



chapter

IV.b

Nicaragua

CHAPTER IV. B

NICARAGUA

I. INTRODUCTION

1. In the framework of its treaty-based and statutory mandate, the Inter-American Commission on Human Rights (“the Commission,” “the Inter-American Commission,” or “the IACHR”) has followed, with special attention, the progressive deterioration of the human rights situation and rule of law in Nicaragua.

2. As widely documented by the IACHR, the state’s violent response to the social protests that started on April 18, 2018, triggered a serious political, social, and human rights crisis in Nicaragua, which three years later continues to spread even further owing to, among other factors, the de facto installation of a status of exception in the country, as well as the long standing undermining of democratic institutions because of the concentration of power in the executive branch, the absence of independence of the judiciary and the Attorney General’s Office, and the perception that the National Assembly is operating in full alignment with the executive branch. At the same time, the Nicaraguan population continues to be impacted by the installation of a police state which makes it possible for coordination between the National Police and groups of government supporters to assault, patrol, threaten, and harass any person who is identified as an opponent of the current government.

3. As a result of these factors, more than three years after the beginning of social protests in April 18, 2018, the IACHR observes that there still is a context of widespread impunity with respect to the gross human rights violations committed in the framework of the state repression, which has led to the death of 355 persons, more than 2,000 persons injured, more than 1,614 persons detained, hundreds of health professionals arbitrarily dismissed, and more than 150 university students unjustifiably expelled. According to data recorded by UNHCR, more than 110,000 persons have been forced to flee Nicaragua and seek asylum because of persecution and human rights violations.¹

4. In view of the continuation of the serious human rights crisis and the drastic deterioration of the country’s democratic institutions, the general elections held on November 7, 2021 represented for Nicaraguan society the possibility of beginning a transitional period to restore the rule of law and democracy, as well as guaranteeing the right to memory, truth, and access to justice for the victims of state violence. Since early 2021, however, the IACHR has observed the escalation of a new stage of repression, characterized by a series of state actions leading to the elimination of the opposition’s participation in the elections even before they were held. In particular, through the Special Monitoring Mechanism for Nicaragua (MESENI), the IACHR received distressing information about the removal of the legal status of political parties of the opposition, the detention and criminalization of leaders, including persons who had presented their preliminary candidacy to run for president, the enactment and enforcement of criminal laws with ambiguous wording that arbitrarily restricts the political rights of the Nicaraguan population, and amendments to the electoral law contrary to international human rights law.

5. In the framework of its report “Concentration of power and the undermining of the Rule of Law,” published in October 2021, the IACHR observed that the climate of repression, the closing down of democratic forums in the country and incidents described, such as the arbitrary detention of all persons who

¹ UNHCR. [Nicaragua Situation Operational Update, January – June 2021](#), August 31, 2021.

publicly declared their interest in running in the elections as candidates, highlighted the will of the current government to stay in power indefinitely, as well as to safeguard its privileges and immunities, in a context of corruption, electoral fraud, and structural impunity. For that reason, the IACHR made the following recommendation to the Nicaraguan state: “Guarantee the necessary conditions to ensure the holding of free, fair and transparent elections, in accordance with the Inter-American standards on the matter enshrined, among other instruments, in the Inter-American Democratic Charter as well as with the recommendations made by the international community, including those formulated by the OAS Electoral Observation Mission (OAS/EOM) in 2017; and the resolutions of the Permanent Council and the General Assembly of the Organization of American States.”²

6. On October 4, 2021, the Permanent Council of the Organization of American States (OAS) urged the Nicaraguan state to enforce the principles of the Inter-American Charter, as well as all internationally recognized standards, including the electoral reforms agreed upon to hold free, fair, and transparent elections, as soon as possible under OAS observation and other credible international observation.³ As for the IACHR and the Regional Office of the United Nations High Commissioner for Human Rights (OHCHR) for Central America and the Dominican Republic, four days before the elections, they once again condemned the absence of guarantees for rights and freedoms and urged the state to restore them, as well as to dismantle the obstacles to full participation of all persons in the electoral process, in compliance with its international human rights obligations.⁴

7. Despite the above, on November 7, 2021, the IACHR observed that the general elections were taking place in a human rights violations context as a result of the rise in incidents of harassment, forcible entries and searches, threats, and arbitrary detentions targeting leaders of the opposition, human rights activists, members of civil society organizations, and journalists. As reported, between November 5 and 7, more than 23 persons had been arbitrarily detained in nine of the country’s departments.⁵

8. On November 8, 2021, the Supreme Electoral Council (*Consejo Supremo Electoral—CSE*) announced that, with more than 97% of the ballots counted, the incumbent President Daniel Ortega of the political party Sandinista National Liberation Front (*Frente Sandinista de Liberación Nacional—FSLN*) was declared elected for his fourth consecutive term of office, winning 75.92% of the votes. As for civil society organizations, they indicated that the average rate of absenteeism was as high as 80%.⁶

9. Regarding this, the IACHR took note of the report published on November 8 by the OAS Department of Electoral Cooperation and Observation (DECO), which pointed out that the electoral process did not meet any of the basic standards for democracy as described in the Inter-American Democratic Charter, nor did it provide any of the minimum guarantees to hold credible elections. Said report also pointed out that the state “was not only unable to undertake any electoral reforms that would make it possible to have a process

² IACHR. [Nicaragua: Concentración del poder y debilitamiento del Estado de Derecho](#) [Concentration of power and undermining the Rule of Law], OEA/Ser.L/V/II. Doc. 288, October 25, 2021, para. 122 and Recommendation No. 2.

³ OAS. Resolution [La Situación en Nicaragua](#) The Situation in Nicaragua adopted by the OAS Permanent Council at its virtual regular meeting held on October 20, 2021.

⁴ IACHR. Press release No. [300/21 - La CIDH condena las violaciones a los derechos humanos denunciadas durante las elecciones en Nicaragua](#). [IACHR Condemns Human Rights Violations Reported during elections in Nicaragua], Washington, D.C., November 10, 2021.

⁵ IACHR. Press release No. [300/21 - La CIDH condena las violaciones a los derechos humanos denunciadas durante las elecciones en Nicaragua](#). [IACHR Condemns Human Rights Violations Reported during elections in Nicaragua], Washington, D.C., November 10, 2021.

⁶ *BBC News*. [Elecciones en Nicaragua: el recuento en Nicaragua da a Ortega una aplastante victoria en unas elecciones que EE.UU. califica de "pantomima"](#) [Elections in Nicaragua: the recount in Nicaragua gives Ortega an overwhelming victory in elections that the USA has called a ‘pantomime’], November 8, 2021; and *France 24*. [Nicaragua: Daniel Ortega es reelegido con 75 % de los votos tras unos comicios sin oposición](#) [Nicaragua: Daniel Ortega reelected with 75% of votes after elections with no opposition], November 8, 2021.

with basic conditions, but also, over the past year, engaged in a process to eliminate any real competition and any capacity for the political opposition to participate in the electoral race with minimum guarantees.”⁷

10. According to public information, about 50 countries voiced their rejection of and repudiated the election, labelling the process as illegitimate and highlighting the absence of conditions for holding free, transparent, and fair elections in Nicaragua. Four states, however, did expressly recognize the results of the elections.⁸ Among others, the IACHR was apprised of the Declaration by the High Representative on behalf of the European Union, who pointed out that elections held in Nicaragua on November 7 took place “without democratic guarantees and their results lack legitimacy. Daniel Ortega has eliminated all credible electoral competition, depriving the Nicaraguan people of their right to freely elect their representatives. The integrity of the electoral process was crushed by the systematic incarceration, harassment and intimidation of presidential pre-candidates, opposition leaders, student and rural leaders, journalists, human rights defenders and business representatives.”⁹

11. Finally, the IACHR observed that, on November 12, 2021, the OAS General Assembly declared that “the elections on November 7 in Nicaragua were not free, fair or transparent and have no democratic legitimacy.” It also concluded that, “based on the principles set out in the Charter of the OAS and the Inter-American Democratic Charter, democratic institutions in Nicaragua have been seriously undermined by the Government.”¹⁰

12. After assessing the human rights situation in Nicaragua in 2021 as described in the paragraphs above, the IACHR decided to include Nicaragua into Chapter IV.B because it deemed that it comes under subparagraphs 6(a)(i), 6(b), and 6(c) of Article 59 of its Rules of Procedure, which set forth the following criteria for inclusion of a member state in this chapter:

a. a serious breach of the core requirements and institutions of representative democracy mentioned in the Inter-American Democratic Charter, which are essential means of achieving human rights, including: i. there is discriminatory access to or abusive exercise of power that undermines or denies the rule of law, such as systematic infringement of the independence of the judiciary or lack of subordination of State institutions to the legally constituted civilian authority;

[...].

b. The free exercise of the rights guaranteed in the American Declaration or the American Convention has been unlawfully suspended, totally or partially, by virtue of the imposition of exceptional measures such as a declaration of a state of emergency, state of siege, suspension of constitutional guarantees, or exceptional security measures.

c. The State has committed or is committing massive, serious and widespread violations of human rights guaranteed in the American Declaration, the American Convention, or the other applicable human rights instruments.

⁷ OAS. Department for Electoral Cooperation and Observation (DECO), Report Nicaragua, November 8, 2021. In archive of the IACHR.

⁸ *La Prensa*. [Así te contamos el rechazo de la comunidad internacional al proceso electoral en Nicaragua](#) [That is how we tell you about the international community’s rejection of the electoral process in Nicaragua], November 8, 2021; *BBC Centroamérica*. [Elecciones en Nicaragua: qué países reconocen la reelección de Daniel Ortega \(y cuáles la rechazan\)](#) [Elections in Nicaragua: which countries recognize Daniel Ortega’s reelection (and which reject it)], November 9, 2021; and *Voz de América*, [Elecciones en Nicaragua: respaldo y rechazo desde la comunidad internacional](#) [Elections in Nicaragua: endorsement and rejection by the international community], November 8, 2021.

⁹ Council of the European Union. “[Nicaragua: declaración del Alto Representante en nombre de la Unión Europea](#)” [Nicaragua: Declaration by the High Representative on behalf of the European Union], November 8, 2021.

¹⁰ OAS. “The Situation in Nicaragua,” adopted by the OAS General Assembly on November 12, 2021.

13. Furthermore, over the present year, the IACHR has noted the rise in actions of harassment against persons identified as opponents of the government in the framework of the elections held in November 2021. The IACHR also voiced its concern over repression of peasant and student sectors, which played a leading role in the protests that started on April 18, 2018 and in the national dialogue also in 2018, as well as the persistence of human rights violations. As a result of this new stage of the repressions, more than 30 persons were detained in the months from May to August 2021, among whom important social leaders, human rights defenders, and journalists. In most cases, it also noted distortions in enforcing criminal law, the lack of independence of the justice system, patterns of violations of due process of law and the right of detainees to a defense, and the complete ineffectiveness of habeas corpus motions.

14. Furthermore, the Inter-American Commission and its Special Rapporteurship for Freedom of Expression (RFOE) note that the situation in connection with the right to freedom of expression in Nicaragua continued to deteriorate at a fast pace this year, owing to persistent statements made by the state's highest officials smearing independent media; arbitrary detentions and court proceedings filed against journalists and persons voicing their criticism without any guarantee of due process of law; constraints on social protest; the impossibility for the media to provide news coverage of government events; the absence of active transparency by the state; and restrictions on the freedom of expression on online platforms. In short, the IACHR and its Special Rapporteurship observed that, at present, there is no guarantee whatsoever to exercise the right to freedom of expression in the country.

15. As for the IACHR and its Special Rapporteurship on Economic, Social, Cultural, and Environmental Rights (SRESCER), they voiced their concern over the ongoing negligence in handling the COVID-19 pandemic and its impact on the health of the Nicaraguan population. The Commission and its Special Rapporteurships also noted the serious situation of health staff because of further escalation of the persecution, harassment, and attacks against them, as well as intimidation practices, involving the use of criminal, labor, or administrative law to undermine them, aimed at silencing them or instilling fear in members of the medical and health sector who are identified as opponents of the government.¹¹

16. This year, the IACHR observed that the indigenous and Afrodescendant communities of Nicaragua's Caribbean Coast continue to encounter widespread violence as a result of colonizers and third parties encroaching on their ancestral territories, who are acting with the tacit acquiescence and tolerance of the state and impetus given to them by the private sector.¹² Because of these events, in 2021, there were at least 13 indigenous persons who had been killed and 8 seriously injured.¹³

17. In the period under review, the IACHR observed the harsh detention conditions in which persons deprived of their liberty are living in the context of the protests that started in 2018, in particular more than 30 detainees who are staying in Chipote. Among other incidents, the IACHR received reports about cruel

¹¹ IACHR. Press release No. 309/21 - [La CIDH y la REDESCA expresan su alarma por la escasez de información pública sobre la pandemia en Nicaragua, y exhortan al Estado a la implementación de medidas de prevención de la salud urgentes con sustento científico y con enfoque de derechos humanos](#). [IACHR and SRESCER express alarm at scarcity of public information on pandemic in Nicaragua and urge state to implement urgent science-based preventive health measures with a human rights approach], Washington, D.C., November 17, 2021.

¹² In connection with the attacks of 2021, the IACHR received the following report: CALPI, [Graves Violaciones a los Derechos Humanos de los Pueblos Indígenas Miskitu y Mayangna en la Región Autónoma de la Costa Caribe Norte \(RACCN\) de Nicaragua](#) [Gross Violations of the Human Rights of the Miskitu and Mayangna Indigenous Peoples in the Autonomous Region of the North Caribbean Coast (RACCN) of Nicaragua], June 21, 2021. Additional information was also forwarded by civil society sectors in September 2021. Witness statements were also gathered during the Thematic Hearing at the 179 period of sessions "Impact of colonization on indigenous territories of the Atlantic Coast in Nicaragua."

¹³ CALPI. [Graves Violaciones a los Derechos Humanos de los Pueblos Indígenas Miskitu y Mayangna en la Región Autónoma de la Costa Caribe Norte \(RACCN\) de Nicaragua](#) [Gross Violations of the Human Rights of the Miskitu and Mayangna Indigenous Peoples in the Autonomous Region of the North Caribbean Coast (RACCN) of Nicaragua], June 21, 2021, pp. 15 and 16; additional information provided by civil society to the IACHR, September 28, 2021, pp. 9 and 10.

and inhumane treatment, the enforcement of solitary confinement without impartial criteria, and constant interrogations throughout the day. In that context, the IACHR is deeply concerned about the situation of isolation in punishment cells and solitary confinement in which the dissident leaders Dora María Téllez, Tamara Dávila, Ana Margarita Vijil, and Suyén Brahona have remained for more than 159 days. All of them are founders or members of the UNAMOS political party, formerly called the Sandinista Renewal Movement (*Movimiento Renovador Sandinista—MRS*), and also beneficiaries of provisional measures granted to them by the Inter-American Court of Human Rights.

18. Because of the above-mentioned conditions, the Inter-American Commission deemed that the situation in Nicaragua also meets the criteria laid out in subparagraphs 6(d)(i), 6(d)(ii), and 6(d)(iii) of Article 59 of its Rules of Procedure, namely:

- d. The presence of other structural situations that seriously affect the use and enjoyment of fundamental rights recognized in the American Declaration, the American Convention or other applicable instruments. Factors to be considered shall include the following, among others:
 - i. serious institutional crises that infringe the enjoyment of human rights;
 - ii. systematic noncompliance of the State with its obligation to combat impunity, attributable to a manifest lack of will;
 - iii. serious omissions in the adoption of the necessary measures to make fundamental rights effective, or in complying with the decisions of the Commission and the Inter-American Court;

19. To include Nicaragua in the present chapter, the IACHR took into consideration the absence of the Nicaraguan state's declared wish to surmount the social, political, and human rights crisis affecting the country. In particular, from the state's highest authorities there continues to be a narrative denying human rights violations while smearing the voices of dissidents and opponents. For example, the IACHR expressed its concern over the speech made by the President on a nationwide broadcast on November 8, in which he makes offensive and intimidating remarks about persons deprived of their liberty in the context of the elections, indicating that, because of their actions, they should no longer be considered Nicaraguan nationals and should be sent to another country.¹⁴

20. Likewise, the Inter-American Commission considered the Order of 22 November 2021, adopted by the Inter-American Court under the *Matter of Juan Sebastián Chamorro et al. regarding Nicaragua*. In this order, the IACTHR stated that the State's manifestation of non-acceptance and rejection of the Provisional Measures adopted by said tribunal, as well as the effective non-compliance with the decisions contained in its Orders concerning persons deprived of liberty in Nicaragua who were identified as opponents of the current Government, "maintain all the beneficiaries in a state of unprotection and entails, necessarily, a serious non-compliance with the provisions of Article 63. 2 of the American Convention, whose fundamental purpose is the protection and effective preservation of the life, freedom and personal integrity of the beneficiaries; as well as the contempt to the orders of this Court". For this reason, and in accordance with the provisions of Article 65 of the American Convention, the court determined to subject the contempt of the State of Nicaragua to the consideration of the OAS General Assembly.¹⁵

¹⁴ *El Financiero*. [Daniel Ortega llama "hijos de perra" a opositores presos y familias acusan discurso de odio](#) [Daniel Ortega calls dissident prisoners 'sons of bitches' and families accuse him of hate speech], November 9, 2021; and *La Prensa* [Ortega arremete contra opositores en su discurso el día de la votación](#) [Ortega lashes out against dissidents in his speech on election day], November 8, 2021.

¹⁵ I/A Court H.R. [Asunto Juan Sebastián Chamorro y otros respecto de Nicaragua. Medidas Provisionales](#) [Case of Juan Sebastián Chamorro et al. v. Nicaragua: Provisional Measures]. Order of the Inter-American Court of Human Rights of November 22, 2021 (Independent translation by the IACHR; available in Spanish only)

21. In this context, the Inter-American Commission is especially concerned over the Nicaraguan state's decision to denounce the Charter of the Organization of American States (OAS Charter), via a communication dated November 18, 2021, addressed to the General Secretariat of the OAS.¹⁶ Regarding this, the Commission deplored the consequences of said decision for the restoration of democracy, the rule of law, and the full respect for human rights in line with the objectives being pursued by the OAS. At the same time, it called upon Nicaragua to reconsider its decision and urged the member states of the OAS and/or the Organization's policymaking bodies to engage, in good faith, in a genuine dialogue to fulfill their human rights obligations.¹⁷

22. The IACHR stressed that the state of Nicaragua is required to comply with all international instruments to which it is a party. As a result, it reaffirms its competence with respect to the state of Nicaragua and shall continue to exercise its monitoring mandates through the MESENI, which includes follow-up on compliance with the recommendations made in its diverse mechanisms, the analysis and processing of cases and petitions, the monitoring of its recommendations made in its merits reports, and the active review and supervision of compliance with the precautionary measures that are currently in force.¹⁸

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

24. In 2021, the IACHR published 55 press releases voicing its concern over continued repression by the state which is keeping the Nicaraguan population's enjoyment and exercise of its human rights in a critical situation. In addition, the Inter-American Commission adopted more than 29 resolutions for precautionary measures to protect persons whose rights are at a serious and irreparable risk of being violated. Taking into account the situation of extreme gravity and urgency of some of its beneficiaries, the IACHR filed five applications to the Inter-American Court of Human Rights (I/A Court H.R.) for extending and/or granting provisional measures, all of which were granted.¹⁹

¹⁶ Permanent Mission of Nicaragua where it forwards a copy of the [comunicación referida](#) communication referring to the denouncement of the Charter of the Organization of American States on November 18, 2021. CP/INF. 9176/21, November 18, 2021. In archive of the IACHR.

¹⁷ IACHR. Press release No. [312/21 - CIDH reafirma su competencia sobre Nicaragua y lamenta su decisión de denunciar la Carta de la OEA en un contexto de graves violaciones a los derechos humanos](#). [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.

¹⁸ IACHR. Press release No. [312/21 - CIDH reafirma su competencia sobre Nicaragua y lamenta su decisión de denunciar la Carta de la OEA en un contexto de graves violaciones a los derechos humanos](#). [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.

¹⁹ IACHR. Press release No. [285/21 - La CIDH solicita a la Corte IDH ampliación de medidas provisionales a favor de Cristiana Chamorro y de 14 personas que se encuentran en extrema situación de riesgo en Nicaragua](#). [IACHR Asks Inter-American Court of Human Rights to Extend Temporary Protection Measures in Favor of Cristiana Chamorro and 14 Other Individuals Who Face Extreme Risks in Nicaragua], Washington, D.C., October 29, 2021; IACHR. Press release No. [242/21 - CIDH solicita a Corte Interamericana ampliar medidas provisionales a favor de las comunidades del pueblo indígena Miskitu en Nicaragua](#). [IACHR asks Inter-American Court to extend provisional measures in favor of communities of Miskitu indigenous people in Nicaragua], Washington, D.C., September 17, 2021; IACHR. Press release No. [220/21 - La CIDH solicita a la Corte IDH ampliación de medidas provisionales a favor de Lester Lenin Alemán Alfaro y Freddy Alberto Navas López, y a su núcleo familiar, ante extrema situación de riesgo en Nicaragua](#). [IACHR Asks Inter-American Court of Human Rights to Extend Temporary Protection Measures in Favor of Lester Lenin Alemán Alfaro and Freddy Alberto Navas López and Their Families, Given the Extreme Risks They Face in Nicaragua], Washington, D.C., August 25, 2021; IACHR. Press release No. [181/21 - La CIDH solicita a la Corte Interamericana ampliación de medidas provisionales a favor de Daisy Tamara Dávila Rivas y su núcleo familiar ante extrema situación de riesgo en Nicaragua](#). [IACHR requests that the Inter-American Court extend provisional measures to Daisy Tamara Dávila Rivas and her family due to a situation of extreme risk in Nicaragua], Washington, D.C., July 16, 2021; IACHR. Press release

25. On November 23, 2021, the IACHR transmitted to the state of Nicaragua a preliminary copy of the present document which is part of Chapter IV.B of its Annual Report for 2021 and, in accordance with its Rules of Procedure, requested it to submit its observations within a month.

26. In its response dated from November 25, 2021, the State of Nicaragua informed the “absolute rejection of the referred preliminary report, for constituting a misguided and offensive compilation of false facts, manipulated and distorted by said organism, using as its only source political adverse sectors to our government, which do not reflect the national reality and whose only objective is to continue the delegitimization and defamation campaign against the Nicaraguan State, to further realize the list of aggressions that North American Empire has been cleverly plotting, in blatant complicity with those sectors and with organizations such as this one, which unfortunately are an instrument of interference, in the presentation of the Empire to fulfill its desire to submit us to its will”. In addition, it stated that “these reports do not deserve any observation [on our part] since they constitute a systematized compilation of the lies that have been repeated against the government and have never taken into account the objective and tangible information provided by our State on the progress made in the recognition and vindication of rights in favor of our people²⁰”.

27. The IACHR takes note and deeply regrets the position of the Nicaraguan State regarding this report, which was approved in its final version on December 12, 2021. The IACHR recalls that full respect for human rights constitutes a fundamental guarantee of the democratic societies and, furthermore, underlines the importance of facilitating effective international scrutiny in the matter to promote its full observance in accordance with the international obligations voluntarily contracted by the Nicaraguan State.

28. Below, the IACHR reviews in greater detail the factors that led IACHR to deciding, for the fourth consecutive year, on the inclusion of Nicaragua into Chapter IV.B of its Annual Report for 2021, in particular, because of the abusive exercise of power and the breakdown of the rule of law in the framework of the electoral process held this year; the situation of freedom of expression and of economic, social, cultural, and environmental rights; and finally, the situation of groups of special concern for the Commission.

II. ABUSE OF POWER AND BREAKDOWN OF THE RULE OF LAW

29. In the framework of its report “Concentration of power and undermining of the Rule of Law in Nicaragua,” the IACHR noted that the principle of separation of powers governing a democracy under the rule of law was breached. The distinct branches of government were not managed by separate and independent bodies that were held in balance between each other. All branches were aligned and steered by the executive branch, because of which they did not act as constraints on the exercise of power nor were they able to prevent arbitrary actions; on the contrary, they facilitated or consolidated this exercise of power.²¹

30. In its report, the IACHR pointed out that, in Nicaragua, there was a gradual concentration of power and a progressive undermining of democratic institutions which escalated in 2007 when Daniel Ortega took office for his second term as President of the Republic and which was consolidated beginning with the

No. [156/21 - La CIDH solicita a la Corte Interamericana medidas provisionales a favor de Juan Chamorro, José Aguerrí, Félix Maradiaga, Violeta Granera, y núcleo familiar, ante extrema situación de riesgo en Nicaragua](#). [The IACHR requests that the Inter-American Court adopt provisional measures in favor of Juan Sebastián Chamorro, José Adán Aguerrí, Félix Maradiaga, Violeta Granea, and family, due to extreme risk in Nicaragua], Washington, D.C., June 23, 2021.

²⁰ Ministry of Foreign Affairs, Government of Reconciliation and National Unity [Gobierno de Reconciliación y Unidad Nacional], Nicaragua. Nota MRE/DM-DMC/DGAJST/00292/11/2021, November, 25 2021, p. 1-3.

²¹ IACHR. [Nicaragua: Concentración del poder y debilitamiento del Estado de Derecho](#) [Nicaragua: Concentration of power and undermining of the Rule of Law], OEA/Ser.L/V/II. Doc. 288, October 25, 2021, para. 174.

serious human rights crisis that started in April 2018.²² This process of concentrating power was possible because of a series of measures that were adopted to allow the president to be reelected and to concentrate the greatest amount of political power in the high spheres of the executive branch of government, with the participation of different state institutions, ranging from the National Assembly, the institutions of the judicial branch such as the Supreme Court of Justice, the Office of the Attorney General of the Republic, and the security forces, and the appointment of persons because of their affiliation to the administration's political party or to its partners in the pact, and by the absence of independent and impartial oversight bodies. The IACHR also pointed out that the concentration of power made it possible for Nicaragua to become a police state, in which the executive branch had installed a system eliminating all freedoms, involving control and surveillance over the entire citizenry and repression enforced by state and para-state security institutions endorsed by all branches of government.²³

31. In this context, during the present year, the IACHR observed that the general elections held on November 7—leading to the election of the incumbent President Daniel Ortega for his fourth consecutive term of office—took place in a climate of repression, impunity, absence of the rule of law, and closure of democratic forums in the country. In particular, as examined below, the IACHR observed a series of state actions that had the effect of putting an end to the participation of the opposition in the elections and, with that, facilitating the incumbent President to stay in power, as well as safeguard his privileges and immunities, in a context of corruption, electoral fraud, and structural impunity. As a result, there is a breakdown of the rule of law and an infringement of the principle of the separation of powers in Nicaragua, and the human rights situation of the population continues to seriously deteriorate.

Electoral reforms and disqualification of political parties of the opposition

32. The IACHR recalls that democracy is “[...] a universal value based on the freely expressed will of people to determine their own political, economic, social and cultural systems and their full participation in all aspects of their lives.”²⁴ Democracy is indispensable for the effective exercise of fundamental freedoms and human rights.²⁵ For its consolidation, it is paramount to benefit from an institutional structure governed by the separation, independence, and balance of powers, as well as the effective exercise of political rights, by means of free and fair elections and the respect for and promotion of pluralism in society.²⁶ Regarding this, the IACHR deems that the democratic rule of law, as a form of organizing political power, is governed by, among other fundamental principles, the principle of separation of powers. It presupposes that the different functions of the state correspond to separate and independent bodies whose powers are balanced so as to set the necessary limits on the exercise of power and prevent arbitrariness.²⁷

²² IACHR, [Nicaragua: Concentración del poder y debilitamiento del Estado de Derecho](#) [Nicaragua: Concentration of power and undermining of the Rule of Law], OEA/Ser.L/V/II. Doc. 288, October 25, 2021, para. 172.

²³ IACHR, [Nicaragua: Concentración del poder y debilitamiento del Estado de Derecho](#) [Nicaragua: Concentration of power and undermining of the Rule of Law], OEA/Ser.L/V/II. Doc. 288, October 25, 2021, para. 173.

