



HUMAN  
RIGHTS  
WATCH

## CRACKDOWN IN NICARAGUA

Torture, Ill-Treatment, and Prosecutions of Protesters and Opponents



# **Crackdown in Nicaragua**

**Torture, Ill-Treatment, and Prosecutions of  
Protesters and Opponents**

Copyright © 2019 Human Rights Watch

All rights reserved.

Printed in the United States of America

ISBN: 978-1-6231-37427

Cover design by Rafael Jimenez

Human Rights Watch defends the rights of people worldwide. We scrupulously investigate abuses, expose the facts widely, and pressure those with power to respect rights and secure justice. Human Rights Watch is an independent, international organization that works as part of a vibrant movement to uphold human dignity and advance the cause of human rights for all.

Human Rights Watch is an international organization with staff in more than 40 countries, and offices in Amsterdam, Beirut, Berlin, Brussels, Chicago, Geneva, Goma, Johannesburg, London, Los Angeles, Moscow, Nairobi, New York, Paris, San Francisco, Sydney, Tokyo, Toronto, Tunis, Washington DC, and Zurich.

For more information, please visit our website: <http://www.hrw.org>



JUNE 2019

ISBN: 978-1-6231-37427

# Crackdown in Nicaragua

## Torture, Ill-Treatment, and Prosecutions of Protesters and Opponents

<b>Summary .....</b>	<b>1</b>
Torture and Abuses in Detention .....	3
Abuse-Ridden Prosecutions .....	4
Attacks on Free Press and Civil Society.....	6
Lack of Accountability and the Responsibility of High-Level Officials .....	7
<b>Recommendations.....</b>	<b>9</b>
<b>Methodology.....</b>	<b>12</b>
Cases .....	14
<b>Background: Repression of Street Protests.....</b>	<b>15</b>
<b>Torture and Abuses in Detention.....</b>	<b>21</b>
Cases Documented by Human Rights Watch.....	24
Vivian Contreras.....	24
Lucía Sánchez .....	26
Jordan Rivas .....	26
Jossiel Espinoza .....	28
Roberto Obrera.....	30
Katia Salamanca and Sandro Villamar .....	31
Bryan Quiroz .....	33
Luis Arnulfo Quiroz.....	36
Eduardo Manuel Tijerino .....	39
Roberto Cortez .....	43
<b>Abuse-Ridden Prosecutions.....</b>	<b>44</b>
Counter-Terrorism Legislation .....	47
Cases documented by Human Rights Watch .....	49
Medardo Mairena and Pedro Mena .....	49
Christian Fajardo and María Adilia Peralta .....	54
Nelly Roque Ordóñez .....	57

Guillermo Sobalvarro Oporta .....	61
Albert Bernard Monroe .....	63
Dilon Zeledón Ramos .....	65
Félix Maradiaga.....	68
Tomás Maldonado Pérez .....	69
Carlos Brenes Sánchez.....	72
Amaya Coppens Zamora.....	75
<b>Attacks on Free Press and Civil Society.....</b>	<b>80</b>
Independent Media .....	81
Civil Society.....	86
<b>Pathways to Legal Accountability Outside Nicaragua.....</b>	<b>90</b>
Universal Jurisdiction.....	90
Legal Frameworks for Sanctions.....	90
The Global Magnitsky Human Rights Accountability Act (United States) .....	90
The Nicaragua Human Rights and Anticorruption Act (United States).....	92
European Union .....	93
Canada .....	94
International Support for Nicaragua’s National Police .....	95
<b>Acknowledgments.....</b>	<b>98</b>

## Summary

In April 2018, Nicaraguans took to the streets in large numbers to protest the government of President Daniel Ortega. They were met with violence. A brutal crackdown by the National Police and heavily armed pro-government groups against protesters that lasted several months has left more than 300 people killed and more than 2,000 injured.

According to an independent group of experts, appointed by the Inter-American Commission on Human Rights (IACHR) with the support of the Nicaraguan government, police and armed pro-government groups committed widespread abuses against largely unarmed protesters, including extrajudicial executions, between April and July. By the end of the protests in August 2018, the Office of the High Commissioner for Human Rights (OHCHR) reported that 22 police officers died in the context of the protests and their repression.

This report examines what happened, after the crackdown in the streets, to many of the hundreds of people arrested by police or abducted by armed pro-government groups. It is based on research conducted in Nicaragua and Costa Rica and a review of official sources.

Many of the people detained during the crackdown on protests were subject to serious abuses that in some cases amounted to torture—including electric shocks, severe beatings, fingernail removal, asphyxiation, and rape. Many injured detainees were reportedly denied medical care in public health institutions and doctors who provided care said they suffered retaliation.

Hundreds of detainees have also been subject to prosecutions for alleged crimes in connection with their participation in anti-government protests or their role in social movements that challenged the government, sometimes even prior to the crackdown. Many have been accused by prosecutors of serious, violent crimes. These prosecutions have entailed serious violations of due process and other fundamental rights. Protestors have been held in incommunicado detention, subjected to closed door trials, and denied the right to confer privately with their defense lawyers. In a handful of cases in which Human Rights Watch was able to scrutinize the evidence against the accused, we found that the prosecutions appeared to be based on contradictory or insufficient evidence.

The Nicaraguan government has also targeted those who have reported on the crackdown in the streets and subsequent abuses. It has raided the offices of independent media outlets, filed criminal charges against two journalists, cancelled the legal registration of nine civil society organizations, and expelled foreign journalists and international human rights monitors from the country.

The cases documented by Human Rights Watch are consistent with a pattern of systematic abuse against anti-government protesters and opponents that has been reported by the IACHR and the OHCHR. Around 62,000 Nicaraguans have fled their country since the crackdown began in April 2018, according to the United Nations High Commissioner for Refugees (UNHCR).

The OHCHR has reported that, according to available information, just one sentence has been handed down against a member of an armed pro-government group and not a single investigation has been opened into members of security forces implicated in abuses. Human Rights Watch has been unable to confirm if the killing that led to the sentence occurred in the context of the anti-government protests. President Ortega, who under Nicaraguan law is the police's "supreme chief," has promoted top officials who bear responsibility for the abuses, instead of ensuring that they are brought to justice.

On March 20, 2019, the Nicaraguan government agreed to release all people who had been detained in the context of anti-government protests within 90 days and to drop the charges against them, in an effort to restart stalled talks with the opposition and to persuade the international community to lift sanctions. The IACHR estimates nearly 800 people have been detained since the protests started.

According to the Interior Ministry, between March 15 and June 10, 2019, the government released 392 people who were imprisoned for "committing crimes against public security and crimes against the public peace." Of these, 286 were released to house arrest or under another restrictive regime; charges remained levied against them. The remaining 106 were released pursuant to an Amnesty Law (Law No. 996) that came into force on June 10. Meanwhile, police arrested and released over 100 people in March in the context of new demonstrations.

The international community has an essential role to play to pressure the Nicaraguan government into curbing these abuses. International organizations and foreign governments—in the Americas and Europe—should impose targeted sanctions, such as asset freezes and travel bans, against Nicaraguan officials who bear responsibility for serious human rights violations. They should also immediately suspend all funding and other support for Nicaragua’s National Police, including any transfers of weaponry and other equipment that risks being used to further the government’s violent abuses against opponents. They should work hard to keep up the pressure needed to force an end to abuses and promote real accountability for the officials most responsible for them.

## **Torture and Abuses in Detention**

Police and armed pro-government groups subjected detainees to severe physical and psychological abuse, in some cases rising to the level of torture. These abuses include:

- Beating captured protestors at the time of arrest and during their detention, at times denying them urgent medical attention;
- Raping detainees, including with metal tubes and firearms, or threatening to rape them;
- Subjecting detainees to waterboarding, electric shocks, acid burns, mock executions, forced nudity, and removal of fingernails; and
- Forcing detainees to record self-incriminating confessions under duress.

Human Rights Watch interviewed a total of 12 former detainees, 11 of whom described being subjected to one or more of these forms of abuse. In addition, seven of these victims said they witnessed other detainees—a total of 39 others—being subjected to similar abuses.

Human Rights Watch also interviewed three doctors and a psychologist who treated some detainees and reported dozens who showed signs of physical harm consistent with physical abuse and torture similar to that described by the 12 detainees. Two of the doctors also coordinated the work of other medical professionals who reported similar cases to them.



The cases we documented are consistent with a pattern of systematic abuse against anti-government protesters and opponents that international human rights bodies have reported. The IACHR noted the “existence of a pattern of arbitrary arrests” whereby “the main intention behind the deprivation of liberty was to punish or suppress opposition to the current regime in Nicaragua.” The IACHR also found that “the arrest and deprivation of liberty of persons detained in connection with the protests was frequently accompanied by beatings, threats and insults against the detainees, that involved subjecting them to humiliating and degrading conditions or cruelty.” Threats used by state agents against persons incarcerated in El Chipote and La Modelo prisons included “rap[ing] detainees and burn[ing] them alive, or else kill[ing] them, their next of kin and their friends.” The IACHR also documented the case of one inmate in La Esperanza prison who had “visible signs of having received blows to her arms.”<sup>1</sup>

Similarly, the OHCHR found that “cruel, inhuman or degrading treatment is regularly reported in the context of detentions, with allegations of torture during the arrest and the first days of the detention.” El Chipote detention center is allegedly “the main place” where police and prison authorities committed “acts of torture and ill-treatment.” These include “burnings with Taser guns and/or cigarettes, use of barbed wires, beatings with fists and tubes and attempted strangulation—as well as psychological torture, including death threats.” The OHCHR found that some men and women had been raped in detention, “including rape with rifles and other objects,” with women describing “threats of sexual abuse as common.”<sup>2</sup>

## Abuse-Ridden Prosecutions

Hundreds of detainees have been prosecuted for alleged crimes associated with their participation in anti-government protests or their role in social movements that challenged the government. Human Rights Watch documented 15 cases, which included high profile activists and ordinary people, aged 20 to 63 years old, who joined the protests in six cities

---

<sup>1</sup> The source for the quotes included in this paragraph is in the chapter “Torture and Abuses in Detention” of this report, and the information comes from: Inter-American Commission on Human Rights (IACHR), “Gross Human Rights Violations in the Context of Social Protests in Nicaragua,” June 21, 2018, <http://www.oas.org/en/iachr/reports/pdfs/Nicaragua2018-en.docx> (accessed June 12, 2019).

<sup>2</sup> The source for the quotes included in this paragraph is in the chapter “Torture and Abuses in Detention” of this report, and the information comes from: Office of the UN High Commissioner of Human Rights (OHCHR), “Human Rights Violations and Abuses in the Context of Protests in Nicaragua: 18 April – 18 August 2018,” June 12, 2019, [https://ohchr.org/Documents/Countries/NI/HumanRightsViolationsNicaraguaApr\\_Aug2018\\_EN.pdf](https://ohchr.org/Documents/Countries/NI/HumanRightsViolationsNicaraguaApr_Aug2018_EN.pdf) (accessed June 8, 2019), p. 28.

across Nicaragua, and all were marred by due process and other rights violations, including the following:

- Protestors were held incommunicado before being brought before a judge and, in 12 cases, spent more than two days in detention before being brought before a judge, violating the 48-hour deadline established by the Constitution. In five of the cases we documented, detainees' families or attorneys said that they had no information about their whereabouts for periods ranging from four to 22 days;
- Police chiefs in Managua frequently organized press conferences in which they paraded people detained without charge in front of the press and labeled them as "terrorists," even before presenting them before a judge. Smear campaigns by pro-government media outlets describing the detainees as "terrorists" and showing them in chains in prison garb usually followed, undermining their right to be presumed innocent;
- Detainees were deprived of their right to confer freely and privately with their legal counsel; and,
- Trial hearings were conducted behind closed doors.

