partido Yatama](#),” September 30, 2023.

<sup>204</sup> *Despacho 505*, “[Telcor manda a cerrar dos radios de Yatama después de capturar a Brooklyn Rivera](#),” September 30, 2023.

<sup>205</sup> ICHR Court, [Maya Kaqchikel Indigenous Peoples of Sumpango et al. v. Guatemala. Merits, reparations and costs](#). Judgement of October 6, 2021. Series C No. 440, para. 109.

but also prevents citizens from having access to different narratives, especially on the opinions, worldview and music of these peoples, which is crucial given the negative effects that the mainstream media often have on the representation of indigenous peoples.”<sup>206</sup>

111. Finally, the Office of the Special Rapporteur for Freedom of Expression reiterates that, in order for the media to fulfill their role and watchdog function in a society, especially within communities, the State should refrain from unduly interfering with the right to freedom of expression.<sup>207</sup> This implies that legal frameworks should not be abused to illegitimately obstruct the work of community media.<sup>208</sup> Moreover, the State is required to adopt measures aimed at allowing access to the radio spectrum for community radio stations, especially those of indigenous communities, “given their importance for the dissemination and preservation of their culture and taking into account that they are ethnically distinct groups in a situation of marginalization and social exclusion resulting from poverty and discrimination.”<sup>209</sup>

### C. Freedom of expression on the Internet

112. The situation of freedom of expression on the Internet in Nicaragua has deteriorated, particularly after the passing of the 2020 Special Cybercrimes Law. From that moment on, the government has applied this law – especially with respect to the crime of spreading fake news – in an arbitrary and disproportionate manner to repress online expression by journalists, media, human rights defenders, artists, students and religious leaders. This has led people to resort to self-censorship or to opt for anonymity for fear of reprisals.<sup>210</sup>

113. According to information in the public domain, since this law came into force, more than 20 people have been sentenced to prison for the alleged crime of spreading fake news, including journalists Miguel Mendoza, Miguel Mora and Víctor Ticay, student leader Samantha Jirón, priest Óscar Danilo Benavidez Dávila, bishop Rolando Álvarez, as well as peasant Santos Camilo Bellorín Lira, from Estelí, who did not even have any social media accounts.<sup>211</sup>

114. In March 2023, in the framework of the discussion titled “Digital Rights of Young Nicaraguans”, held by the Fundación Puentes para el Desarrollo and the organizations Colectivo de Derechos Humanos Nicaragua and Red Latinoamericana de Jóvenes por la Democracia, several young people highlighted that state regulations to limit and censor expression on the Internet were a tool used by the government of Nicaragua to “silence dissenting voices that are against its policies.”<sup>212</sup>

115. The Commission and the Office of the Special Rapporteur for Freedom of Expression underscore that the right to freedom of expression applies to the Internet, as it does to all means of communication, and that restrictions on freedom of expression on the Internet are only acceptable if they comply with the established international standards of legality, legitimate purpose, necessity, and proportionality (the “three-part” test).<sup>213</sup>

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<sup>206</sup> IAHR [Court, Maya Kaqchikel Indigenous Peoples of Sumpango et al. v. Guatemala. Merits, reparations and costs](#). Judgement of October 6, 2021. Series C No. 440, para. 151.

<sup>207</sup> UN, OSCE, OAS and ACHPR, [Joint Declaration on Media Freedom and Democracy](#), May 2, 2023.

<sup>208</sup> UN, OSCE, OAS and ACHPR, [Joint Declaration on Media Freedom and Democracy](#), May 2, 2023.

<sup>209</sup> IAHR Court, [Maya Kaqchikel Indigenous Peoples of Sumpango et al. v. Guatemala. Merits, reparations and costs](#). Judgement of October 6, 2021. Series C No. 440, para. 117.

<sup>210</sup> Freedom House, [Freedom on the Net: Nicaragua](#), 2022.