²⁴ UN. General Assembly, [Documento Final de la Cumbre Mundial 2005](#) [2005 World Summit Outcome], A/60/L.1, September 15, 2005, para. 135.

²⁵ OAS. Article 7 of the Inter-American Democratic Charter.

²⁶ OAS. Article 3 of the Inter-American Democratic Charter; and UN. Commission on Human Rights, Resolution 2000/47, Promoting and consolidating democracy, 25 April 2000.

²⁷ IACHR, [Nicaragua: Concentración del poder y debilitamiento del Estado de Derecho](#) [Nicaragua: Concentration of power and undermining of the Rule of Law], OEA/Ser.L/V/II. Doc. 288, October 25, 2021, para. 176.

33. As for the Inter-American Court, it has pointed out that the effective exercise of democracy in the states of the Americas constitutes an international legal obligation and that they have taken the sovereign decision that this exercise has ceased to be solely a matter of domestic, internal, or exclusive jurisdiction.²⁸

34. In line with these ideas, the Commission emphasizes that “the exercise of political rights is an essential element of the system of representative democracy.” It has therefore referred to the need to hold “authentic and free” elections, indicating that there is “a direct linkage between the electoral mechanism and the system of representative democracy.” In the Commission’s opinion, as part of the authenticity of elections referred to in Article 23(2) of the American Convention on Human Rights, in a positive sense, there must be some consistency between the will of the voters and the result of the election; however, “in the negative sense, the characteristic implies an absence of coercion which distorts the will of the citizens.”²⁹ Specifically, the Commission has developed the view that “the authenticity of the elections covers two different categories of phenomena”:³⁰ on the one hand, those referring to the general conditions in which the electoral process is carried out and, on the other hand, phenomena linked to the legal and institutional system that organizes elections and which implements activities linked to the electoral act, that is, everything related in an immediate and direct way to the casting of the vote.³¹

35. In short, the Commission understands that, for elections to meet the requirements of Article 23 of the Convention, it is essential that the States adopt measures to ensure adequate general conditions for the electoral contest, as well as during the organization of the election and its implementation. This encompasses both the adoption of certain positive measures such as the state refraining from favoring any candidate or political group. The Commission also recognizes that, by complying with the obligations that guarantee the authenticity of elections, not only are the obligations deriving from political rights being fulfilled from an active perspective, but also from a passive perspective, because when equity is ensured in an electoral contest, it contributes to the observance of the right to participate on an equal footing.³²

36. This year, the IACHR observed that, despite calls made by Nicaraguan civil society and other international stakeholders,³³ the legislative body adopted electoral reforms which, far from restoring trust in the Nicaraguan Electoral System by guaranteeing fair, transparent, and free elections, produced largely formal changes in the system and incorporated rules that imposed even greater restrictions on electoral competence and the exercise of political rights.

37. On May 4, 2021, the National Assembly adopted Law No. 1070 “Reforming and Supplementing Law 331, Electoral Law,³⁴ whereby participation was restricted by increasing the causes for suspending and removing the legal status of political parties by incorporating excessively ample and ambiguous cases for said removal, some of which pertain to the official narrative whereby persons identified as dissidents are arbitrarily and unlawfully criminalized. Furthermore, the above-mentioned reform implemented Law No. 1040 on

²⁸ I/A Court H.R. Advisory Opinion OC-28/21. [La figura de la reelección presidencial indefinida en sistemas presidenciales en el contexto del sistema interamericano de derechos humanos](#) [Presidential Reelection without Term Limits in the Context of the Inter-American Human Rights System], June 7, 2021, para. 147.

²⁹ IACHR. Resolution No. 01/90 Cases 9768, 9780, and 9828 (Mexico), May 17, 1990, para. 47.

³⁰ IACHR. Resolution No. 01/90 Cases 9768, 9780, and 9828 (Mexico), May 17 29, 1990, para. 48.

³¹ IACHR. Resolution No. 01/90 Cases 9768, 9780, and 9828 (Mexico), May 17, 1990, para. 48.

³² IACHR. Report No. 303/20. Case 13.727. Merits. Fabio Gadea Mantilla. Nicaragua. October 29, 2020, para. 59

³³ Alianza Cívica. [“Reafirmamos nuestro compromiso con cambios profundos al Consejo Supremo Electoral y al Sistema Electoral”](#) [We reaffirm our pledge for in-depth changes to the Supreme Electoral Court and the Electoral System], July 14, 2020; *Confidencial*, [“La reforma electoral que necesita la democracia”](#) [The electoral reform that democracy needs], August 6, 2020; and *Confidencial*, [“Coalición Nacional acuerda agenda de reformas electorales”](#) [National Coalition agrees on electoral reform agenda], September 19, 2020.

³⁴ [Ley No. 1070](#). Law No. 1070. Reforming and Supplementing Law No. 331, Electoral Law. Published in *La Gaceta, Diario Oficial* N° 81, Gazette, Official Register No. 81 of May 5, 2021.

Foreign Agents and Law No. 1055 on Defense of the Rights of the People to Independence, Sovereignty, and Self-Determination for Peace, which arbitrarily prevents candidacies of dissidents from being registered.³⁵

38. Regarding this, the OAS Secretariat for Strengthening Democracy informed that these reforms constituted “an additional link in the purpose to silence the opposition and prevent free political competition to gain access to offices representing the public.” In particular, it indicated that the reforms restrict freedom of expression by expressly forbidding public manifestations by political stakeholders who do not belong to the parties or coalitions that are participating in an electoral process (Article 95); they added new causes for suspending and removing the legal status of political parties, causes that are blurry and subject to discretionary interpretation, such as undermining independence, sovereignty, and self-determination, inciting foreign interference in domestic matters, calling for economic sanctions to the detriment of the state, not resorting to violence, and any action that is aimed at or results in upsetting public law and order or preventing the regular functioning of government administration bodies (Articles 74 and 63); the reforms also expanded the disqualifications for the registration of candidacies to publicly elected office (Article 81), incorporating restrictions set forth in the laws described above, as well as forbidding the participation of political stakeholders from the opposition because they are deemed to be “traitors to their country”; they also eliminated civil society’s participation in the process of submitting nominations for magistrates to sit on the Supreme Electoral Council; and they granted the police the power to authorize or ban political party rallies (Article 89).³⁶

39. In addition to the above, on same day May 4, 2021, the National Assembly elected the new magistrates to sit on the Supreme Electoral Council (*Consejo Supremo Electoral—CSE*), as well as their respective alternates. According to public information, these appointments were given to persons connected to the government’s political party and were conducted without any consultative process, as provided for in Article 138.9 of Nicaragua’s Constitution, thus undermining the independence and impartiality of said body.³⁷ As pointed out by the IACHR, the absence of neutrality of the CSE constitutes one of the factors contributing to the ruling party’s long-term hold on power, as well as the protracted decline of the system of political representation, the rule of law, and public participation.³⁸

40. On May 6, the OAS General Secretariat issued a press release also expressing its concern over both the election of the magistrates to the CSE and the adoption of electoral reforms, deeming that they “go against the principles and recommendations carried out by the international community, including the OAS Electoral Observation Mission in 2017, and resolutions of the Permanent Council and the General Assembly of the Organization.” According to the press release, the election of magistrates and adoption of these reforms “clearly give the official party an absolute advantage in controlling electoral administration and justice, eliminating the necessary guarantees and minimal institutional credibility for the development of a free and fair electoral process in November 2021.”³⁹

³⁵ IACHR, [Nicaragua: Concentración del poder y debilitamiento del Estado de Derecho](#) [Nicaragua: Concentration of power and undermining of the Rule of Law], OEA/Ser.L/V/II. Doc. 288, October 25, 2021, para. 62; and IACHR, Press release No. 122/21. IACHR Expresses Concern over Electoral Reform Passed in Nicaragua and Calls on State to Guarantee Free, Fair Elections. May 14, 2021.

³⁶ OAS, Department for Electoral Cooperation and Observation (DECO), Nicaragua Report, November 8, 2021. In archive of the IACHR.

³⁷ CNN, [Juramentan a nuevos magistrados del Consejo Supremo Electoral](#) [Swearing in of new justices of the Supreme Electoral Court], May 6, 2021; and *El Confidencial*, Parlamento abre las puertas a un nuevo fraude electoral del FSLN [Parliament paves the way for new electoral fraud of FSLN], May 4, 2021.

³⁸ IACHR, [Informe Anual 2019, Capítulo IV. B Nicaragua](#), Annual Report 2019, Chapter IV.B Nicaragua, OEA/Ser.L/V/II. Doc. 5, February 24, 2020, para. 45.

³⁹ OAS, General Secretariat, Press release No. C-047/21, [Comunicado de la Secretaría General sobre elección de magistrados del CSE y reforma electoral en Nicaragua](#) [Statement from the General Secretariat on the Election of CSE Magistrates and Electoral Reform in Nicaragua], Washington, D.C., May 6, 2021.

41. Subsequent to the adoption of these reforms, the Inter-American Commission learned of the removal of the legal status of the principal political parties of the country's opposition seeking to run in the general elections in November, some of them in collaboration with the foremost political movements emerging from the beginning of the crisis on April 18, 2018, such as the Civic Alliance for Justice and Democracy (*Alianza Cívica por la Justicia y la Democracia*) or the Blue and White Unity (*Unidad Azul y Blanco*).

42. On May 19, 2021, the CSE removed the legal status of the Democratic Restoration Party (*Partido Restauración Democrática—PRD*). According to available information, this decision had been taken after party members had denounced that the party had established an Alliance with the National White and Blue Coalition (*Coalición Nacional Azul y Blanco*), which went against the principles governing the party and therefore would be infringing its bylaws. Afterwards, on May 20, the CSE decided to remove *ex officio* the legal status of the Conservative Party (*Partido Conservador*) after it had announced that it would not be participating in the elections.

43. On August 2, 2021, the political party Citizen for Freedom (*Ciudadano por la Libertad*) registered the candidacy of Oscar Sobalvarro as president and that of his running mate Berenice Quezada.⁴⁰ Nevertheless, on August 6, the CSE decided to remove the legal status of that party, which eliminated the candidacy of the only contender from the opposition who had been able to formally register to run for president in the elections. In its ruling, the CSE requested the cancellation of the Nicaraguan identity card of the party's president, Kitty Monterrey. On August 8, the Ministry of the Interior confirmed cancellation of Nicaraguan citizenship, as well as national identity card, birth certificate, and passport, of the party's president, who is also the national of another country and, to date, she is allegedly in hiding for fear of being detained and/or deported.⁴¹ Today, the party's president is allegedly living in exile for fear of being persecuted and criminalized.

44. The IACHR energetically condemned the CSE's resolution, which had been adopted in violation of the Nicaraguan Constitution and on the basis of the Law Regulating Foreign Agents and the Law for Defense of the Rights of the People to Independence, Sovereignty, and Self-Determination for Peace. As indicated by the IACHR, said statutes arbitrarily restrict electoral competition and the exercise of political and other rights, such as the freedom of expression and the freedom of association.⁴²

Arbitrary detentions of dissidents and presidential precandidates

45. Along with the adoption of reforms that are contrary to international standards in the matter and the removal of the legal status of parties of the opposition, with the publication of the Electoral Calendar for the general elections, on May 11, the Inter-American Commission observed the escalation of repression including arbitrary detention and criminalization under unfounded charges by the Office of the Attorney General against more than 30 persons identified as political dissidents, social leaders, and human rights defenders. These actions, in addition to putting an end to the participation of persons who expressed their intention of running as presidential candidates, contributed to exacerbating a climate of fear in the population.

⁴⁰ *El Mostrador*. [La oposición nicaragüense registra a su primer candidato a la presidencia](#) [Nicaraguan opposition registers its first presidential candidate], August 2, 2021.

⁴¹ IACHR. [Condena el arresto domiciliario de Berenice Quezada, candidata a la vicepresidencia de Alianza Ciudadanos por la Libertad y su inhibición para postular a cargos públicos ordenada por el Ministerio Público](#) [IACHR condemns house arrest of Berenice Quezada, vice-presidential candidate for Citizen Alliance for Freedom, and her disqualification from running for public office as ordered by the Office of the Attorney General], August 3, 2021. On August 5, 2021, the Office of the Attorney General informed that the charges brought against Berenice Quezada are based on alleged facts that pertain to the criminal category of "provoking, proposing, and plotting to commit acts of terrorism." It also indicated that the trial would be held while she was in liberty. IACHR. [209/21 - CIDH condena el conjunto de acciones estatales que tienen como efecto poner fin a la participación de la oposición en las próximas elecciones en Nicaragua](#). [IACHR Condemns the State Actions Aimed at Ending Opposition Participation in Nicaragua's Upcoming Election], Washington, D.C., August 11, 2021.

⁴² IACHR. Press release 209/21. [209/21 - CIDH condena el conjunto de acciones estatales que tienen como efecto poner fin a la participación de la oposición en las próximas elecciones en Nicaragua](#). [IACHR Condemns the State Actions Aimed at Ending Opposition Participation in Nicaragua's Upcoming Election], Washington, D.C., August 11, 2021.

46. Among other incidents, the IACHR observed that, on May 20, the Ministry of the Interior summoned presidential precandidate Cristiana María Chamorro Barrios charging her with “evidence of engaging in money laundering.” On that same day, the premises of the independent media outlet *Confidencial* and the broadcasting programs *Esta Noche* [Tonight] and *Esta Semana* [This Week] conducted by the journalist Carlos Fernando Chamorro were seized. On May 28, two former employees of the Violeta Barrios de Chamorro Foundation were arbitrarily arrested, financial manager Walter Antonio Gómez Silva and chief accountant Marco Antonio Fletes Casco, both of whom were also summoned along with Christiana Chamorro on May 20.

47. On June 2, Cristiana Chamorro was detained, and since then the Government has launched a campaign of judicial persecution against precandidates and political leaders of the opposition. Thus, by August 31, seven presidential hopefuls had been arrested and more than 30 persons arbitrarily detained, among whom Arturo Cruz, Félix Maradiaga, Juan Sebastián Chamorro, Miguel Mora, Medardo Mairena, and Noel Vidaurre, who were deprived of their liberty after announcing their intention to run for the office of president and thus were prevented from formally participating in the election. Likewise, between June 12 and 13, the principal leaders of the political party UNAMOS, formerly the Sandinista Renewal Movement (*Movimiento Renovador Sandinista—MRS*), were arbitrarily detained, among whom three precandidates for congressional seats on behalf of the National Unity (*Unidad Nacional*): Tamara Dávila, Ana Vijil, and Suyen Barahona.

48. On July 5, the following were detained by the National Police: Medardo Mairena Sequeira, Pedro Joaquín Mena Amador, Freddy Alberto Navas López, Lester Lenin Alemán Alfaro, and Max Isaac Jerez Meza. The first three are members of the Peasant Movement (*Movimiento Campesino*) and the last two are members of the Nicaraguan University Alliance (*Alianza Universitaria Nicaragüense*). According to the press release issued by the National Police, the detentions had been ordered for crimes allegedly perpetrated in 2018, as well as for investigations into violations of Law 1055 on Defense of the Rights of the People to Independence, Sovereignty, and Self-Determination for Peace, on the basis of ambiguous criminal categories.

49. In most cases, out of the more than 30 persons detained, available information indicates that the state did not officially confirm their whereabouts, thus preventing the detainees from contacting their family members for up to more than 80 days and having access to an attorney of their choice. In addition, it is alleged that the conditions of their detention are harsh. In this context, at the request of the IACHR, on July 24, 2021, the Inter-American Court granted provisional measures for the benefit of Juan Chamorro, José Aguerri, Félix Maradiaga, Violeta Granera, and their family members, in view of the extreme situation of risk to their life and integrity in the context of deprivation of their liberty. Furthermore, on July 29, 2021, the Inter-American Court granted urgent measures for the benefit of Tamara. Subsequently, on August 25, 2021, the IACHR requested the Inter-American Court to extend the provisional measures granted to Lester Lenin Alemán Alfaro and Freddy Alberto Navas López.

50. On September 9, 2021, the Court amplified the provisional measures for the benefit of Lester Lenin Alemán Alfaro and Freddy Alberto Navas López, and stipulated the immediate release of all persons benefiting from this protection measure. The Inter-American Court ordered Nicaragua “to unequivocally inform the family members and their trusted attorneys regarding the whereabouts of their detention and to immediately allow them to contact their family members and attorneys” and also “to immediately guarantee access to healthcare services and medicines for the beneficiaries.” It also ordered the authorities “to guarantee that the attorneys chosen by the beneficiaries will have access to the entire case file with the charges brought against them and access to the online judicial information system.”

51. On October 24, the IACHR requested the Inter-American Court to extend provisional measures to protect the rights of 15 additional persons who are in detention, all of them identified as opponents of the current government in Nicaragua and members of diverse sectors of Nicaraguan society.⁴³ These measures were granted by the Inter-American Court on November 4, 2021.

⁴³ The 15 persons are: Cristiana María Chamorro Barrios, presidential precandidate for the political party Citizens for Freedom (*Ciudadanos por la Libertad—CxL*) and former president of the Violeta Barrios de Chamorro Foundation; Pedro Joaquín Chamorro Barrios,

52. Furthermore, on August 24, the Office of the Attorney General filed the first charges against persons who had served 90 days of judicial detention. Said charges included the presidential precandidate Cristiana Chamorro, the journalist Carlos Fernando Chamorro, his brother and founding member of CxL Pedro Joaquín Chamorro, and seven other persons, for alleged crimes of misappropriation and unlawful withholding; laundering of money, property, and assets; mismanagement; negligent falsehood; and aiding and abetting the laundering of money, property, and assets.⁴⁴ Since then and until the closing date of this report, the Office of the Attorney General has brought diverse charges against the persons detained in this context.

53. According to information received, in the filing of the charges, the state did not observe the procedural guarantees or the right to a fair trial, because they had been submitted, in various cases, in private and secret preliminary hearings, in premises other than courts of law, before dawn, and oftentimes without the attendance of any of the legal representatives chosen by the detainees. None of the court rulings on the motions for habeas corpus or procedural objections filed by the attorneys were ruled for the benefit of the accused, according to available information. Likewise, as examined below in the present report, the IACHR received information about the harsh detention conditions in which the detainees are living, especially the women, because of constant interrogations, solitary confinement, exposure to artificial light 24 hours a day, the lack of medical care, and access to insufficient water and food.

54. The IACHR observes that patterns of criminalization of persons identified as political opponents and the serious impacts on the guarantees of due process of law highlight the complete lack of independence of Nicaragua's system for administering justice. Because of the above, the situation of special vulnerability in which the detainees are being held is of the utmost concern, owing to the fear of possible retaliation against them because of their opposition to the government and their leadership role. Regarding this, the IACHR expressed its concern over the President's speech broadcast nationwide on November 8, in which he referred to the detainees in offensive and intimidating ways, indicating that, because of their actions, they should not be considered to be Nicaraguan nationals and that they should be sent to another country.⁴⁵

55. In view of the extreme seriousness of the flagrant use of the penal system for political electoral purposes, the Commission reiterates its condemnation of the arbitrary detentions by the state of Nicaragua in this context. At the same time, it urges the release of more than 30 persons arbitrarily detained as of May 2021, including the more than 130 persons who were deprived of their liberty since the beginning of the crisis in April 2018, for whom there is the obligation to guarantee their integrity and security. The IACHR calls on the state to immediately cease the arbitrary and unlawful detentions of those who are deemed to be opponents of the government and to restore guarantees for the full enjoyment of civil and political rights.

Reelection of the incumbent government

56. In the framework of the general elections held in the country between November 5 and 7, the IACHR received information on the rise in police stalking, acts of harassment, forcible entries and searches, threats, and arbitrary detentions against leaders of the opposition, human rights activists, members of civil

former member of the board of directors of the Violeta Barrios de Chamorro Foundation and founding member of the political party Ciudadanos por la Libertad (CxL); Walter Antonio Gómez Silva, former financial manager of the Violeta Barrios de Chamorro Foundation; Marcos Antonio Fletes Casco, former chief accountant of the Violeta Barrios de Chamorro Foundation; Lourdes Arróliga, former employee of the Violeta Barrios de Chamorro Foundation; Pedro Salvador Vásquez, driver for Cristiana María Chamorro Barrios; Arturo José Cruz Sequeira, presidential precandidate for the Citizen Alliance platform (*Alianza Ciudadana*); Luis Alberto Rivas Anduray, former vice-president of FUNIDES and director of Banpro Grupo Promerica; Miguel de los Ángeles Mora Barberena, presidential precandidate for the political party Democratic Renewal (*Renovación Democrática*). The list of persons also includes leaders of the political party Democratic Renewal Union: Dora María Téllez Arguello, Ana Margarita Vijil Gurdíán, Suyen Barahona Cuán, Jorge Hugo Torres Jiménez, Víctor Hugo Tinoco Fonseca; and the political leader of the National Coalition (*Coalición Nacional*), José Bernard Pallais Arana.

⁴⁴ [Urnas Abiertas. Séptimo Informe. Agosto, 2021](#). *Urnas Abiertas*. Seventh Report, August 2021

⁴⁵ *El Financiero*, [Daniel Ortega llama "hijos de perra" a opositores presos y familias acusan discurso de odio](#) [Daniel Ortega calls dissident prisoners 'sons of bitches' and families accuse him of hate speech], November 9, 2021; and *La Prensa*, [Ortega arremete contra opositores en su discurso el día de la votación](#) [Ortega lashes out against dissidents in his election day speech], November 8, 2021.

society organizations, and journalists in diverse departments of the country. Said actions had allegedly been perpetrated, for the most part, by police agents, para-police forces, and government supporters. Regarding this, according to information received, at least 23 persons had been arbitrarily detained in nine departments, without arrest warrants and without any information being provided to family members, with indications that they would have to wait 48 hours to receive additional information. In addition, members of the former Citizen Power Councils (*Consejos del Poder Ciudadano—CPC*) had visited homes, calling upon residents to vote for the government's party as a way of intimidating them.⁴⁶

57. The Special Rapporteurship for Freedom Expression (RFOE) also received with concern multiple reports on restrictions to the freedom of the press on election day, such as the ban on reporters preventing them from coming close to the polling stations; acts of harassment against the media and journalists; the temporary detentions of journalists and the confiscation of personal and professional equipment; the obligation to broadcast on national television the President's speech during the election; the broadcasting of electoral propaganda on government-controlled media, thus violating domestic law on the matter; and the expulsion of, and refusal to allow, the international press to enter the country to provide news coverage of the elections.⁴⁷

58. Finally, on November 8, 2021, the CSE announced that, with more than 97% of the ballots counted, the incumbent President Daniel Ortega of the Sandinista National Liberation Front (FSLN) had won the election for a new term of office, with 75.92% of the votes, which led to widespread condemnation by the international community.

59. Regarding this, according to public information, about 50 countries stated their repudiation of the election, calling the process illegitimate and observing the absence of conditions to carry out free, transparent, and fair elections in Nicaragua. On November 12, 2021, the OAS General Assembly also declared that "the elections of November 7 in Nicaragua were not free, fair, or transparent and had no democratic legitimacy." It also concluded that, "on the basis of the principles established in the OAS Charter and the Inter-American Democratic Charter, democratic institutions in Nicaragua have been seriously undermined by the government."⁴⁸

60. The IACHR recalls that indefinite reelection, or extensive periods of exercising the presidency by the same person in given contexts where there are no adequate safeguards or guarantees, can lead to certain risks for the system of representative democracy, which is a key pillar to the inter-American system. To the extent that those currently in office have the authority to appoint those at the helm of oversight bodies and in other branches of government, their prolonged or indefinite stay can lead to a concentration of power that renders illusory the institutional balance of power with the system of checks and balances and can end up undermining the foundations of democracy, which would involve alternating the exercise of and access to power as a guarantee of pluralism.⁴⁹

61. As for the Inter-American Court, it has established that authorizing the indefinite reelection of the president is contrary to the principles of representative democracy and, ultimately, contrary to the obligations set forth in the American Convention and the American Declaration of the Rights and Duties of

⁴⁶ IACHR. Press release No. [300/21 - La CIDH condena las violaciones a los derechos humanos denunciadas durante las elecciones en Nicaragua](#) [IACHR Condemns Human Rights Violations Reported during elections in Nicaragua], Washington, D.C., November 10, 2021.

⁴⁷ IACHR. Press release No. [300/21 - La CIDH condena las violaciones a los derechos humanos denunciadas durante las elecciones en Nicaragua](#). [IACHR Condemns Human Rights Violations Reported during elections in Nicaragua], Washington, D.C., November 10, 2021.

⁴⁸ OAS. "The Situation in Nicaragua," adopted by the General Assembly on November 12, 2021.

⁴⁹ IACHR. Report No. 303/20. Case 13.727, Report on the merits, Fabio Gadea Mantilla, Nicaragua, para. 78.

Man.⁵⁰ In that regard, the Court has pointed out that this prohibition on indefinite terms in office aims to prevent people who hold popularly elected office from keeping themselves in power. The Court also emphasizes that representative democracy is characterized by the fact that the people exercise power through their representatives as established by the Constitution, who are chosen through universal elections:

When a person can hold a public office perpetually, there is a risk that the people will cease to be duly represented by their elected leaders, and that the system of government will come to resemble an autocracy more than a democracy.⁵¹

62. The Inter-American Court also established that enabling presidential reelection without term limits by allowing the incumbent president to stand for reelection has serious consequences in terms of access to power and the functioning of democracy in general. Therefore, the removal of the limits preventing presidential reelection without term limits must not be subject to being decided by the will of the majority or their representatives for their own benefit. The Court also established that, as a general rule, the risks posed to democracy in the region arising from presidential reelection without term limits have materialized. The Court therefore concluded that the enablement of presidential reelection without term limits keeps political forces other than the person holding the office of the presidency from gaining popular support and being elected, impairs the separation of powers, and undermines the functioning of democracy.⁵²

63. The IACHR urges the Nicaraguan state to take the necessary measures to restore democratic institutions, the full effectiveness of the rule of law, and basic liberties, including the freedom of expression. In view of the Nicaraguan state's denunciation of the Charter of the Organization of the American States (Charter of the OAS), transmitted via a communication on November 18, 2021,⁵³ the Commission calls on the state of Nicaragua to reconsider its decision and invites member state of the OAS and/or the Organization's political institutions to engage in an authentic, bona fide dialogue that reflects their obligations concerning human rights for the benefit of the Nicaraguan people.⁵⁴

III. SITUATION OF FREEDOM OF EXPRESSION

64. In 2021, the situation of the right to freedom of expression in Nicaragua continued to deteriorate at a fast pace. The IACHR and its Special Rapporteurship condemn the statements repeatedly made by government leaders smearing independent media, the irregular detentions, and the court proceedings filed without any guarantee of due process of law against journalists and persons who voice any criticism; the restrictions imposed on protest; the obstacles to the free functioning of civil society organizations; the impossibility for media to provide news coverage of government events; the absence of active transparency by the state; and the restrictions on the freedom of expression in digital media, among other events of serious

⁵⁰ I/A Court H.R. Advisory Opinion OC-28/21. [La figura de la reelección presidencial indefinida en sistemas presidenciales en el contexto del sistema interamericano de derechos humanos](#) [Presidential Reelection without Term Limits in the Context of the Inter-American Human Rights System], June 7, 2021, para. 72.

⁵¹ I/A Court H.R. Advisory Opinion OC-28/21. [La figura de la reelección presidencial indefinida en sistemas presidenciales en el contexto del sistema interamericano de derechos humanos](#). [Presidential Reelection without Term Limits in the Context of the Inter-American Human Rights System], June 7, 2021, para. 73.

⁵² I/A Court H.R. Advisory Opinion OC-28/21. [La figura de la reelección presidencial indefinida en sistemas presidenciales en el contexto del sistema interamericano de derechos humanos](#) [Presidential Reelection without Term Limits in the Context of the Inter-American Human Rights System], June 7, 2021, paras. 144-145.

⁵³ Permanent Mission of Nicaragua to the OAS, forwarding a copy of the above-mentioned communication [comunicación referida](#) of the denunciation of the Charter of the Organization of American States dated November 18, 2021. CP/INF. 9176/21, November 18, 2021. In IACHR files.