In several cases where Human Rights Watch obtained access to judicial files, we found the charges brought by the prosecutor's office were not supported by—and sometimes even contradicted—the evidence it presented.

Our findings are broadly consistent with violations identified by international human rights bodies. In January 2019, the IACHR found that:

[T]he hundreds of arbitrary detentions that have taken place; the targeted and mass criminalization of demonstrators, human rights defenders, journalists, students, social leaders, and government dissidents on unfounded and disproportionate charges; the systematic pattern of violations of due process guarantees; the ineffectiveness of the recourse to habeas corpus; the irregularities around access to legal defense and public hearings; the handling of trials for criminal offenses such as terrorism which are interpreted in a way that is incompatible with democracy; the failure to comply with release orders for those who took part in the recent

protests; and the general manipulation of criminal law to prosecute any opposition to the current government; taken together, reveal the lack of independence of the Nicaraguan legal system as a whole.<sup>3</sup>

## Attacks on Free Press and Civil Society

The government has also targeted those who expose its abuses, including independent journalists and human rights defenders. Several of the human rights defenders and journalists targeted during the crackdown had been longstanding critics of Ortega and had already been victims of harassment before the protests started.

Police and armed pro-government groups have harassed, intimidated, assaulted, and detained journalists. Two foreign journalists reporting on the crackdown were deported in August and October. The government has shut down critical news channels for days at a time, and independent online outlets have accused the government of subjecting them to cyber-attacks. In December, the Attorney General's Office charged a prominent, independent news channel's owner and its press chief with inciting terrorism. Police had raided the channel's office and arrested them. They were released following the enactment of an amnesty law in June 2019. Three journalists working for the channel fled the country after their colleagues were jailed, two of which had also been indicted with "inciting terrorism." The channel had consistently provided critical coverage of the government response to protests.

At the request of the Interior Ministry, between November and December, the National Assembly stripped nine non-governmental organizations of their legal registration. The National Police raided five of these organizations, confiscating documents and computers. Police also occupied some of these offices and denied entry to staff and accused—without presenting any evidence—some of the country's most prominent human rights defenders of having committed crimes.

---

<sup>3</sup> "CIDH denounces the weakening of the rule of law in the face of serious human rights violations and crimes against humanity in Nicaragua," OAS press release, January 10, 2019, [https://www.oas.org/en/iachr/media\\_center/PReleases/2019/006.asp](https://www.oas.org/en/iachr/media_center/PReleases/2019/006.asp) (accessed June 5, 2019).

## **Lack of Accountability and the Responsibility of High-Level Officials**

Under international human rights law, Nicaragua's government has an obligation to prevent or punish serious human rights violations. Senior government officials, particularly those who lead institutions implicated in human rights violations, must uphold this responsibility. The government also has an obligation to prevent and punish human rights abuses by private actors, including armed pro-government groups.

High-level Nicaraguan officials have not taken steps to prevent and punish human rights violations, including torture.

Human Rights Watch conducted an exhaustive review of press releases and public statements made by the National Police, the Human Rights Ombudsman, the Attorney General's Office, and the Supreme Court as well as public statements made by President Ortega, Vice-President Rosario Murillo, and several of their cabinet members. We could not find publicly available information that indicates that any police officers or members of armed pro-government groups have been prosecuted for the abuses they committed during the protests. The OHCHR has reported that one sentence has been handed down against a member of an armed pro-government group, but Human Rights Watch has been unable to confirm if the killing that led to the sentence occurred in the context of the anti-government protests. Authorities have also made no public mention of any disciplinary proceedings against officers involved in human rights violations.

In March 2019, Human Rights Watch requested information from Nicaraguan authorities on the status of investigations into human rights abuses and crimes committed by the National Police and armed pro-government groups, as well as against members of the police. At time of writing, we had not received a response.

Similarly, the Interdisciplinary Group of Independent Experts (GIEI, by its Spanish acronym), an independent team of international experts appointed by the IACHR—initially with the support of the government of Nicaragua—to investigate “violent acts” that occurred between April 18 and May 30, reported in December 2018 that it did not have

knowledge of “any case where a member of the security forces has been indicted for the violent deaths that took place between April 18 and May 30, 2018.”<sup>4</sup>

Instead of ensuring accountability, President Ortega has promoted top officials who bear responsibility for the abuses. He and other authorities have issued implausible blanket denials, often blaming demonstrators for the violence. President Ortega has said that the police force has been “the victim of a [smear] campaign.”<sup>5</sup>

On June 8, the Nicaraguan National Assembly passed an amnesty law for crimes committed in the context of anti-government protests. The law indicates that crimes “regulated in international treaties ratified by Nicaragua” will be excluded from amnesties. Given the lack of judicial independence in the country, Human Rights Watch considers that there is a serious risk that the law will be used to consolidate the impunity for officers responsible for serious abuses in the country.

---

<sup>4</sup> Interdisciplinary Group of Independent Experts (GIEI), IACHR, “Report about the acts of violence occurred between April 18 and May 30, 2018” (“Informe sobre los hechos de violencia ocurridos entre el 18 de abril y el 30 de mayo de 2018”), [https://gieinicaragua.org/giei-content/uploads/2018/12/GIEI\\_INFORME\\_DIGITAL.pdf](https://gieinicaragua.org/giei-content/uploads/2018/12/GIEI_INFORME_DIGITAL.pdf) (accessed June 5, 2019) p. 240.

<sup>5</sup> Consejo de Comunicación y Ciudadanía, “President Daniel Ortega in Prayer for Peace and Song for Nicaraguan Mothers” (“Presidente Daniel Ortega en Oración por la Paz y Cantata por las Madres Nicaragüenses”), El 19 Digital, May 31, 2018, <https://www.el19digital.com/articulos/ver/titulo:77592-presidente-daniel-ortega-en-oracion-por-la-paz-y-cantata-por-las-madres-nicaraguenses> (accessed June 3, 2019); La Voz del Sandinismo, “Words of the President-Commander Daniel and Comrade Rosario, Vice-President of Nicaragua, in Session to Install National Dialogue (16/5/2018) (Integral Text)” (“Palabras del Presidente-Comandante Daniel y Compañera Rosario, Vicepresidenta de Nicaragua, en Sesión de Instalación del Diálogo Nacional (16/5/2018) (Texto íntegro)”), May 16, 2018, <https://www.lavozdelsandinismo.com/nicaragua/2018-05-16/palabras-del-presidente-comandante-daniel-y-companera-rosario-vicepresidenta-de-nicaragua-en-sesion-de-instalacion-del-dialogo-nacional-16-5-2018-texto-integro/> (accessed June 3, 2019).

## Recommendations

To ensure accountability for, and to deter the repetition of the human rights abuses documented in this report, it is critically important to intensify international pressure on the Nicaraguan government. Specifically:

**The US, Canadian, and Latin American governments and the European Union should:**

- Impose targeted sanctions, including travel bans and asset freezes, on senior government officials who bear responsibility for gross human rights violations, including but not limited to:
  - President Daniel Ortega, who is supreme chief of the National Police and has sweeping powers, including to “command” the police at his will and dismiss police chiefs when they disobey his orders;
  - Retired General Aminta Granera, former chief of the National Police, who was the head of the force until he was replaced by General Francisco Díaz;
  - General Francisco Díaz, chief of the National Police, who is believed to have exercised significant control over the force first as deputy director and in his current position;
  - General Ramon Avellán, deputy chief of the National Police, who acted as the highest-ranking member of the National Police in Masaya, where police and armed pro-government gangs brutally repressed protesters;
  - General Jaime Vanegas, inspector general of the National Police, who is required under Nicaraguan law to investigate alleged rights violations by police officers and sanction those responsible;
  - General Luis Pérez Olivas, chief of the Direction of Judicial Assistance (DAJ, also known as El Chipote), which is the “main place” where authorities perpetrated egregious abuses against anti-government demonstrators, according to the OHCHR; and,
  - General Justo Pastor Urbina, chief of the Department of Special Operations (DOEP, by its Spanish acronym), which played a “central role” in the repression throughout the country, according to the Interdisciplinary Group of Independent Experts of the IACHR.

- Refrain from any transfer to Nicaraguan security forces of weaponry, ammunition, or equipment that risks being used in the commission of violent abuses against government opponents; and,
- Urge Nicaragua to create a special unit that—acting together with the Interdisciplinary Group of Independent Experts of the IACHR—will oversee investigating the most atrocious crimes that have occurred in the context of the protests.

**The European Union and the Central American Bank for Economic Integration (CABEI) should:**

- Suspend all financial support of the National Police of Nicaragua;
- Condition the reinstatement of police funding to the opening of credible, impartial, and exhaustive investigations by the Attorney General’s Office into the alleged responsibility of top police officials in grave human rights violations committed in the context of the 2018 crackdown; and
- Condition the reinstatement of police funding on verifiable efforts to dismantle and prosecute armed pro-government groups.

**The signatory countries to the 1984 Convention against Torture and the Inter American Convention to Prevent and Punish Torture should:**

- Exercise criminal jurisdiction, to the extent permitted under domestic law, over any Nicaraguan officials responsible for torture, in accordance with article 5 of the UN Convention Against Torture.

**Members of the United Nations Human Rights Council should:**

- Monitor compliance by the Nicaraguan government with the Council’s resolution A/HRC/40/L.8, which put in place monitoring and reporting by the UN High Commissioner for Human Rights on the human rights situation in Nicaragua, especially calling on Nicaraguan authorities to renew their collaboration with the Office of the High Commissioner for Human Rights and other regional human rights bodies and grant them unhindered access to the country; and,
- Carefully consider and respond to updates and reports by the OHCHR and ensure continued consideration of the human rights situation in Nicaragua, including

independent investigation of grave human rights violations perpetrated in Nicaragua since April 2018.

**The UN special rapporteur on human rights and counterterrorism should:**

- Review and report to the Human Rights Council on potential violations of international rights to freedom of association, assembly, and expression through Nicaragua's prosecutions of protesters and other opposition figures under the 2018 counterterrorism amendments.



## Methodology

This report is based largely on interviews conducted by Human Rights Watch researchers with a total of 75 people, including 17 alleged victims of human rights abuses, 21 relatives of victims of abuses, and 34 witnesses to alleged abuses by Nicaraguan police and armed pro-government groups. Witnesses included seven defense lawyers who assisted detainees, 10 medical professionals and first aid responders who attended to people injured during or near demonstrations or tortured while in detention, and three human rights defenders. We also interviewed six representatives of the Office of the High Commissioner on Human Rights (OHCHR), the Inter-American Commission on Human Rights (IACHR), the Special Monitoring Mechanism for Nicaragua (MESENI) and the International Cooperation Agency for Development of Andalucía. We received responses to information requests from the United Nations High Commissioner for Refugees (UNHCR) and the Central American Bank for Economic Integration (CABEI).

Human Rights Watch conducted field research in Nicaragua and Costa Rica in September 2018. In Nicaragua, Human Rights Watch visited the cities of Managua, Jinotepe, and Masaya; in Costa Rica we conducted interviews with Nicaraguans who had fled their country in the San José, Cartago, and Heredia provinces, and in a fourth location by the border with Nicaragua. Other interviews were conducted via telephone, email, Skype, or text messaging services prior to and following the fact-finding mission.