<sup>211</sup> University of Oxford and Reuters Institute, [“2023 Reuters Memorial Lecture. How to report under a dictatorship: lessons from Nicaragua and beyond.”](#) March 6, 2023; [Artículo 66, “ONU: ‘Persecución en Nicaragua no tiene límites’”](#) January 19, 2023; [Artículo 19, “Nicaragua: La condena de 8 años contra el periodista Víctor Ticay se suma a la lista de violaciones a los derechos humanos,”](#) August 18, 2023.

<sup>212</sup> [100% Noticias, “En Nicaragua régimen viola derechos digitales de los jóvenes que se han atrincherado en las redes,”](#) March 29, 2023.

<sup>213</sup> UN, OSCE, OAS and ACHPR, [Joint Declaration on Freedom of Expression and the Internet](#), June 1, 2011.

116. Regarding the Special Cybercrimes Law and, in particular, the classification of “spreading fake news” as a crime, the Office of the Special Rapporteur has already indicated that said law does not pass the three-part test.<sup>214</sup> The wording of the (law) provision that defines the offense of spreading fake news is ambiguous and open to interpretation, thus infringing the principle of strict legality, which results in its arbitrary and disproportionate application and produces a negative effect on the free circulation of information and ideas.<sup>215</sup> This is especially worrisome in a context of lack of guarantees of judiciary independence, as it has been observed in Nicaragua by the Commission.<sup>216</sup> Furthermore, the imposition of imprisonment and fines to punish expressions of public interest – such as those covered by this law – is unnecessary and disproportionate, since there is no imperative social interest that could justify it, and it may constitute a means of indirect censorship given its intimidating effect on discussions on matters of public interest.<sup>217</sup>

117. Although self-censorship also extends to the Internet, many journalists and general users have continued to express their political views on social media, but have implemented some tools to safeguard their integrity in the digital arena.<sup>218</sup> For example, the 2023 report *Freedom on the Net* drafted by Freedom House unveiled that an increasing number of users are using anonymous and encrypted platforms, or are sharing content with a narrower audience or “close friends” lists.<sup>219</sup>

118. In this regard, the Commission and the Office of the Special Rapporteur for Freedom of Expression highlight the fundamental role of the Internet in the current context of closure of the civic space in Nicaragua, as it is a means of communication that allows citizens to express themselves and obtain and spread information on issues that concern their society as a whole. In addition, given the secrecy imposed by government authorities to avoid international observation, the Internet becomes especially relevant, as it is one of the main ways to access information about what is happening in the country. This is of particular significance considering that numerous media outlets have been shut down and human rights organizations have had their legal status cancelled, and that most journalists and individuals who act as watchdogs and lead public scrutiny have been forced into exile or have abandoned their profession.

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

119. With regard to the general situation of ESCERs in the country, the Commission and the Office of the Special Rapporteur on Economic, Social, Cultural and Environmental Rights note that, in the context of the crisis, the protection and guarantee of these rights have been directly affected.

120. Firstly, in the context of the deprivation of nationality of Nicaraguan persons, the Commission and the Office of the Special Rapporteur on Economic, Social, Cultural and Environmental Rights received information alleging that the State had eliminated from the records of the Nicaraguan Social Security Institute (INSS) all elderly persons who had been declared stateless and “traitors to the homeland.” As a result, reportedly, neither they nor their families have access to their pensions. In addition, there is allegedly no way for them to obtain certificates proving that they were ever registered in the social security system.<sup>220</sup> It should be underscored that most of the people affected by this decision are older persons living in exile, including

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<sup>214</sup> IACHR. 2020 Annual Report. [Report of the Office of the Special Rapporteur for Freedom of Expression](#) OEA/Ser.L/V/II Doc. 28, March 30, 2021, para. 1065.