⁵⁴ IACHR. Press release No. 312/21, [312/21 - CIDH reafirma su competencia sobre Nicaragua y lamenta su decisión de denunciar la Carta de la OEA en un contexto de graves violaciones a los derechos humanos](#). [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.

concern. The evidence gathered by the IACHR and its Rapporteurship has led to the conclusion that there is, at present, no kind of guarantee whatsoever to exercise the right to freedom of expression in the country.⁵⁵

A. Journalism and Democracy

65. In 2021, the IACHR has continued to monitor acts of repression against independent media from the government and related sectors, in a context that was increasingly constraining for the exercise of basic liberties and the legitimate expression of critical and dissident voices in Nicaragua. The IACHR has recorded diverse patterns of attack against the media, among which smears and criminal accusations brought by government leaders, which find resonance in sectors supporting the current head of state and, on certain occasions, have led to the escalation of violence against journalists. At the same time, media outlets have been the targets of forcible entries and searches and attempts to block clearance of material supplies for media outlets; judicial harassment of media workers; threats of sanctions, in several cases on the basis of the Law on Cybercrimes and the Law for Defense of the Rights of the People to Independence, Sovereignty, and Self-Determination for Peace; and the detention of journalists, managers, and staff of opposition media. Documented testimonies and information have shown, in addition, a climate of self-censorship and exile of journalists. Between January and September 2021, *La Prensa* recorded at least 362 assaults against freedom of the press in Nicaragua.⁵⁶ Also in 2021, the IACHR identified at least 65 cases of journalists in situations of extreme vulnerability and risk.⁵⁷ This situation became even more distressing in the context of the elections in Nicaragua, during which many constraints on news coverage were observed.

66. As the Commission was able to learn, the Prosecution Office of Nicaragua has subpoenaed at least 40 reporters and media outlet directors in the framework of the case being conducted against the Violeta Barrios de Chamorro Foundation for alleged money laundering.

67. Also on June 21, the sports commentator Miguel Mendoza was detained because of critical remarks on social media and has been accused of various acts subverting public law and order. As of the closing date of the present report, the reporter is still in jail and kept incommunicado, according to reports received.⁵⁸ According to a press release from the National Police, the reporter is supposedly being investigated for “having engaged in actions undermining independence, sovereignty, and self-determination, fostering foreign interference in domestic matters, calling for military interventions, organizing with funding from foreign powers to carry out acts of terrorism and destabilization,” among other actions.⁵⁹

68. Similarly, on August 14, the journalist Juan Lorenzo Holmann Chamorro, manager of *La Prensa*, was detained as a result of an investigation into customs fraud and laundering of money, property, and assets.⁶⁰ The IACHR also received complaints about several acts of harassment against the journalist Dario Aníbal Toruño and his daily radio program *Radio Darío Aníbal Toruño*.⁶¹ Between January and February 2021, troops of the National Police had forcibly entered and searched his home on three occasions because of an

⁵⁵ Twitter account of RFOE (@RELE_CIDH). [9 de septiembre de 2021](#) [September 9, 2021].

⁵⁶ *La Prensa*. September 2021. [Informe de violaciones a la libertad de prensa. Septiembre 2021](#) [Report on freedom of the press violations. September 2021].

⁵⁷ Twitter account of RFOE (@RELE_CIDH). [9 de septiembre de 2021](#) [September 9, 2021].

⁵⁸ CPJ. June 24, 2021. [La Policía nicaragüense detiene al periodista Miguel Mendoza por presunta “traición a la patria”](#) [Nicaraguan police detains journalist Miguel Mendoza for alleged “high treason”]; and *Fundamedios*. June 22, 2021. [Miguel Mendoza es el segundo periodista detenido en Nicaragua, la policía además allanó la casa de Fernando Chamorro](#) [Miguel Mendoza is second journalist detained in Nicaragua, police also forcibly entered and searched house of Fernando Chamorro].

⁵⁹ National Police of Nicaragua. June 21, 2021. [Nota de prensa No. 164 - 2021](#) [Press release No. 164-2021].

⁶⁰ Twitter account of Nicaraguan Human Rights Center (@cenidh). [14 de agosto de 2021](#) [August 14, 2021].

⁶¹ *100% Noticias*. January 11, 2021. [CPJ exige al régimen cesar hostigamiento contra el periodista Aníbal Toruño](#) [CPJ calls on the regime to cease harassing journalist Aníbal Toruño]; and *CPJ*. January 8, 2021. [Autoridades hostigan al periodista nicaragüense Aníbal Toruño y le allanan la vivienda](#) [Authorities harass Nicaraguan journalist Aníbal Toruño and search his home].

investigation into the alleged crime of drug trafficking.⁶² The radio program *Radio Darío Aníbal Toruño* has also filed complaints about the repeated presence of the police outside its premises.⁶³

69. The Commission is especially concerned about the case of the journalist Kalúa Salazar, press officer of the radio station *La Costeñísima*, who in 2021 was the target of constant stalking by police officers. On March 31, 2021, the Special Rapporteurship for Freedom of Expression (RFOE) and the Special Monitoring Mechanism for Nicaragua (MESENI) were eyewitnesses to an episode of harassment against the journalist when Nicaraguan police troops placed themselves at the doors of her residence when she was holding an online meeting.⁶⁴ Throughout 2021, the journalist denounced the presence of the police outside her house preventing her from going to work or even carrying out basic activities such as shopping, and she highlighted the especially intimidating and harmful impact that the presence of armed men outside her house would have on her underage daughters.⁶⁵ The reporter had been hit by police officers when she tried to leave her house on April 19, 2021, as the Office here was able to find out.⁶⁶

70. According to public information, on May 20, the head office of the magazine *Confidencial* and the recording studios of the television programs *Esta Semana* and *Esta Noche* conducted by the journalist Carlos Fernando Chamorro were forcibly entered and searched by the National Police. According to what the IACHR was able to learn, the Police had seized boxes with documents and equipment, and the cameraman Leonel Gutiérrez had been detained for more than six hours.⁶⁷ It was also reported that certain journalists attempting to provide news coverage of the incident had been forcibly required to withdraw and others had fled for fear of being detained.⁶⁸ Under these circumstances, police officers had detained the journalist Luis Siquiera from *AFP* and had deleted the contents of what he had recorded.⁶⁹ The IACHR recalls that this is the second forcible

⁶² *Confidencial*. January 5, 2021. "[Es un acto de odio y terror". denuncia Aníbal Toruño, sobre allanamiento a su casa](#)"; [*"It is an act of hate and terror" denounces Aníbal Toruño about the forcible entry and search of his house*]; *CPJ*. January 8, 2021. [Autoridades hostigan al periodista nicaragüense Aníbal Toruño y le allanan la vivienda](#) [Authorities harass Nicaraguan journalist Aníbal Toruño and forcibly enter and search his home]; *Confidencial*. February 4, 2021. [Policía allana por tercera vez la casa de Aníbal Toruño, director de Radio Darío](#) [Police forcibly enter and search the home of Aníbal Toruño, Director of Radio Darío]; and *Nicaragua Investiga*. February 4, 2021. [Policía entra con violencia a casa del periodista Aníbal Toruño](#) [Police forcibly enter home of journalist Aníbal Toruño].

⁶³ Twitter account of Radio Dario 89.3 (@RadioDarioNi), January 23, 2021 [23 de enero de 2021](#).

⁶⁴ Twitter account of IACHR (@CIDH), March 31, 2021 [31 de marzo de 2021](#).

⁶⁵ *La Prensa*. May 20, 2021. [Siento que será una noche difícil». Policía Orteguista asedia viviendas de periodistas en Bluefields](#) [I feel it's going to be a tough night. Ortega loyalist police barricades homes of journalists in Bluefields]; IACHR. Special Rapporteurship for Freedom of Expression. Podcast Deliberante / Spotify. [Episodio 2: Informar no es delito](#) [Episode 2: Reporting news is not a crime]; *Despacho 505*. October 30, 2021 [Policía asedia casa de la periodista Kalúa Salazar, en Bluefields](#) [Police barricades house of journalists Kalúa Salazar in Bluefields]; *La Prensa*. March 22, 2021. [Periodista Kalúa Salazar denuncia asedio policial: «Mis niñas están creciendo viendo a hombres armados»](#); [Journalist Kalúa Salazar denounces police barricade: 'My girls are growing up seeing armed men']; and *Nicaragua Actual*. April 9, 2021. [Jefa de prensa de Radio La Costeñísima continúa siendo asediada por policías sandinistas](#) [Press officer of Radio La Costeñísima continues to be barricaded by Sandinista police].

⁶⁶ *Despacho 505*. April 19, 2021. [Policías golpean a la periodista Kalúa Salazar y no la deja salir de su casa](#); [Police hit journalist Kalúa Salazar and prevent her from leaving her house]; and *Confidencial*. April 19, 2021. [Policía golpea e impone casa por cárcel a periodista Kalúa Salazar](#) [Police hit and impose house arrest on journalist Kalúa Salazar].

⁶⁷ *Deutsche Welle*. May 21, 2021. [Allanan en Nicaragua a ONG y medios críticos con Ortega](#) [Forcibly enter and search NGOs and media criticizing Ortega in Nicaragua]; *Voz de América*. May 21, 2021. [¿Dónde están los golpistas?: Gobierno de Nicaragua allana oficinas del diario Confidencial](#) [Where are the coup leaders? Nicaraguan government forcibly enters and searches head office of *Confidencial* and detains cameraman Leone Gutiérrez]; and *CPJ*. May 21, 2021. [La Policía nicaragüense allana la sede de Confidencial y detiene al camarógrafo Leonel Gutiérrez](#) [Nicaraguan police forcibly enter and search head office of *Confidencial* and detains cameraman Leonel Gutiérrez].

⁶⁸ *El Universo*. May 21, 2021. [Policía de Nicaragua detiene a periodistas que cubrían el allanamiento de un medio crítico con el gobierno de Daniel Ortega](#) [Nicaraguan police detains journalists providing news coverage of forcible entry and search of media outlet that criticizes Daniel Ortega government]; and *EFE*. May 21, 2021 [Policía allana medio crítico con Ortega, detiene a periodista y acosa a otros](#) [Police forcibly enters and searches media outlet critical of Ortega, detains journalists, and harasses others].

⁶⁹ *France 24*. May 21, 2021. [Nicaragua: denuncian asedio y allanamientos a ONG y medios de comunicación críticos](#); [Nicaragua: reports of NGOs and media outlets critical of government being barricaded and forcibly entered and searched]; *Voz de América*. May 21,

entry and search operation targeting the head office of *Confidencial*. The premises of the media outlet have been occupied by the National Police since December 14, 2018, and according to available information, on February 23, 2020, the Ministry of Health had inaugurated the Camilla López Maternal Healthcare Center on these premises.⁷⁰ The IACHR also received information indicating that, on February 25, 2021, the Ministry of Health had inaugurated the Valentín Méndez Treatment Center for Alcoholics and/or Drug Addicts in Lanza Oriental in Managua on the premises of *100% Noticias*, also forcibly entered and taken on December 23, 2018.⁷¹

71. On August 13, 2021, the National Police and the Office of the Attorney General forcibly entered and searched the premises of *La Prensa*, seized material assets, and on the following day detained its general manager Juan Lorenzo Holmann Chamorro in the framework of an investigation into alleged crimes of customs fraud and laundering of money, property, and assets.⁷² According to the President of Nicaragua, the premises of *La Prensa* were used “to launder money and hide evidence.”⁷³ Reports were also received about absence of communication from the workers during the temporary entry and search and the temporary suspension of the internal server of *La Prensa*, which had prevented it from posting on its website. On August 12, that same newspaper had reported that printing paper had been embargoed by the customs authorities 20 days earlier, which had required them to stop publishing their print edition and continue solely with their online format.⁷⁴ On September 15, *La Prensa* reported that their premises were still inaccessible to the newspaper’s staff and that it had been “forced to cut back its staff,” downsizing its workforce “in order to operate only with a sufficient number in order to continue reporting the news” from their website, announcing that their print edition would no longer be issued until their office premises were returned and the paper shipment cleared by customs.⁷⁵ The IACHR recalls that the raw materials for the newspaper had been previously withheld temporarily in June 2021.⁷⁶

2021. “¿Dónde están los golpistas?” [“Where are the coup leaders?”]; and *Nicaragua Investiga*. May 26, 2021. [Director de AFP protesta ante autoridades nicaragüenses por detención a su reportero](#) [AFP Director protests at Nicaraguan authorities for detention of its reporter].

⁷⁰ *Artículo 66*. February 24, 2021. [Régimen «amuebla» casa materna con lo que saquearon a Confidencial y 100% Noticias](#) [Regime ‘refurbishes’ premises expropriated from *Confidencial* and *100% Noticias* to be maternal health center]; *Confidencial*. March 23, 2021. [“Casa materna” en CONFIDENCIAL está vacía y bajo control policial](#) [“Maternal health center” on *Confidencial* premises is empty and controlled by police]; and *Confidencial*. January 30, 2021. Nicaragua: [Destruyen y usurpan propiedades confiscadas en 2018](#) [Properties seized in 2018 are being destroyed and taken over].

⁷¹ *Nicaragua Investiga*. February 25, 2021. [Gobierno abre centro contra las adicciones en edificio confiscado a 100% Noticias](#) [Government opens addiction treatment center in building seized from *100% Noticias*]; *CNN*. February 26, 2021. [Nicaragua: abren centros de salud en oficinas de medios clausurados](#) [Nicaragua: Health centers inaugurated in former office premises of closed media outlets]; and *France 24*. December 23, 2018. [Nicaragua: allanamiento de 100% Noticias, el segundo golpe del Gobierno a la prensa](#) [Nicaragua: Forcible entry and search of *100% Noticias*, government’s second strike against press].

⁷² IACHR. Special Rapporteurship for Freedom of Expression. August 18, 2021. Press release No. 216/21. [La CIDH, su RELE y OACNUDH condenan los reiterados ataques a la libertad de expresión en Nicaragua](#) [The IACHR, RFOE, and OHCHR Condemn the Repeated Attacks on Freedom of Expression in Nicaragua]; *Voz de América*. August 13, 2021. [En fotos: ¿Cómo fue el allanamiento a diario La Prensa de Nicaragua?](#) [In pictures: How was the forcible entry and search of the newspaper *La Prensa* in Nicaragua?]; and *CPJ*. August 17, 2021. [La Policía nicaragüense allana la sede del diario La Prensa y detiene a su gerente general, Juan Lorenzo Holmann](#) [Nicaraguan police forcibly enter and search newspaper *La Prensa* and detain its general manager Juan Lorenzo Holmann].

⁷³ *Confidencial*. August 14, 2021. [Ortega acusa y condena a La Prensa y justifica golpe contra libertad de prensa](#) [Ortega accuses and condemns *La Prensa* and justifies strike against freedom of the press]; and *100% Noticias*. August 13, 2021. [Daniel Ortega ataca a LA PRENSA, dicta sentencia y los condena de “lavado de dinero”](#) [Daniel Ortega attacks *La Prensa*, issues judgment, and condemns ‘money laundering’].

⁷⁴ IACHR. Special Rapporteurship for Freedom of Expression. August 18, 2021. Press release No. 216/2021. [La CIDH, su RELE y OACNUDH condenan los reiterados ataques a la libertad de expresión en Nicaragua](#) [The IACHR, RFOE, and OHCHR Condemn the Repeated Attacks on Freedom of Expression in Nicaragua].

⁷⁵ *La Prensa*. September 16, 2021. [La Prensa seguirá informando desde el sitio web](#) [La Prensa shall continue reporting news from its website]; and *Artículo 66*. September 15, 2021. [Diario La Prensa despide a trabajadores y periodistas después de un mes de ocupación policial](#) [Newspaper *La Prensa* dismisses employees and journalists after one month of police occupation].

⁷⁶ *La Prensa*. June 10, 2021. [La Prensa podría dejar de circular el próximo miércoles por retención de materia prima en Aduana](#) [La Prensa might stop circulating next Wednesday because of raw materials being withheld from newspaper *La Prensa*]; and *100% Noticias*. June 10, 2021. [Liberan embarque de papel retenido a Diario La Prensa](#) [Release of paper shipment withheld from newspaper *La Prensa*].

72. The IACHR learned about the different difficulties encountered by community radios in the current context in Nicaragua. According to information received, certain stations had stopped operating because of the lack of conditions and guarantees to exercise independent journalism and because of the lack of support from advertisers, because there was widespread fear among the advertisers that they would be targeted for retaliations.⁷⁷

73. Since the political, economic, social, and human rights crisis broke out in Nicaragua in April 2018, there has been a growing escalation in smear statements and criminal charges being made by government leaders against independent media.⁷⁸ According to information reported, in 2021 Vice-President Rosario Murillo had labelled journalists as “media terrorists,”⁷⁹ “pandemic terrorists,”⁸⁰ “agents broadcasting malice and falsehoods,”⁸¹ “forked tongues,”⁸² “lying scum,”⁸³ “villainous, lying, and slanderous” communicators,⁸⁴ and “evil beings.”⁸⁵ This context of smearing had promoted various attacks, verbal assaults, and threats by individuals against journalists and media outlet professionals, including death threats.⁸⁶

74. Throughout 2021, the IACHR has also documented diverse attacks and intimidation tactics against the press by government agents because of its work, in some cases hampering news coverage of

⁷⁷ *100% Noticias*. May 3, 2021. [Apagón informativo en Nicaragua impuesto por Daniel Ortega contra la libertad de expresión](#) [News outage in Nicaragua imposed by Daniel Ortega against freedom of speech]; *Nicaragua Investiga*. October 4, 2021. [Solo seis medios independientes quedan en Bluefields](#); [Only six independent media outlets remain in Bluefields]; and Twitter account of *Voces del Sur* (@VDSorg), November 7, 2021 [7 de noviembre de 2021](#).

⁷⁸ *Nicaragua Investiga*. September 23, 2021. [CSE advierte sobre "sanciones" por denigrar a partidos](#) [CSE warns of ‘sanctions’ for disparaging parties]; *Nicaragua Investiga*. August 31, 2021. [Wálmaro Gutiérrez ataca nuevamente a medios independientes](#) [Wálmaro Gutiérrez again attack independent media outlets]; and *100% Noticias*. June 14, 2021. [Ortega y Murillo van por apagón informativo, acusan a medios de "traición y conspiración" en documento enviado a diplomáticos](#) [Ortega and Murillo opt for news outage, accuse media of ‘treason and conspiracy’ in document sent to diplomats].

⁷⁹ *Nicaragua Actual*. May 6, 2021. [Rosario Murillo acusa de "terrorismo comunicacional" a los que denuncian a su gobierno](#) [Rosario Murillo accuses those criticizing her government of ‘media terrorism’].

⁸⁰ *100% Noticias*. August 31, 2021. [Rosario Murillo acusa a médicos y medios de "terrorismo pandémico" y "comunicacional" al minimizar covid-19](#) [Rosario Murillo accuses physicians and media outlets of ‘pandemic terrorism’ and ‘media terrorism’ while minimizing COVID-19].

⁸¹ *Artículo 66*. 9 de julio de 2021. [Rosario Murillo amenaza con hacer pagar a quienes difunden "malignidades y falsedades"](#). [Rosario Murillo threatens that those broadcasting ‘malice and falsehoods’ will pay for it].

⁸² *Artículo 66*. July 8, 2021. [Rosario Murillo llama "lenguas fingidas" a periodistas independientes y celebra censura](#) [Rosario Murillo calls independent journalists ‘forked tongues’ and celebrates censorship].

⁸³ *100% Noticias*. March 17, 2021. [Rosario Murillo tilda de "espuma mentirosa" denuncias contra su dictadura](#) [Rosario Murillo labels reports against her dictatorship as ‘lying scum’].

⁸⁴ *100% Noticias*. March 1, 2021. [Rosario Murillo acusa a periodistas independientes de "infames, mentirosos y calumniadores"](#). [Rosario Murillo accuses independent journalists of being ‘villainous, liars, and slanderers’].

⁸⁵ *Nicaragua Investiga*. September 8, 2021. [Rosario Murillo tacha de "seres de maldad" a periodistas](#) [Rosario Murillo labels journalists as ‘evil beings’].

⁸⁶ *Nicaragua Investiga*. March 3, 2021. [Interceptan a repartidor del periódico La Prensa y lo despojan de los ejemplares](#) [Interception of *La Prensa* paperboy and theft of copies]; *Confidencial*. March 3, 2021. [Fanáticos orteguistas continúan amenazando de muerte a periodistas nicaragüenses](#) [Ortega fanatics continue to express death threats to Nicaraguan journalists]; *100% Noticias*. February 28, 2021. [Periodista Wilih Narváez denuncia agresión a su familia de parte de seguidor de Daniel Ortega](#) [Journalist Wilih Narváez denounces aggression against his family by Daniel Ortega follower]; *Nicaragua Actual*. March 17, 2021. [Comentarista sandinista emite grave amenaza contra la periodista independiente Jennifer Ortiz](#) [Sandinista commentator issues serious threat against independent journalist Jennifer Ortiz]; *Radio Camoapa*. March 17, 2021. [Acosan y persiguen a periodista de canal 10 en mercado capitalino](#) [Canal 10 journalist is harassed and pursued in market of country’s capital]; *100% Noticias*. March 30, 2021. [Fanático sandinista culpa a periodistas de canal 10 por alza de combustibles y sanciones a PetroniC](#) [Sandinista fanatic blames Canal 10 journalists for rise in fuel prices and sanctions against PETRONIC]; *La Prensa*. May 11, 2021. [Turba orteguista agrede y roba celular a fotoreportero Wilmer López en mercado Roberto Huembes](#) [Ortega-supporting crowd assault and rob cell phone of photojournalist Wilmer López in Roberto Huembes market]; *Artículo 66*. August 4, 2021. [Policía y motorizados sandinistas persiguen a presentadora de televisión Aminta Ramírez](#) [Police and motorized Sandinistas pursue television broadcaster Aminta Ramírez]; and *Artículo 66*. October 29, 2021. [Orteguistas amenazan a Wilmer Benavides, periodista de Artículo 66](#) [Ortega supporters threaten Wilmer Benavides, journalist of *Artículo 66*].

government events.⁸⁷ For example, on February 28, 2021, National Police troops had intimidated a team from *Confidencial* in the context of the event launching the candidacy of Félix Maradiaga, and they had stolen part of their working equipment.⁸⁸ On April 9, the police had taken the cellphone of the *La Prensa* journalist Carlos Larios while he was recording the announcements made by Nicaragua's presidential precandidates.⁸⁹ The journalist Alberto Miranda Herrera from *Literal – Periodismo Ciudadano* reported both verbal and physical assaults by police agents, in addition to death threats when he was doing his job.⁹⁰ As informed to the IACHR, after providing news coverage about the impact of COVID-19 in San Sebastián de Yalí, the reporter Jacdiel Rivera had been detained on May 5, 2021 for allegedly attempting to “destabilize the country.”⁹¹

75. The IACHR also took note of various reports of aggression and obstruction of news reporting activities in the framework of the detention of Cristiana Chamorro on June 2, 2021.⁹² The journalist Mauricio Madrigal, press officer of *Canal 10*, had been prevented from leaving the country for an alleged active administrative measure, as he had been informed in the airport. They also informed him that his passport would have to remain in the safeguard of immigration authorities.⁹³

76. The Commission continues to observe the use of the criminal categories of slander and libel to bring criminal charges against journalists. In February 2021, the journalist David Quintana had been declared guilty for the alleged crimes of slander and libel for having published information of public interest and was convicted to pay a 200-day fine. According to information received, the journalist had appealed the judgment, but the appeal had been dismissed.⁹⁴ In addition, the IACHR was apprised of the appeal filed by the

⁸⁷ *Artículo 66*. April 16, 2021. [Policía orteguista agrede a periodistas que daban cobertura a la UNAB](#) [Ortega-supporting police attacks journalists providing news coverage of UNAB]; *Nicaragua Actual*. April 16, 2021. [Policía orteguista agrede a Policía sandinista agrede y ultraja a periodistas en Managua](#) [Ortega-supporting police attacks Sandinista police and attacks and vilifies journalists in Managua]; *100% Noticias*. April 19, 2021. [Policía lanza orines, agrede a médico y periodistas en protesta de Alianza Cívica](#) [Police throws urine, attacks physician and journalists in Civic Alliance protest]; *La Prensa*. April 19, 2021. [Opositores y periodistas estuvieron retenidos por la Policía en sede de la UMN](#) [Dissidents and journalists were held by police at UMN head office]; *Despacho 505*. May 5, 2021. [Policía detiene y luego libera a periodista en San Sebastián de Yalí, Jinotega](#) [Police officer detains and then releases journalist in San Sebastián de Yalí, Jinotega]; *Despacho 505*. June 2, 2021. [Policía orteguista reprime a periodistas e impide que registren arresto de Cristiana Chamorro](#) [Ortega-supporting police block journalists and prevent them from recording arrest of Cristiana Chamorro]; *100% Noticias*. June 2, 2021. [Policía agrede a periodistas que cubren captura de Cristiana Chamorro](#) [Police assaults journalists providing news coverage of arrest of Cristiana Chamorro]; and *La Prensa*. August 20, 2021. [Policía orteguista roba al celular al periodista independiente William Aragón](#) [Ortega-supporting police robs cell phone of independent journalist William Aragón].

⁸⁸ *Confidencial*. February 28, 2021. [Policía catea a periodistas de CONFIDENCIAL y secuestra una libreta de notas](#); [Police searches journalists from *Confidencial* and takes notebook]; and *Artículo 66*. February 28, 2021. [Policía amenaza y agrede en «espionaje ilegal» contra periodistas](#) [In ‘unlawful spying’ police threaten and attack journalists].

⁸⁹ *La Prensa*. April 9, 2021. [Policía retiene a equipo de LA PRENSA en cobertura de salida de precandidatos presidenciales en el aeropuerto](#); [Police detain *La Prensa* team when providing news coverage of departure of presidential precandidates at airport]; and *100% Noticias*. April 9, 2021. [Policía arrebató celular a periodista de La Prensa al cubrir retención de precandidatos presidenciales en aeropuerto](#). [Police grab cell phone from *La Prensa* journalist when providing news coverage of detention of presidential precandidates at airport].

⁹⁰ *Literal Nicaragua*. April 15, 2021. [Policías agreden al periodista Alberto Miranda de Literal Periodismo Ciudadano](#); [Police assault journalist Alberto Miranda of *Literal Periodismo Ciudadano*]; and *Artículo 66*. April 15, 2021. [Policía orteguista amenaza al periodista Alberto Miranda: “Si te veo otra vez en la calle, te voy a turquear”](#). [Ortega-supporting police threatens journalist Alberto Miranda: ‘If I see you again in the street, I’m going to beat you up’].

⁹¹ *Despacho 505*. May 5, 2021. [Policía detiene y luego libera a periodista en San Sebastián de Yalí, Jinotega](#) [Police detains and then releases journalist in San Sebastián de Yalí, Jinotega]; and *Nicaragua Actual*. May 5, 2021. [Policía sandinista de Yalí detiene ilegalmente a periodista de Canal 10](#) [Sandinista police of Yalí unlawfully detain Canal 10 journalist].

⁹² *100% Noticias*. June 2, 2021. [Policía agrede a periodistas que cubren captura de Cristiana Chamorro](#) [Police attack journalists providing news coverage of arrest of Cristiana Chamorro]; and *Fundamedios*. June 2, 2021. [Policía agrede a periodistas durante allanamiento a Cristiana Chamorro](#) [Police attack journalists during forcible entry and search of house of Cristiana Chamorro].

⁹³ *Artículo 66*. September 29, 2021. [Mauricio Madrigal de Canal 10: «El que no la debe, no la teme»](#). [Mauricio Madrigal of *Canal 10*: ‘He who has nothing to do with it has nothing to fear’].