All those interviewed were informed of the purpose of the interview, its voluntary nature, and the ways in which the information would be used. Interviewees were told they could decline to answer questions or end the interview at any time. All provided oral consent to be interviewed. None received compensation, financial or in-kind, for the interviews. We covered transportation costs for some interviewees. Care was taken with victims of trauma to minimize the risk that recounting their experiences could further traumatize them. Where appropriate, Human Rights Watch provided contact information for organizations offering legal, counseling, health, or social services.

To protect the safety of some victims and family members who shared their stories with us, we have used pseudonyms to identify them in this report or we have deliberately avoided including details about the date or location in which the abuses occurred.

Human Rights Watch was unable to access all the evidence for the cases documented in this report to evaluate the merits of all accusations. Obtaining judicial files, hundreds of pages long and available only in hard copy, was difficult. Faced with a climate of pervasive intimidation and fear of retaliation, many witnesses, victims, and relatives of detainees declined to meet with Human Rights Watch in Nicaragua.

In most of the countries where Human Rights Watch works, the practice is to seek meetings with government officials. However, when conducting research for this report, Human Rights Watch chose not to establish contact with government officials or draw attention to our presence in the country. We made this decision out of concern for possible repercussions to victims and human rights defenders, the risk of compromising our ability to conduct the research, and the safety of our staff.

To seek an official perspective, in March 2019, Human Rights Watch requested information from Nicaraguan authorities on the status of investigations into human rights abuses and crimes committed by the National Police and armed pro-government groups, as well as against members of the police. At time of writing, we had not received a response. In addition, we reviewed press releases and/or public statements made by top officials from the National Police, the Human Rights Ombudsman, the Attorney General's Office and the Supreme Court in relation to the 2018 protests. We also reviewed public statements made by President Daniel Ortega, Vice-President Rosario Murillo and several of their cabinet members, including the foreign affairs minister and the interior vice-minister. We also conducted an extensive review of news accounts in official media outlets, social media and other official sources to evaluate the government's position. Finally, we looked at the government's own public evaluation of the overall performance of the police and the acts committed by armed pro-government groups in the context of protests.

In most cases, Human Rights Watch could not contrast figures provided by international human rights bodies or local civil society organizations to official government statistics because, to date, the government has not published any detailed account of its response to the 2018 protests. We did, however, carefully review IACHR and OHCHR reports based on research conducted on the ground in Nicaragua, and the government's official responses to those reports.

## Cases

This report describes in detail the abuses suffered by 23 people in detention and arbitrary arrests or prosecutions. Many said they were subject to these violations alongside other people and were direct witnesses to abuses suffered by dozens of others. This includes abuses committed during arrests and while in detention facilities, as well as due process violations before or during judicial hearings.

In all of these cases, the facts described in this report are based on testimonies provided directly to researchers by the victims, or by eyewitnesses or relatives in cases where victims were still in detention or killed.

For 13 of the incidents we describe, we also reviewed additional evidence—such as photographs, footage, medical reports, or judicial files—that corroborated the accounts we received. In one of those cases, we observed first-hand and photographed physical injuries that the victims said had been inflicted by security forces. Two medical professionals also showed Human Rights Watch records that supported their accounts of similar abuses suffered by their patients in other cases not described in this report.

This report bases its assessments of the credibility of victims and witnesses on careful review of corroborating evidence when available, as well as on whether the detailed accounts provided by the victim, family members, eyewitnesses, or lawyers were consistent, both internally and with patterns and practices documented in other cases.

## Background: Repression of Street Protests

On April 18, 2018, President Daniel Ortega's government announced changes to Nicaragua's pension system, prompting street protests in several cities that quickly grew in size and number, fueled by widespread discontent with his 12-year administration, including with the dismantling of institutional checks on presidential power.<sup>6</sup>

In Nicaragua, government institutions are inextricably linked to the government's ruling political party, the Sandinista National Liberation Front (FSLN, by its Spanish acronym). Every agency, including the National Police and the Attorney General's Office, has an employee who is also FSLN's "political secretary," a position of trust that serves as a liaison between that agency and the party.<sup>7</sup> During the 2018 protests, political secretaries in the police and other agencies were told to collaborate with armed pro-government groups in responding to anti-government protests.<sup>8</sup>

The government's response to the demonstrations was swift and brutal. Police officers fired live ammunition at largely unarmed protesters, as pro-government groups harassed and attacked journalists and others. Dozens of protesters were killed, and hundreds briefly detained in the first weeks.<sup>9</sup>

---

<sup>6</sup> On April 23, five days after the start of the protests, Ortega rescinded the amendment to the pension system in a nationally televised address. By then, 30 people had already been killed largely by police and armed pro-government groups and the protests continued. See Noelia Celina Gutiérrez, "Ortega withdraws reform to INSS and rejects Cosep conditions" ("Ortega retira reforma al INSS y rechaza condiciones del Cosep"), *El Nuevo Diario*, April 23, 2018, <https://www.elnuevodiario.com.ni/nacionales/461877-ortega-retira-reforma-inss-rechaza-condiciones-cos/> (accessed June 12, 2019); "Reforms to the INSS published in La Gaceta" ("Publican reformas al INSS en La Gaceta"), *El Nuevo Diario*, April 18, 2018, <https://www.elnuevodiario.com.ni/nacionales/461471-publican-reformas-inss-gaceta/> (accessed June 3, 2019); Kirk Semple, "Nicaragua Roiled by Protests Over Social Security Benefits," *New York Times*, April 20, 2018, <https://www.nytimes.com/2018/04/20/world/americas/nicaragua-protests-ortega.html?ref=nyt-es&mcid=nyt-es&subid=article> (accessed June 12, 2019).

<sup>7</sup> IACHR, "Chapter IV. B Nicaragua," *Annual Report 2018*, <https://www.oas.org/en/iachr/docs/annual/2018/docs/IA2018cap.4B.NI-en.pdf> (accessed June 3, 2019), para. 89.

<sup>8</sup> Human Rights Watch telephone interview with Ligia Gómez, former political secretary of Nicaragua's Central Bank, October 16, 2018; Reformas Políticas, "FSLN 2002 Statutes" ("Estatutos 2002 FSLN"), September 20, 2006, <https://reformaspoliticas.org/wp-content/uploads/2015/03/nicaraguaestatutosfsln2002.pdf> (accessed June 3, 2019); International Crisis Group, "A Road to Dialogue after Nicaragua's Crushed Uprising," December 18, 2018, <https://d2o71andvipowj.cloudfront.net/072-a-road-to-dialogue.pdf> (accessed June 3, 2019).

<sup>9</sup> IACHR, "Gross Violations in the Context of Social Protests in Nicaragua," June 21, 2018, <http://www.oas.org/en/iachr/reports/pdfs/Nicaragua2018-en.pdf> (accessed June 3, 2019).

In the following weeks, the protests spread across the country. They brought together university students, feminist activists, the farmers' movement, and powerful private sector associations, among others.<sup>10</sup> On May 16, representatives of this coalition met with Ortega, Murillo, and their cabinet for the first time, during a live television broadcast of a national dialogue mediated by Nicaragua's cardinal and bishops.<sup>11</sup>

On May 31, Mothers' Day in Nicaragua, in possibly the largest demonstration, thousands of people marched in different cities in solidarity with the mothers whose children had been killed by police and armed pro-government groups since the protests began in April. According to the IACHR, armed pro-government groups fired live ammunition at participants in peaceful protests in several cities.<sup>12</sup> Some protestors retaliated by throwing stones and firing homemade mortars (*morteros*).<sup>13</sup> At least 15 people died and 199 were injured that day in Managua, Estelí, and Masaya, according to an official statement by the National Police.<sup>14</sup>

In the days that followed the beginning of the national dialogue, demonstrators in many parts of the country erected hundreds of barricades, called *tranques* in Nicaragua, blocking traffic in important commerce arteries.

Civil society representatives at the national dialogue said the barricades were both a form of protest and self-defense from police and armed pro-government groups incursions into

---

<sup>10</sup> Noelia Celina Gutiérrez, "University students, business people, and civil society: We will take the risk of dialogue in Nicaragua" ("Universitarios, empresarios y sociedad civil: Tomaremos riesgo de diálogo en Nicaragua"), *El Nuevo Diario*, May 14, 2018, <https://www.elnuevodiario.com.ni/nacionales/464177-universitarios-dialogo-protestas-nicaragua/> (accessed June 3, 2019); "Feminists support negotiations between the Nicaraguan government and the Civic Alliance" ("Feministas respaldan negociaciones entre Gobierno de Nicaragua y Alianza Cívica"), *El Nuevo Diario*, <https://www.elnuevodiario.com.ni/nacionales/487290-crisis-nicaragua-dialogo-feministas-alianza/> (accessed June 3, 2019).

<sup>11</sup> "National dialogue to resolve the sociopolitical crisis begins in Nicaragua" ("Inicia dialogo nacional en Nicaragua para resolver la crisis sociopolítica"), *Confidencial*, May 16, 2018, [https://www.elconfidencial.com/ultima-hora-en-vivo/2018-05-16/inicia-dialogo-nacional-en-nicaragua-para-resolver-crisis-sociopolitica\\_1520831/](https://www.elconfidencial.com/ultima-hora-en-vivo/2018-05-16/inicia-dialogo-nacional-en-nicaragua-para-resolver-crisis-sociopolitica_1520831/) (accessed June 3, 2019).

<sup>12</sup> "IACHR Urges Nicaragua to Dismantle Parapolice Groups and Protect Right to Peaceful Protest," OAS press release, June 1, 2018, [https://www.oas.org/en/iachr/media\\_center/PReleases/2018/124.asp](https://www.oas.org/en/iachr/media_center/PReleases/2018/124.asp) (accessed June 3, 2019).

<sup>13</sup> Human Rights Watch reviewed videos taken by demonstrators on that day in Managua.

<sup>14</sup> "IACHR Urges Nicaragua to Dismantle Parapolice Groups and Protect Right to Peaceful Protest," OAS press release, June 1, 2018, [https://www.oas.org/en/iachr/media\\_center/PReleases/2018/124.asp](https://www.oas.org/en/iachr/media_center/PReleases/2018/124.asp) (accessed June 3, 2019) ; "Press Note No. 33 – 2018" ("Nota de Prensa No. 33 -2018"), National Police of Nicaragua press release, May 31, 2018, <https://www.policia.gob.ni/?p=19356> (accessed June 3, 2019).

their neighborhoods.<sup>15</sup> The government doubled down on its demand for protestors to dismantle the barricades, while the latter demanded guarantees of political reform and early elections; the negotiations quickly stalled.<sup>16</sup>

In early June, the National Police began to dismantle barricades in Managua, acting on orders from President Ortega.<sup>17</sup> Police chiefs declared that the plan, officially called “Operation for Peace” (*Operación por la Paz*), was intended to “ensure order, tranquility, and security for Nicaraguan families.”<sup>18</sup> By mid-June, however, protestors had erected more than 100 large roadblocks around the country, according to local news accounts.<sup>19</sup>

The operation entailed police and heavily armed pro-government groups forcibly driving out protestors and then dismantling their barricades.<sup>20</sup> It came to be referred to by Nicaraguan media, and later on by international observers, as “Operation Clean-Up” (*Operación Limpieza*), a reference to similar operations carried out under the dictatorship of Anastasio Somoza DeBayle in 1978.<sup>21</sup>

---

<sup>15</sup> Uriel Velásquez, “Dialogue stuck on subject of barricades” (“Diálogo se pega en el tema de los tranques”), *El Nuevo Diario*, May 22, 2018, <https://www.elnuevodiario.com.ni/nacionales/464960-dialogo-nicaragua-tranques-empresarios/> (accessed June 12, 2019); Nicaraguan Center for Human Rights (CENIDH), “Report No. 3” (“Informe No. 3”), June 18, 2018, [https://www.cenidh.org/media/documents/docfile/Informe\\_3.pdf](https://www.cenidh.org/media/documents/docfile/Informe_3.pdf) (accessed June 3, 2019).