<sup>215</sup> IACHR, *2021 Annual Report*. [Report of the Office of the Special Rapporteur for Freedom of Expression](#) OEA/Ser.L/V/II Doc. 28, March 30, 2021, para. 1065; Mandates of the UN Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression, of the UN Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association, of the UN Special Rapporteur on the Situation of Human Rights Defenders, of the IACHR/OAS Office of the Special Rapporteur for Freedom of Expression and of the UN Special Rapporteur on the Promotion and Protection of Human Rights and Fundamental Freedoms While Countering Terrorism, [OL NIC 3/2020](#), November 13, 2020.

<sup>216</sup> IACHR, [Nicaragua: Concentration of Power and the Undermining of the Rule of Law](#) OAS/Ser.L/V/II Doc. 288, October 25, 2021.

<sup>217</sup> IAHR [Court, Herrera Ulloa v. Costa Rica. Preliminary objections, merits, reparations and costs](#). Judgement of July 2, 2004. Series C No. 107, para. 101 (2).

<sup>218</sup> Freedom House, [Freedom on the Net: Nicaragua](#), 2023.

<sup>219</sup> Freedom House, [Freedom on the Net: Nicaragua](#), 2023.

<sup>220</sup> IACHR and REDESCA, Press Release No. 61/23, “[Nicaragua: IACHR and REDESCA Express Concern About Violations of Property and Social Security Rights](#),” April 14, 2023.

former FSLN supporters.<sup>221</sup> In this regard, the Commission and the Office of the Special Rapporteur on Economic, Social, Cultural and Environmental Rights recall that the right to social security – which is enshrined in several inter-American treaties – safeguards against contingencies that may cause harm to individuals and places particular emphasis on protecting people during old age. The protection of elderly people and their right to a dignified old age and adequate means of subsistence have been recognized as an international obligation by the inter-American system.<sup>222</sup>

121. Likewise, the elimination or curtailment of severance pay or pensions constitutes a violation of the right to a decent retirement income, insofar as the affected persons are forced to look for new jobs or to bind themselves and their estates by taking out loans or selling their assets. They have no alternative but to adapt to a new socioeconomic reality during one of the most difficult phases of their lives.<sup>223</sup> Based on the foregoing, the Commission and the Office of the Special Rapporteur on Economic, Social, Cultural and Environmental Rights urge the State of Nicaragua to adopt the relevant measures to guarantee that older victims of these confiscatory actions have access to food, healthcare and housing services, and to the care required to live a dignified old age.<sup>224</sup>

122. Regarding the right to education, the Commission and the Special Rapporteur on Economic, Social, Cultural and Environmental Rights note with concern that, in 2023, as a result of a series of actions taken by the State, full access to and enjoyment of this right was undermined, particularly in terms of academic freedom and university autonomy. On this matter, they have recorded the closure of five universities throughout the year, including the Universidad Centroamericana (UCA) and the Instituto Centroamericano de Administración de Empresas (INCAE Business School). Since 2020, 25 other universities have been shut down as their legal status was cancelled, which has affected more than 37,000 students.<sup>225</sup>

123. On September 25, 2023, the State cancelled the legal personality of the INCAE through Ministerial Agreement 106-2023-OSFL, arguing that the entity had not submitted its 2020, 2021 and 2022 financial statements.<sup>226</sup> The INCAE stated that it “deeply regret[ed] this decision, considering, moreover, that over the course of the past few decades, the campus in Nicaragua ha[d] witnessed the graduation of over 4,000 students who [were] creating value in public and private organizations in different countries. [...] [S]ince 2018, only the administrative offices of the campus in Nicaragua [had remained] in operation, and all academic programs ha[d] been transferred to the campus in Costa Rica.”<sup>227</sup>

124. According to the Group of Human Rights Experts on Nicaragua, the university sector of the country as a whole no longer has independent institutions to protect university autonomy and student rights. This has given way to a major drain of intellectual capital, with people facing obstacles to continue their studies abroad as they have no access to documentation and student records that should be provided by university authorities.<sup>228</sup>