⁹⁴ *Confidencial*. February 17, 2021. [Orteguismo impone multa económica contra periodista en Nicaragua](#) [Ortega regime impose fine on journalist in Nicaragua]; *SwissInfo*. February 17, 2021. [Juez impone multa de 387 dólares a periodista crítico de Ortega en Nicaragua](#); [Judge sentences journalist critical of Ortega to pay \$387 fine in Nicaragua]; and *100% Noticias*. April 8, 2021. [Periodista David Quintana colecta para pagar multa, tras ratificación de sentencia](#) [Journalist David Quintana collects to pay fine after judgment upheld].

journalist Kalúa Salazar in the court proceedings for defamation against her after she had reported on alleged cases of corruption in the mayor's office of El Rama. According to information received, the conviction involving payment of a 120-day fine had been upheld.⁹⁵

77. Furthermore, in 2021, the IACHR has also been able to monitor a rise in denying foreign journalists and correspondents from international media outlets entry into Nicaragua, which had become more marked especially in the weeks leading up to the presidential elections. The IACHR learned of the alleged obstacles to entry of journalists from the U.S. newspaper *The New York Times* in June, a news team from Spanish television *Televisión Española* in July, journalists from the French media outlet *Le Monde*, and journalists from the Honduran media outlet *El Heraldo* in October.⁹⁶ When the team from *El Heraldo* was refused entry, as this Office was informed, the immigration authorities had required them to leave Nicaragua "because their presence was not allowed."⁹⁷ On November 3, 2021, troops from the Nicaraguan Army had forbidden a team from *Televisión Española* from filming in or toward Nicaraguan territory when they were in El Mojón, a border area between Nicaragua and Costa Rica known as a free trade and transit area.⁹⁸ According to available information, although the team from *Televisión Española* were in Costa Rican territory, the army troops had told them they were forbidden to focus their cameras on Nicaragua and that they had to delete any recording made. The IACHR also learned that, on November 6, 2021, a journalist from *The Washington Post* had been prevented from taking a flight departing from Mexico City and heading to Managua, supposedly because she was not authorized by the government to enter the country.⁹⁹

78. The IACHR was concerned over the multiple reports it had received on restrictions on the freedom of the press in the context of the election, such as obstacles to the accreditation of journalists for news coverage of the election by the CSE; obstacles imposed on the work of independent media outlets; the ban on reporters coming close to the polling stations; acts of harassment against the media and journalists; the temporary detention of journalists and the taking of their personal and professional equipment; the obligation of broadcasting nationwide a speech delivered by the President on election day; the transmission of electoral propaganda on government-run media outlets, in breach of the country's own electoral laws; and the expulsion and denial of entry of international press that had travelled to provide news coverage of the elections.¹⁰⁰

⁹⁵ *Artículo 66*. June 28, 2021. [Justicia orteguista rechaza recurso de apelación en favor de la periodista Kalúa Salazar](#) [Ortega judiciary dismisses appeal for journalist Kalúa Salazar]; and *100% Noticias*. March 9, 2021. [Realizan audiencia de apelación del caso de la periodista Kalua Salazar](#) [Hearing held for appeal in case of journalist Kalúa Salazar].

⁹⁶ *The New York Times*. June 17, 2021. [Nicaragua Denies Entry to New York Times Journalist Amid Escalating Crisis](#); *Artículo 66*. July 3, 2021. [Dictadura de Ortega niega acceso a televisión pública de España a Nicaragua](#) [Ortega dictatorship denies access of Spain's public television station to Nicaragua]; *Nicaragua Investiga*. October 22, 2021. [Impiden a periodista de "Le Monde" ingresar a Nicaragua](#) [*Le Monde* journalist prevented from entering Nicaragua]; and *Nicaragua Investiga*. October 27, 2021. [Ortega expulsa a un equipo periodístico de diario hondureño](#) [Ortega expels team of journalists from Honduran daily newspaper].

⁹⁷ *Nicaragua Investiga*. October 27, 2021. [Ortega expulsa a un equipo periodístico de diario hondureño](#); [Ortega expels team of journalists of Honduran newspaper]; and *La Prensa*. October 29, 2021. [Régimen de Ortega le cierra las puertas de Nicaragua a la prensa internacional de cara a las elecciones](#) [Ortega regime closes access to Nicaragua for international press in view of elections].

⁹⁸ *100% Noticias*. November 3, 2021. [Dictadura de Nicaragua niega entrada a periodistas de Televisión Española](#) [Nicaragua dictatorship denies *Televisión Española* journalists entry]; and *Artículo 66*. November 3, 2021. [Televisión Española denuncia que dictadura orteguista impidió su entrada a Nicaragua](#) [*Televisión Española* denounces that Ortega dictatorship prevented its entry into Nicaragua].

⁹⁹ *La Prensa*. November 5, 2021. [Régimen prohíbe la entrada a corresponsal del Washington Post que iba a cubrir las elecciones](#) [Regime forbids entry of *Washington Post* correspondent intending to provide news coverage of elections]; and *100% Noticias*. November 5, 2021. [Nicaragua prohíbe la entrada a periodista de Washington Post que venía a cubrir las votaciones de este domingo](#) [Nicaragua forbids entry of *Washington Post* correspondent who intended to provide new coverage of elections this Sunday].

¹⁰⁰ IACHR. November 10, 2021. Press release No. 300/21. [La CIDH condena las violaciones a los derechos humanos denunciadas durante las elecciones en Nicaragua](#) [IACHR Condemns Human Rights Violations Reported during elections in Nicaragua]; *Nicaragua Investiga*. September 16, 2021. [Pérdidas millonarias a televisoras y radios que se enlazan a discursos de Ortega](#) [Losses running into millions for television and radio stations broadcasting Ortega's speeches]; *100% Noticias*. October 19, 2021. [Trabas a periodistas para cubrir votaciones en Nicaragua, ni acreditación ni seguridad](#) [Obstacles for journalists covering elections in Nicaragua, no accreditation, no security]; *Voz de América*. October 18, 2021. [Periodistas, sin acreditación y sin garantías de seguridad para las elecciones en Nicaragua](#) [Journalists without accreditation or security guarantees for elections in Nicaragua]; *Despacho 505*. November 1, 2021. [Nicaragua arranca la fase final de un proceso electoral sin acceso a cobertura periodística](#) [Nicaragua launches final stage of elections without access for news

79. According to information received, on November 7, 2021, the journalists Mileydi Trujillo and Elvin Martínez had been detained while they were providing news coverage of the elections in the city of Masaya. They were taken to a police station for their statements to be taken and where they remained close to three hours. According to what they reported publicly, the police had seized their equipment, and had interrogated them for long hours about their news reporting activities, pointing to them as “promoters of the no vote” among the citizenry.¹⁰¹ Likewise, the NGO Independent Journalists and Media Workers of Nicaragua (*Periodistas y Comunicadores Independientes de Nicaragua—PCIN*) had documented at least 52 assaults on the press since October 25 and up to November 7.¹⁰² According to official information, at least 600 journalists had been accredited to provide news coverage of election day¹⁰³ and, according to the president of the Supreme Electoral Council, election day had taken place quietly.¹⁰⁴

80. The Commission reiterates that these kinds of action constitute serious attacks and undue constraints on the right to freedom of expression and, in some cases, are tantamount to censorship. All of this not only undermines the rights of journalists and media outlet owners to perform their work freely, safely, and independently, but also the right of all citizens to have access to the largest amount of information and ideas possible.

81. The IACHR has been able to observe a substantial rise in the self-censorship effect, largely promoted by the fear of enforcement of the Law on Cybercrimes and the exiling of journalists.¹⁰⁵ According to information received, at least 22 journalists and media professionals have been exiled to Costa Rica since June 2021.¹⁰⁶ The Commission underscores in particular the cases of the journalist Patricia Orozco, who had left the country after reporting the expropriation of the house the government had given her family for 36 years;¹⁰⁷ and the journalist Carlos Chamorro, after the National Police forcibly entered and searched his home on June

coverage]; Twitter account of *La Prensa* (@laprensa), November 7, 2021. [7 de noviembre de 2021](#); Twitter account of *República 18* (@18republica), November 7, 2021. [7 de noviembre de 2021](#); *Infobae*. November 8, 2021. [Entre abstencionismo y represión se realizó la jornada electoral en Nicaragua calificada de “farsa” que lleva a Daniel Ortega a reelegirse otra vez](#) [Between absenteeism and repression elections are held in Nicaragua labeled as ‘farce’ leading to Daniel Ortega’s reelection yet again]; *Confidencial*. November 7, 2021. [#Nicaragua7N | Costa Rica no reconoce votaciones del 7 de noviembre en Nicaragua](#) [Costa Rica does not recognize November 7 elections in Nicaragua]; *Despacho 505*. November 7, 2021. [Policía Orteguista retiene y luego libera a periodistas del medio digital Masaya al Día](#); [Ortega-supporting police detains and then releases journalists of digital media outlet Masaya al Día]; and Twitter account of journalist Marcos Medina Ramos, November 7, 2021. [7 de noviembre de 2021](#).

¹⁰¹ *Confidencial*. November 7, 2021. [#Nicaragua7N | Costa Rica no reconoce votaciones del 7 de noviembre en Nicaragua](#) [Costa Rica does not recognize November 7 elections in Nicaragua]; and *Artículo 66*. November 7, 2021. [Policía del régimen retiene a periodistas Mileydi Trujillo y Elvin Martínez durante cobertura electoral](#) [Police of regime detain journalists Mileydi Trujillo and Elvin Martínez during news coverage of election].

¹⁰² *Intertextual / Youtube*. November 9, 2021. [Conferencia de Prensa : Presentación de Informe PCIN](#) [Press Conference: Presentation of PCIN Report]; and *La Prensa*. November 10, 2021. [PCIN reporta ocho desplazamientos forzados de periodistas durante la jornada electoral](#) [PCIN reports eight forced displacements of journalists during election day].

¹⁰³ Account of the Supreme Electoral Council of Nicaragua (@cse_nicaragua), November 6, 2021. [6 de noviembre de 2021](#).

¹⁰⁴ *Sputnik News*. November 7, 2021. [Las elecciones en Nicaragua se realizan “de una manera tranquila”](#) [Elections in Nicaragua take place ‘quietly’].

¹⁰⁵ *La Prensa*. September 2021. [Informe de Violaciones a la Libertad de Prensa-Septiembre de 2021](#) [Report on Freedom of the Press Violations, September 2021]; *Nicaragua Investiga*. June 30, 2021. [Periodista Wilfredo Miranda se resguarda por seguridad](#) [Journalist Wilfredo Miranda hides for his safety]; and *CPJ*. November 2, 2021. [Ocho amenazas contra la libertad de prensa a las que se debe prestar atención con vistas a las elecciones presidenciales en Nicaragua](#) [Eight threats against freedom of the press that must be paid attention to in view of presidential elections].

¹⁰⁶ Archives of the Rapporteurship. List of Nicaraguan journalists exiled since June 2021.

¹⁰⁷ *Artículo 66*. August 24, 2021. [Periodista Patricia Orozco, desde el exilio, denuncia que dictadura de Nicaragua le expropió su casa](#) [Journalist Patricia Orozco denounces from exile that Nicaragua dictatorship expropriated her house]; and *Confidencial*. August 24, 2021. [Régimen desaloja y confisca la casa de la periodista Patricia Orozco](#) [Regime evicts and confiscates house of journalist Patricia Orozco].

21, 2021.¹⁰⁸ Other cases that were reported to the public include the journalists and media workers Wilfredo Miranda,¹⁰⁹ Jennifer Ortiz,¹¹⁰ Sergio Ramírez,¹¹¹ Denis Castellon,¹¹² Jacksell Herrera,¹¹³ Octavio Enríquez,¹¹⁴ Marisol Ballardes,¹¹⁵ Iván Olivares,¹¹⁶ David Quintana,¹¹⁷ Julio Lopez,¹¹⁸ Sergio Marin,¹¹⁹ and Leticia Gaitán.¹²⁰

82. In view of the above-mentioned context, after taking into consideration the situation of imminent risk to their rights to life and personal integrity, in 2021 the IACHR granted precautionary measures for the benefit of the journalists Miguel Mora, his son Miguel Anjo Mendonza Urbina, and his family,¹²¹ Kalúa

¹⁰⁸ *Confidencial*. June 22, 2021. [Carlos F. Chamorro: "El objetivo era capturarme" y "silenciarme"](#) [Carlos F. Chamorro: "The objective was to capture me" and "silence me"]; and *Voz de América*. June 22, 2021. [El periodista Carlos Fernando Chamorro sale de Nicaragua](#). [Journalist Carlos Fernando Chamorro leaves Nicaragua].

¹⁰⁹ *100% Noticias*. October 31, 2021. [Periodista Wilfredo Miranda se exilia en Costa Rica por persecución de Daniel Ortega](#); [Journalist Wilfredo Miranda goes into exile in Costa Rica because of persecution by Daniel Ortega]; and *El País*. October 31, 2021. [Tuve que exiliarme otra vez de Nicaragua | Internacional](#). [Once again I've had to go into exile from Nicaragua / International].

¹¹⁰ *100% Noticias*. October 30, 2021. ["Ortega es un paupérrimo líder en decadencia" dice periodista exiliado](#) ["Ortega is a pathetic leader in decline" says exiled journalist]; and *Artículo 66*. October 30, 2021. ["Ortega es un paupérrimo líder en decadencia", dice periodista nicaragüense Jennifer Ortiz](#) [Nicaraguan journalist Jennifer Ortiz says 'Ortega is a pathetic leader in decline'].

¹¹¹ *Confidencial*. October 25, 2021. [Sergio Ramírez: "Se me ha enjuiciado por mostrar la realidad de un país sometido"](#) [Sergio Ramírez: 'I was put on trial for showing reality of a submissive country']; and *Deutsche Welle*. October 23, 2021. [Escritor nicaragüense Sergio Ramírez se exilia en España](#) [Nicaraguan write Sergio Ramírez goes into exile in Spain].

¹¹² *100% Noticias*. October 22, 2021. ["Locuín", quien hace parodias de Rosario Murillo se exilia tras amenazas de la dictadura](#) ['Locuín' who parodies Rosario Murillo goes into exile after receiving threats from dictatorship]; and *Nicaragua Actual*. October 22, 2021. [Se exilia Locuín, el joven que ridiculiza a Rosario Murillo](#) [Locuín, young man who makes fun of Rosario Murillo, goes into exile].

¹¹³ *Artículo 66*. August 23, 2021. [El periodista Jacksell Herrera se exilia y solicita asilo político en Estados Unidos](#) [Journalist Jacksell Herrera goes into exile and seeks political asylum in United States]; and *Nicaragua Actual*. August 23, 2021. [Se exilia periodista de Nicaragua Actual por amenazas de muerte de fanáticos y policías de Ortega](#) [Journalist of *Nicaragua Actual* goes into exile because of death threats from Ortega fanatics and police].

¹¹⁴ *100% Noticias*. August 20, 2021. [Periodista investigador Octavio Enríquez sale de Nicaragua](#) [Investigative journalist Octavio Enríquez leaves Nicaragua]; and *Artículo 66*. August 20, 2021. [Periodista Octavio Enríquez sale de Nicaragua por amenazas de ser encarcelado](#) [Journalist Octavio Enríquez leaves Nicaragua because of prison threats].

¹¹⁵ *Fundamedios*. August 11, 2021. [Marisol Balladares lucha por ingresar a los Estados Unidos](#) [Marisol Balladares fights to enter United States]; and *100% Nicaragua*. August 13, 2021. [Fundamedios: Periodista Marisol Balladares y su hija huyen de Nicaragua, luchan por ingresar a EEUU](#) [Fundamedios: Journalist Marisol Balladares and her daughter flee Nicaragua, fight to enter USA].

¹¹⁶ *Despacho 505*. August 6, 2021. [Periodista de Confidencial se exilia por segunda vez](#) [Journalist of *Confidencial* goes into exile for second time]; and *Artículo 66*. August 5, 2021. [Carta abierta al Ministerio Público](#) [Open letter to the Office of the Attorney General].

¹¹⁷ *100% Noticias*. July 5, 2021. [Periodista David Quintana oficializa su exilio por amenazas de sandinistas](#) [Journalist David Quintana officially declares his exile because of threats from Sandinistas]; and *Nicaragua Actual*. July 5, 2021. [David Quintana "La narrativa de odio de Ortega-Murillo, me obliga a pedir refugio en Centroamérica"](#) [David Quintana: 'Ortega-Murillo's hate narrative forces me to seek asylum in Central America'].

¹¹⁸ *Confidencial*. June 25, 2021. [Periodista Julio López, de Onda Local, sale al exilio](#) [Journalist Julio López from *Onda Local* goes into exile]; and *100% Noticias*. June 24, 2021. [Periodista Julio López de Onda Local se exilia](#) [Journalist Julio López from *Onda Local* goes into exile].

¹¹⁹ *100% Noticias*. June 22, 2021. [Periodista Sergio Marín se exilia ante ola de amenazas del régimen](#) [Journalist Sergio Marín goes into exile in view of tide of threats from regime]; and *Nicaragua Investiga*. June 25, 2021. [Otra vez periodistas nicaragüenses parten al exilio por amenazas en su contra](#) [Nicaraguan journalists go into exile again because of threats against them].

¹²⁰ *100% Noticias*. April 13, 2021. [Leticia Gaitán: "había orden de captura para mí, entonces decidí salir de Nicaragua"](#) [Leticia Gaitán: 'There was an arrest warrant for me, so I decided to leave Nicaragua']; and *Latino Reportes*. July 12, 2021. [Periodistas nicaragüenses se enfrentan al exilio, amenazas y persecución política indefinida](#) [Nicaraguan journalists are facing exile, threats, and indefinite political persecution].

¹²¹ IACHR. August 11, 2021. Resolution 61/21. [Medida cautelar No. 873/18](#). Precautionary Measure No. 873/18. Miguel de los Ángeles Mora Barberena regarding Nicaragua (Extension).

Salazar,¹²² Willih Francisco Narváez González,¹²³ Alberto José Miranda Herrera,¹²⁴ Georgina Roxana Vargas Clarens,¹²⁵ and Javier Iván Olivares.¹²⁶ The IACHR also granted precautionary measures for the benefit of Mariano Valle Peters,¹²⁷ owner of Nicavisión S. A., the company owning *Canal 12*, and requested the state to refrain from proceeding with the decision to auction off or sell the media outlet until an appraisal was made of the impact that the decision would have on Mr. Valle Peters's exercise of his right to freedom of expression. As the Special Rapporteurship indicated in its 2020 Annual Report the media outlet might have to shut down because of embargos imposed on it for tax arrears allegations.

83. The IACHR and its Rapporteurship recall that their Declaration of Principles on Freedom of Expression deems that freedom of expression is "an indispensable requirement for the very existence of a democratic society" and establishes that "[r]estrictions 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" and that "[d]irect or indirect pressures exerted upon journalists or other social communicators to stifle the dissemination of information are incompatible with freedom of expression."

B. Shutting Down Civic Forums

84. The Nicaraguan government has fostered the drastic closure of civic forums and installed a police state, in which protests and any legitimate expression against the government are not tolerated and in which punitive statutes are enforced disproportionately and discretionarily against dissident voices. In the framework of the pandemic, the IACHR has also been concerned about the state's lack of transparency, compounded by persecution, threats, and harassment against physicians and any bodies seeking to provide information about the health crisis. The opacity of public information has also become evident in connection electoral matters. Civil society organizations are working in a stifling environment, with the constant threat of having their legal status removed or the imposition of abusive requirements in order to operate.¹²⁸

85. The IACHR is monitoring with special concern the evolution of the investigation into the Violeta Barrios de Chamorro Foundation for alleged money laundering in connection with the use of international cooperation funding, with the enforcement of the Law against Money Laundering, the Financing of Terrorism, and the Financing of the Proliferation of Weapons of Mass Destruction. In this context, the IACHR monitored with concern the house arrest of Cristiana Chamorro, the Foundation's director and founder. The journalist and presidential precandidate had been detained on June 3 on charges of mismanagement, negligent falsehoods, and the laundering of money, property, and assets.¹²⁹ The organization's managerial staff Walter

¹²² IACHR. Resolution 47/21. [Medida Cautelar No. 366/21](#). Precautionary Measure No. 366/21. Kalúa Salazar and her family regarding Nicaragua.

¹²³ IACHR. Resolution 52/21. [Medidas Cautelares No. 311/21 y 462/21](#). Precautionary Measures Nos. 311/21 and 462/21. Willih Francisco Narváez González and Alberto José Miranda Herrera regarding Nicaragua.

¹²⁴ IACHR. Resolution 52/21. [Medidas Cautelares No. 311/21 y 462/21](#). Precautionary Measures Nos. 311/21 and 462/21. Willih Francisco Narváez González and Alberto José Miranda Herrera regarding Nicaragua.

¹²⁵ IACHR. Resolution 70/21. [Medidas Cautelares No. 1061/20](#). Precautionary Measure No. 1061/20. Georgina Roxana Vargas Clarens regarding Nicaragua.

¹²⁶ IACHR. Resolution 31/21. [Medidas cautelares No. 1606/18](#). Precautionary Measure No. 1606/18. Javier Iván Olivares regarding Nicaragua (Extension).

¹²⁷ IACHR. Resolution 3/21. [Medidas Cautelares No. 968/20](#). Precautionary Measure No. 968/20. Mariano Valle Peters regarding Nicaragua.

¹²⁸ *CNN*. July 28, 2021. [La Asamblea Nacional de Nicaragua cancela la personería jurídica a 24 organismos civiles, incluidas asociaciones médicas](#) [National Assembly of Nicaragua removes legal status of 24 civil organizations, including medical associations]; and *CNN*. August 26, 2021. [Nicaragua: cancelan personería jurídica a 15 ONG más](#) [Nicaragua: Removal of legal status of 15 more NGOs].

¹²⁹ *El Observador*. June 2, 2021. [Fiscalía ordena el allanamiento y detención de la candidata opositora nicaragüense, Cristiana Chamorro](#); [Prosecution orders forcible search and detention of Nicaraguan dissident candidate, Cristiana Chamorro]; and *BBC*. June 2, 2021. [Cristiana Chamorro: la aspirante presidencial opositora queda bajo arresto domiciliario en Nicaragua después de que se ordenara su detención](#) [Cristiana Chamorro, dissident presidential hopeful under house arrest in Nicaragua after she was ordered detained].

Antonio Gómez Silva and Marcos Antonio Fletes Casco and former board director Pedro Joaquín Chamorro Barrios were also brought to trial and remained in preventive custody in the framework of said investigation.¹³⁰ The IACHR granted precautionary measures for the benefit of these persons¹³¹ and requested the Inter-American Court to issue provisional measures for their protection, which were granted on November 4.¹³²

86. Also, on June 20, 2021, the journalist and presidential precandidate Miguel Mora, owner and former director of the television station *100% Noticias*, was detained on charges of having “instigated foreign interference in domestic matters and requested military interventions,” on the basis of Law 1055 for Defense of the Rights of the People to Independence, Sovereignty, and Self-Determination for Peace.¹³³ According to the information reported, similar to the reporter Miguel Mendoza and other political figures of the opposition, Miguel Mora is in the penitentiary of El Chipote, in Managua, being charged in court proceedings without the observance of due procedural guarantees.¹³⁴ His family members have complained that they are concerned for his health and safety. On October 22, 2021, a court order had indefinitely interrupted the limit for the preventive detention of Miguel Mora, according to public information.¹³⁵

87. The IACHR also noted with concern the detention of the journalist, political commentator, and presidential precandidate Jaime Arellano Arana on July 24, 2021, who had been put under house arrest on the basis of the same law and is being held incommunicado.¹³⁶

88. The prosecution of any discourse that challenges or criticizes government spokespersons has also become evident against young people actively participating in public life via their social media. On February 22, 2021, the IACHR granted precautionary measures for the benefit of Kevin Adrián Monzón Mora and his family members deeming that, because of his postings on the TikTok social network, he would be exposed to threats, harassment, intimidation, and acts of violence in Nicaragua.¹³⁷ Kevin Monzón is well known for posting messages against corruption and reporting human rights violations and had already been detained on previous occasions between August 2019 and December 2020. Despite precautionary measures granted by the IACHR for his benefit, there was information about the continuation of harassment and violence against him. Among the several incidents reported,¹³⁸ including his expulsion and that of his family from public

¹³⁰ *Onda Local*. May 29, 2021. [Extrabajadores de la Fundación Violeta Barrios investigados bajo prisión](#); [Former employees of the Violeta Barrios Foundation investigated while in prison]; and *Deutsche Welle* (DW). September 3, 2021. [Justicia de Nicaragua envía a juicio a opositora](#) [Judiciary of Nicaragua sends dissident to trial].

¹³¹ IACHR. Resolution 49/21. [Medida cautelar No. 480/21](#). Precautionary Measure No. 480/21. Cristiana María Chamorro Barrios and others regarding Nicaragua; and IACHR. Resolution 58/21. [Medida cautelar No. 480/21](#). Precautionary Measure No. 480/21. Pedro Salvador Vásquez (Extension) regarding Nicaragua.

¹³² I/A Court H.R. November 4, 2021. [Juan Sebastián Chamorro y Otros respecto de Nicaragua](#). Juan Sebastián Chamorro and others regarding Nicaragua. Extension of Provisional Measures.

¹³³ *France 24*. June 21, 2021. [Detenido Miguel Mora, el quinto precandidato a la Presidencia de Nicaragua](#) [Fifth presidential precandidate of Nicaragua Miguel Mora is detained]; and *Deutsche Welle* (DW). June 21, 2021. [Detenido quinto precandidato presidencial en Nicaragua](#) [Fifth presidential precandidate in Nicaragua is detained].

¹³⁴ IACHR. Special Rapporteur for Freedom of Expression. August 18, 2021. Press release No. 216/21. [La CIDH, su RELE y OACNUDH condenan los reiterados ataques a la libertad de expresión en Nicaragua](#) [The IACHR, RFOE, and OHCHR Condemn the Repeated Attacks on Freedom of Expression in Nicaragua].

¹³⁵ *100% Noticias*. October 22, 2021. [Juez interrumpe de forma indefinida plazo máximo de duración del proceso de Miguel Mora](#). [Judge suspends indefinitely the maximum time-limits for the duration of Miguel Mora’s trial].

¹³⁶ *BBC*. July 25, 2021. [Arrestan al séptimo precandidato presidencial en Nicaragua antes de las elecciones](#) [Seventh presidential precandidate in Nicaragua is arrested before the elections]; and IACHR. October 12, 2021. Resolution 82/21. [Medida cautelar No. 206/20](#). Precautionary Measure No. 206/20 in favor of Jaime José Arellano Arana regarding Nicaragua.

¹³⁷ IACHR. Resolution 16/21. [Medida Cautelar No. 907/20](#). Precautionary Measure No. 907/20 in favor of Kevin Adrián Monzón Mora and his family regarding Nicaragua.

¹³⁸ *Nicaragua Actual*. [Tiktoker opositor, Kevin Monzón, denuncia nuevo allanamiento policial en su vivienda](#) [Dissident TikTok Kevin Monzón denounces new police entry and search of his house]; *Artículo 66*. September 22, 2021. [Policía allana casa del «tiktoker» Kevin Monzón, golpea a sus familiares e intentan detenerlo](#) [Police forcibly enter and search house of “TikToker” Kevin Monzón, beat his

places,¹³⁹ the Rapporteurship stresses in particular the alleged assaults against him by the Police on July 20, 2021, and the forcible entry and search of his residence.¹⁴⁰ As reported by Kevin Monzón, in that context, police officers had threatened to shoot him if he fled.

89. The IACHR, its Special Rapporteurship for Freedom of Expression, and the Regional Office of the United Nations High Commissioner for Human Rights for Central America and the Dominican Republic (OHCHR) energetically condemned the reiterated acts of persecution by Nicaraguan authorities against legitimate expressions and urged the government to cease any conduct that would undermine the rights of these persons.¹⁴¹

90. The harassment, censorship, smear tactics and persecution and the detentions and arbitrary legal proceedings filed against the media, journalists, and civil society organizations defending human rights and freedom of the press are incompatible with the protection of the right to freedom of expression and create a widespread climate of fear and self-censorship. In the framework of an electoral process, they are also especially serious and incompatible with democracy and international human rights obligations.