<sup>16</sup> Matilde Cordoba, “What are the reasons behind the decision to suspend the dialogue that seeks to lift Nicaragua out of the crisis” (“Cuales son las razones detrás de la suspensión del diálogo que busca sacar a Nicaragua de la crisis”), *Infobae*, May 24, 2018, <https://www.infobae.com/america/america-latina/2018/05/24/cuales-son-las-razones-detras-de-la-suspension-del-dialogo-que-busca-sacar-nicaragua-de-la-crisis/> (accessed June 3, 2019).

<sup>17</sup> “Avellán: ‘Monimbó will be cleaned at whatever cost’” (“Avellán: ‘Se va a limpiar Monimbó al costo que sea’”), July 17, 2018, video clip, YouTube, <https://www.youtube.com/watch?v=F1j9-cbmX6o> (accessed June 4, 2019).

<sup>18</sup> Yader Luna, “Managua city in barricade cleaning operation” (“Alcaldía Managua en ‘Operación limpieza’ de barricadas”), *Confidencial*, June 4, 2018, <https://confidencial.com.ni/alcaldia-de-managua-en-operacion-limpieza-de-barricadas/> (accessed June 12, 2019); “Police present results of ‘Operation for Peace’” (“Policía presenta resultados de ‘Operación por la Paz’”), National Police of Nicaragua press release, July 16, 2018, <https://www.policia.gob.ni/?p=20022> (accessed June 3, 2019).

<sup>19</sup> Yader Luna and Iván Olivares, “More than a hundred barricades throughout Nicaragua” (“Más de cien tranques en toda Nicaragua”), *Confidencial*, June 9, 2018, <https://confidencial.com.ni/87-tranques-empieza-cerco-sobre-managua/> (accessed June 3, 2019).

<sup>20</sup> OHCHR, “Human Rights Violations and Abuses in the Context of Protests in Nicaragua: 18 April – 18 August 2018,” August 29, 2018, [https://ohchr.org/Documents/Countries/NI/HumanRightsViolationsNicaraguaApr\\_Aug2018\\_EN.pdf](https://ohchr.org/Documents/Countries/NI/HumanRightsViolationsNicaraguaApr_Aug2018_EN.pdf) (accessed June 3, 2019), pp. 16, 24, and 34.

<sup>21</sup> Ángel Luis de la Calle, “Thousands of people flee the fighting in Managua between guerrillas and the National Guard” (“Miles de personas huyen de los combates en Managua entre guerrilleros y la Guardia Nacional”), *El País*, June 13, 1979, [https://elpais.com/diario/1979/06/13/internacional/298072805\\_850215.html](https://elpais.com/diario/1979/06/13/internacional/298072805_850215.html) (accessed June 3, 2019); Mónica Baltodano, “Rebellion and insurrection in the department of Carazo” (“Rebelión e insurrección en el departamento de Carazo”), in *Memorias de la Lucha Sandinista* (Managua: Mónica Salvadora Baltodano Marcenaro, 2012), <https://memoriasdelaluchasandinista.org/media/books/122.stories.pdf> (accessed June 3, 2019); “Operation Clean-Up”

The efforts to dismantle the barricades accelerated in late June and early July, ahead of two dates commemorated every year by the governing party—the anniversary of when thousands of Sandinista guerillas pulled back from Managua to unify their forces in Masaya between June 27 and June 29 before launching the final assault on the capital, and the July 19 anniversary of the overthrow of the Somoza regime, both in 1979.<sup>22</sup> Many Nicaraguans commemorate these anniversaries by recreating the march from Managua to the neighborhood of Monimbó, in Masaya—known as *El Repliegue* (the withdrawal)—and holding massive gatherings in Managua.<sup>23</sup>

Ortega was unable to commemorate El Repliegue in Monimbó on July 13, as he had publicly announced he would, because of the barricades.<sup>24</sup> Instead, he held a public demonstration in Managua, where he said he had ordered police in Masaya “not to shoot” protesters, while asserting that any other police in the world would have used force in responding to a similar situation.<sup>25</sup> A few days later, on July 17, “Operation Clean-Up” ended with the dismantlement of all barricades in Masaya.<sup>26</sup> In a declaration to the media that day that contradicted Ortega’s speech, the highest-ranking policeman in Masaya,

---

(“La ‘Operación Limpieza’”), *La Prensa*, October 20, 2015, <https://www.laprensa.com.ni/2015/10/20/editorial/1922013-la-operacion-limpieza> (accessed June 12, 2019).

<sup>22</sup> Amnesty International, “Nicaragua: Authorities intensify repression and commit grave human rights violations during ‘Operation Clean-Up’” (“Nicaragua: Las autoridades intensifican la represión y cometen graves violaciones de derechos humanos durante la ‘Operación Limpieza’”), October 18, 2018, <https://www.es.amnesty.org/en-que-estamos/noticias/noticia/articulo/nicaragua-las-autoridades-intensifican-la-represion-y-cometen-graves-violaciones-de-derechos-humanos/> (accessed June 3, 2019); “Important Sandinista Celebration In Nicaragua, ‘El Repliegue,’ begins without Ortega” (“Importante fiesta sandinista en Nicaragua el ‘repliegue’ comienza sin Ortega”), *El País*, July 13, 2018, <https://www.elpais.cr/2018/07/13/importante-fieta-sandinista-en-nicaragua-el-repliegue-comienza-sin-ortega/> (accessed June 11, 2019).

<sup>23</sup> “Ortega faces a posible moral defeat without the ‘Repliegue’ celebration” (“Ortega afronta una posible derrota moral sin la celebración del ‘repliegue’”), *EFE*, July 7, 2018, <https://www.efc.com/efe/america/portada/ortega-afronta-una-posible-derrota-moral-sin-la-celebracion-del-repliegue/20000064-3676052> (accessed June 3, 2019).

<sup>24</sup> “Government of Nicaragua calls for the withdrawal on the same day as national strike” (Gobierno de Nicaragua convoca al repliegue el mismo día de paro nacional), *El Nuevo Diario*, July 13, 2018, <https://www.elnuevodiario.com.ni/nacionales/469456-repliegue-nicaragua-daniel-ortega/> (accessed June 15, 2019).

<sup>25</sup> Transcript of Daniel Ortega’s speech, “Daniel Ortega on the Repliegue Act 39 (July 13, 2018)” (“Daniel Ortega en el Acto del Repliegue 39 (13 de julio del 2018)”), *El 19 Digital*, July 13, 2018, <https://www.el19digital.com/articulos/ver/titulo:79026-daniel-ortega-en-el-acto-del-repliegue-39-13-de-julio-del-2018> (accessed June 4, 2019).

<sup>26</sup> Cinthya Tórrez García and Noel Amílcar Gallegos, “This is how we tell you about the attack by police and paramilitaries in Monimbó” (“Así te contamos el ataque de policías y paramilitares en Monimbó”), *La Prensa*, July 17, 2018, <https://www.laprensa.com.ni/2018/07/17/departamentales/2449769-policias-y-paramilitares-atacan-nuevamente-al-barrio-indigena-monimbo-en-masaya> (accessed June 4, 2019).



General Ramón Avellán, said that “the order of our president and our vice-president [is] to go and clean these barricades throughout the nation (...), whatever the cost.”<sup>27</sup>

Between June 18 and July 25, the Nicaraguan Center for Human Rights (CENIDH, by its Spanish acronym), reported that 107 people were killed during the “Operation Clean-Up” conducted by police and armed pro-government groups.<sup>28</sup> The government asserts that during the same period, nine police officers were killed by protesters.<sup>29</sup> Human Rights Watch interviewed one demonstrator who claimed he had killed a member of an armed pro-government group and reviewed one video showing police officers captured by demonstrators.<sup>30</sup>

While the defense of the barricades was largely assumed by protesters equipped with stones, slingshots, Molotov cocktails, and homemade mortar launchers, 13 interviewees acknowledged that some of those defending the barricades carried firearms.<sup>31</sup>

The Special Monitoring Mechanism for Nicaragua (MESENI, by its Spanish acronym), a body created by the Inter-American Commission on Human Rights that was on the ground during the operation, “observed a high degree of support and collaboration between

---

<sup>27</sup> “Avellán: ‘Monimbó will be cleaned at whatever cost’” (“Avellán: ‘Se va a limpiar Monimbó al costo que sea’”), July 17, 2018, video clip, YouTube, <https://www.youtube.com/watch?v=F1j9-cbmX6o> (accessed June 4, 2019).

<sup>28</sup> CENIDH, “Report No. 4” (“Informe No. 4”), July 18, 2018, [https://www.cenidh.org/media/documents/docfile/Informe\\_No\\_4\\_\\_CENIDH.pdf](https://www.cenidh.org/media/documents/docfile/Informe_No_4__CENIDH.pdf) (accessed June 4, 2019); CENIDH, Report No. 5 (“Informe No. 5”), July 31, 2018, [https://www.cenidh.org/media/documents/docfile/Informe\\_No\\_5\\_\\_CENIDH.pdf](https://www.cenidh.org/media/documents/docfile/Informe_No_5__CENIDH.pdf) (accessed June 4, 2019).

<sup>29</sup> “Press Note No. 89 – 2018” (“Nota de prensa No. 89 – 2018”), National Police of Nicaragua press release, July 18, 2018, <https://www.policia.gob.ni/?p=20289> (accessed June 4, 2019); “Press Note No. 88 – 2018” (“Nota de prensa No. 88 – 2018”), National Police of Nicaragua press release, July 17, 2018, <https://www.policia.gob.ni/?p=20249> (accessed June 4, 2019); “Press Note No. 87 – 2018” (“Nota de prensa No. 87 – 2018”), National Police of Nicaragua press release, July 16, 2018, <https://www.policia.gob.ni/?p=19995> (accessed June 4, 2019); “Press Note No. 82 – 2018” (“Nota de prensa No. 82 – 2018”), National Police of Nicaragua press release, July 12, 2018, <https://www.policia.gob.ni/?p=19889> (accessed June 4, 2019); “Press Note No. 79 – 2018” (“Nota de prensa No. 79 – 2018”), National Police of Nicaragua press release, July 8, 2018, <https://www.policia.gob.ni/?p=19756> (accessed June 4, 2019).

<sup>30</sup> Human Rights Watch interview with Jose Marcado [pseudonym], Costa Rica, September 2018; “Nine police were detained by demonstrators to negotiate the exchange of their companions” (“Nueve policías fueron retenidos por los manifestantes para negociar el intercambio de sus compañeros”), video clip, *La Prensa*, YouTube, July 13, 2018, <https://www.youtube.com/watch?v=LC0jp-okVAY> (accessed June 5, 2019).

<sup>31</sup> Molotov cocktails are glass bottles filled with combustible liquid and fitted with a flaming fuse. When the bottle is thrown and shatters, it erupts into flames. Homemade mortar launchers are metal tubes loaded with paper containers filled with gun powder. While the homemade mortars (*morteros*) detonate, their lack of hard shells makes them less lethal upon exploding. “Facing Gunfire, Nicaraguan Protesters Build Own Mortars”, *France24*, June 9, 2018, <https://www.france24.com/en/20180609-facing-gunfire-nicaraguan-protesters-build-own-mortars> (accessed June 5, 2019).