125. On this point, the Office of the United Nations High Commissioner for Human Rights has also documented at least 43 cases of people among the 316 persons deprived of their nationality who had been denied copies of civil registry documents and academic university records, and who had been told by officials

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<sup>221</sup> IACHR, Press Release No. 123/23, “[IACHR Rejects Continued Repression and Human Rights Violations in Nicaragua](#),” June 16, 2023; *Los Angeles Times*, “[Nicaragua: quitan jubilaciones a opositores desterrados](#),” February 24, 2023.

<sup>222</sup> IACHR and REDESCA, Press Release No. 61/23, “[Nicaragua: IACHR and REDESCA Express Concern About Violations of Property and Social Security Rights](#),” April 14, 2023.

<sup>223</sup> IACHR Court, *Acevedo Buendía et al. (“Dismissed and Retired Employees of the Office of the Comptroller”) v. Peru. Preliminary objection, merits, reparations and costs*. Judgment of July 1, 2009. Series C No. 198, para. 131.

<sup>224</sup> IACHR and REDESCA, Press Release No. 61/23, “[Nicaragua: IACHR and REDESCA Express Concern About Violations of Property and Social Security Rights](#),” April 14, 2023.

<sup>225</sup> IACHR, Press Release No. 201/23, “[IACHR and Its Special Rapporteurships Condemn Arbitrary Interference with Academic Freedom in Nicaragua](#),” August 29, 2023.

<sup>226</sup> Official Gazette of Nicaragua No. 172, September 25, 2023.

<sup>227</sup> INCAE, “[Sobre la cancelación de la personería jurídica de INCAE Business School en Nicaragua](#),” September 26, 2023.

<sup>228</sup> OHCHR, “Group of Experts on Nicaragua finds escalating persecution against dissent and crackdown on independent academic institutions,” September 12, 2023.

that they “do not exist” in public registries. As a result, these persons were prevented from exercising their right to seek and receive information, including their personal information.<sup>229</sup> In addition, relatives of persecuted students, who had been forced to leave the country, made an attempt to request academic records, but their petition was denied on the grounds that it had to be made in person by the individuals concerned.<sup>230</sup>

126. According to civil society organizations, students who request information from university centers are questioned about the reasons behind their petitions by the authorities thereof.<sup>231</sup> Likewise, there are reports of persons who, for being openly critical of the government, have faced document retention or unjustified delays. There are also cases of students who claim that the applications they have submitted to the National Union of Students of Nicaragua (UNEN) are conditioned upon their participation in indoctrination or party-related activities.<sup>232</sup>

127. Furthermore, the Commission is concerned about a series of acts of harassment and intimidation committed against members of student organizations that are critical of the government or that have taken part in antigovernment protests. The attacks have been mainly targeted at leaders of student movements that are not aligned with the UNEN. There have also been reports of students that, despite not being formally expelled, have had their grades and academic records completely removed from their files. In addition, some students have reported that the National Police, progovernment paramilitary groups and FSLN members have arbitrarily inquired into their nonacademic activities on a constant and systematic basis.<sup>233</sup>

128. In this context, the Commission and the Special Rapporteur on Economic, Social, Cultural and Environmental Rights note with concern that students are perceived as dissidents or opponents of government authorities, and that persecution also affects academic authorities and professors. Under these circumstances, students and staff have been forced to leave the country, and some have been deprived of their nationality once abroad.<sup>234</sup> In particular, information was received regarding the arrests of student leaders Adela Espinoza and Gabriela Morales by the National Police on August 19.<sup>235</sup>