91. As indicated in the Rapporteurship's Annual Report for 2020, the National Assembly of Nicaragua, largely controlled by members of the ruling political party, continued in 2021 to adopt a series of laws that give legitimacy to abusive practices and impose serious constraints on the rights to freedom of expression and freedom of assembly and association. On January 18, 2021, it enacted the amendment to Article 37 of the Political Constitution, punishing "hate crimes" with sentences of life imprisonment.¹⁴² In follow-up to enactment of the Law Governing Foreign Agents in 2020 and the successive ministerial regulations adopted for its implementation,¹⁴³ the IACHR learned that, in February 2021, the Violeta Chamorro Foundation and PEN Nicaragua announced that they would be suspending their activities indefinitely because of the excessive conditions and obligations being required by said law and regulations.¹⁴⁴ Likewise, the Permanent Human

family members, and attempt to detain him]; *Despacho 505*. June 13, 2021. [Tiktoker crítico de Ortega y Murillo denuncia asedio de paramilitares y policías](#) [TikToker who criticizes Ortega and Murillo denounces barricade by paramilitary and police]; and *La Prensa*. April 21, 2021 [Barricade by police and fanatics of regime causes dismissal of TikToker Kevin Monzón] [Asedio de policías y fanáticos del régimen causan despido del tiktoker Kevin Monzón](#).

¹³⁹ *100% Noticias*. April 4, 2021. [Policía desaloja de balneario a tiktoker Kevin Monzón opositor a régimen de Daniel Ortega](#) [Police evict TikToker Kevin Monzón, who opposes Daniel Ortega regime, from resort]; *Artículo 66*. April 4, 2021. [Policía expulsa al «tiktoker» Kevin Monzón de un balneario en Rivas «por ser golpista y terrorista»](#) [Police expel TikToker Kevin Monzón from a resort in Rivas 'for being a coup leader and terrorist'].

¹⁴⁰ *Despacho 505*. July 21, 2021. [El tiktoker Kevin Monzón no está dispuesto a callar ni a huir por las amenazas del régimen](#) [TikToker Kevin Monzón is not ready to keep quiet or flee because of threats from regime]; *Despacho 505*. July 20, 2021. [Policía orteguista allana la casa del "tiktoker" Kevin Monzón, crítico de la dictadura](#) [Police officer loyal to Ortega forcibly enters and searches house of TikToker Kevin Monzón, critic of dictatorship]; *100% Noticias*. July 20, 2021. [Colectivo de Derechos Humanos Nicaragua denuncia agresión policial contra el tiktoker Kevin Monzón](#) [Nicaragua Human Rights Collective condemns attempt to kidnap TikToker Kevin Monzón]; and *Artículo 66*. July 20, 2021. [Cenidh condena intento de secuestro contra el «tiktoker» Kevin Monzón](#); [CENIDH condemns attempt to kidnap TikToker Kevin Monzón]; *Artículo 66*. July 20, 2021. [Policía orteguista intenta secuestrar al «tiktoker» Kevin Monzón](#) [Ortega supporter police officer attempts to kidnap TikToker Kevin Monzón]; and *La Prensa*. July 20, 2021 [Police officer attempts, for the fourth time, to arrest young dissident Kevin Monzón, but his father jumped to his defense] [Policía intenta arrestar por cuarta vez al joven opositor Kevin Monzón, pero su padre salió en su defensa](#)

¹⁴¹ IACHR. Special Rapporteurship for Freedom of Expression. August 18, 2021. Press release No. 216/21. [La CIDH, su RELE y OACNUDH condenan los reiterados ataques a la libertad de expresión en Nicaragua](#) [The IACHR, RFOE, and OHCHR Condemn the Repeated Attacks on Freedom of Expression in Nicaragua].

¹⁴² *CNN*. January 18, 2021. [Asamblea Nacional de Nicaragua ratifica reforma constitucional que establece prisión perpetua por "crímenes de odio"](#) [National Assembly of Nicaragua ratifies amendment to the Constitution that establishes life imprisonment for 'hate crimes']; and *Swissinfo*. January 19, 2021. [Entra en vigor la cadena perpetua en Nicaragua en medio de críticas](#) [Life imprisonment comes into force in Nicaragua in the midst of criticism].

¹⁴³ IACHR. February 26, 2021. Press release No. 043/21. [La CIDH rechaza la Ley de Agentes Extranjeros en Nicaragua y llama al Estado de Nicaragua a su derogación](#) [IACHR Rejects Nicaragua's Foreign Agents Act and Calls on the State to Repeal It].

¹⁴⁴ *Associated Press*. February 5, 2021. [Fundación Violeta Chamorro cierra en Nicaragua debido a ley](#) [Violeta Chamorro Foundation in Nicaragua closes because of law]; and *Confidencial*. February 4, 2021. [Carta abierta sobre la decisión de suspender de forma indefinida PEN Nicaragua](#) [Open letter on the decision to suspend PEN Nicaragua indefinitely].

Rights Commission denounced that, despite attempting by all possible means to comply with the law, the authorities had placed several different regulatory obstacles to its attempts and would not certify their conformity, thus preventing it from registering the institution.¹⁴⁵ The IACHR has underscored that the Law on Foreign Agents is contrary to inter-American standards and constitutes an abusive instrument aimed to tear apart the social fabric, including independent media outlets and civil society organizations.¹⁴⁶

92. In its report “Nicaragua: Concentration of power and undermining the Rule of Law,” the IACHR stressed that, since 2018, a series of repressive measures and actions have been imposed to restrict the exercise of the right to peaceful assembly, as well as to harass and criminalize persons opposing the government.¹⁴⁷ On May 4, an amendment to the Electoral Law was adopted; among other issues, this amendment made it possible for the National Civilian Police and the Supreme Electoral Council to coordinate, with the corresponding installations, the measures to prevent non-ruling-party mobilizations from interfering in the electoral campaign.¹⁴⁸ In this context, the Rapporteurship also received information about the different actions of state agents to dismantle protests that would include the excessive use of force.¹⁴⁹

93. Furthermore, the IACHR has observed with concern the repression of medical staff who would provide information about the evolution of the pandemic in Nicaragua.¹⁵⁰ As reported, the Ministry of Health had dismissed the physician Pablo Moreno Padilla of the Manollo Morales Hospital, supposedly because of his criticism of the government’s handling of the pandemic.¹⁵¹ The president of the Nicaraguan Medical Unit (*Unidad Médica Nicaragüense*), José Antonio Vásquez, had been summoned to a hearing on July 28, 2021 at the Health Regulation Department of the Ministry of Health, at which he had been warned that, according to the Law on Cybercrimes, he would be committing a felony if he continued to refer to the government’s handling of the pandemic, as it was only the Ministry of Health that was authorized to provide information and appraisals

¹⁴⁵ *Despacho 505*. [CPDH apela contra “bloqueo” a su inscripción como agente extranjero y Gobernación la rechaza](#) [CPDH files appeal against ‘blocking’ of its registration as foreign agent and Interior Ministry dismisses appeal]; IACHR. February 26, 2021. Press release No. 43/21. [La CIDH rechaza la Ley de Agentes Extranjeros en Nicaragua y llama al Estado de Nicaragua a su derogación](#) [IACHR Rejects Nicaragua’s Foreign Agents Act and Calls on the State to Repeal It].

¹⁴⁶ Twitter account of the Special Rapporteurship for Freedom of Expression RFOE (@RELE_CIDH) February 5, 2021. [5 de febrero de 2021](#).

¹⁴⁷ IACHR. October 25, 2021. [Nicaragua: concentración del poder y debilitamiento del Estado de Derecho](#) [Nicaragua: Concentration of power and undermining the Rule of Law], OEA/Ser.L/V/II. Doc. 288, para. 146.

¹⁴⁸ Republic of Nicaragua. [Ley de Reforma y Adición a la Ley n.º 331, Ley Electoral](#) [Reforming and Supplementing Law No. 331, Electoral Law]. *La Gaceta, Diario Oficial* [The Gazette, Official Register] No. 81, May 5, 2021.

¹⁴⁹ *Yahoo Noticias*. May 28, 2021. [La Policía de Nicaragua disuelve una protesta de políticos opositores](#) [Nicaragua police breaks up protest of political dissidents]; *Confidencial*. May 28, 2021. [Policía golpea a miembros de la UNAB que intentaban protestar](#) [Police beat UNAB members attempting to protest]; *Nicaragua Actual*. May 11, 2021. [Policía Sandinista agrede a jóvenes que protestaban frente a sede de CxL](#); [Sandinista police attack young people protesting in front of CxL headquarters]; *Nicaragua Investiga*. April 28, 2021. [Estudiantes son perseguidos tras realizar protesta en la UCA](#) [Students persecuted after holding protest at UCA]; *Despacho 505*. April 22, 2021. [Al menos 12 opositores detenidos por protestar contra Ortega en la última semana](#) [At least 12 dissidents detained for protesting against Ortega this past week]; *100% Noticias*. April 19, 2021. [Policía lanza orines, agrede a médico y periodistas en protesta de Alianza Cívica](#) [Police throw urine, attack physician and journalists in Civic Alliance protest]; *La Prensa*. April 16, 2021. [Policía impide protesta que realizaban miembros de la UNAB en conmemoración al tercer año de la lucha cívica](#) [Police prevent protest by UNAB members commemorating third year of civic protests]; *100% Noticias*. March 25, 2021. [Policía neutraliza intento de protesta de taxistas por alza de combustibles, advierten que quitarán placas](#); [Police neutralize taxicab driver protest attempt because of fuel price rise and warn that license plates will be removed]; and *La Prensa*. March 25, 2021. [Esto cuesta el cotidiano despliegue policial “antiprotestas” en Managua](#) [Cost of daily deployment of ‘anti-protest’ police in Managua].

¹⁵⁰ IACHR. Special Rapporteurship for Economic, Social, and Cultural Rights. July 28, 2021. Press release No. 197/21. [La CIDH y su REDESCA instan a Nicaragua al cese inmediato de hostigamientos en contra del sector médico](#) [IACHR and the OSRESCER Urge Nicaragua to Immediately Cease Harassment of the Medical Sector].

¹⁵¹ *Confidencial*. January 13, 2021. [Dr. Pablo Moreno, despedido por “no ser de los afines o silenciados” del régimen orteguista](#); [Dr. Pablo Moreno dismissed for ‘not being aligned with or keeping silent about Ortega regime’]; and *Despacho 505*. January 13, 2021. [Médico del Manolo Morales es despedido por no ser de los “afines o silenciados” de la dictadura](#) [Physician of Manolo Morales dismissed for “not being aligned with or keeping silent about Ortega regime”].

of that kind.¹⁵² On June 23, 2021, the Nicaraguan Medical Unit had announced that it would be shutting down its operations in the country's capital because of the persistent actions of political harassment targeting them.¹⁵³ The pneumologist Jorge Miranda had been threatened by staff of the Ministry of Health that his license to practice would be suspended and that he would be charged on the basis of the Law on Cybercrimes for his statements to the media on the government's handling of the health crisis.¹⁵⁴ In this context, the IACHR was informed of the removal of the legal status of at least 20 medical associations supposedly for their failure to comply with legislation on nonprofit legal entities.¹⁵⁵

94. The Rapporteurship observes with concern the absence of transparency and the constraints on the right to access public information imposed by the Nicaraguan government in the context of the pandemic.¹⁵⁶ According to public information, in May 2021 it had been one year since the Ministry of Health had suspended the online publication of its epidemiological bulletin.¹⁵⁷ The IACHR also received reports on diverse obstacles to accessing information linked to electoral matters: at least until October 2021, no information had been made available about the procurement of electoral materials or the printing of ballots for the election.¹⁵⁸

95. The IACHR also received reports on threats to academic freedom in Nicaragua. According to a report produced by several civil society organizations and published in March 2021, at least 108 instructors and administrative staff, as well as 147 university students, had been dismissed from their job or expelled from their course of study since 2018 because of their political opinions.¹⁵⁹ On May 13, 2021, the teacher María Magdalena Munduía Jiménez had been dismissed from her job in the Madre Teresa de Calcuta school in El Rosario, in Carazo, after she had promoted a debate about migration and gender in a class.¹⁶⁰ Likewise, five students had been expelled from the National Autonomous University of Nicaragua (*Universidad Nacional*

¹⁵² *Artículo 66*. July 28, 2021. [Presidente de la Unidad Médica Nicaragüense, amenazado con la Ley de Cibercrimes](#); and *Confidencial. Allanan asociación médica tras cancelar 24 personerías en Nicaragua* [Medical association forcibly entered and searched after 24 registered entities have their legal status removed in Nicaragua].

¹⁵³ *Confidencial*. June 23, 2021. [Unidad Médica Nicaragüense anuncia cierre de sus oficinas ante asedio](#) [Nicaraguan Medical Unit announces closing of its offices because of barricade]; and *Swissinfo*. June 23, 2021. [La Unidad Médica Nicaragüense cierra sus oficinas por "agresión del Gobierno"](#) [Nicaraguan Medical Unit closes its offices because of 'government aggression'].

¹⁵⁴ *Nicaragua Investiga*. July 26, 2021. [Amenazan a médico con suspensión de su licencia](#) [Physician threatened with having his license to practice suspended]; and *Deutsche Welle*. July 23, 2021. [Nicaragua: amenazan con aplicar ley a médicos críticos](#) [Nicaragua: Threats to enforce law against physicians who criticize the government].

¹⁵⁵ *Swissinfo*. July 28, 2021. [Nicaragua cancela personalidad jurídica a 24 ONG, la mayoría médicas](#) [Nicaragua removes legal status of 24 NGOs, most of them medical]; and *CNN*. July 28, 2021. [La Asamblea Nacional de Nicaragua cancela la personería jurídica a 24 organismos civiles, incluidas asociaciones médicas](#) [National Assembly of Nicaragua removes legal status of 24 civil organizations, including medical associations].

¹⁵⁶ *Confidencial. OPS: Nicaragua es el único país en Centroamérica sin reportar datos sobre variantes* [PAHO: Nicaragua is only country in Central America not reporting data on variants]; and *Swissinfo*. May 17, 2021. [Seis fuentes de incertidumbre sobre la covid-19 en Nicaragua](#) [Six sources of uncertainty regarding COVID-19 in Nicaragua].

¹⁵⁷ *Confidencial*. May 29, 2021. [Minsa cumple un año sin publicar el boletín epidemiológico](#); [MINSA a full year without publishing epidemiological bulletin]; Republic of Nicaragua, Ministry of Health. July 20-27, 2021. [Boletín Epidemiológico No. 29](#) [Epidemiological Bulletin No. 29].

¹⁵⁸ *Despacho 505*. October 1, 2021. [CSE no informa sobre la impresión de las boletas electorales](#) [CSE does not report on printing of electoral ballots]; and *Confidencial*. October 19, 2021. [CSE mantiene en secreto adquisición de material electoral e impresión de boletas](#) [CSE keeps procurement of electoral material and printing of ballots secret].

¹⁵⁹ *SOS Nicaragua*. March 25, 2021. [Libro blanco: las evidencias de un Estado totalitario: Violaciones de los derechos humanos en Universidades Públicas de Nicaragua](#) [White Paper: Evidence of a Totalitarian State: Human Rights Violations in Public Universities in Nicaragua].

¹⁶⁰ *100% Noticias*. May 13, 2021. [Ministerio de Educación despide a profesora de El Rosario, Carazo por razones políticas](#) [Ministry of Education dismisses teacher of El Rosario, Carazo, for political reasons]; and *Nicaragua Actual*. May 13, 2021. [Mined despide por órdenes políticas a profesora en El Rosario Carazo](#). [MINED dismisses teacher in El Rosario Carazo on political orders].

Autónoma de Nicaragua—UNAN-León) supposedly for having engaged in actions that disrupted the peace and stability of the university community.¹⁶¹

C. Internet and Freedom of Expression

96. In 2021, the IACHR monitored diverse reports on harassment and threats via social media against those criticizing the government, in some cases using false accounts that might have involved state agents.¹⁶² In this context, Facebook announced that, in October, it had removed more than one thousand accounts from its social network, which, as it indicated, were linked to the Nicaraguan government and the Sandinista National Liberation Front and whose purpose was to alter public opinion, publishing positive contents about the government and negative comments about the opposition.¹⁶³ According to the platform's report, it involved "one of the most cross-government troll operations we've disrupted to date," which had been functioning since April 2018 and had involved multiple state institutions, such as the Nicaraguan Telecommunication and Postal Service Institute (*Instituto Nicaragüense de Telecomunicaciones y Correos—TELCOR*), which was working from the headquarters of Managua's postal service, in addition to other smaller groups that were being managed from other institutions, such as the Supreme Court of Justice and the Nicaraguan Social Security Administration (*Instituto Nicaragüense de Seguridad Social*). This network is an example of a "troll farm," as indicated by the company in its October 2021 "Coordinated Inauthentic Behavior Report." In addition to being intergovernmental, it involved a multiplatform campaign, implemented via Facebook, TikTok, Instagram, Twitter, YouTube, Blogspot, and Telegram, among others.¹⁶⁴

97. On March 31, the IACHR had already learned of the suspension of at least ten Twitter accounts, known for supporting the government, a decision that had already been grounded on the alleged violation of the company's community rules. According to information received, the platform's decision was linked to a campaign of *hashtags* that diverse accounts of government supporters had launched days earlier and that was suspected of being spam, that is, amplifying or suppressing information artificially.¹⁶⁵

98. The Commission has continued to monitor the disproportionate enforcement of the Special Law on Cybercrimes, as previously mentioned in the present report. The IACHR has also observed with concern the cybersecurity information sharing agreement signed by the governments of Nicaragua and Russia on July 19, 2021, and subsequently adopted by the National Assembly of Nicaragua on September 7, which could further exacerbate constraints on online civic forums and the criminalization of journalists and civil society organizations, according to reports received.¹⁶⁶ The document deems that information and communication technologies can constitute threats for states when used to attack territorial sovereignty, security, and integrity

¹⁶¹ *100% Noticias*. July 2, 2021. [UNAN-León expulsa a cinco estudiantes de derecho por "atentar" contra la "paz y estabilidad"](#); and *Despacho 505*. July 1, 2021. [El delito de "atentar contra la paz" llega a las universidades públicas de Nicaragua en año electoral](#).

¹⁶² *Confidencial*. March 17, 2021. [Troles, cuentas falsas y bots maliciosos: las plagas del debate público en las redes](#) [Trolling, fake accounts, and malicious bots: Scourge of public debate on social media].

¹⁶³ *Reuters*. November 1, 2021. [Facebook says it removed troll farm run by Nicaraguan government](#); and *Deutsche Welle* (DW). November 1, 2021. [Facebook elimina red de perfiles falsos operada por el Gobierno de Nicaragua](#) [Facebook removes network of fake profiles operated by Nicaragua Government].

¹⁶⁴ *Meta*. October 2021. [October 2021 Coordinated Inauthentic Behavior Report](#).

¹⁶⁵ *Confidencial*. March 31, 2021. [Twitter suspende más de 10 cuentas afines a FSLN en un solo día](#) [Twitter suspends more than 10 FSLN-related accounts in one single day]; and *Artículo 66*. March 31, 2021. [Twitter suspende cuentas sandinistas que llenaban de información «basura» la red social](#) [Twitter suspends Sandinista accounts that were filling social media with 'junk' information].

¹⁶⁶ Republic of Nicaragua. September 8, 2021. [Decreto A.N. N° 8768](#) [Decree No. 8768]. *La Gaceta, Diario Oficial* N° 169 [The Gazette, Official Register No. 169]; *Nicaragua Investiga*. July 29, 2021. [Nicaragua y Rusia firman convenio de seguridad informática y se pronuncian contra sanciones](#) [Nicaragua and Russia sign computer security agreement and make statement against sanctions]; and *Artículo 66*. July 21, 2021. [Rusia y Nicaragua "combatirán" la propagación de supuestas "noticias falsas" en contra de la dictadura](#) [Russia and Nicaragua 'shall combat' the spread of alleged 'fake news' against dictatorship].

or to disrupt public law and order and interfere in domestic matters for terrorist purposes, among other purposes, because of which it establishes areas of collaboration between states and their different bodies.¹⁶⁷

¹⁶⁷ Republic of Nicaragua. September 8, 2021. [Decreto A.N. N° 8768](#) [Decree No. 8768]. *La Gaceta, Diario Oficial* N°. 169. The Gazette, Official Register No. 169].

IV. SITUATION OF ECONOMIC, SOCIAL, CULTURAL, AND ENVIRONMENTAL RIGHTS

99. As for the general situation of economic, social, cultural, and environmental rights (ESCER) in the country, the IACHR and the Special Rapporteurship on ESCER (SRESCER) are observing a situation that is increasingly distressing with respect to the exercise of said rights in Nicaragua, in a context of inequality and poverty that is being aggravated by both the political and democratic crisis and the pandemic.¹⁶⁸ According to data from the World Bank, in mid-2021, 44% of households reported lower income, along with rising food insecurity, and it was estimated that poverty had risen from 13.5% in 2019 to 14.6% in 2021.¹⁶⁹

100. The Nicaraguan population's right to health is a matter of special concern, as the protection of health has been increasingly undermined by the context of the country and has substantially worsened because of the pandemic and the state's response to it. Regarding this, the Commission and SRESCER have been voicing their concern over the general handling of the pandemic by the authorities. As for the general figures on the pandemic, according to information from the Ministry of Health (MINSa), at July 6, 2021, there was a total of 6,819 persons infected with COVID-19, and a death rate of only 192 persons.¹⁷⁰ Nevertheless, information provided by the Multidisciplinary Scientific Committee, there was a death rate of 144 per 100,000 inhabitants, pointing to under-reporting of the total number of deaths. In short, according to figures from the Committee, there would be about 7,800 additional deaths.¹⁷¹ It was reported that, in the death records, these deaths were not registered as having been caused by COVID-19.¹⁷²

101. In that regard, the Commission and SRESCER are particularly concerned about the situation of the health staff, as persecution, harassment, and attacks perpetrated by the state has been a constant element throughout the political and social crisis subsequent to April 2018, a pattern that has been even further aggravated by the context of the pandemic. Thus, the SRESCER has been documenting intimidation or harassment practices via the enforcement of criminal, labor, or administrative law, including unfounded dismissals, which have the effect of silencing or instilling fear among the members of the medical and health sector.¹⁷³ Along that line, the Commission and SRESCER stress that the principal practices that have escalated involve state institutions and authorities singling out health professionals directly, even branding them as health terrorists and accusing them of spreading fake news.¹⁷⁴ These actions also undermine the well-being of persons who sustain the impacts of said actions, and also exert an adverse impact on the sector as a whole, as well as on the population being served by these professionals.¹⁷⁵

102. In this context, the IACHR and the SRESCER have been concerned about the removal of the legal status of 24 civil society organizations, including medical associations for different specializations, as decreed by the National Assembly on July 28. In that same regard, forcible entries and searches of civil society organizations working on promoting the right to health were recorded.¹⁷⁶ Likewise, part of the acts recorded

¹⁶⁹ World Bank, Nicaragua Overview, updated to October 8, 2021.

¹⁷⁰ MINSa, National Health Map [Mapa Nacional de Salud](#)

¹⁷¹ SRESCER. Meeting with UMN, April 16, 2021; *El Confidencial*, [Nicaragua ocupa el tercer lugar en el mundo de sobremortalidad atribuible a la COVID-19](#) [Nicaragua ranks third in world for excess mortality rates attributable to COVID-19], April 7, 2021; and *Financial Times*, [Coronavirus tracker: the latest figures as countries fight the Covid-19 resurgence](#), August 20, 2021.

¹⁷² SRESCER. Meeting with UMN, April 16, 2021.

¹⁷³ SRESCER. REDESCA of the IACHR expresses profound concern about discrimination for political reasons in the exercise of the rights to work and health in Nicaragua. Press release No. 209/19 of August 21, 2019.

¹⁷⁴ *AP*. [Acoso y amenazas a médicos en Nicaragua por hablar del COVID](#) [Harassment and threats to physicians in Nicaragua for talking about COVID], September 13, 2021.

¹⁷⁵ IACHR and SRESCER. [La CIDH y su REDESCA instan a Nicaragua al cese inmediato de hostigamientos en contra del sector médico](#) [IACHR and OSRESCER Urge Nicaragua to Immediately Cease Harassment of the Medical Sector], Press release No. 197/21 of July 28, 2021.

¹⁷⁶ OACHR and SRESCER. [Pronunciamiento de Redes Sociales](#) [Social Media Pronouncement], July 29, 2021.

against the UMN involves persecution of the organization's members, which led to the closing of its office because of the constant harassment reported.¹⁷⁷

103. The Commission is also observing with concern the testimonies received from members of the UMN highlighting the state's threat of imposing administrative sanctions, such as the suspension or removal of their license to practice medicine.¹⁷⁸ In some cases, it has been indicated that, if they did not accept removal of their license to practice, their detention would be extended for a longer period of time. This has led some persons to feel forced to go into exile.¹⁷⁹

104. In this context, the Commission and SRESCER highlight the situation of José Luis Julio Borgen, member of the UMN, who was summoned to make a statement in connection with an investigation that the Office of the Attorney General has launched against one of his patients, this past July 13. José Luis Julio Borgen, Carlos Quant, and Jorge Miranda were summoned to appear mandatorily in the Meeting Room of the Health Regulation Department of the MINSA on July 22 and 26, respectively. In statements made to the media, Dr. Borgen indicated that the authorities told him that "he had to be careful about his declarations and remember the Law on Cybercrimes." In addition, Miranda indicated that he had been threatened with the suspension of his license to practice and the possibility of being incarcerated for having provided information about the pandemic.¹⁸⁰

105. Furthermore, regarding the implementation of a vaccination plan, both the Interdisciplinary Scientific Committee and the UMN and Citizen Observatory pointed out that, on May 3, 2021, the country's health sector had access to the first round of vaccines.¹⁸¹ However, the IACHR and the SRESCER take note of the reports sent by civil society sectors about discriminatory actions in connection with access to the vaccine for political reasons.¹⁸² Regarding this, the United Nations Committee on Economic, Social, and Cultural rights, in its country report, pointed out that there were allegations of discrimination, based on political opinions, which have impacted persons opposing or criticizing the government about access to health service.¹⁸³

106. Along that same line, according to calculations by the Multidisciplinary Scientific Committee, the full immunization of all persons would require almost five years to complete because of the absence of available doses and the lack of a massive information campaign.¹⁸⁴ It should be pointed out here that Nicaragua has received a loan in the amount of 100 million dollars to purchase vaccines, which would make it possible to purchase 190,000 doses of SPUTNIK V.¹⁸⁵ As for the state, it has informed that, at present, the country has about 531,000 doses of vaccines between Covishield and Sputnik V, which would allow for the treatment of 265,500 persons, which would only cover 3.9% of the population. Regarding this, the scientific community of Nicaragua's civil society indicates that the country has the installed capacity to vaccinate at least 150,000

¹⁷⁷ *La Prensa*. [Unidad Médica Nicaraguense cierra sus oficinas por el constante asedios de Ortega](#) [Nicaraguan Medical Unit closes its offices because of constant barricades by Ortega], June 23, 2021.

¹⁷⁸ SRESCER. Working Meeting with Civil Society, July 8, 2021.

¹⁷⁹ SRESCER. Working Meeting with Civil Society, July 8, 2021.

¹⁸⁰ IACHR and SRESCER. [La CIDH y su REDESCA instan a Nicaragua al cese inmediato de hostigamientos en contra del sector médico](#) [IACHR and the OSRESCER Urge Nicaragua to Immediately Cease Harassment of the Medical Sector], Press release No. 197/21 of July 28, 2021.

¹⁸¹ *Swissinfo*. [Nicaragua comienza a aplicar vacunas contra la covid-19 al sector salud](#) [Nicaragua starts vaccinating health sector against COVID-19], May 3, 2021.

¹⁸² SRESCER. Working Meeting with Civil Society, July 8, 2021.

¹⁸³ United Nations Committee on Economic, Social and Cultural Rights. Concluding observations on the 5th periodic report of Nicaragua, October 15, 2021, E/C.12/NIC/CO/5, p. 17.

¹⁸⁴ *La Prensa*. [Médicos no ven posible que el MINSA cumpla con el 70% de la población al cierre de este año](#) [Physicians do not believe it is possible for MINSA to cover 70% of population by end of year], July 2, 2021.