National Police forces and masked parapolice groups, who coordinate their actions to perpetrate violence, repress, harass and persecute civilians as well as to remove *tranques*.”<sup>32</sup>

Once they forcibly dismantled the barricades, police and armed pro-government groups moved into various areas throughout the country to which they had been denied access by the barricades. According to CENIDH, they conducted scores of house-to-house searches, arresting and kidnapping hundreds of protestors and activists.<sup>33</sup>

---

<sup>32</sup> “The Special Monitoring Mechanism for Nicaragua (MESENI) Completes Third Week in Action, Observes Tougher Repression and Raids by Police and Parapolice Groups,” OAS press release, July 19, 2018, [http://www.oas.org/en/iachr/media\\_center/PReleases/2018/156.asp](http://www.oas.org/en/iachr/media_center/PReleases/2018/156.asp) (accessed June 5, 2019),)

<sup>33</sup> CENIDH, “Report No. 4” (“Informe No. 4”), July 18, 2018, [https://www.cenidh.org/media/documents/docfile/Informe\\_No\\_4\\_\\_CENIDH.pdf](https://www.cenidh.org/media/documents/docfile/Informe_No_4__CENIDH.pdf) (accessed June 4, 2019); CENIDH, Report No. 5 (“Informe No. 5”), July 31, 2018, [https://www.cenidh.org/media/documents/docfile/Informe\\_No\\_5\\_\\_CENIDH.pdf](https://www.cenidh.org/media/documents/docfile/Informe_No_5__CENIDH.pdf) (accessed June 4, 2019).

## Torture and Abuses in Detention

I was shouting and asking for help, but no one could come to save me because those supposed to help me were the ones [doing it to me].

—Vivian Contreras (pseudonym), September 2018

Since the beginning of the protests in April 2018, Nicaragua’s police and armed pro-government groups have operated jointly to detain hundreds of demonstrators.<sup>34</sup> Armed pro-government groups have also abducted many people, at times holding them in secret detention facilities. At other times, these gangs immediately handed detainees over to police.<sup>35</sup>

Human Rights Watch interviewed 13 people who were detained. Nine said they were subjected to interrogations that involved beatings and severe mistreatment by multiple officers. In five cases, Human Rights Watch believes the victims were tortured.<sup>36</sup> Some of the interviewees told Human Rights Watch that they were arrested and detained with other protesters—at least three dozen in total—whom they also saw being beaten, at times severely, by police or members or armed pro-government groups. In addition, several of the detainees whose cases are described in the next chapter on abuse-ridden prosecutions were also subject to abuse while in detention.

In one case, five policemen gang raped a woman while in detention. In another, two policemen gang raped a woman in front of her child, mother and siblings while they were detained at home for a few hours. In yet another case, police officers suspended one 16-year-old boy from a ceiling by his hands and poured acid on his hands and leg. In two

---

<sup>34</sup> “CIDH denounces the weakening of the rule of law in the face of serious human rights violations and crimes against humanity in Nicaragua,” OAS press release, January 10, 2019, [https://www.oas.org/en/iachr/media\\_center/PReleases/2019/006.asp](https://www.oas.org/en/iachr/media_center/PReleases/2019/006.asp) (accessed June 3, 2019).

<sup>35</sup> Joshua Partlow, “‘They took my humanity’: Pro-government paramilitaries terrorize Nicaraguan protestors”, *Washington Post*, August 2, 2018, [https://www.washingtonpost.com/world/the\\_americas/they-took-my-humanity-pro-government-paramilitaries-terrorize-nicaraguan-protesters/2018/08/02/349f8914-900a-11e8-ae59-01880eac5f1d\\_story.html?noredirect=on&utm\\_term=.ee1151db8535](https://www.washingtonpost.com/world/the_americas/they-took-my-humanity-pro-government-paramilitaries-terrorize-nicaraguan-protesters/2018/08/02/349f8914-900a-11e8-ae59-01880eac5f1d_story.html?noredirect=on&utm_term=.ee1151db8535) (accessed June 5, 2019).

<sup>36</sup> Human Rights Watch interview with Vivian Contreras (pseudonym), Costa Rica, September 2018; Human Rights Watch interview with Lucia Sánchez (pseudonym), Nicaragua, September 2018; Human Rights Watch interview with Jossiel Espinoza (pseudonym), United States, July 6 2018; Human Rights Watch interview with Roberto Obrera (pseudonym), Nicaragua, September 2018; Human Rights Watch interview with Katia Salamanca (pseudonym), Costa Rica, September 2018; Human Rights Watch interview with Sandro Villamar (pseudonym), Costa Rica, September 2018; Human Rights Watch interview with Roberto Cortez (pseudonym), Costa Rica, September 2018.

other cases, police officers suspended two men from a ceiling and repeatedly beat them over the span of several hours. One man was forced to sit naked and blindfolded while officers touched his genitals with their firearms. Another was forced to parade naked while officers threatened to rape him.

In three cases documented by Human Rights Watch, police or paramilitaries threatened detainees into confessing to crimes and accusing others in front of video cameras. All nine former detainees interviewed by Human Rights Watch reported being initially held *incommunicado* for several days; in one case police held a demonstrator *incommunicado* for 22 days.

Former detainees interviewed by Human Rights Watch were detained in the prisons of La Modelo and El Chipote in Managua, police stations in Masaya and Granada, or a fifth unidentified clandestine detention facility located on a private ranch, allegedly in the surroundings of Matagalpa.

Human Rights Watch also interviewed three doctors who tended to people who were abused in detention or to demonstrators injured during Operation Clean-Up. Two of them who coordinated a network of other doctors and medical students who provided medical care. Although they did not treat the detainees whose cases are described in this chapter, the types of injuries they described and their patients' testimonies, which they shared confidentially with Human Rights Watch, are consistent with our findings of torture. Those include severe physical and psychological trauma resulting from sexual abuse and beatings.

The three doctors interviewed by Human Rights Watch, who provided healthcare to patients despite threats by authorities not to do so and a directive to public hospitals not to tend to anti-government protesters, were subject to harassment by Nicaraguan authorities and had to flee the country. Nicaragua's Medical Association reported that nearly 300 doctors, nurses and other health workers have been fired for treating protesters.<sup>37</sup> One of them worked in a public hospital and said hospital authorities

---

<sup>37</sup> Anneke Ball, "They denounce persecution of doctors for assisting the wounded in Nicaragua" ("Denuncian persecución a médicos en Nicaragua por asistir a heridos"), *Telemundo*, March 3, 2019,

threatened him with detention if he provided health care to anti-government demonstrations.<sup>38</sup> The other two told Human Rights Watch many others were forced to leave the country.<sup>39</sup>

These cases we documented are consistent with a pattern of systematic abuse against anti-government protesters and opponents that has been reported by international human rights bodies. The Inter-American Commission on Human Rights (IACHR) noted the “existence of a pattern of arbitrary arrests” whereby “the main intention behind the deprivation of liberty was to punish or suppress opposition to the current regime in Nicaragua.”<sup>40</sup> The IACHR also found that “the arrest and deprivation of liberty of persons detained in connection with the protests was frequently accompanied by beatings, threats and insults against the detainees, that involved subjecting them to humiliating and degrading conditions or cruelty.”<sup>41</sup> Threats used by state agents against persons incarcerated in El Chipote and La Modelo prisons included “rap[ing] detainees and burn[ing] them alive, or else kill[ing] them, their next of kin and their friends.”<sup>42</sup> The IACHR also documented the case of one inmate in La Esperanza who had “visible signs of having received blows to her arms.”<sup>43</sup>

Similarly, the Office of the High Commissioner on Human Rights (OHCHR) found “cruel, inhuman or degrading treatment is regularly reported in the context of detentions, with allegations of torture during the arrest and the first days of the detention.”<sup>44</sup> El Chipote detention center is allegedly “the main place” where police and prison authorities committed “acts of torture and ill-treatment.”<sup>45</sup> These include “burnings with Taser guns

---

<https://www.telemundo.com/noticias/2019/03/03/denuncian-persecucion-medicos-en-nicaragua-por-asistir-heridos> (accessed June 16, 2019)

<sup>38</sup> Human Rights Watch interview with medical doctor, Los Angeles, June 6, 2019.

<sup>39</sup> Human Rights Watch interview with Josmar Briones, Miami, November 7, 2018; Human Rights Watch interview with medical doctor, Miami, November 7, 2018; Human Rights Watch interview with medical doctor, Los Angeles, June 6, 2019.

<sup>40</sup> IACHR, “Gross Human Rights Violations in the Context of Social Protests in Nicaragua,” June 21, 2018, <http://www.oas.org/en/iachr/reports/pdfs/Nicaragua2018-en.docx> (accessed June 12, 2019), pp. 57-58.

<sup>41</sup> *Ibid.*, p. 61.

<sup>42</sup> *Ibid.*, p. 59.

<sup>43</sup> “IACHR Condemns Increasing Attacks on the Press and Ongoing Human Rights Violations in Nicaragua,” OAS press release, February 6, 2019, [http://www.oas.org/en/iachr/media\\_center/PReleases/2019/026.asp](http://www.oas.org/en/iachr/media_center/PReleases/2019/026.asp) (accessed June 5, 2019).

<sup>44</sup> OHCHR, “Human Rights Violations and Abuses in the Context of Protests in Nicaragua: 18 April – 18 August 2018,” August 29, 2018, [https://ohchr.org/Documents/Countries/NI/HumanRightsViolationsNicaraguaApr\\_Aug2018\\_EN.pdf](https://ohchr.org/Documents/Countries/NI/HumanRightsViolationsNicaraguaApr_Aug2018_EN.pdf) (accessed June 3, 2019), p. 28.

<sup>45</sup> *Ibid.*, p. 29.

and/or cigarettes, use of barbed wires, beatings with fists and tubes and attempted strangulation – as well as psychological torture, including death threats.”<sup>46</sup> The OHCHR found that some men and women had been raped in detention, “including rape with rifles and other objects,” with women describing “threats of sexual abuse as common.”<sup>47</sup>

## Cases Documented by Human Rights Watch

### *Vivian Contreras*

The account below is based on an interview with Vivian Contreras (pseudonym), 32.<sup>48</sup>

One night in early June, Contreras was walking around a neighborhood of Masaya with a dozen demonstrators. Suddenly, a white pick-up truck carrying police officers showed up and the policemen inside began to shoot at Contreras and the group. “We couldn’t run [very far], because we were cornered by police,” Contreras told Human Right Watch. The deputy chief of police, General Ramón Avellán, was among those who arrested her, she said, adding that he put his gun to her head and said: “You whore, I will kill you.” While Contreras said she was acting as a paramedic and was unarmed, she said that some of the men had homemade mortars (*morteros*).

When they arrived at the police station, a few hundred meters away, everyone, including the cooks, cleaners, and anti-riot police, hit them. “Someone took my head and hit it against the wall,” Contreras said. The police officers forced her and the others to sit on the floor and took pictures of them alongside the homemade mortars as well as weapons she said the police planted on them. The officers threatened to kill them and throw their bodies on the side of the road or in a nearby volcano.

In the early hours of the next morning, Contreras said, five policemen gang-raped her. The officers took her to a room in the station, sat her on a chair, and blindfolded her. “They all raped me. They did everything they wanted with me. They did many things to me that I can’t describe...They hurt me and beat me a lot,” she said. “I was shouting and asking for help, but no one could help me because they were the ones [doing it to me],” she added.