129. The Commission calls attention to the situation of J.S.N.R., leader of Movimiento Universitario 19 de Abril (MU19A), who has been deprived of his liberty since April 4, 2023, and held *incommunicado*. On June 19, 2023, the Commission granted precautionary measures in favor of J.S.N.R., requesting that proper conditions of detention be ensured for the beneficiary.<sup>236</sup> In September 2023, the Inter-American Court of Human Rights granted provisional measures and required the State to adopt said measures to effectively protect the life, integrity, personal liberty, health, and access to food of J.S.N.R.<sup>237</sup>

130. The Commission and the Office of the Special Rapporteur on Economic, Social, Cultural and Environmental Rights recall that the Inter-American Principles on Academic Freedom and University Autonomy set forth that any interference with academic freedom in a democratic society must meet the requirements of legality, legitimate purpose, suitability, necessity and proportionality in accordance with the American Convention on Human Rights, since they constitute a safeguard against arbitrariness on the part of

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<sup>229</sup> UN. Human rights situation in Nicaragua. Report of the United Nations High Commissioner for Human Rights [A/HRC/54/60](#), August 2023, para. 33.

<sup>230</sup> Aula Abierta, “[Negación de récords académicos como arma de represión política contra universitarios nicaragüenses](#),” September 14, 2023.

<sup>231</sup> United Nations Human Rights Council, 54<sup>th</sup> session, Statement by the Chair of the Group of Human Rights Experts on Nicaragua, September 12, 2023.

<sup>232</sup> Aula Abierta, “[Negación de récords académicos como arma de represión política contra universitarios nicaragüenses](#),” September 14, 2023.

<sup>233</sup> Aula Abierta, “[Negación de récords académicos como arma de represión política contra universitarios nicaragüenses](#),” September 14, 2023.

<sup>234</sup> OHCHR, “Group of Experts on Nicaragua finds escalating persecution against dissent and crackdown on independent academic institutions,” September 12, 2023.

<sup>235</sup> *Nicaragua Investiga*, “[Tribunal de Apelaciones pide que muestren a Adela Espinoza](#),” August 25, 2023.

<sup>236</sup> IACHR, [Resolution 34/2023](#), *Precautionary Measure No. 304-23, J.S.N.R. regarding Nicaragua*, June 19, 2023.

<sup>237</sup> IACHR Court, [Matter of Juan Sebastián Chamorro et al. regarding Nicaragua. Extension of provisional measures](#). Order of the Inter-American Court of Human Rights of September 25, 2023. Resolution adopted in San José, Costa Rica.

the authorities both within and beyond academic institutions. Likewise, restrictions on academic freedom should not perpetuate prejudice nor foster intolerance.<sup>238</sup>

131. The Commission urges the State of Nicaragua to cease any arbitrary interference with academic freedom and to reverse the cancellation of the legal status of universities and academic centers that was approved without respecting the guarantees of due process of law. In addition, it exhorts the State to return all confiscated assets and premises. The closure of academic spaces fractures the foundations of democratic and critical societies.

132. With regard to the guarantee of the right to a healthy environment and actions in response to the climate emergency, the REDESCA takes note of Board Decision B.36/17 of the Green Climate Fund (GCF), regarding Project GCF FP146, “Bio-CLIMA: Integrated climate action to reduce deforestation and strengthen resilience in BOSAWÁS and Rio San Juan Biospheres,” on the Caribbean coast of Nicaragua. In its decision, the Board notes that the funding proposal for Project FP146 failed to comply with the policies and procedures of the GCF.<sup>239</sup> In addition, the compliance review report determined that the accredited entity should have undertaken far more due diligence prior to obtain the Board’s approval.<sup>240</sup> This situation is of concern considering that attacks on indigenous communities by armed individuals have been reported since 2021. As mentioned earlier in the instant report, in March 2023, the indigenous Mayangna Wilú community, located at the core of the BOSAWÁS Biosphere Reserve, reported an attack by approximately 60 heavily armed individuals. As a result, five Mayangna community members between the ages of 20 and 45 were killed, two were wounded and all the houses – except for the school and the community church – were burned down.<sup>241</sup>