¹⁸⁵ MINSA. [LLEGA A NICARAGUA NUEVO CARGAMENTO DE VACUNAS SPUTNIK V PARA INMUNIZAR CONTRA LA COVID-19](#), [New shipment of Sputnik V vaccines arrives in Nicaragua to immunize against COVID-19], July 2, 2021.

persons per day. According to public information, however, the present vaccination drive is not meeting these expectations.¹⁸⁶ According to the MINSA, in June, almost 200,000 persons had been vaccinated with Covishield.¹⁸⁷

107. The Commission and SRESCER are concerned about the findings of the Citizen Observatory, which indicate that priority population groups do not match those recommended by international health organizations. In addition, the organizations have denounced that, to date, there is no knowledge about whether or not health workers and other priority groups had yet received their dose or when they would be vaccinated or what vaccine would be used among those available in the country.¹⁸⁸ At October 22, 2021, according to PAHO figures, the country has provided a complete vaccination coverage to about 5% of the country's population, and at least one dose to 19.5% of the population. Therefore, there still remains at least 94.59% of the country's population requiring a complete plan.¹⁸⁹

108. Taking into consideration the preceding paragraphs, the Commission and SRESCER remind and call on the country to implement the recommendations made in IACHR resolutions 1/2020, 4/2020, and 1/2021, which provide a broad conceptual framework allowing government authorities to draw up, plan, and implement public policies and adopt measures that are needed to tackle the pandemic using a human rights approach.¹⁹⁰ This includes respecting the human rights of health professionals, who merit heightened protection in the context of a pandemic. In that respect, the IACHR and SRESCER reiterate their condemnation of the acts of harassment and persecution against workers of this sector and urge the Nicaraguan state to immediately cease these actions and ensure the effective protection of their rights. This includes giving special priority to their immunization with vaccines that are safe and effective against COVID-19.

109. Furthermore, the Commission and the SRESCER are keeping in mind that, in the context of implementing climate change mitigation and adaptation projects, difficulties in their implementation in the country had emerged. In that regard, the Special Rapporteurship took note of the case submitted in June 2021 to the Independent Redress Mechanism (IRM) of the Green Climate Fund (GCF) and accepted in July 21, 2021 by the Mechanism in its Eligibility Determination Report. In the same report, it is indicated that the redress claim refers to Project FP146 "Bio-CLIMA: Integrated climate action to reduce deforestation and strengthen resilience in the BOSAWÁS and Río San Juan Biospheres," a project in Nicaragua's Caribbean region. The project's principal objective is to restore degraded forest landscapes in the Bosawás and Río San Juan Biospheres and to promote sustainable land-use management and forest management. According to what is indicated by the Mechanism, the redress claim alleges that the project would be affecting the rights of indigenous and Afrodescendant peoples in the region, because there was no suitable consultation process conducted with the communities, although the project includes their prior, free, and informed consent. It should be underscored that the implementing agency is the Central American Bank for Economic Integration, which according to the persons filing the redress claim is not complying with GCF policies on transparency and access to information.¹⁹¹

¹⁸⁶ IACHR and SRESCER. [La CIDH y la REDESCA expresan su alarma por la escasez de información pública sobre la pandemia en Nicaragua, y exhortan al Estado a la implementación de medidas de prevención de la salud urgentes con sustento científico y con enfoque de derechos humanos](#), November 17, 2021.

¹⁸⁷ *La Prensa*. [Médicos no ven posible que el MINSA cumpla con el 70% de la población al cierre de este año](#) [Physicians do not believe it is possible for MINSA to cover 70% of population by end of year], July 2, 2021.

¹⁸⁸ COVID-19 Citizen Observatory in Nicaragua. [Informe Semanal del 14/10/2021 al 20/10/2021](#) [Weekly Report for October 14 to October 20, 2021], October 22, 2021.

¹⁸⁹ PAHO. COVID-19 Vaccine Tracker, updated to October 22, 2021.

¹⁹⁰ IACHR. Press release No. 309/21. [La CIDH y la REDESCA expresan su alarma por la escasez de información pública sobre la pandemia en Nicaragua, y exhortan al Estado a la implementación de medidas de prevención de la salud urgentes con sustento científico y con enfoque de derechos humanos](#) [IACHR and SRESCER express alarm at scarcity of public information on pandemic in Nicaragua and urge state to implement urgent science-based preventive health measures with a human rights approach], November 17, 2021.

¹⁹¹ Green Climate Fund (GCF). Independent Redress Mechanism (IRM). [Determinación de Elegibilidad: Caso C-0006-Nicaragua](#) [Eligibility Determination Report: Case C-0006-Nicaragua], July 21, 2021.

110. Regarding the right to education and, concretely, the right to academic freedom, the Commission and the SRESCER have received information about the politicization of universities and active discrimination against young persons who do not identify with the FSLN. Of particular interest is the April 26, 2021 siege of the campus of the Central American University (*Universidad Centroamericana—UCA*), where in the context of a commemoration of the third anniversary of the events of 2018 organized by university students and members of the civil society, reports were made about the intrusion, on the campus, of members of the police force dressed as civilians and pro-government paramilitary men and police searching motor vehicles and university students.¹⁹² Regarding this, the IACHR and the SRESCER urged the state of Nicaragua to guarantee the right to academic freedom and all related rights, without discrimination, for instructors and students in all centers of education.

111. On the one hand, civil society organizations have reported the expulsion of seven instructors and that one instructor was forced to hand in his resignation for having voiced opinions against the regime;¹⁹³ five of the seven instructors who were expelled belonged to the UNAN of León. On the other hand, there was a cutback of at least 6% of the faculty in certain public universities (such as UCA), which has led to the removal of certain degree programs and there is now, at most, one single full-time permanent instructor per university degree program.¹⁹⁴ Likewise, the IACHR and the SRESCER note that the UN Committee on ESCR pointed out as well their concern for the failings found in the quality of education, both in terms of the infrastructure and materials available and in terms of the contents of the teaching programs and teacher training, a situation that is even more serious in rural areas and the Caribbean coast.¹⁹⁵ They also share said Committee's concern about the curtailment of government funding for education and health, as well as high rates of school dropouts, and call on the state to take necessary measures to guarantee improvements in the quality of education and reductions in school dropout rates.¹⁹⁶

V. SITUATION OF GROUPS OF SPECIAL CONCERN

A. Human Rights Defenders

112. In 2021, the IACHR has recorded a steep escalation of acts of harassment, threats, aggression, intimidation, and arbitrary detentions against human rights defenders, social leaders, student leaders, political activists and their family members, in an obviously hostile environment because of the elections of November 7, and the widespread use of laws that the IACHR has reported are contrary to inter-American standards.

113. On the basis of information received this year, the IACHR notes as well that these acts of violence are mainly targeting persons who are beneficiaries of protection measures granted in the framework of the inter-American system and whose situation of higher risk and vulnerability has been extended and amplified in the current human rights crisis.

¹⁹² *Aula Abierta*. Executive summary: Siege of the campus of the Central American University (UCA) in Nicaragua on April 26, 2021, April 2021.

¹⁹³ *Aula Abierta*. Informe Preliminar: Violaciones a la libertad académica reunión pacífica y otros derechos de los universitarios nicaragüenses en el contexto preelectoral [Preliminary Report: Violations of the rights to academic freedom, peaceful assembly, and other rights of Nicaraguan university students in the preelection context], Vol. 1. May-July 2021.

¹⁹⁴ *Aula Abierta*. Informe Preliminar: Violaciones a la libertad académica reunión pacífica y otros derechos de los universitarios nicaragüenses en el contexto preelectoral [Preliminary Report: Violations of the rights to academic freedom, peaceful assembly, and other rights of Nicaraguan university students in the preelection context], Vol. 1. May-July 2021.

¹⁹⁵ United Nations Committee on Economic, Social and Cultural Rights. Concluding observations on the 5th periodic report of Nicaragua, October 15, 2021, E/C.12/NIC/CO/5, paras. 46 and 48.

¹⁹⁶ United Nations Committee on Economic, Social and Cultural Rights. Concluding observations on the 5th periodic report of Nicaragua, October 15, 2021, E/C.12/NIC/CO/5, para. 48; and *Expediente Público*, [Sector Educación en Nicaragua vuelve a ser castigado en su presupuesto](#) [Budget for education sector in Nicaragua is again punished], May 10, 2021.

114. In that context, on July 30, 2021, the IACHR condemned the arbitrary detention of María Oviedo, a human rights defender and member of the legal team of the Permanent Human Rights Commission (*Comisión Permanente de Derechos Humanos—CPDH*).¹⁹⁷ The family members of the defender indicated that no search or arrest warrant had been presented at the time of the detention. Nevertheless, a subsequent press release from the National Police confirmed she was being charged under Law No. 1055, cited above,¹⁹⁸ and then later under Article 30 of the Law on Cybercrimes. María Oviedo is currently the beneficiary of provisional measures granted by the Inter-American Court, in view of the long period of time she has been held incommunicado, the obstacles to filing appeals and appointing attorneys of her choice, as well as the deterioration of her health.¹⁹⁹ Likewise, on September 21, the IACHR condemned the arbitrary detention of Irving Larios, Director of the Social Research and Management Institute (*Instituto de Investigaciones y Gestión Social—INGES*) and member of the Social Movements Coordination (*Articulación de Movimientos Sociales—AMS-OSC*), after he was violently removed from his home by more than a dozen police officers and accused for reasons set forth in Article 1 of the Law No. 1055.²⁰⁰ These events occurred days after the AMS had called on the population to join the election boycott in order to protest the detention of precandidates and recent electoral reforms.²⁰¹

115. Furthermore, this new cycle of detentions has focused in particular on peasant and student leaders who participated in the protests that started with the crisis in 2018 and have openly identified themselves as opposing the government.²⁰² By virtue of the above, the IACHR condemned the arbitrary detention and the filing of formal charges against the members of the Peasant Movement of Nicaragua (*Movimiento Campesino de Nicaragua*), Medardo Mairena,²⁰³ Pedro Mena,²⁰⁴ and Freddy Navas,²⁰⁵ all of them for alleged violations of Law No. 1055. The IACHR granted precautionary measures for the benefit of the first two, taking into account that court orders or arrest warrants were not presented at the time of the detentions, that both were held incommunicado for an excessive period of time, that the special hearings were held in “secret” and without any legal defense of their choice, and that food and medicines were prevented from being

¹⁹⁷ #Nicaragua #CIDH/#MESENI IACHR MESENI condemns the detention of María Oviedo, human rights defender and member of CPDH Nicaragua, occurring on July 29 (#DerechosHumanos, @cpdhnicaragua, #29jul). 1. Twitter account of IACHR (@CIDH), posted on July 30, 2021 [publicación del 30 de julio de 2021](#).

¹⁹⁸ National Police. [Nota de Prensa No. 212.2021](#) [Press release No. 212.2021]. July 29, 2021.

¹⁹⁹ I/A Court H.R. Resolution of October 14, 2021, Provisional measures with respect to Nicaragua, [Asunto Integrantes del Centro Nicaragüense de Derechos Humanos y de la Comisión Permanente de Derechos Humanos \(CENIDH-CPDH\)](#) [Matter of Members of the Nicaraguan Human Rights Center and the Permanent Human Rights Commission (CENIDH-CPDH)], paras. 5-7 and 13.

²⁰⁰ #Nicaragua #CIDH/#MESENI IACHR MESENI condemns the detention of Irving Larios Sánchez of Social Movements Coordination (@ArticulacionNic), according to police report of September 20 (#20septiembre), on the basis of Law 1055 on the Defense of the Right of the People to Independence, Sovereignty, and Self-Determination for Peace. Twitter account of IACHR (@CIDH) posted on September 21, 2021, [publicación del 21 de septiembre de 2021](#).

²⁰¹ AMS-OSC. Report on stalking and kidnapping of members of the Social Movements Coordination, September 30, 2021; *Confidencial, Policía detiene y allana la vivienda de Irving Larios, presidente del INGES* [Police detain and forcibly enter and search the house of Irving Larios, president of INGES], September 20, 2021; and *Artículo 66, Policía detiene a opositor Irving Larios miembro de la Articulación de Movimientos Sociales* [Police detains dissident Irving Larios, member of Social Movements Coordination], September 20, 2021.

²⁰² IACHR. Press release No. 171/2021, [Nicaragua: CIDH y OACNUDH urgen poner fin a las detenciones arbitrarias y a liberar a todas las personas detenidas desde el inicio de la crisis](#) [IACHR and OHCHR Demand an End to Arbitrary Arrests and the Release of All Individuals Detained Since the Start of the Crisis in Nicaragua], July 9, 2021.

²⁰³ *France 24*. [El líder campesino Medardo Mairena, el sexto aspirante presidencial detenido en Nicaragua](#) [Peasant leader Medardo Mairena, the sixth presidential hopeful detained in Nicaragua], July 6, 2021; and *El País*, [Ortega encarcela a líderes estudiantiles y del movimiento campesino en Nicaragua](#) [Ortega jails student and peasant movement leaders in Nicaragua], July 6, 2021.

²⁰⁴ #Nicaragua #CIDH IACHR voices its concern over formal charges brought against defender María Oviedo and peasant leader Pedro Mena for the crime of plotting to undermine the country's integrity and spreading fake news via technologies. Twitter account of IACHR (@CIDH), posted on September 24, 2021, [publicación del 24 de septiembre de 2021](#).

²⁰⁵ IACHR. Press release No. 220/2021, [La CIDH solicita a la Corte IDH ampliación de medidas provisionales a favor de Lesther Lenin Alemán Alfaro y Freddy Alberto Navas López, y a su núcleo familiar](#), ante extrema situación de riesgo en Nicaragua [IACHR Asks Inter-American Court of Human Rights to Extend Temporary Protection Measures in Favor of Lesther Lenin Alemán Alfaro and Freddy Alberto Navas López and Their Families, Given the Extreme Risk They Face in Nicaragua], August 25, 2021.

received in their detention centers.²⁰⁶ As for Freddy Navas, the Commission requested the Inter-American Court to extend the provisional measure for his benefit, because of its identification of a situation of “extreme” risk, characterized by the absence of information on his well-being or current whereabouts and adequate observance of his right to a fair trial.²⁰⁷

116. Regarding the student leaders, the IACHR condemned the detention of Lester Aleman, from the University Movement of Nicaragua (*Movimiento Universitario de Nicaragua*), and Max Isaac Jerez, from the Nicaraguan University Alliance (*Alianza Universitaria Nicaragüense*). The Commission identified the same pattern of violations examined previously in the situation of university leaders.²⁰⁸

117. It is also concerned over the situation of defenders of the human rights of indigenous peoples, who reported an escalation in harassment, threats, assaults, and criminalization by state agents and third parties, as well as the high level of impunity with respect to investigating these incidents.²⁰⁹ In that context, the Commission condemned the accusation and arrest warrant issued by the National Police against Amaru Ruiz, Director of El Río Foundation, for broadcasting public statements via online media defending the indigenous peoples and Afrodescendant communities of the Caribbean Coast against third parties, which were labelled as “spreading fake news” which is punishable according to Article 30 of the Law on Cybercrimes.²¹⁰ Likewise, members of CEJUDHCAN reported having received threats via online media and informed about the development of actions to discredit their actions of defense with the argument that they lack the legitimacy to represent their interests and that their intention is to divide them and create disinformation inside their communities.²¹¹

²⁰⁶ IACHR. Press release No. 267/2021, [La CIDH amplía medidas cautelares a favor de Medardo Mairena y Pedro Mena, líderes del Movimiento Campesino, en Nicaragua](#) [IACHR Extends Precautionary Measures in Favor of Peasant Leaders Medardo Mairena and Pedro Mena in Nicaragua], October 7, 2021.

²⁰⁷ IACHR. Press release No. 220/2021, [La CIDH solicita a la Corte IDH ampliación de medidas provisionales a favor de Lester Lenin Alemán Alfaro y Freddy Alberto Navas López, y a su núcleo familiar](#), ante extrema situación de riesgo en Nicaragua [IACHR Asks Inter-American Court of Human Rights to Extend Temporary Protection Measures in Favor of Lester Lenin Alemán Alfaro and Freddy Alberto Navas López and Their Families, Given the Extreme Risk They Face in Nicaragua], August 25, 2021.

²⁰⁸ Max Isaac Jerez was held incommunicado for about 57 days. During the only family visit he was allowed after this period of time, the university leader reported having been subjected to inadequate confinement conditions because of the lack of adequate food and quality hygiene and sanitation services, as well as other articles to take care of his health. Likewise, despite the death of his mother, he was not granted permission to leave to attend the funeral and pay his respects. In the case Lester Aleman, information was obtained about the beneficiary’s critical health condition and the prolonged period of time he was held incommunicado, leading the IACHR to qualify his risk situation as “extreme” and motivating the Inter-American Court to grant him provisional measures on September 9, 2021. IACHR. [Resolución 83/2021](#), Resolution 83/2021, Precautionary Measures Nos. 761-21 and 856-21 regarding Nicaragua, Case of Mauricio José Díaz Dávila and Max Isaac Jerez Meza, paras. 25-28; IACHR, Press release No. 220/2021, [La CIDH solicita a la Corte IDH ampliación de medidas provisionales a favor de Lester Lenin Alemán Alfaro y Freddy Alberto Navas López, y a su núcleo familiar](#), ante extrema situación de riesgo en Nicaragua [IACHR Asks Inter-American Court of Human Rights to Extend Temporary Protection Measures in Favor of Lester Lenin Alemán Alfaro and Freddy Alberto Navas López and Their Families, Given the Extreme Risk They Face in Nicaragua], August 25, 2021; and I/A Court H.R. [Resolución de 9 de septiembre de 2021](#), Order of September 9, 2021, Ratification, expansion, and monitoring of provisional measures, Matter of Juan Sebastián Chamorro and others regarding Nicaragua.

²⁰⁹ CALPI. Gross Human Rights Violations of the Miskitu and Mayangna Indigenous Peoples in Autonomous Region of the North Caribbean Coast (RACCN) of Nicaragua], June 21, 2021; I/A Court H.R. [Supervisión de Cumplimiento de Sentencia](#) [Monitoring Compliance with Judgment]. Case of Acosta et al. v. Nicaragua, March 16, 2021; and AMS-OSC, Report on stalking and kidnapping members of the Social Movements Coordination (*Articulación de Movimientos Sociales*), September 30, 2021.

²¹⁰ #Nicaragua #CIDH y @RELE_CIDH IACHR and RFOE condemn charges and detention order against Amaru Ruiz, defender and president of Fundación del Río, for the alleged crime of spreading fake news, in compliance with the Special Law on Cybercrimes, filed on September 8 #8Sep. Twitter account of IACHR (@CIDH), [publicación del 13 de septiembre de 2021](#), posted on September 13, 2021; and *La Prensa*, [“Fiscalía acusa a Sergio Ramírez y a Amaru Ruiz”](#) [Prosecution Office brings charges against Sergio Ramírez and Amaru Ruiz], September 8, 2021.

²¹¹ IACHR. 179 period of sessions, [Audiencia Temática](#): Thematic Hearing: Impact of colonization on indigenous territories of the Atlantic Coast in Nicaragua, March 18, 2021; and additional information provided to the Thematic Hearing of the 179 period of sessions: Impact of colonization on indigenous territories of the Atlantic Coast in Nicaragua, April 6, 2021.

118. In 2021, a substantial rise in frequent acts of harassment and threats against human rights defenders has been recorded.²¹² In particular, the case of the Mothers of April Association (*Asociación de Madres de Abril—AMA*) is noteworthy, as they sustained aggression from the police, as well as the seizure of commemorative books, during the event commemorating the crisis that started in April 2018. Days after these events, a group of about 40 police officers appeared at the home of Francys Valdivia, president of the association, to prevent a memorial mass for her deceased brother from being said. As a result of this intervention, the chair of the association and her family members were detained by the police. When attempting to report these incidents in the offices of CENIDH, several police officers arrived in patrol cars to prevent the complaint about these incidents from being filed.²¹³ By virtue of this and other incidents of harassment, threats, and aggression, the IACHR decided to grant urgent protection measures for the benefit of Francys Valdivia and her nuclear family.²¹⁴

119. In the days prior to and during the November 7 elections, the IACHR also received reports and testimonies on acts of harassment, threats, forcible entries and searches, and arbitrary detentions against human rights defenders, social leaders, and political activists in retaliation for protest actions and calls to not vote, in view of current political and social circumstances.²¹⁵ In addition, complaints have been received about the enforcement of other measures that hamper human rights defenders, social leaders, and political activists from fully exercising their civil and political rights, among which the rights to freedom of movement and to choose one's residence, owing to restrictions on obtaining driving licenses, the seizure of documents, and the withholding of travel documents to prevent them from leaving the country, as well as other obstacles to gain access to sources of work, health or education services in government institutions and to participate in the state's political life, for example, by banning them from presenting their candidacies to public office.²¹⁶

120. Finally, the IACHR is concerned about the continuation of speeches and public statements coming from the state's highest authorities, aimed at smearing and discrediting activities defending and protecting rights. Among these, reports were made about the frequent name-calling by the Vice-President and President of the Republic against the country's defenders and political prisoners.²¹⁷ The IACHR reiterates that

²¹² IACHR. Press release No. 152/2021, [La CIDH condena el grave escalamiento de la represión en Nicaragua](#) [IACHR Condemns the Serious Escalation of Repression in Nicaragua], June 18, 2021; UN, 48th session of the Human Rights Council, [Actualización oral sobre la situación de derechos humanos en Nicaragua](#) [Oral update on the human rights situation in Nicaragua], September 13, 2021; and OAS, Secretariat for Strengthening Democracy, [Informe Elecciones en Nicaragua](#) [Report on Elections in Nicaragua], November 9, 2021.

²¹³ IM-Defensoras. [Policía Nacional intensifica campaña de hostigamiento y ataques contra integrantes de la Asociación Madres de Abril y CENIDH](#) [National Police escalate campaign of harassment and attacks against members of the Mothers of April Association and CENIDH], April 24, 2021; and OMCT, [Nicaragua: Tres años de ataques al derecho a defender derechos humanos](#) [Three years of attacks on the right to defend human rights], May 7, 2021.

²¹⁴ IACHR. Press release No. 210/2021, [La CIDH amplía medidas cautelares a favor de Francis Valdivia Machado y su núcleo familiar en Nicaragua](#) [IACHR Extends Precautionary Measures in Favor of Francys Valdivia Machado and Her Family in Nicaragua], August 11, 2021.

²¹⁵ IACHR. Press release No. 300/2021, [La CIDH condena las violaciones a los derechos humanos denunciadas durante las elecciones en Nicaragua](#) [IACHR Condemns Human Rights Violations Reported During Elections in Nicaragua], November 10, 2021; *Swiss Info*, [Observatorios reportan 35 detenidos en contexto electoral de Nicaragua](#) [Observatories report 35 detained in electoral race in Nicaragua], November 12, 2021; and CENIDH, Report: There were no elections in Nicaragua, November 2021.

²¹⁶ IACHR. Press release No. 171/2021, [Nicaragua: CIDH y OACNUDH urgen poner fin a las detenciones arbitrarias y a liberar a todas las personas detenidas desde el inicio de la crisis](#) [IACHR and OHCHR Demand an End to Arbitrary Arrests and the Release of All Individuals Detained Since the Start of the Crisis in Nicaragua], July 9, 2021; AMS-OSC, Report on stalking and kidnapping of members of the Social Movements Coordination, September 30, 2021; *Swiss Info*, "[Defensor de DD.HH. denuncia retención migratoria 'arbitraria' en Nicaragua](#)" [Human rights defender reports 'arbitrary' blocking of migration in Nicaragua], August 6, 2021. In one of the cases reviewed, it was reported that, in a public hospital, timely medical care was denied to the spouse of one of the beneficiaries requiring childbirth assistance services. IACHR. [Resolución 65/2021](#). Resolution 65/2021, Precautionary Measures No. 444-21, Case of Douglas Antonio Villanueva Sandoval, Cindy Mariana Mejía Tercero, and son regarding Nicaragua, August 23, 2021, para. 17.

²¹⁷ IACHR. Press release No. 300/2021, [La CIDH condena las violaciones a los derechos humanos denunciadas durante las elecciones en Nicaragua](#) [IACHR Condemns Human Rights Violations Reported During Elections in Nicaragua], November 10, 2021. The organization AMS-OCS took note of the name-calling used against defenders, social and student leaders, and political activists in public statement by the Vice-President: "pussies, bacteria, worms, termites, terrorists, traitors, bootlickers of the empire, wretched, plagues,

repeated statements stigmatizing them contribute to exacerbating the climate of hostility and intolerance from different sectors of the population, which could adversely affect the life and personal integrity of human rights defenders. Therefore, it urges government officials to refrain from making declarations that smear or suggest that the organizations are acting erroneously or unlawfully, merely because they engage in activities promoting and defending human rights.²¹⁸

121. The Inter-American Commission has repeatedly pointed out that human rights defenders provide key contributions to ensure the functioning and consolidation of democratic societies. Respect for human rights in a democratic state largely depends on effective and adequate guarantees that people can enjoy to engage freely in their activities.²¹⁹ The IACHR has also indicated that defenders need to exercise the necessary social monitoring of government officials and democratic institutions, in which they “play an irreplaceable role in building a solid and lasting democratic society.”²²⁰ In that regard, acts of violence and other attacks against human rights defenders not only affect the guarantees inherent to every human being, but also undermine the key role they play in society and plunge into defenseless all those persons for whom they work. Because of the above, the IACHR once again reiterates to the state of Nicaragua its duty to protect defenders when their life and personal integrity are at risk and that it must adopt an effective and exhaustive preventive strategy in order to avoid attacks.²²¹

122. Furthermore, the IACHR observes with alarm the amplification of administrative and legislative obstacles and measures to prevent the sustainable functioning and effectiveness of civil society organizations defending human rights and institutions that provide basic humanitarian services in Nicaragua. In particular, this year, as of the closing date of this report the Commission has recorded at least 45 cases in which the legal status of organizations has been removed, and there has been complaints and testimonies about the arbitrary seizure and reconversion of their premises and assets, although there are court proceedings that are still pending, and other administrative obstacles to regularizing their legal situation. These incidents have been facilitated by the practical enforcement of Law No. 1040, Law Governing Foreign Agents, along with other statutes,²²² contrary to inter-American standards because they seek to curtail democratic debate and undermine the rights to freedom of expression, assembly and association, participation in public affairs, protest, and the right to defend rights.²²³

123. In that context, on July 29, the IACHR condemned²²⁴ the removal of the legal status of 24 civil society organizations by the State National Assembly, which instructed the agencies of the Ministry of the Interior to remove their registration within 72 hours at the latest and then to proceed with the liquidation of

nothings, fungi, coup leaders, a scourge, criminals, vandals, among others”; and AMS-OSC, Report on the stalking and kidnapping of members of the Social Movements Coordination, September 30, 2021, Chapter II: Review of Context and Record of Incidents.

²¹⁸ IACHR. [Graves violaciones a los derechos humanos en el marco de las protestas sociales en Nicaragua](#) [Gross Human Rights Violations in the Context of Social Protests in Nicaragua], OEA/Ser.L/V/II, Doc. 86, June 21, 2018. Recommendation 10.

²¹⁹ IACHR. Report on the Situation of Human Rights Defenders in the Americas, OEA/Ser.L/V/II.124 Doc. 5 rev. 1, March 7, 2006, paras. 20-41; and IACHR. Human Rights Situation in Honduras, OEA/Ser.L/V/II. Doc. 42/15, December 31, 2015, para. 58.

²²⁰ IACHR. Report on the Situation of Human Rights Defenders in the Americas, OEA/Ser.L/V/II.124 Doc. 5 rev. 1, March 7, 2006, para. 23; and IACHR. Criminalization of the Work of Human Rights Defenders, OEA/Ser.L/V/II. Doc. 49/15, December 31, 2015, para. 22.

²²¹ IACHR. [Graves violaciones a los derechos humanos en el marco de las protestas sociales en Nicaragua](#) [Gross Human Rights Violations in the Context of Social Protests in Nicaragua], OEA/Ser.L/V/II, Doc. 86, June 21, 2018, paras. 262 and 263.

²²² Law No. 147, General Law on Nonprofit Legal Entities; Law No. 977, Law against Money Laundering, Financing Terrorism, and Financing the Proliferation of Weapons of Mass Destruction; and the Statutory Framework for the Department of Associations for the Regulation and Oversight of Nonprofit Organizations.