---

<sup>46</sup> Ibid., p. 19

<sup>47</sup> Ibid., p. 29

<sup>48</sup> Human Rights Watch interview with Vivian Contreras (pseudonym), Costa Rica, September 2018.

Police officers later that day transferred Contreras and the men arrested with her to El Chipote prison. Policewomen threatened them throughout the drive, saying they were going to kill them or never let them out of jail. At El Chipote, a high-ranking police officer threw Contreras against the wall, and said: “Bitch, you are the head of the band, you are the terrorist crook who acts against the government. You won’t leave this place, son of a bitch, I will make sure of that,” according to Contreras.

The interrogation began that same day. “I asked for assistance from a lawyer but [the police] told me I had no right to this,” she said. Although she was in pain from the gang rape and beating, one male and two female police officers interrogated Contreras at least eight times, most of them while she was naked. The police officers threatened Contreras’ children and mother, calling them by name and promising to arrest and shoot them in the head if she did not denounce leaders of the April 19 Movement, a social movement that arose in protest of the brutal crackdown, and other opposition leaders. “When they spoke of my mother, I began to cry. I said that they should ask me whatever they want but leave my family alone,” she said. Between the interrogations, she was kept naked in a cell that she described as “freezing, completely dark, and with a fetid smell as though someone had died in there.”

Shortly before releasing her, police threatened Contreras into reading in front of a camera a confession they had drafted in which she had to accuse various opposition leaders. “They handcuffed me to a chair and a police officer was next to me, pointing his AK rifle at me. I [filmed the confession], but none of the videos came out okay. They wanted me to look at the camera and read the paper without looking at it...”

After a day and a half in detention, the police released Contreras, following pressure from a human rights group and the Catholic Church.

Upon releasing her, police officers told her “they were going to watch me,” she said. Contreras nonetheless returned to Masaya and continued to participate in barricades until they were dismantled during “Operation Clean-Up” on July 18. She fled Nicaragua and said she reached Costa Rica three days later.

### *Lucía Sánchez*

The account below is based on an interview conducted with Lucía Sánchez (pseudonym), 23.<sup>49</sup>

By the end of May, Sánchez explained, she had already seen many friends and fellow anti-government demonstrators killed by police and armed pro-government groups, including one who died in her arms as she transported him to a clinic. A nurse, she had been participating in the demonstrations as a paramedic, assisting doctors and volunteers in treating people attacked and shot by police and armed pro-government groups on the streets.

One night in early June, police officers appeared at the door of the Sánchez family house in their small town in the north of Nicaragua. They suspected her father, who had openly opposed Ortega's government in the 80s, had given two of his pistols to anti-government demonstrators. Her father managed to slip away as the police arrived, so when 10 policemen entered the house, only Sánchez, her mother, three younger sisters, and her 3-year-old son were present and hiding. The policemen ransacked the house, found them all, and handcuffed Sánchez and her mother.

"The kids were crying," Sánchez recounted to Human Rights Watch. "With a gun against my head, one policeman said: 'Bitch, today we will kill you and your father. Where are the weapons? If you don't tell me the truth, I will kill your mother.'" Sánchez begged them not to hurt her family, confessing to having participated in the protests and saying that it was all her fault. She said the policemen laughed at her and one said, "Let's not kill her; let's do her." Two of the police officers then raped her in front of her family. They then left.

At the time of the interview, Sánchez was hiding in Costa Rica, fearing for her own life and retaliations against her mother and child, who remain in Nicaragua.

### *Jordan Rivas*

The account below is based on an interview with Jordan Rivas (pseudonym), 23.<sup>50</sup>

---

<sup>49</sup> Human Rights Watch interview with Lucía Sánchez (pseudonym), Costa Rica, September 2018.

<sup>50</sup> Human Rights Watch interview with Jordan Rivas (pseudonym), Costa Rica, September 2018.

An activist connected to the student movement, Rivas was arrested in late May with another student leader. They had spent two nights in hiding, following a conflict among student groups that led to the expulsion of Rivas' group from a barricaded area where students had established their headquarters. "I had no money, clothes or food and [my friend] wanted to take a shower, so we both went to my mother's house," Rivas explained.

As they left the house a few hours later, five pickup trucks carrying several armed and hooded men intercepted them. Rivas said one of them grabbed him by his hair, threw him to the ground, and forced both men into the pick-up. The hooded men beat them all the way to the El Chipote prison, Rivas said. When they arrived, police searched their bags and found Rivas' ID. "These are student leaders," officers said to each other, according to Rivas. They blindfolded the two, thrust them into a small bus, and drove them away. During the trip, the hooded men continued beating them. "After two or three hours, we arrived at a clandestine place that looked like a ranch," Rivas recalled.

The hooded men forced Rivas and his friend into a room and took off the blindfolds. They told them they would play "a sort of roulette." It was a wheel presenting types of torture that his captors physically spun. Rivas said the needle subsequently landed on "piñata"—a Mexican game played in birthday parties in which a papier-mâché figurine containing candies is suspended from a tree or ceiling and beaten until it breaks open. A man who seemed to be in command ordered others to administer this treatment to Rivas. "They blindfolded me again, tied my wrists with tie wrap and suspended me from the ceiling by the wrists," Rivas said. Over a period of two days, several of his captors proceeded to beat him repeatedly with blunt objects while he was suspended from the ceiling.

While Rivas' treatment was the "piñata," he says his friend's roulette pointed towards "Tarzan's cry," which he described as pulling out fingernails.<sup>51</sup> Rivas also said he heard police officers rape Jossiel Espinoza (pseudonym), another former detainee interviewed separately by Human Rights Watch (see below).

Following this torture, Rivas was subjected to a polygraph test. "They put cables on me and said they were going to question me. They said that if I answered correctly, I would go home," Rivas explained. His captors questioned him about the identity of student leaders,

---

<sup>51</sup> Also known as denailing, a form of torture in which captors forcefully extract fingernails from a victim's hands or feet.



but some of the answers seemed not to satisfy the interrogators, who continued to beat him.

After a while, Rivas said, his captors took him to another room in the same building. There, an older man presented himself as “The Eagle” and told Rivas he had not “passed the test” and could not leave if he did not cooperate. Another man, calling himself “The Condor,” then asked Rivas to implicate another student who “The Condor” said had been involved in the anti-government mobilization.

Rivas was finally brought to a third room. There, “The Condor” presented him to a masked man. According to Rivas, “The Condor” told him: “Speak with him, he can help you get out of here.” The masked man came closer and said none of what Rivas had said was of any use. He said that if Rivas wanted to leave, he would have to read a text in front of a camera. Rivas said the text was a confession that he had committed crimes including killings and burning buildings. Rivas complied.

The masked man then gave Rivas a cellphone and told him that it would ring in a few days and he would receive instructions. If Rivas did not comply, the masked man continued, someone would kill his family.

The policemen drove Rivas back to Managua and left him on a street near his house. “They told me not to tell what happened to anyone,” Rivas said.

Three days after his release, the cellphone rang. Rivas told Human Rights Watch that a voice that sounded like the masked man’s ordered him to kill Bishop Silvio Baez, a well-known government critic, saying that the police would protect him once it was done. Rivas did not comply and fled to Costa Rica.

### *Jossiel Espinoza*

The account below is based on an interview with Jossiel Espinoza (pseudonym), 26.<sup>52</sup>

One day in late May, Espinoza was traveling from the protestors’ barricades at one of Managua’s universities to a friend’s house when about 40 masked men, driving in several

---

<sup>52</sup> Human Rights Watch interview with Jossiel Espinoza (pseudonym), United States, July 2018.

trucks and cars, intercepted him. They immediately beat him, taped a sock in his mouth, and tied his hands.

“Then they took me to a clandestine prison. It looked like a ranch, a new building,” he said. He estimated that 40 to 60 people worked at that clandestine detention center.

There, police interrogated Espinoza and subjected him to different forms of torture and ill-treatment, including electric shocks, beatings, rape, sleep deprivation, and mock executions. “They made me lie on the floor with my face covered by a piece of cloth and poured a bucket of water on my face, until I couldn’t breathe,” he recounted. “I remember fainting and then they were resuscitating me with chest compressions, and I was vomiting water through my nose and mouth,” he said.

Those in charge of the clandestine detention center threw him naked into a cell and administered electric shocks with a ‘*chuzo*,’ an electric cattle prod, to prevent him from sleeping. “It hurt so bad that I felt like my heart was coming out of my chest (...) They would throw water on me and then apply the electricity every time they saw I was sleeping. They tortured me with electric shocks to my genitals, I screamed from pain, and then would cry,” he said.

Espinoza said there were around 20 other detainees being tortured at the center, including some who were hung from the ceiling by their wrists and others who had their fingernails pulled out. At some point, he heard noise from a nearby room that he assumed was the sound of a girl being raped, he screamed for them to stop. “For that reason, they tortured me by inserting the handle of a homemade mortar in my anus. I screamed, and they said I would remember this my entire life. They kicked the tube while inserted in me, until they made me bleed,” Espinoza said. “I spent several days in intense pain and did not stop bleeding. This broke me.”

Espinoza said he was subsequently forced to record a self-incriminating video: “They made me learn a script while holding an AK 47 rifle on me. They forced me to speak to a camera and say what they wanted—that I was a member of a terrorist group that would kill archbishop [Silvio] Baez (...) and that we had arms.”

When he was released, the police warned Espinoza not to discuss what happened at the clandestine detention center. They put him in a car and left him on a street with instructions to pray and count down before looking back. Then they drove off and when Espinoza looked up, they were gone.

Espinoza fled to the US.

### *Roberto Obrera*

The account below is based on an interview with Roberto Obrera (pseudonym), 16.<sup>53</sup>

On June 15, Obrera and four friends, all children under 18 years old, participated in a small march that passed alongside one of Managua's universities shortly after a confrontation between police and demonstrators. Though neither Obrera nor his friends had been part of the confrontation, police arrested and beat them. Obrera said they hit him on the back of the head with a rifle butt, and he was bleeding.”

The police let them go and Obrera fled to the nearby house of a relative. The following day, around 5 a.m., Obrera said three police trucks showed up at his relative's house. The officers broke the door open and took him away.

Obrera said that when he and the other four children, who were also detained that day, arrived at El Chipote, police undressed and blindfolded him prior to tying his hands to the ceiling. He said policemen then applied acid to his hands. “It burned, and they would put water on it quickly. They didn't say anything, except ‘Burn son of a bitch!’ Obrera recalled. Obrera said another one of his friends was subjected to the same treatment that day.

Police then put the five boys into a small windowless cell, where they spent two days. On what he believes was the third day, police separated Obrera from the others. “[Before I was arrested,] I had a wound on my foot– with 15 stitches inside and 10 outside – and it was rotting. I was shouting through the window of the door that I needed care and they would respond ‘no!’ from afar,” Obrera said. Without treatment, Obrera said, he developed a fever and convulsions, but no one came to help.

---

<sup>53</sup> Human Rights Watch interview with Roberto Obrera (pseudonym), Nicaragua, September 2018.

“At no point did they give me the opportunity to call anyone,” Obrera explained. After a few days, police transferred Obrera and his friends to La Modelo prison. There, he could call his relatives and was seen by a doctor. Police took the five boys to the child detention wing of the prison. “It was larger, we had hammocks, without a window but with electricity and water,” Obrera said.

Five days later, Obrera and his friends were brought before a court for adults and accused of assaulting a police officer.