133. The Commission and the Office of the Special Rapporteur on Economic, Social, Cultural and Environmental Rights urge the State and the entities responsible for the execution of the project, including the Central American Bank for Economic Integration, to fully comply with the decision of the GCF Board. In that sense, they emphasize that “States must consult indigenous peoples in order to obtain their free, prior, and informed consent regarding action plans, public policies, standards, and/or projects related to the fight against climate change that may affect them.”<sup>242</sup> In this regard, they recall that States must respect and guarantee, without any discrimination whatsoever, the right to prior consultation seeking free, prior and informed consent in the design of action plans, public policies, regulations and/or projects directly and indirectly related to the indigenous peoples’ fight against climate change. States must ensure a meaningful participation of indigenous peoples. Said participation should take into account an intercultural approach and adequately incorporate traditional and local knowledge on mitigation and adaptation and respect the duty of accommodation in the final decision.<sup>243</sup>

134. Furthermore, States must act forcefully and decisively to prevent attacks, threats, intimidation, or killings from being committed against environmental defenders. For that purpose, States have the duty to investigate and effectively punish those responsible – including those who are directly or indirectly related to businesses – in contexts of social and armed conflicts.<sup>244</sup> On this point, the Commission and the Special Rapporteur on Economic, Social, Cultural and Environmental Rights also remind international financial institutions that the express incorporation of human rights standards and safeguards within their structure, their policies, their operative frameworks and their risk analysis is essential to reduce the possibility of being involved in contexts of project financing and development that compromise the enjoyment of such rights and

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<sup>238</sup> IACHR, Press Release No. 201/23, “[IACHR and Its Special Rapporteurships Condemn Arbitrary Interference with Academic Freedom in Nicaragua](#),” August 29, 2023.

<sup>239</sup> GCF, Independent Redress Mechanism on Case C-0006-Nicaragua, Board Decision B.36/17.

<sup>240</sup> GCF, Independent Redress Mechanism on Case C-0006-Nicaragua, Summary of Reasons for Board Decision, 2023.

<sup>241</sup> *Mongabay*, “[Nicaragua: expertos aseguran que detrás de la masacre de pobladores indígenas mayangna está el interés sobre los recursos naturales de la reserva BOSAWÁS](#),” March 28, 2023.

<sup>242</sup> IACHR, [Right to Self-Determination of Indigenous and Tribal Peoples](#). OAS/Ser.L/V/II. Doc. 413. December 28, 2021. Para. 191.

<sup>243</sup> IACHR and REDESCA, [Climate Emergency: Scope of Inter-American Human Rights Obligations](#). Resolution 3/2021, approved by the IACHR on October 31, 2021, para. 24.

<sup>244</sup> *Ibid.*, para. 28.

fundamental freedoms.<sup>245</sup> This is of particular significance in States where democratic institutionalism is jeopardized or undermined.

## V. CONCLUSIONS

135. In 2023, the Inter-American Commission verified that repressive practices were still in place in Nicaragua with the purpose of consolidating a regime of concentration of power in the executive branch based on the imposition of a police state and the effective suspension of the fundamental rights and freedoms that are integral to the civic space of the country. In this regard, it reiterates that, in Nicaragua, the context is not conducive for civil society to participate freely and safely in social, political, and religious life. Civic and democratic spaces are closed.

136. In 2023, the Commission observed the persistence of serious and systematic human rights violations in Nicaragua, which even took on new patterns of repression, such as cases of people being expelled from the country and suffering the arbitrary deprivation of their nationality. Said human rights violations can effectively take place in a context marked by the breakdown of the principle of separation of powers and the instrumentalization of the state apparatus for political and religious persecution, as well as for the repression of any person perceived as an opponent.