²²³ IACHR. Press release No. 043/2021, [La CIDH rechaza la Ley de Agentes Extranjeros en Nicaragua y llama al Estado de Nicaragua a su derogación](#) [IACHR Rejects Nicaragua’s Foreign Agents Act and Calls on the State to Repeal it], February 26, 2021; and OAS. Secretariat for Strengthening Democracy, [Informe Elecciones en Nicaragua](#) [Report on Elections in Nicaragua], November 9, 2021.

²²⁴ #NicaraguanI #CIDH IACHR condemns the removal of the legal status of 24 civil society organizations, including medical associations of different specializations, as decreed by the National Assembly on July 28 @AsambleaNi el #28julio. #DerechosHumanos 1. Twitter account of IACHR (@CIDH), posted on July 29, 2021, [publicación del 29 de julio de 2021](#).

their assets in accordance with the law.²²⁵ Among the arguments presented, it was indicated that the organizations acted “outside the law and against statutory law,” that they were “without any presiding authorities” because the time-limits for establishing their boards of directors had expired, and that they had not reported information on their financial statements “with a detailed breakdown of items” in the agreements signed with their donors, their projects, and the activities they have carried out to ascertain their social impact. The impacted organizations for the most part belong to medical sector associations, among which the Nicaraguan Medical Association, which has posted several press releases questioning the health strategy taken by the government to tackle the COVID-19 crisis.²²⁶ Afterwards, on August 18²²⁷ and 28,²²⁸ the IACHR condemned the cancellation of 21 other civil society organizations, also through a resolution passed by the Legislative Assembly. Regarding this, in the report submitted by the Ministry of the Interior to endorse its decision, it was indicated that the affected organizations had not provided their identity documents and the origin of their donors, precise address and phone number, among other details, thus hampering said Ministry from doing its monitoring and oversight as it could not identify the regulatory bodies and their legal representatives.²²⁹

124. In addition, the IACHR was apprised of the administrative obstacles being encountered by civil society organizations attempting to regularize their legal status and adapt to the state’s statutory framework. The organization CPDH, for example, reported that, since 2020, it has been attempting to register in conformity with the provisions of the Law on Foreign Agents, but it was not able to do so because it was requested to meet requirements in addition to those set forth in the Law, and letters and petitions addressed to Ministry of the Interior agencies have been blocked.²³⁰ Other organizations that were subject to removal of their legal status also reported obstacles to submit information or receive certifications from said entity.²³¹ These actions increase the risk of this and other organizations under similar circumstances of being sanctioned in the future for the alleged unwillingness to comply with the law currently in force.

125. Finally, this year information was also received about the destruction, seizure, and occupation of properties and assets arbitrarily impounded from organizations affected by decisions to remove their legal status. Several human rights organizations, among which CENIDH, the Segovias Leadership Institute (*Instituto de Liderazgo de las Segovias—ILLS*), and the El Río Foundation, reported that their premises were demolished

²²⁵ National Assembly. Decree No. 8759, [Decreto de cancelación de personerías jurídicas](#) [Decree removing legal status], July 28, 2021.

²²⁶ *CNN Latinoamérica*. [La Asamblea Nacional de Nicaragua cancela la personería jurídica a 24 organismos civiles, incluidas asociaciones médicas](#) [Nicaragua’s National Assembly removes the legal status of 24 civil organizations, including medical associations], July 28, 2021; and *Confidencial*, [Orteguismo pretende desaparecer 24 ONG y mayoría son médicas](#) [Ortega regime intends to eliminate 24 NGOs and most are medical], July 25, 2021.

²²⁷ #Nicaragua #CIDH y su #REDESCA IACHR and SRESCER condemn August 16 removal of legal status of six civil society organizations providing humanitarian aid, promoting human rights, working on poverty abatement, among others (#16agosto, #DDHH). 1. Twitter account of IACHR (@CIDH), posted on August 18, 2021, [publicación del 18 de agosto de 2021](#)

²²⁸ #Nicaragua #CIDH y su @DESCA_CIDH IACHR and SRESCER condemn removal of legal status of 15 civil society organizations as decreed by the Legislative Assembly on August 26 (#26agosto). Some of them are working for community development and promoting ESCERs (#DESCA) throughout the country. 1. Twitter account of IACHR (@CIDH), posted on August 28, 2021, [publicación del 28 de agosto de 2021](#)

²²⁹ National Assembly. Press release, [Cancelan personalidades jurídicas a 15 organizaciones civiles sin fines de lucro](#) [Legal status of 15 nonprofit civil society organizations has been removed], August 26, 2021; *100% Noticias*. [Régimen en Nicaragua cancela a seis ONG internacionales por supuestamente incumplir con Ley contra el Lavado de Activos](#) [Regime in Nicaragua eliminates six international NGOs allegedly for failing to comply with Law against Money Laundering], August 16, 2021; and *CNN Latinoamérica*, [Asamblea Nacional de Nicaragua cancela personería de 15 ONG por supuesta transgresión de normas](#) [Nicaragua’s National Assembly removes legal status of 15 NGOs for allegedly breaking the law], August 26, 2021.

²³⁰ IACHR. Press release No. 043/2021, [La CIDH rechaza la Ley de Agentes Extranjeros en Nicaragua y llama al Estado de Nicaragua a su derogación](#) [IACHR Rejects Nicaragua’s Foreign Agents Act and Calls on the State to Repeal it], February 26, 2021; and CPDH, Situation Report: Law on Foreign Agents, Law No. 1040, and Law on Nonprofit Civil Associations, Law No. 147, February 5, 2021.

²³¹ *Confidencial*. “Seis meses de la ley de ‘agentes extranjeros’: oenegés ‘mueren suavemente’ en Gobernación” [Six months after enactment of the ‘foreign agents’ law: NGOs ‘die quietly’ in Interior Ministry], May 3, 2021; and *Confidencial*. [Diputados del FSLN cancelan la personería jurídica de 24 oenegés](#) [Congresspersons of FSLN withdraw legal status of 24 NGOs], July 28, 2021.

or refurbished to provide public services or converted into police stations and military posts, although there still were constitutional and court proceedings pending settlement.²³² This situation constitutes a gross violation of their right to freedom of association and the rights to due process of law and judicial protection.

126. Because of the above-mentioned facts, the IACHR confirms the forecasts carried out in its preceding report on the punitive and chilling character of Law No. 1040, the Law Governing Foreign Agents, which is now operating jointly with other national legislative provisions.²³³ The facts described previously highlight the state's intention to use any mechanism whatsoever to constrain public debate and thwart civil society's democratic participation in the domestic affairs of the state. Enforcement of the law has inhibitory effects on actions to file complaints, defend human rights, and provide services by those civil society organizations that receive support or funding from abroad to achieve their social or humanitarian objectives.²³⁴

127. In practice, enforcement of Law No. 1040, along with the disproportionate penalties set in said statute, constitutes a gross violation of the rights to freedom of association, freedom of expression, to take part in public affairs, to protest and defend human rights, among others. Likewise, the exercise of these rights, in particular the right to freedom of expression, acquires special importance in the context of general elections where a plural debate and critical discussions about the capability and suitability of the candidates are indispensable for shaping the collective will.²³⁵ In any case, the IACHR recalls that any direct or indirect restriction on the exercise of the right to freedom of association, in addition to being provided for in law, must pursue a legitimate end and must also be necessary and proportional in the framework of a democratic society.²³⁶

Women Defenders of Human Rights

128. The IACHR observes that acts of violence, threats, aggression, harassment, and surveillance witnessed during the period under review have been committed, for the most part, against women defenders of human rights because of the leading role they play in defending human rights in Nicaragua, which, in turn, exposes them to differentiated gender-based risks as examined below.

129. According to information from the Meso-American Initiative of Women Defenders of Human Rights (*Iniciativa Mesoamericana de Mujeres Defensoras de Derechos Humanos—IM-Defensoras*), in the first quarter of the year alone, about 540 acts of aggression against women defenders were recorded.²³⁷ Among these incidents, the one referred to earlier is noteworthy regarding the disproportionate repression by the National Police and alleged paramilitary groups against the members of the April Mothers Association (AMA) during the commemoration of the third anniversary of the protests of April 2018. During the detentions, the IACHR was apprised of possible acts of gender-based violence and degrading treatment against the detained

²³² IACHR. Press release No. 030/2021, [La CIDH condena los actos de destrucción sobre bienes de organizaciones civiles en Nicaragua](#) [IACHR Condemns Destruction of Civil Organizations' Property in Nicaragua], February 8, 2021; and ILLS, Informe sobre el Estado de la Usurpación de la Fundación para los derechos humanos Instituto de Liderazgo de Las Segovias por parte de la dictadura Ortega Murillo en Nicaragua [Report on the misappropriation of the human rights foundation Las Segovias Leadership Institute by the Ortega-Murillo dictatorship in Nicaragua], February 8, 2021.

²³³ IACHR. [Informe Anual 2020, Capítulo IV. B Nicaragua](#) [Annual Report 2020, Chapter IV.B Nicaragua], OEA/Ser.L/V/II. Doc. 28, March 30, 2021, paras. 141-143.

²³⁴ IACHR. Press release No. 043/2021, [La CIDH rechaza la Ley de Agentes Extranjeros en Nicaragua y llama al Estado de Nicaragua a su derogación](#) [IACHR Rejects Nicaragua's Foreign Agents Act and Calls on the State to Repeal it], February 25, 2021.

²³⁵ I/A Court H.R. Case of Ricardo Canese v. Paraguay. Merits, reparations, and costs. Judgment of August 31, 2004, Series C No. 111, paras. 87 and 88.

²³⁶ IACHR. Press release No. 265/18, [CIDH condena la cancelación de la personalidad jurídica de organizaciones de derechos humanos en Nicaragua](#) [IACHR Condemns Cancellation of the Legal Personality of Human Rights Organizations in Nicaragua], December 13, 2018.

²³⁷ IM-Defensoras. "[Policía Nacional intensifica campaña de hostigamiento y ataques contra integrantes de la Asociación Madres de Abril y CENIDH](#)" [National Police escalate campaign of harassment and attacks against members of the Mothers of April Association and CENIDH], April 24, 2021.

women. In particular, the women were required to undress and do squats naked in front of other police officers. It was also reported that they had received multiple threats and acts of surveillance before, during, and after detention, leading the organization's president to move from her home.²³⁸

130. The IACHR also condemned, and received information about, other detentions carried out by the state against the women defenders María Oviedo, indicated earlier, and Danelia del Rosario Argüello Cano, beneficiary of precautionary measures.²³⁹ The Commission recently was apprised of the detention of the activist Samantha Padilla who is a political activist and journalist.²⁴⁰ In addition, on November 18, the Commission was informed of the situation of isolation of Dora María Téllez, Tamara Dávila, Ana Margarita Vijil, and Suyén Brahona punished by being placed in solitary confinement prison cells for more than 159 days.

131. Furthermore, the IACHR also observes with concern the removal of the legal status of civil society organizations that have a long track record defending the human rights of women, among which the Association of the Matagalpa Women's Collective (*Asociación Colectivo de Mujeres de Matagalpa*), the Oyanka Association of Jalapa Women against Violence (*Asociación de Mujeres de Jalapa contra la Violencia Oyanka*), and the Foundation between Volcanoes (*Fundación Entre Volcanes*).²⁴¹ Said measures constitute gross violations of these organizations' rights to association and freedom of expression and constitute an undermining of the valuable support and protection provided by civil society for the benefit of women, girls, and adolescents victims of gender-based violence and discrimination or who suffer from conditions of structural inequality in Nicaragua.

132. The IACHR recalls that acts against women defenders exerts a differentiated impact, in view of the degree of their vulnerability because of the conditions of historical discrimination they have sustained and the impact of gender stereotypes on their role in society.²⁴² The Commission has also noted that, in addition to the multiple vulnerabilities they encounter because of their gender and other intersectional factors, women defenders are exposed to an incremental risk of suffering from acts of violence, threats, harassment, assaults, and other violations of the right to live a life without violence, especially in militarized contexts and countries immersed in conflict.²⁴³ Regarding this, the IACHR has been emphatic about urging the state to fulfill its obligations to eliminate structural risk factors encountered by women, as well as its duty to protect and ensure reinforced due diligence when investigating incidents of violence against women journalists and human rights defenders to guarantee their human rights, as well as their activities, which are key for the development of democracy and the rule of law.²⁴⁴

²³⁸ IACHR. Resolution 60/2021, [Ampliación de Medidas Cautelares respecto de Nicaragua, Francis Valdivia Machado y su núcleo familiar respecto de Nicaragua](#) [Extending Precautionary Measures to Francys Valdivia Machado and her family regarding Nicaragua], August 7, 2021, paras. 18-21.

²³⁹ IACHR. Resolution 27/2021, Extending Precautionary Measures regarding Nicaragua, [Asunto Danelia del Rosario Argüello Cano y su núcleo familiar respecto de Nicaragua](#) [Case of Danelia del Rosario Argüello Cano and her family regarding Nicaragua], March 14, 2021.

²⁴⁰ IM-Defensoras. [Civiles motorizados y armados detienen ilegalmente a la activista Samantha Padilla y la trasladan a Estación de policía](#) [Motorized and armed civilians unlawfully detain the activist Samantha Padilla and take her to the police station], November 10, 2021; and *La Prensa*. [Fiscalía acusa a Samantha Jirón. En calidad de víctima figura la sociedad nicaragüense y el Estado](#) [Office of the Prosecutor charges Samantha Jirón. Nicaraguan society and state appear as victims in the case], November 14, 2021.

²⁴¹ Im-Defensoras. ["Gobierno nicaragüense cancela la personería jurídica de otras tres organizaciones feministas"](#) [Nicaraguan government removes legal status of three other feminist organizations], August 27, 2021; and *Nicaragua Investiga*. ["Cancelación de personalidad jurídica a colectivo de mujeres no detendrá trabajo contra la violencia"](#) [Removal of legal status of women's collective shall not stop them from working against violence], September 22, 2021.

²⁴² IACHR. [Informe sobre la Situación de las Defensoras y Defensores de Derechos Humanos en las Américas](#) [Report on the Situation of Human Rights Defenders in the Americas], OEA/Ser.L/V/II.124. Doc. 5 rev.1, March 7, 2006, para. 46.

²⁴³ IACHR. [Violencia y discriminación contra mujeres, niñas y adolescentes: Buenas prácticas y desafíos en América Latina y en el Caribe](#) [Violence and Discrimination against Women and Girls: Best Practices and Challenges in Latin America and the Caribbean], OEA/Ser.L/V/II. Doc. 233, November 14, 2019, para. 127.

²⁴⁴ IACHR. Towards Effective Integral Protection Policies for Human Rights Defenders. OEA/Ser.L/V/II. Doc. 207/17. December 29, 2017.

133. Because of the above, the IACHR has pointed out that the state must guarantee the right of human rights defenders to carry out their work without fear of retaliation and undue pressure. The state must also implement prevention strategies and urgent, comprehensive protection measures that are specialized and culturally adequate, with an intersectional perspective, to ensure that women can carry out their work of protecting human rights, political participation and representation, and exercise their right to freedom of expression and opinion, without any form of violence or discrimination.²⁴⁵

B. Indigenous Peoples and Afrodescendants of the Caribbean Coast of Nicaragua

134. The Inter-American Commission has continued to monitor and permanently examine the situation of the indigenous peoples and Afrodescendants of the Caribbean Coast of Nicaragua, especially with respect to their historical grievances with regard to their ancestral territories and other incidents of violence that have escalated again and worsened, because of extractive industry activities in indigenous territories and the climate of systematic impunity in which these human rights violations have remained, in the context of the serious human rights crisis affecting the country since April 2018.

135. This year, the IACHR observes an escalation of the violence against the communities because of encroachment on their ancestral territories by colonizers and third parties, who acted with the acquiescence and tolerance of the state and the incentives of the private sector.²⁴⁶ As a result of these events, in 2021, at least 13 indigenous persons had been killed and 8 seriously injured.²⁴⁷ According to information provided to the IACHR, since 2011 up until now, the following has been recorded: 61 indigenous persons killed, 49 assaults resulting in severe injuries against members of the communities, 46 kidnappings, and 4 persons disappeared.²⁴⁸ According to information provided about the context of violence, the attacks were perpetrated by economic interest groups linked to mining activities, especially gold mining, as well as logging and livestock activities.²⁴⁹ Since the harassment started, organizations have reported that more than 3,000 indigenous persons have been displaced from their territories.²⁵⁰

136. In connection with the violent events of 2021, on January 22, the Commission received reports, via the MESENI, of the attack perpetrated by colonizers with high-caliber firearms against the Karah Wilú Community, on the hill of Tubuyna, located in Mayangna Sauni As territory close to the Tuybangkana, Musawas, and Alal communities. According to reports received and public information, three indigenous Mayangna forest rangers were injured by colonizers who presumably had entered said indigenous territory in

²⁴⁵ IACHR. [Violencia y discriminación contra mujeres, niñas y adolescentes: Buenas prácticas y desafíos en América Latina y en el Caribe](#) [Violence and Discrimination against Women and Girls: Best Practices and Challenges in Latin America and the Caribbean], OEA/Ser.L/V/II. Doc. 233, November 14, 2019, para. 130.

²⁴⁶ In connection with the attacks in 2021, the IACHR received the following report: CALPI. [Graves Violaciones a los Derechos Humanos de los Pueblos Indígenas Miskitu y Mayangna en la Región Autónoma de la Costa Caribe Norte \(RACCN\) de Nicaragua](#) [Gross Human Rights Violations of the Miskitu and Mayangna Indigenous Peoples in Autonomous Region of the North Caribbean Coast (RACCN) of Nicaragua], June 21, 2021.

²⁴⁷ CALPI. [Graves Violaciones a los Derechos Humanos de los Pueblos Indígenas Miskitu y Mayangna en la Región Autónoma de la Costa Caribe Norte \(RACCN\) de Nicaragua](#) [Gross Human Rights Violations of the Miskitu and Mayangna Indigenous Peoples in Autonomous Region of the North Caribbean Coast (RACCN) of Nicaragua], June 21, 2021, pp. 15 and 16; and additional information provided by civil society to the IACHR. September 28, 2021, pp. 9 and 10.

²⁴⁸ Additional information provided by civil society to the IACHR, September 28, 2021, p. 9.

²⁴⁹ CALPI. [Graves Violaciones a los Derechos Humanos de los Pueblos Indígenas Miskitu y Mayangna en la Región Autónoma de la Costa Caribe Norte \(RACCN\) de Nicaragua](#) [Gross Human Rights Violations of the Miskitu and Mayangna Indigenous Peoples in Autonomous Region of the North Caribbean Coast (RACCN) of Nicaragua], June 21, 2021, pp. 8-10; additional information provided by civil society to the IACHR, September 28, 2021, p. 6; and CEJIL, OMCT, Race & Equality, CALPI, and Oakland Institute. Additional information provided to the Thematic Hearing of 179 period of sessions, April 6, 2021, pp. 12-18.

²⁵⁰ CALPI. [Graves Violaciones a los Derechos Humanos de los Pueblos Indígenas Miskitu y Mayangna en la Región Autónoma de la Costa Caribe Norte \(RACCN\) de Nicaragua](#) [Gross Human Rights Violations of the Miskitu and Mayangna Indigenous Peoples in Autonomous Region of the North Caribbean Coast (RACCN) of Nicaragua], June 21, 2021, p. 10.

June 2020.²⁵¹ Despite complaints repeatedly filed with public authorities and a community assembly held days after the attack with members of the National Police and the Nicaraguan Army, they were informed that the state had not taken any measures to safeguard said territories from future attacks or to investigate the events that had occurred.²⁵²

137. Likewise, on March 4, 2021, the IACHR received public information on the attack perpetrated by a group of colonizers in the Kimakwas community of the Mayangna Sauni Arungka territory, against two Mayangna indigenous persons: among the most affected was a 17-year-old Mayangna minor. During the attack, possible evidence of kidnapping and torture against one of the victims was reported.²⁵³ Afterwards, on May 10, 2021, another attack was recorded, against Mayangna indigenous persons from the Mayangna Community of Silamwas, located in the Mayangna Sauni Arungka indigenous territory. On that occasion, one of the colonizers was pronounced dead and another wounded as a result of the confrontation.²⁵⁴

138. On June 14, another armed attack occurred against two Miskitu indigenous persons from the Santa Fé Community, who had entered into their own territory in search of two missing heads of cattle. According to the complaints and testimonies received, one of them ended up being killed and the other, a 17-year-old minor, sustained severe injuries to one of his limbs which almost led to the loss of one hand. As a result of this situation of risk, it was reported that the community's women, children, adolescents, and older persons were taken out of the community to guarantee their protection.²⁵⁵ The IACHR took into account these acts of violence, in addition to other relevant information on third-party encroachment on the land, the ban on entering their own territory, and death threats against members of the Santa Fé Community, when requesting the Inter-American Court to extend the provisional measures granted since 2016 to the communities of the Miskitu indigenous people of the Region of the North Caribbean Coast.²⁵⁶ The resolution for extension was

²⁵¹ *La Prensa*. "[Ataque de colonos a territorio indígena deja tres heridos de bala. Confirman organizaciones](#)" [Attack by colonizers on indigenous territory leaves three persons with gunshot wounds, organizations confirm], January 22, 2021; *Confidencial* "Tres heridos de bala en ataque de colonos en Wilu, Bosawás" [Three persons with gunshot wounds in attack by colonizers in Wilu, Bosawás], January 24, 2021; CALPI. Press release: "[Atacan con metralletas USE y escopetas al Pueblo Mayangna en Bosawás](#)" [Mayangna People attacked with USE sub-machine guns and shotguns], January 25, 2021; and CALPI. Gross Human Rights Violations of the Miskitu and Mayangna Indigenous Peoples in Autonomous Region of the North Caribbean Coast (RACCN) of Nicaragua, June 21, 2021, p. 15.

²⁵² *Confidencial*. "Tres heridos de bala en ataque de colonos en Wilu, Bosawás" [Three persons with gunshot wounds in attack by colonizers in Wilu, Bosawás], January 24, 2021; and *La Prensa*. "['Hemos hecho bastantes denuncias'. Autoridades se reúnen con comunidades indígenas, pero no responden a su clamor](#)". [We have filed many complaints: Authorities meet with indigenous communities but do not respond to their outcry], February 1, 2021.

²⁵³ FIDH. "[Nicaragua: Ataque armado contra defensores indígenas Antonio López Rufus y Leve Pedro Devis](#)". [Nicaragua: Armed attack against indigenous defenders Antonio López Rufus and Leve Pedro Devis], March 19, 2021; OMCT. "[Nicaragua: Ataque armado contra los defensores indígenas Antonio López Rufus y Leve Pedro Devis](#)". [Nicaragua: Armed attack against indigenous defenders Antonio López Rufus and Leve Pedro Devis], March 19, 2021; and CALPI. [Graves Violaciones a los Derechos Humanos de los Pueblos Indígenas Miskitu y Mayangna en la Región Autónoma de la Costa Caribe Norte \(RACCN\) de Nicaragua](#). [Gross Human Rights Violations of the Miskitu and Mayangna Indigenous Peoples in Autonomous Region of the North Caribbean Coast (RACCN) of Nicaragua], June 21, 2021, p. 15.

²⁵⁴ CALPI. Press release: "[Tercer Ataque a los Mayangna y la Política Partidaria](#)" [Third Attack on the Mayangna and Party Politics], May 25, 2021; and CALPI. [Graves Violaciones a los Derechos Humanos de los Pueblos Indígenas Miskitu y Mayangna en la Región Autónoma de la Costa Caribe Norte \(RACCN\) de Nicaragua](#) [Gross human rights violations against the Miskitu and Mayangna Indigenous Peoples in Autonomous Region of North Caribbean Coast (RACCN) of Nicaragua], June 21, 2021, p. 15.

²⁵⁵ *Artículo 66*. "[Emboscada de supuestos colonos armados en territorio miskito deja un campesino fallecido](#)" [Ambush of alleged armed colonizers in Miskitu territory leaves one peasant dead], June 15, 2021; Prilaka Community Foundation, [Denuncia pública de los hechos del 14 de junio](#) [Public denunciation of June 14 incidents], June 15, 2021; and I/A Court H.R. [Ampliación de Medidas Provisionales respecto de Nicaragua](#). Extension of Provisional Measures regarding Nicaragua: Case of dwellers of Miskitu indigenous communities of the northern Caribbean coastal region, October 14, 2021, paras. 8 and 16

²⁵⁶ IACHR. Press release No. 242/2021, [CIDH solicita a Corte Interamericana ampliar medidas provisionales a favor de las comunidades del pueblo indígena Miskitu en Nicaragua](#) [IACHR asks Inter-American Court to extend provisional measures in favor of communities of Miskitu indigenous people in Nicaragua] September 17, 2021.

granted on October 14, 2021, as a result of which the provisional measure is at present still in force for the nine communities of that region.²⁵⁷

139. On August 27, the IACHR condemned the killing, perpetrated by colonizers, of about 11 to 16 Mayangna and Miskitu indigenous persons²⁵⁸ who were working in a small traditional mine in the vicinity of the sacred hill of Kiwakumbaih, located in the area of Suniwas, in Mayangna Sauni As territory, in the Bosawás Biosphere Reserve.²⁵⁹ As a result of the attack, the deaths of an adolescent and six-year-old indigenous child were reported. Both witnesses and public authorities also reported finding two indigenous women who had been the victims of rape, with possible evidence of torture and cruel, inhumane, and degrading treatment, as one of them had one of her arms mutilated.²⁶⁰ As for the National Police, they reported the detention of three persons and eleven indigenous suspects. The official version of the police identified community members as those responsible for the massacre, allegedly because of internal disputes in the indigenous territory.²⁶¹ Nevertheless, several organizations and witnesses identified inconsistencies in the version submitted by the authorities.²⁶²

140. The Commission indicates that the aggression, killings, and harassment by the colonizers against the indigenous communities and their defenders have as their underlying cause the failure to secure land titling clearance for their ancestral lands previously granted to them by the state, as well as extractive industry and cattle raising activities promoted by the central government and the private sector in the territories of the Autonomous Region of the North Caribbean Coast (*Región Autónoma de la Costa Caribe Norte—RACCN*) and the Autonomous Region of the South Caribbean Coast (*Región Autónoma de la Costa Caribe Sur—RACCS*), and the climate of flagrant impunity and absence of due diligence in the investigation into the aggression, killings, and harassment against the indigenous peoples and their defenders.

141. Regarding the failure to secure titling clearance for the lands, once again the IACHR received testimonies and consulted public information about the adoption of measures to hamper full recognition, use, and enjoyment of indigenous ancestral territories. Among these, there is the illegal sale, lease, and titling of the lands, both this year and previous years, on the basis of endorsements, public deeds, and contracts facilitated

²⁵⁷ I/A Court H.R. [Ampliación de Medidas Provisionales respecto de Nicaragua](#), Extension of Provisional Measures regarding Nicaragua: Case of dwellers of Miskitu indigenous communities of the northern Caribbean coastal region, October 14, 2021, paras. 8 and 16.

²⁵⁸ CALPI. [“Ningún mayangna debe venir aquí porque serán asesinados”](#) [No Mayangna person should come here because they will be killed], August 28, 2021; International Federation for Human Rights (FIDH). Nicaragua: [“Nueva matanza contra defensores indígenas en la Reserva de Bosawás”](#) [New massacre against indigenous defenders in the Bosawás Reserve], September 3, 2021; and additional information provided by civil society to the IACHR, September 28, 2021, p. 10.

²⁵⁹ “#Nicaragua #CIDH condena ataque contra comunitarios mayangnas y miskitus de la comunidad Kiwakumbaih, territorio de Musawas, en reserva biósfera Bosawas, perpetrado, según información pública, por colonos armados. Al menos 11 personas indígenas habrían sido asesinadas. 1” [Nicaragua and IACHR condemn attack on Mayangnas and Miskitu members of Kiwakumbaih community, territory of Musawas in the Bosawás Biosphere Reserve, perpetrated, according to public information, by armed colonizers. At least 11 indigenous persons were killed.] Twitter account of IACHR (@CIDH), [publicación del 27 de agosto de 2021](#) [posted on August 27, 2021].