“I told the prosecutor that we weren’t 18 years old yet, but a policeman hit me in the back,” Obrera said. The judge asked the police to leave the courtroom so she could speak with Obrera and his friends, who told her they had been tortured. The judge ordered their release. “But then the police came back, handcuffed us again, and said that we would see what they were going to do. On the way back to La Modelo, they beat us again with their boots and fists. And when we arrived, they put us back in the cell,” Obrera said.

The following day, Obrera said, police released them.

### *Katia Salamanca and Sandro Villamar*

The account below is based on separate interviews with Katia Salamanca (pseudonym), 22, and Sandro Villamar (pseudonym), 24.<sup>54</sup>

Salamanca, a medical student, and her boyfriend Villamar, an engineering student, had been active in the opposition movement since April. The couple had provided first aid to wounded demonstrators. She said she treated about 50 people, and probably 70 percent were wounded by bullets.

During a July 13 government operation to dislodge students who had barricaded the National Engineering University (UNI), the couple fled alongside some 150 other demonstrators to hide in the nearby Church of the Divine Mercy. Heavy clashes between students and the police and pro-government armed groups broke out and lasted

---

<sup>54</sup> Human Rights Watch interview with Katia Salamanca (pseudonym), Costa Rica, September 2018 and Human Rights Watch interview with Sandro Villamar (pseudonym), Costa Rica, September 2018.

throughout the night, leading to the death of two demonstrators who were shot in the head. Salamanca and Villamar made it out of the church alive and went into hiding.<sup>55</sup>

“Between July 14 and 16, we had been to three different safe houses in Managua,” Sandro said. On July 16, they decided to join a group of 15 other student activists who had arranged for a bus to take them to Granada, where they planned to get to another safe house by taxi. “We were waiting for three taxis. People were looking at us weirdly. The first taxi came and four left. When the two other taxis arrived, I boarded one of them and then saw the street full of police and paramilitaries with trucks, armed with weapons,” Salamanca recalled.

The police and armed pro-government groups surrounded the taxis, ordering the young activists to exit the vehicles and lie face down on the ground. “They began to search our luggage and found blue and white flags and said: ‘Ah, here come the terrorists’ and they started to beat us,” Villamar said.

Both explained to Human Rights Watch how policemen and members of armed pro-government groups beat the activists with their rifles and called them names. At some point during the beating, an anti-riot policeman ordered them to spread their hands on the ground and stepped on their fingers. “One of the girls said she was pregnant and one [of the government agents] said: ‘perfect, we will get it out of you, and you’ll eat [the foetus]. Then they hit her in the stomach,” Salamanca said. Villamar said he also witnessed the same incident.

The activists were then forced to lie in the back of the police trucks, one on top of the other, and taken into custody.

In the Granada detention facility where they were taken, the beatings continued. Each of the 13 activists arrested were forced to undress and were searched prior to being individually interrogated by two officers, Salamanca and Villamar explained. “They wanted

---

<sup>55</sup> “Crisis in Nicaragua : At least 2 dead in the siege of a Church where students sought refuge” (“Crisis en Nicaragua: al menos 2 muertos tras el cerco a una iglesia donde se refugiaron los estudiantes símbolo de las protestas”), *BBC*, July 15, 2018 <https://www.bbc.com/mundo/noticias-america-latina-44831030> (accessed June 5, 2019); “Burying two youth killed in the Church of the Divine Mercy” (“Entieran a dos jóvenes asesinados en la Iglesia de la Divina Misericordia”), *El Nuevo Diario*, July 17, 2018, <https://www.elnuevodiario.com.ni/nacionales/469784-muertos-nicaragua-iglesia-divina-misericordia> (accessed June 5, 2019).

me to mention names but I didn't know anything. They threatened to disappear me," Salamanca said.

Salamanca and Villamar were then jailed separately. "We were 16 women in a small cell that was about 3 x 3 meters. There was a bathroom in the cell, which was in inhumane condition. They brought us bad food twice a day," Salamanca said. They spent four days held incommunicado in the detention facility and said they continued to be subjected to humiliations and bad treatment during that time.

"On July 20, they freed the 13 of us and told us our case was still under investigation and that it was pointless to continue to demonstrate because we would never be able to get rid of the commander [Ortega]," Villamar said.

Both fled to Costa Rica after their release.

### *Bryan Quiroz*

Bryan Quiroz, 23, studied sustainable tourism at the National Autonomous University of Nicaragua in Estelí (UNAN-FAREM). He mobilized protestors and participated in barricades in Estelí. Bryan is an environmental activist and a sexual and reproductive rights youth educator. He organized multiple science and cultural fairs for children and volunteered with World Vision, an international charity dedicated to advancing children's rights.<sup>56</sup>

When the protests started, Quiroz participated in marches and other activities to denounce government repression, such as painting lamp posts in blue and white, the colors of the Nicaraguan flag that became the opposition movement's symbol. He spent a few weeks in late April in Managua barricaded with other students in the campus of the Polytechnic University (UPOLI) in Managua before returning to Estelí on May 19; while he was there, he said, police repeatedly attacked the students with live ammunition and they responded firing homemade mortars (*morteros*) and slingshots.<sup>57</sup>

---

<sup>56</sup> Ena Quiroz, Bryan Quiroz's mother, sent Human Rights Watch copies of multiple diplomas and recognitions Bryan earned for his community services.

<sup>57</sup> Human Rights Watch telephone interview with Bryan Quiroz, May 15, 2019.

In late May, following the killing of two protesters in his city, Quiroz and other youth set up a roadblock in La Trinidad, 25 kilometers away, to protest that the mothers of the dead had allegedly not received death certificates, autopsy results or the ballistic exams, he told Human Rights Watch.<sup>58</sup>

Over the next few weeks, police and armed pro-government groups would repeatedly attack the roadblock with rubber bullets, tear gas and live ammunition, Quiroz told Human Rights Watch. He said he and other protestors fired homemade mortars (*morteros*) in response, but that he did not have firearms. In late July, he left the roadblock when a contact tipped him off that police would dismantle it within days. He said he tried to convince others to leave with him, but they did not believe him.<sup>59</sup>

On August 1, hooded police officers arrested Quiroz in a small town near the border with Honduras, where he was hiding. “They called me ‘a coup plotting motherfucker’,” he said.<sup>60</sup> An officer “sat me down, made me spread my legs and kicked me in the groin,” Quiroz told Human Rights Watch. The officer also allegedly threatened to execute him. “They hit me with the palm of their hands so it wouldn’t [leave marks],” Quiroz said. They then loaded him on the back of a truck, and an officer “put his boot on my face and said ‘eat mud motherfucker,’” Quiroz told Human Rights Watch.

The drive back to Estelí lasted two hours. When he arrived, the officers made him strip naked and parade around, “they said: ‘let’s see you model, look at that little ass, we are going to make you a fag, we are going to stick a mortar up your ass,’” Quiroz told Human Rights Watch.<sup>61</sup>

After a first round of interrogation, they allowed him to call his girlfriend, who warned his family he had been taken away. His mother looked for him at the Boris Vega complex in Estelí—which houses several courts and holding cells—at 8:30 p.m., but police refused to confirm he was held there until the following morning.<sup>62</sup>

---

<sup>58</sup> Ibid.

<sup>59</sup> Ibid.

<sup>60</sup> Human Rights Watch also reviewed pictures taken by the police officers themselves showing police flanking Bryan at the supposed moment of his arrest.

<sup>61</sup> Human Rights Watch telephone interview with Bryan Quiroz, May 15, 2019.

<sup>62</sup> Human Rights Watch telephone interview with Ena Quiroz, Bryan Alexander Quiroz’ mother, August 3, 2018.

The next day at 11 a.m., prosecutors presented Bryan along with 13 other men to a judge on charges of “organized crime,” “aggravated robbery,” “kidnapping,” “obstructing public services,” “illegal fabrication stemming from the illicit traffic of firearms, ammunitions explosives and its accessories (sic),” “organized crime,” “associating to commit crime,” and “threatening [someone] with a firearm.”<sup>63</sup> Bryan told Human Rights Watch he did not have a defense lawyer—not even a public defender—for his pre-trial hearing.<sup>64</sup>

His mother was able to see him briefly after the hearing. “He was handcuffed, seven police officers were guarding him, they had AK rifles and they wore balaclavas,” she told Human Rights Watch.

The prosecutor requested that the case be admitted as one of “complex prosecution,” which allows the Attorney General’s Office to request that Bryan remain in pre-trial detention for a year, instead of the three-month deadline for ordinary trials.<sup>65</sup> The judge approved the request.

Bryan’s defense lawyer met him in detention on August 7 for the first time. Four police officers surrounded them constantly, in violation of the detainees’ right to communicate freely and confidentially with their counsel, allowed for by the Nicaraguan constitution.<sup>66</sup> On August 15, the lawyer attempted to see Bryan again, but prison guards did not allow him inside.

Bryan’s lawyer said his first trial hearing was postponed twice after prison authorities failed to bring him to court, in apparent violation of the Penitentiary System Law, which requires penal authorities to bring detainees to court when requested by a competent authority.<sup>67</sup> The judge ruled that the alleged crimes were of “national importance” and that

---

<sup>63</sup> Transcript of trial hearing, Case no. 012996-ORM4 2018-PBN, November 20, 2018 (copy on file at Human Rights Watch).

<sup>64</sup> Human Rights Watch telephone interview with Bryan Quiroz, May 15, 2019.

<sup>65</sup> Human Rights Watch telephone interview with Jaime Matute, Bryan Quiroz’s defense lawyer, August 24, 2018.

<sup>66</sup> Ibid. Political Constitution of Nicaragua, 2014, art. 34, paras. 4 and 5.

<sup>67</sup> Ibid.; “Law on the penitentiary system and execution of the penalty” (“Ley del régimen penitenciario y ejecución de la pena”), No. 473, November 21, 2003, [https://www.poderjudicial.gob.ni/pjupload/spenal/pdf/2003\\_leyo1.pdf](https://www.poderjudicial.gob.ni/pjupload/spenal/pdf/2003_leyo1.pdf) (accessed June 5, 2019), art. 13, 2.2.



she was not competent to prosecute them in Estelí, so she transferred the case to the capital.<sup>68</sup>

At 2 a.m. on August 25, Quiroz was transferred to La Modelo prison in Managua. “They didn’t notify nor our lawyers or our families, they threatened us to sign a document,” he told Human Rights Watch.<sup>69</sup> Two days after police arrested his younger brother, Luis, in León. They were subsequently in prison together.

Quiroz was found guilty on February 5, 2019. The prosecutor asked that he be sentenced to 28 years in prison, he told Human Rights Watch, but the sentencing hearing keeps being postponed, he said.<sup>70</sup>

On April 5, 2019, Bryan Quiroz and his brother were released from prison with precautionary measures in the context of negotiations between the government and the opposition.<sup>71</sup>

### *Luis Arnulfo Quiroz*

Luis Arnulfo Quiroz, 22, attended the National Autonomous University of Nicaragua in León (UNAN-León), and in early 2018 was in his final year of journalism. Quiroz was an outspoken advocate for children’s rights.<sup>72</sup> When protests broke out in Nicaragua in April 2018, Quiroz joined the April 19 Movement and participated in anti-government demonstrations in León.

On the evening of August 25, pro-government gangs surrounded Quiroz and six other students after they participated in a demonstration in León. Police arrived swiftly after, forced them to get out of their car, beat them, and arrested them.<sup>73</sup> Just a few weeks

---

<sup>68</sup> Human Rights Watch telephone interview with Jaime Matute, August 24, 2018.