137. The Commission also verified the persistent use of arbitrary detentions and deprivation of liberty to perpetuate a feeling of fear in the population, censor any expression of dissent, both in the physical and digital spheres, and even to persecute the expressions and practice of the Catholic faith. The lack of independence of the justice system leads to criminal proceedings and sentences that are incompatible with a democratic regime.

138. The perpetuation of a police state and of arbitrary detentions, in the context of the mass closure of civil society organizations, the exile and banishment of leaders, journalists and human rights defenders, has led to a growing climate of self-censorship among the population and to a reluctance to report human rights violations for fear of reprisals. This outlook significantly hinders the work of the civil society and human rights defenders in the country, as it is further restricted in a hostile and clandestine environment.

139. In 2023, repression against indigenous and Afro-descendant peoples intensified as part of the repressive strategy to consolidate a regime of concentration of power in the run-up to the regional elections on the Caribbean coast scheduled for 2024. In this regard, the Commission has observed new attacks by armed individuals, murders, the cancellation of the historic YATAMA party and the closure of indigenous community radio stations, all of which fall into a systematic pattern that has seriously affected the right to life and integrity of individuals, as well as the right to land, territory, and survival of communities.

140. In 2023, censorship and repression reached alarming levels. Journalists attempting to report on matters of general interest have faced an imminent risk of arrest. Moreover, the control and censorship mechanisms deployed by the government have contributed to the closure of the civic and democratic space in Nicaragua and have led to the deterioration of the basic conditions for the exercise of freedom of expression.

141. Given the persistent, widespread, and structural impunity for the serious human rights violations committed since 2018, the Inter-American Commission once again reaffirms its support for Nicaraguans so that they can gain effective access to justice, reparation, the reconstruction of their democracy and the right to memory and truth with regard to said violations.

142. Finally, regarding the entry into force of the denunciation of the Charter of the Organization of American States on November 18, 2023, and the withdrawal of Nicaragua from the OAS, the Commission reiterates that the State remains bound by all the international instruments to which it is a party, among them,

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<sup>245</sup> REDESCA, [Business and Human Rights: Inter-American Standards](#) OAS/Ser.L/V/II CIDH/REDESCA/INF.1/19, November 1, 2019, para. 297.

the American Convention on Human Rights. Therefore, the Commission reaffirms its competent jurisdiction over the State of Nicaragua and will continue to exercise its monitoring mandates through the MESENI, which includes following up on compliance with the recommendations issued in its various mechanisms, analyzing and processing cases and petitions, supervising recommendations issued in its merits reports and assessing and actively overseeing compliance with the precautionary measures in force.

## VI. RECOMMENDATIONS

143. 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) and the recommendations issued under Chapter IV.B of the annual reports published by the Commission from 2018 to 2022, 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, the recognition of the facts that occurred and the compliance with its international obligations in matters of truth, justice, and reparation.
3. Release all persons that have been arbitrarily detained in the context of the crisis that began in 2018.
4. Initiate processes that promote truth, justice, and reparations for 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.

### Civic and democratic space

6. Overrule all decrees and acts of authority related to the cancellation of the legal status of civil society organizations that have been approved without guaranteeing due process of law. Where applicable, give back all the confiscated assets and premises to the members of these organizations, in the same conditions in which they were at the time of the search of the organizations' facilities.
7. Immediately cease all judicial persecution, repression, stigmatization, attacks, threats, and intimidation against civil society actors on and offline, including journalists, human rights defenders, activists, artists, members of the academia, political opponents and members of religious communities and the Catholic Church.
8. Cease persecution against the Catholic Church, arbitrary arrests, confiscations, and all acts that curtail freedom of religion for the population.
9. Lift obstacles to the legitimate exercise of the right to protest, in particular, through the elimination of the requirement of prior authorization for holding demonstrations and the express establishment of a general presumption in favor of the exercise of the right of assembly and freedom of expression.