²⁶⁰ Statement by the Government of Mayangna Women of Nicaragua on the new massacre of first-nation peoples of the Mayangna Sauni As Territory, city of Bonanza, Mining Triangle of Nicaragua. *Revista Amazonas*, August 27, 2021; *AP News*. [“ONG reportan 12 muertos por ataque a comunidad en Nicaragua”](#) [NGO reports 12 dead as a result of attack on community in Nicaragua], August 25, 2021; and additional information provided by civil society to the IACHR, September 28, 2021, p. 10

²⁶¹ *Associated Press*. [“Nicaragua reporta asesinato de 9 indígenas por “discordias”](#) [Nicaragua reports killing of 9 indigenous persons because of “disputes”], September 8, 2021; and *19 Digital*, [“Policía presenta a los autores de muertes homicida en el cerro Pukna en Bonanza”](#), [Police presents the perpetrators of homicide deaths on the hill of Pukna in Bonanza], September 8, 2021.

²⁶² Among the inconsistencies, it was pointed out that no third party was singled out as allegedly responsible for the attack, that two of the persons detained are brothers of one of the rape victims, that forcible entries and searches were conducted hastily in search of arms days before the press conference, and that the attacks occurred in the context of previous encroachment on their territories. CALPI. [Press release](#): El pueblo indígena mayangna exige a las autoridades nicaragüenses protección no represión [Press release: Mayangna Indigenous People call on Nicaraguan authorities to provide protection not repression], September 2, 2021; *InterTextual*, [Conferencia de Prensa](#): Masacre indígena [Press Conference: Indigenous Massacre], September 9, 2021; and additional information provided by civil society to the IACHR, September 28, 2021, p. 12

by political authorities, attorneys, public notaries, and even some members of the indigenous communities.²⁶³ New complaints have also been filed on the imposition and recognition of parallel governments by regional or local governments, facilitated, in some cases, by alleged “manuals of certification of territorial and/or community authorities.”²⁶⁴ These events prevent lawfully elected authorities to file claims against the above-mentioned activities and indicate the high degree of corruption, complicity, and facilitation of the violations of the rights of indigenous peoples to their collective property and free self-determination.

142. Likewise, the IACHR learned of the problems being described during its 179 period of sessions, at its Thematic Hearing: *Impact of colonization on indigenous territories of the Atlantic Coast in Nicaragua*. The petitioning organizations submitted data on the number of Mayangna and Miskitu victims killed between 2011 and March 2021, reporting possible gross human rights violations against these communities and informing about the impact of extractive industry activities on their territories. They also provided information about the obstacles, harassment, and threats sustained by the defenders of the human rights of indigenous peoples.²⁶⁵ In both cases, the high degree of impunity and the absence of actions by authorities to address these incidents were highlighted.

143. As for the state, it recognized that there were challenges with respect to the presence of third parties in indigenous territories and indicated that various state institutions are participating in constant patrolling in the country’s protected reserves. In connection with the investigations conducted, it informed about the processing of 18 cases in the criminal system involving indigenous land disputes, 8 of which went to trial, resulting in 14 convictions. Finally, attention was drawn to the precautionary and provisional measures issued by bodies of the inter-American system, as well as the norms and mechanisms to prevent damages caused by cattle raising and logging. The state recognized it was not aware of the information submitted by civil society and urged it to share it so that measures could be adopted.²⁶⁶

144. In connection with the above, the IACHR reiterates its call to the state to adopt urgent and differentiated measures to protect the territories and natural resources of indigenous peoples and Afrodescendant communities and to draw up these measures in consultation and coordination with them. In particular, by the implementation of preventive actions and the deployment of security forces in those territories principally impacted by third-party encroachment and extractive industry activities as indicated above. It also invites the state to recognize the central role that these territories and resources have for the communities to enjoy and exercise their rights, safeguard their cultural identity and ancestral practices, and facilitate their livelihood and development. The Commission recalls the state’s duty to guarantee the indigenous and Afrodescendant communities and their defenders the right to a life without violence, in the face of threats, aggression, and other acts of intimidation by third parties or companies in their territories. In particular, the IACHR urges compliance with the protection measures granted in the framework of the inter-American system and the recommendations made by the Commission.

²⁶³ According to reports, the new sectors allegedly affected between 2018 and 2021 would be Awaw Rau, Pukna, Kiwakunbaih, Wasnimak Asangni, Saubi, “Masiwas,” Yapuwas, Sutakwas, Sabawas kipih, Kalan Sah. CEJIL, OMCT, Race & Equality, CALPI y Oakland Institute. Additional information provided to the Thematic Hearing of the 179 period of sessions, April 6, 2021, pp. 8-11; Community Forest Rangers of the Mayangna Sauni As Territory, [Boletín No. 1. Nos están matando por defender nuestros bosques](#) [Bulletin No. 1: They’re killing us because we’re defending our forest], June 2021; and Community Forest Rangers of the Mayangna Sauni As Territory, [Boletín No. 2. Tráfico y venta de la tierra comunitaria en el territorio](#) [Bulletin No. 2. Trafficking and sale of community land in the territory], October 2021.

²⁶⁴ CALPI. Press release: “[Atacan con metralletas USE y escopetas al Pueblo Mayangna en Bosawás](#)” [Mayangna People in Bosawás attacked with USE sub-machine guns and shotguns], January 25, 2021; additional information provided by civil society to the IACHR, September 28, 2021, p. 4; and *República 18*, “[Régimen de Daniel Ortega impone gobiernos paralelos en el Caribe Sur de Nicaragua](#)” [Daniel Ortega regime imposes parallel governments in southern Caribbean of Nicaragua], November 3, 2021.

²⁶⁵ CEJIL, OMCT, Race & Equality, CALPI, and Oakland Institute. Additional information to the thematic hearing of the 179 period of sessions: *Impact of colonization on indigenous territories of the Atlantic Coast in Nicaragua*, April 6, 2021, pp. 3-7.

²⁶⁶ IACHR. 179 period of sessions, [Audiencia Temática: Impacto de la colonización en territorios indígenas de la Costa Atlántica en Nicaragua](#) [Thematic Hearing: Impact of colonization on indigenous territories of the Atlantic Coast in Nicaragua], March 18, 2021.

145. Regarding this, the bodies of the inter-American system have asserted that the spiritual relationship with the space and territory occupied by the indigenous peoples, from a collective dimension, is protected by Article 21 of the American Convention on Human Rights. By virtue of the above, the state has the obligation to title, delimit, demarcate, and guarantee the clearance of ancestral territory with respect to third parties, in line with the world vision of the peoples. This last obligation entails the following: guaranteeing the full use, possession, and effective enjoyment of their territories and natural resources; when there are disputes with individuals, receiving protection and reparation measures, on the basis of adequate and effective procedures; effectively investigating and punishing those responsible for attacks; establishing rapid and effective special mechanisms to settle legal disputes over the lands; and avoiding their displacement, or, if appropriate, facilitating the return, resettlement, and/or relocation of displaced communities.²⁶⁷

146. The Commission highlights the state's responsibility to guarantee prior consultation processes with respect to any economic activities carried out in these territories and that they should be developed in good faith, in compliance with their governance mechanisms and authorities and in order to secure their free, prior, and informed consent.²⁶⁸ Finally, it recalls that both the state and public enterprises, mixed and/or private, that are engaging in productive activities in indigenous or adjacent territories have a general and specific duty to prevent, as a priority, any incident that might undermine the rights of the indigenous communities, in particular, by implementing warning, coordination, and response mechanisms in those places where they operate.²⁶⁹

C. Persons Deprived of Liberty

147. In 2021, the IACHR received information about the harsh detention conditions in which persons deprived of their liberty in connection with the protests that started in 2018 are living, including complaints of mistreatment, solitary confinement, retaliations, absence of medical care and food, among others. These incidents are especially targeting persons labelled as political dissidents who are being detained in the facilities of the "new Chipote" penitentiary.

148. Regarding this, information received by IACHR about 34 persons who are deprived of liberty and are being held in the "new Chipote" indicates complaints of cruel and inhumane treatment and the application of solitary confinement ordered without any objective criteria, as well as constant interrogations at different times of the day. According to available information, the interrogations are conducted frequently, with insults and the use of violence by state agents, for the purpose of securing a confession of their political participation or information about other persons. Likewise, the IACHR received reports about the absence of medical care, unhealthy conditions in the prison cells, the removal of belongings, the absence of access to clean

²⁶⁷ IACHR. Indigenous and Tribal Peoples' Rights over their Ancestral Lands and Natural Resources. Norms and Jurisprudence of the Inter-American Human Rights System, OEA/Ser.L/V/II. Doc. 56/09, December 30, 2009, paras. 88, 113, and 144; IACHR. Indigenous Peoples, Afro-Descendent Communities, and Natural Resources: Human Rights Protection in the Context of Extraction, Exploitation, and Development Activities, OEA/Ser.L/V/II. Doc. 47/15, December 31, 2015, paras. 127, 135, and 307; and UN-OCHA. Commission on Human Rights, [Principios Rectores de los Desplazamientos Internos](#) [Guiding Principles on Internal Displacement], E/CN.4/1998/53/Add.2, February 11, 1998, Principles 9 and 28.

²⁶⁸ The inter-American system has established that all consultation processes must be conducted freely and in good faith, which entails refraining from any form of direct or indirect coercion by the state or third parties acting with its authority or acquiescence. The Commission recalls that the obligation of good faith is incompatible with actions aimed at undermining the social cohesion of the affected communities, either by corrupting leaders, by establishing parallel leaders, or by negotiating with individual members of the community, all of which are contrary to international standards I/A Court H.R. Case of the Kichwa Indigenous People of Sarayaku v. Ecuador. Merits and Reparations. Judgment of June 27, 2021, paras. 177 and 186.

²⁶⁹ IACHR. Indigenous and Tribal Peoples' Rights over their Ancestral Lands and Natural Resources. Norms and Jurisprudence of the Inter-American Human Rights System, OEA/Ser.L/V/II. Doc. 56/09, December 30, 2009, paras. 217 and 228; IACHR. Indigenous Peoples, Afro-Descendent Communities, and Natural Resources: Human Rights Protection in the Context of Extraction, Exploitation, and Development Activities, OEA/Ser.L/V/II. Doc. 47/15, December 31, 2015, paras. 86, 94-97; and IACHR. Business and Human Rights: Inter-American Standards, OEA/Ser.L/V/II. CIDH/REDESCA/INF.1/19, November 1, 2019, paras. 112 and 304.

water, and deficient, insufficient, and unhygienic food.²⁷⁰ Among others, on September 9, the Commission was apprised of the situation of Lester Aleman, who has been detained since July 5, 2021 in the prison cells of the Judicial Aid Department and had been subjected to constant interrogations, psychological torture, and impediments to receiving food, medical care, visits from family and his legal representatives for long periods of time, which had led to a deterioration in his physical and mental health.²⁷¹

149. The IACHR observed the lack of adequate and timely medical care for persons with different ailments and illnesses prior to detention, such as high blood pressure and diabetes, which would have seriously jeopardized the health of these detainees. The IACHR also received information indicating that, subsequent to detention, their family members had observed a conspicuous loss of weight, because the food they received was inadequate, deficient, and unhygienic; lack of access to clean water and the medicines or medical supplies needed; and the use of treatments for blood pressure and anxiety without any prescriptions from medical specialists in the field. They also stressed that, in most cases, the detainees had not been treated by any forensic physician or specialist and that the detention centers do not benefit from any medical and health staff to provide adequate medical care to the detainees.

150. Regarding this, the IACHR stresses the serious situation of the opposition leader, 68-year-old José Pallais, beneficiary of provisional measures granted by the Inter-American Court, who is being detained in the Judicial Aid Department since June 9, 2021 and is ill with serious chronic diseases such as heart problems diabetes, high blood pressure, obesity, glaucoma, sleep apnea, and problems of the spinal column. On September 6, the IACHR was informed that, because of the absence of medical care and the deficient food he was being given, they had prescribed medicines for vertigo to prevent dizziness and vomit, and that after several requests made by his family members and legal representatives, they had permitted the entry of a special chair for sleep apnea, but without permitting the entry of a mattress, so that at present he has sores on his back and they had not authorized admittance of medicines to treat this new ailment.

151. On the other hand, the IACHR is particularly concerned about the situation of Dora María Téllez, Tamara Dávila, Ana Margarita Vijil and Suyén Brahona, who, as of the closing date of this report, have been held in punishment cells and solitary confinement for more than 159 days. In that regard, the family members of the detainees reported that, for the visit allowed in the Judicial Aid Department in November, the persons deprived of liberty reported that they continued to be isolated in darkness without being allowed to receive sunlight frequently; the constant interrogations; the lack of access to adequate food, which aggravates their chronic illnesses; the refusal to allow access to their attorneys; blocking admittance of food being sent by their family members; the lack of medical and dental care; and the requirements to remain in silence 24 hours a day.²⁷²

152. Regarding this, the Inter-American Court on Human Rights has pointed out that, “according to international human rights law, being held incommunicado must be the exception and its use during detention may constitute an act contrary to human dignity, as it can lead to a situation of extreme psychological and moral suffering for the detainee.”²⁷³ Furthermore, the Inter-American Court has considered that “prolonged isolation and being coercively held incommunicado represents, in itself, a cruel and inhumane treatment, harmful to the psychic and moral integrity of the person and the right of all detainees to due respect for dignity inherent to all

²⁷⁰ IACHR. Press release No. 238/21 [La CIDH y la OACNUDH condenan criminalización, faltas al debido proceso y graves condiciones de detención de personas consideradas como opositoras en Nicaragua](#) [IACHR, OHCHR Condemn Criminalization, Harsh Conditions of Detention, and Failures to Enforce Due Process for Individuals who are Perceived to be Government Critics in Nicaragua], September 10, 2021.

²⁷¹ *Confidencial*. “La condición de Lester Alemán es grave y preocupante, denuncia AUN” [AUN reports that Lester Alemán’s condition is serious and of alarming], September 9, 2021.

²⁷² *Confidencial*. “Presos políticos: más de cinco meses de asilamiento, interrogatorios y torturas” [Political prisoners: More than five months of solitary confinement, interrogations, and torture], November 18, 2021.

²⁷³ I/A Court H.R. [Asunto Juan Sebastián Chamorro y otros respecto de Nicaragua. Medidas Provisionales](#) [Case of Juan Sebastián Chamorro et al. v. Nicaragua: Provisional Measures]. Order of the Inter-American Court of Human Rights of June 24, 2021, para. 36.

human beings. To that extent, the states must also guarantee that persons deprived of liberty may contact their family members. In effect, this situation of being held incommunicado not only prevents observing the current situation of the proposed beneficiaries, their detention conditions, and the status of their health, but it also involves an encroachment on the procedural guarantees pertaining to every detainee.”²⁷⁴

153. Finally, in connection with the persons detained in the Jorge Navarro National Penitentiary System (La Modelo),²⁷⁵ information available to the IACHR indicates that their situation had not changed with respect to overcrowding and unsanitary conditions, removal of belongings, mistreatment, enforcement of maximum security systems ordered without any objective criteria, and the lack of adequate and timely medical care.²⁷⁶

154. The Commission urges Nicaraguan authorities to guarantee decent treatment of persons in its custody and access to adequate medical care, sufficient nutritional food, and healthy detention conditions.²⁷⁷ The IACHR stresses that providing adequate medical care to persons deprived of liberty is an obligation directly stemming from the state’s duty to guarantee the right to personal integrity contained in Articles 1.1 and 5 of the American Convention and Article 1 of the American Declaration. The IACHR also urges the state to adopt the necessary measures to prevent the propagation of COVID-19 in detention centers, ensuring decent and adequate detention conditions, pursuant to inter-American standards in the matter and taking into consideration resolution No. 1/2020, Pandemic and Human Rights in the Americas.²⁷⁸

D. Persons in the Context of Human Mobility

155. Since the beginning of the crisis in April 2018, the Commission, via the MESENI, has been monitoring the situation of Nicaraguans who were forced to flee their country. According to data recorded by UNHCR, more than 110,000 persons have been forced to flee Nicaragua and to seek asylum because of persecution and human rights violations; among these, 80,312 fled to Costa Rica, 10,127 to the United States of America, 5,841 to Panama, and an additional 7,661 to Europe, whereas Mexico has received about 3,362 Nicaraguans.²⁷⁹

156. In 2021, the IACHR received information about the rising number of Nicaraguans who had decided to leave their country because of the escalation of repression in the country and the climate of fear as a result of the perpetuity of the police state that has criminalized democracy, use of the repressive system to enforce laws, the economic and social decline, the unemployment, and the ongoing human rights violations in the country.²⁸⁰

157. In that regard, the Commission was informed about the entry of Nicaraguan immigrants into the United States of America, according to public information, between January and August 2021, and U.S.

²⁷⁴ I/A Court H.R. [Asunto Juan Sebastián Chamorro y otros respecto de Nicaragua. Medidas Provisionales](#) [Case of Juan Sebastián Chamorro et al. v. Nicaragua: Provisional Measures]. Order of the Inter-American Court of Human Rights of June 24, 2021, para. 36.

²⁷⁵ Mechanism for the Recognition of Political Prisoners, “[Lista - Informe preliminar personas presas políticas en Nicaragua](#)” [List - Preliminary Report on Political Prisoners in Nicaragua], October 29, 2021.

²⁷⁶ IACHR. Resolution No. 37/2021. Precautionary measures 37/2021 – [Gustavo Adolfo Beteta y familia, Nicaragua](#) [Gustavo Adolfo Beteta and his family, Nicaragua], April 30, 2021.

²⁷⁷ IACHR. Press release No. 238/21. [La CIDH y la OACNUDH condenan criminalización, faltas al debido proceso y graves condiciones de detención de personas consideradas como opositoras en Nicaragua](#) [IACHR, OHCHR Condemn Criminalization, Harsh Conditions of Detention, and Failures to Enforce Due Process for Individuals who are Perceived to be Government Critics in Nicaragua], September 10, 2021.

²⁷⁸ IACHR. Resolution No. 1/2020, [Pandemia y Derechos Humanos en las Américas](#) [Pandemic and Human Rights in the Americas], adopted by the IACHR on April 10, 2020.

²⁷⁹ UNHCR. [Nicaragua Situation Operational Update, January – June 2021](#), August 31, 2021.

²⁸⁰ *Expediente público*. “[El nuevo fraude electoral en Nicaragua provocará mayor migración](#)” [New electoral fraud in Nicaragua will trigger more migration], November 10, 2021.

authorities had intercepted along their southern border about 41,500 Nicaraguans who had attempted to enter the country seeking political asylum.²⁸¹ The Commission has also received information that, between January and September 2021, about 23,000 Nicaraguans sought asylum in Costa Rica²⁸² and, although said country has a receptive policy, the asylum seekers have limited access to work, education, health, and other rights.²⁸³ Among the principal challenges being encountered by Nicaraguan immigrants, there are the barriers to access to post-secondary education because of its high cost and the absence of financial aid, which has meant that Nicaraguans are in precarious conditions in terms of employment, most of their income-earning activities involve unskilled labor in the informal economy, or they are unemployed.²⁸⁴

158. Finally, in the course of the present year, the IACHR received information about travel restrictions and the withdrawal of identity papers from human rights defenders or persons identified as dissidents who wish to leave the country. In some cases, when attempting to leave the country, these persons are subjected to interrogations at the airport by National Police officers, as well as searches of personal documents, computers, and cell phones. These actions would be aimed at preventing these persons from exposing the human rights situation internationally. Regarding this, the IACHR urges the Nicaraguan state to guarantee that all persons can leave the territory freely.

VI. RECOMMENDATIONS

159. On the basis of the preceding review, the Inter-American Commission reiterates its call to the state to comply with and implement the recommendations made in the Final Report on its working visit to the country, the recommendations made by its Interdisciplinary Group of Independent Experts (GIEI), as well as the recommendations made in the framework of Chapter IV.B of its Annual Reports for 2018, 2019, and 2020, which are still pending in terms of compliance. Among these recommendations:

General recommendations

1. Adopt the necessary measures to overcome the human rights crisis by reestablishing democratic institutions, the full validity of the rule of law, and fundamental freedoms, including the freedom of expression.
2. Promote and sustain an effective, legitimate, and inclusive dialogue with civil society. To this end, the state must foster the necessary conditions for building trust among the population through the cessation of repression, recognition of the events that occurred, and compliance with its international obligations in matters of truth, justice, and reparations.
3. Release all persons detained in the context of the crisis that began in 2018, including those who were presidential precandidates, those considered opponents, and human rights defenders detained during 2021.

²⁸¹ *France 24*. "[La crisis en Nicaragua dispara las migraciones hacia EEUU](#)" [Because of crisis in Nicaragua immigration to USA skyrockets], September 18, 2021.

²⁸² Migration Policy Institute. "[Costa Rica has welcoming policies for migrants, but Nicaraguans face subtle barriers](#)," November 5, 2021.

²⁸³ The IACHR and SRESCER (@CIDH and @DESCA_CIDH) received public information indicating that persons from #Nicaragua who are asylum seekers in #CostaRica have limited access to employment, education, health, and other rights. This could even impact their vaccination for #COVID19. #MESENI #DDHH

²⁸⁴ Migration Policy Institute. "[Costa Rica has welcoming policies for migrants, but Nicaraguans face subtle barriers](#)," November 5, 2021.

4. Initiate processes that promote truth, justice, and reparations to the victims of the serious crisis the country is experiencing.
5. End impunity for human rights violations since the beginning of the crisis in 2018.
6. Reconsider denouncing the OAS Charter as submitted on November 18, 2021.

Freedom of Expression

7. Remove obstacles to the legitimate exercise of the right to protest, in particular, remove the requirement of securing prior authorization for holding protests and expressly establish the general presumption in favor of the enjoyment of the rights to freedom of assembly and freedom of expression.
8. Guarantee respect for the independence of media outlets and refrain from applying prior censorship or indirect censorship by any of the state's bodies, as well as imposing prior conditions that might entail the curtailment of freedom of expression.
9. Discontinue all legal proceedings against journalists and media workers that were arbitrarily filed to repress, sanction, and punish the exercise of the right to freedom of expression.
10. Adopt a variety of significant and sustainable measures to tackle the situation of impunity for crimes against journalists and promote a timely, diligent, independent, and transparent investigation into these cases, consistent with international human rights standards and best practices, in consultation with civil society.

Economic, Social, Cultural, and Environmental Rights

11. Increase the efforts to combat poverty and extreme poverty, directing public policies to guarantee the enjoyment and benefit of economic, social, cultural, and environmental rights (ESCR), with particular attention to groups in situations of special vulnerability and the absence of guarantees as a cause for human mobility.
12. Regarding the general handling of the pandemic, the IACHR and SRESCER recommend that the state, as quickly as possible, establish a general public policy for tackling the pandemic that includes the implementation of a broad vaccination plan. It should be based on scientific criteria and take into account guidelines from specialized international organizations. The IACHR and SRESCER reiterate that any public policy decision in the framework of the pandemic must consider the recommendations made in resolutions 1/2020 and 4/2020, whereas actions for vaccination processes must be adjusted to the provisions of resolution 1/2021.
13. The state must cease all acts of harassment and persecution against health workers, especially those health professionals who have provided assistance in terms of biosafety measures for the population.
14. The state must guarantee that its environmental adaptation and mitigation projects ensure widespread respect for human rights, with guarantees for the right of access to the right to a healthy environment, in accordance with inter-American standards and the Escazú Agreement to which Nicaragua is a party.
15. The state must also cease all acts of persecution and harassment against the staff and faculty of higher education establishments. In that same regard, it must guarantee the right to academic freedom in all schools of all levels, avoiding any attempt to indoctrinate ideologies and fostering educational environments that are participatory, inclusive, and diverse.

Human Rights Defenders

16. Cease all harassment and criminalization of human rights defenders, social leaders, and students and guarantee conditions so that they can carry out their work fully and exercise their rights, in particular their rights to freedom of expression, assembly, and association.
17. Repeal all decrees involving the removal of the legal status of civil society organizations that were adopted without guaranteeing the right of affected persons to due process of law. Immediately discontinue all administrative and criminal investigations against the organizations themselves.
18. Adjust the Law Governing Foreign Agents (Law No. 1040) to international human rights standards and refrain from restricting civil society organizations from having access to funding, including the access to foreign funding, in the framework of international cooperation and the standards governing this matter.
19. Urge state authorities to refrain from making public statements that stigmatize protesters, human rights defenders, and journalists or using means available to the state to conduct public campaigns that may encourage violence against persons because of their opinions.
20. Effectively protect defenders and journalists who are at risk due to the exercise of their journalistic work or as a human rights defender..

Persons Deprived of Liberty

21. Verify immediately that the application of preventive detention is conducted in conformity with international standards governing the matter, that is, the principles of exceptionality, legality, proportionality, and reasonableness. In the event that this measure does not respond solely to procedural criteria —such as flight risk or hampering the investigation—the use of alternative measures to detention must be determined.
22. 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. An adequate defense must be ensured enabling the accused persons to have regular contact with their legal representatives and to be involved in preparing for their respective hearings. In addition, it is essential for legal representatives to have unrestricted access to these hearings.
23. Guarantee the dignified treatment of people in the custody of the State. In particular, ensure they receive medical attention in line with their specific health conditions, are given sufficient food with high nutritional value, and are housed in healthy conditions.
24. Create the necessary conditions to ensure an effective contact between persons deprived of their liberty and their family members, by ensuring an adequate, regular, and scheduled system of visits. In that regard, the visits must be held at least on the basis of the periodicity stipulated in the Penitentiary Regulations, and must take place decently and in conditions that are in no way degrading for the persons deprived of their liberty. The state must also guarantee the delivery of medicines, food, and personal hygiene articles to said persons.
25. Use solitary confinement measures in connection with maximum security systems in exceptional situations, based on an individualized assessment of the risk involved, limited to the shortest amount of time possible, and as a last resort. Solitary confinement orders must be authorized by a competent authority and must be subject to independent review.

26. Adopt all necessary and comprehensive measures so that the rights of women who are detained are effectively respected and guaranteed, so that they do not suffer from discrimination and are protected against all forms of violence that may derive from their gender condition..

Indigenous and Afrodescendant Communities

27. Guarantee the right of indigenous and Afrodescendant peoples to territory as the first step to safeguard their basic rights. In particular, guarantee the complete and effective demarcation, titling, and clearance of their territories in conformity with international standards and the recommendations made by the bodies of the inter-American system.
28. Adopt all legislative measures to ensure the effective exercise of the right to prior, free, and informed consultation and consent of the indigenous communities, in conformity with international standards.
29. Guarantee the right of indigenous and Afrodescendant 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.
30. To effectively comply with the precautionary measures granted by the Inter-American Commission and the provisional measures of the Inter-American Court in connection with indigenous communities and Afrodescendants of the Caribbean Coast. This entails facilitating and guaranteeing the participation of the representatives of the beneficiary communities and their defenders in their enforcement.

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

31. Abstain and immediately cease acts of persecution against persons who are identified as opponents and adopt effective measures for the protection of persons who are in situations of persecution and risk.
32. Provide the necessary guarantees so that persons can freely transit and reside in Nicaragua, which necessarily entails refraining from continuing the criminalization and generating the causes that lead to the displacement of Nicaraguan people.
33. Protect and provide humanitarian assistance to persons who have been or will be forced to become internally displaced persons, as well as investigate and punish acts of violence that lead to internal displacement.
34. Guarantee that everyone can freely leave Nicaraguan territory and that their right to seek and receive asylum in foreign territory is respected, in accordance with the provisions set forth in Article 22(2) and 22(7) of the American Convention on Human Rights.
35. Guarantee the right to voluntary and safe return of its nationals, which entails providing real guarantees that they will not be targeted for persecution once they have returned to Nicaraguan territory.
36. Guarantee the life and integrity of its nationals who return in the context of the COVID-19 pandemic, in particular through medical and health protocols for that purpose, which must be objective, transparent, and accessible to the public, mainstreaming an intercultural perspective, and preventing returnees from remaining on hold and at the discretionary decision of the authorities in each case.