## Persons deprived of liberty

10. Verify immediately that pretrial detention is applied in accordance with international standards governing the matter, i.e., exceptionality, legality, proportionality, and reasonableness. In the event that this measure does not strictly meet procedural criteria – such as risk of flight or hampering the investigation – the use of alternative measures to detention must be implemented.
11. 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, so that defendants have regular contact with their legal representatives and are involved in the preparation for their respective hearings. In addition, it is essential for legal representatives to have unrestricted access to these hearings.
12. 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 good sanitary conditions.
13. Create the necessary conditions to ensure effective contact between persons deprived of their liberty and their next of kin, by implementing an adequate, regular, and scheduled system of visits. In that regard, visits must be held at least with the frequency 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 the delivery of medicines, food, and personal hygiene items to said persons.
14. Use solitary confinement in maximum security centers on an exceptional basis and following an individualized assessment of the risk involved and implement it for 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.
15. Adopt all necessary and comprehensive measures for the rights of women detainees to be effectively respected and guaranteed, so that they do not suffer from discrimination and are protected against any form of violence that may arise as a result of their gender.

## Indigenous and Afro-descendant communities

16. 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.
17. 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.
18. 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.
19. 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 and Afro-descendant communities 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 said measures.

### Freedom of expression

20. Immediately cease all judicial persecution, repression, stigmatization, attacks, threats and intimidation against individuals and groups who exercise their right to freedom of expression both on and offline, including journalists, human rights defenders, activists, artists, members of the academia, political opponents and members of religious communities.
21. Provide full judicial guarantees to persons subjected to criminal proceedings for reasons related to the exercise of their 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 human beings, pursuant to international human rights standards.
22. Fully, exhaustively and impartially investigate reports of violations of the human rights of persons deprived of liberty for reasons related to the exercise of their right to freedom of expression.
23. Refrain from enforcing the law and using the resources and powers of the State in an arbitrary, selective and exemplary manner, and from engaging in abusive government practices 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.
24. Refrain from exerting pressure on or interfering with the media and cable operators, both in terms of news content and editorial policy, as well as of operation.
25. 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.
26. Refrain from arbitrarily hindering – even by indirect means – journalistic activities, including those of the local press and international correspondent services. In particular, restore the powers of operation of the international press in Nicaragua (in those cases where) wherever they have been arbitrarily restricted.
27. 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 access the information of the State relating to reports of human rights violations and to judicial investigations into such violations.
28. Bring domestic law into line with international human rights standards. In particular, repeal any provision of law that infringes principles and standards on freedom of expression, peaceful assembly and association, including the Special Cybercrimes Law, 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.
29. Refrain from taking measures that impede Nicaraguans' entry into or departure from the country for reasons related to the exercise of the right to freedom of expression, such as the withholding of passports or the refusal of any other kind of migration documentation.

30. 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**

31. Restore the property rights over the retirement and pension accounts of persons who have been deprived of their nationality. The State must guarantee that these persons can access and make use of their funds, by ensuring their registration and inclusion in INSS records.
32. Comply with the terms of the provisional measures requested by the Commission to the Inter-American Court to guarantee medical care and adequate nutrition to persons deprived of liberty at different detention facilities in the country.
33. Stop all acts of harassment and persecution against any civil society organization that engages in activities aimed at guaranteeing the respect for ESCERs, such as health, education and labor rights, especially those targeting persons in vulnerable situations.
34. The State must also 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 and fostering educational environments that are participatory, inclusive and diverse.
35. Guarantee access to participation, information and justice in any matters related to the environment, so that civil society organizations engaging in environmental defense are able to carry out their activities without any type of intimidation by the State, taking into consideration inter-American standards, Resolution 3/2021 by the Commission and the Office of the Special Rapporteur on Economic, Social, Cultural and Environmental Rights, and the provisions of the Escazú Agreement to which the State is a party.
36. Refrain from harassing and persecuting public officials who do not belong to the incumbent party, respecting their fundamental freedoms and the right to work in safe and dignified conditions.