<sup>69</sup> Human Rights Watch telephone interview with Bryan Quiroz, May 16, 2019.

<sup>70</sup> Ibid.

<sup>71</sup> Interior Ministry press release, April 5, 2019, <https://www.migob.gob.ni/nota-de-prensa-13-2/> (accessed June 5, 2019).

<sup>72</sup> Human Rights Watch telephone interview with Ena Quiroz, mother of Luis Arnulfo Quiroz, October 27, 2018; Edelma Reyes, “Quiroz brothers imprisoned in La Modelo” (Los hermanos Quiroz presos en La Modelo), *Maje*, October 9, 2018, <https://maje.com.ni/entonces/2079-hermanos-quiroz-presos-modelo/> (accessed June 5, 2019).

<sup>73</sup> Human Rights Watch telephone interview with Luis Quiroz, April 15, 2019; Yamlek Mojica, “The seven ‘kids’ that make Daniel Ortega tremble” (Los siete ‘chavalos’ que hacen temblar a Daniel Ortega), *Semanario Universidad*, September 25,

before, on August 1, police had arrested his older brother Bryan in a small town near the border with Honduras.<sup>74</sup>

Quiroz told Human Rights Watch that he and his friends were taken to the central police headquarters in León.<sup>75</sup>

That night, approximately 200 people staged a protest outside the León police station, demanding the youths' release. Around 10 p.m., armed pro-government groups appeared in pick-up trucks, fired shots into the crowd and beat protestors, who rapidly dispersed in panic.<sup>76</sup>

Around 8 p.m., police transferred the student activists to El Chipote prison in Managua, Quiroz told Human Rights Watch. They stopped briefly next to a cliff on the way and told them they would kill them there, then continued to the jail. Officers beat them on the way and the police officers who took custody of them in Managua beat them again. They were stripped completely naked and made to squat 200 times while officers laughed at them; "we cried of fear," Quiroz said.

The student activists were then thrown in a cell with a ceiling so low they couldn't stand upright; they stayed there until 2 a.m., when they were taken for polygraph tests, Quiroz told Human Rights Watch, before being thrown in different cells with other prisoners. At around 4 a.m., officers took Luis again for his first interrogation. "They asked me to which political party I belong...there's an official behind you hitting you if you don't answer. They [also] forced us to give out the passwords to access our phones," he said. "They asked me how much the CIA pays me, how much the MRS [an opposition party] pays me," Quiroz said.<sup>77</sup>

---

2018, <https://semanariouniversidad.com/mundo/presos-politicos-en-nicaragua-los-siete-chavalos-que-hacen-temblar-a-daniel-ortega/> (accessed June 5, 2019).

<sup>74</sup> See his case above.

<sup>75</sup> Human Rights Watch telephone interview with Luis Quiroz, April 15, 2019.

<sup>76</sup> Eddy López Hernández, "Pro-government groups shoot demonstrators demanding freedom of student leaders in León" (Paramilitares disparan a manifestantes que exigían libertad de líderes estudiantiles en León), *La Prensa*, August 25, 2018, <https://www.laprensa.com.ni/2018/08/25/departamentales/2464070-policia-nacional-detiene-a-cinco-lideres-del-movimiento-estudiantil-de-leon> (accessed June 5, 2019).

<sup>77</sup> Human Rights Watch telephone interview with Luis Quiroz, April 15, 2019.

The interrogatory lasted two hours. “They put me in a dark room, they stripped me naked and blindfolded me; they would touch my body with their weapons and threaten me, I was afraid there would be sexual abuse. Then they made me sit and open my legs and they touched my genitals with their weapons,” Quiroz told Human Rights Watch.<sup>78</sup>

The first time Quiroz’s mother, Ena, heard news of her son again was when police presented him to the media as part of a group of “terrorists” on August 29.<sup>79</sup> In a public statement that day, Police Commissioner Farle Roa said that the students were responsible for, among other crimes, starting a fire in León on April 20 in which a man died. Speaking to the press, a relative of the victim who died in the fire said that the police commissioner in León had allegedly told his family four months earlier that the victim’s death had been caused by “his own recklessness” and that the police “couldn’t point their finger at anybody else.”<sup>80</sup>

On September 1, a week after police arrested Quiroz in León, they brought him before a judge. The prosecutor charged him with “terrorism,” “robbery,” “threats,” and “illegal possession of weapons.”<sup>81</sup> Quiroz was not allowed to make calls, see a lawyer or a relative before he was brought to court, “I only found out what I was being accused of at the hearing,” he said.<sup>82</sup>

On September 4, after his preliminary hearing, police transferred Quiroz to La Modelo prison, where he was made to strip naked and squat 200 times, he told Human Rights Watch. He put back on his blue prison uniform before officers made him sign several documents he was not allowed to read. Officers then brought him and the other student activists with whom he was arrested to their prison block, where they were again made to strip naked and squat in front of the other prisoners.<sup>83</sup>

---

<sup>78</sup> Ibid.

<sup>79</sup> Mayco Montiel “León terrorist group captured” (“Capturan a grupo terrorista de León”), National Police of Nicaragua press release, August 29, 2018, <https://www.policia.gob.ni/?p=21806> (accessed June 5, 2019).

<sup>80</sup> Declarations of Eva María Terán to *Diario Metro*, mother-in-law of Cristian Emilio Cadena (who died in the fire on April 20) quoted in *Diario Metro*, “Police accuses university leaders detained in León of terrorism” (Policía acusa de terrorismo a líderes universitarios detenidos en León), *Diariometro*, August 30, 2018, <http://diariometro.com.ni/nacionales/190822-policia-nacional-universitarios-leon-detenidos-terrorismo-crisis/> (accessed June 5, 2019).

<sup>81</sup> Human Rights Watch telephone interview with Ena Quiroz, mother of Luis Arnulfo Quiroz, October 27, 2018.

<sup>82</sup> Human Rights Watch telephone interview with Luis Quiroz, April 15, 2019.

<sup>83</sup> Ibid.

On September 13, Ena visited Quiroz and his brother Bryan, who had been arrested on August 1, in La Modelo prison, in Managua, for the first time. The brothers got 20 minutes of yard time once a week.

Ena was not allowed into the courtroom during her sons' trial hearings; she could see them for a couple of minutes after the proceedings had ended, Ena and her son Luis told Human Rights Watch. Though their defense lawyers are allowed in the trial hearings, they could not visit the two brothers while they were in detention in Managua. Prison authorities did not allow the brothers to make phone calls.<sup>84</sup>

On April 5, 2019, Luis Quiroz and his brother were released from prison to house arrest in the context of negotiations between the government and the opposition.<sup>85</sup>

### *Eduardo Manuel Tijerino*

Veterinary student Eduardo Manuel Tijerino, 21, was detained on June 26.<sup>86</sup>

Tijerino said he was riding a vehicle with four others—including Nelly Roque Ordóñez, whose case is described in the next chapter—to take money to Managua to help people injured in the protests, when a group of armed pro-government men standing on the side of the road fired at their vehicle. Tijerino's vehicle continued down the road for approximately two kilometers more, and as soon as they got out, the armed men arrived, pointed their guns at the heads of the five people riding the car, and tied their hands behind their backs with their shoelaces. The armed men threw Tijerino and the others on the ground, kicked them, and threatened to kill all of them and rape the two women, he said. Tijerino estimates that a couple of hours later the police arrived, and drove them to El Chipote prison, where they arrived around 5 p.m., he said.

---

<sup>84</sup> Ibid.

<sup>85</sup> Interior Ministry press release, April 5, 2019, <https://www.migob.gob.ni/nota-de-prensa-13-2/> (accessed June 5, 2019).

<sup>86</sup> Unless otherwise noted, all information about this case is based on Human Rights Watch telephone interviews with Eduardo Manuel Tijerino, May 17, 2019, and with a relative of Eduardo Manuel Tijerino, August 14, October 16, and November 7, 2018.

Tijerino's family found out about his detention that day when media released photos of him handcuffed at the side of a highway.<sup>87</sup> That same day, Tijerino's father went to El Chipote prison to look for him, but police officers serving as guards at the prison denied he was in their custody. The next day, Tijerino's father returned, according to another relative, accompanied by two Catholic priests, and police admitted that they were holding his son at El Chipote.

After 48 hours, Tijerino's family filed a habeas corpus petition on his behalf.<sup>88</sup> An appeals court granted the petition.<sup>89</sup> But the judge appointed to inspect Tijerino's detention conditions refused to comply with the appeals court order, a relative who had access to the criminal file said.

When Tijerino arrived at El Chipote, he and the two other young men detained with him were taken to a 1x1 meter cell. Tijerino said they were individually taken out of the cell for interrogation. The policemen beat Tijerino and threatened to kill him and set his family on fire—the officers knew the name of each of his relatives and where they lived—if he did not give them the password to access his phone.

During his detention, Tijerino was in severe pain due to the beatings and vomited blood, he said. He asked to have access to a doctor, but only got a pain relief pill that did not help much, and he continuously heard other detainees scream, asking not to be tortured. The policemen spit on their food, Tijerino said.

Tijerino had a testicular hernia at the time of his arrest. The court approved three petitions his family submitted for a doctor to evaluate Tijerino's condition, but prison authorities refused to comply with the orders, according to a family member with access to the file.

Tijerino's pre-trial hearing took place on June 30, four days after he was taken into custody. His relatives only found out because human rights lawyers who are permanently stationed at the courthouse called them. One of the lawyers was allowed into the hearing to

---

<sup>87</sup> "Individuals who set fire to Matagalpa townhall are captured" ("Capturan a sujetos que le prendieron fuego a la Alcaldia de Matagalpa"), *Nueva Radio Ya*, June 26, 2018, <https://nuevaya.com.ni/capturan-a-sujetos-que-le-prendieron-fuego-a-la-alcaldia-de-matagalpa/> (accessed June 5, 2019).

<sup>88</sup> Habeas corpus petition, June 29, 2018 (copy on file at Human Rights Watch).

<sup>89</sup> Decision on case 000968-ORM4-2018-CN, June 29, 2018 (copy on file at Human Rights Watch).

represent Tijerino, as well as his mother, but only because she was also a lawyer accredited with the court.

When Tijerino was transferred to La Modelo prison, on July 3, authorities allowed his family to see him briefly. One of the relatives told us they spoke to him for a couple of minutes before prison guards dragged him away. Tijerino told his relatives the guards at El Chipote prison had beaten him repeatedly.<sup>90</sup>

On July 13, a prosecutor accused Tijerino and the others of driving a vehicle on the day of their arrest that they had stolen on June 7, and of having participated in an attack against a police station on June 9 during which the attackers shot at the station, held policemen hostage for several hours, and stole firearms. The accusation is based entirely on witness testimony from government officials who were inside the car when it was allegedly stolen on June 7 and from police officers who claim to have identified Tijerino and the others as perpetrating the attack on June 9. In several instances, the testimony provided by different witnesses is identical.<sup>91</sup>

On July 18, at the first trial hearing, the judge allowed Tijerino, along with two other detainees, to see relatives again—briefly. But in defiance of the judge’s orders, prison guards abruptly dragged the detainees out of the hearing room. The judge also insisted that the hearing be open to the public.<sup>92</sup>

As discussed later in the case of Nelly Marily Roque Ordóñez, the next day, the Supreme Court removed the judge from office, arguing she had committed “irregularities” when

---

<sup>90</sup> Ibid.

<sup>91</sup> Accusation, judicial file 010203-ORM4-2018, July 13, 2018 (copy on file at Human Rights Watch).

<sup>92</sup> Ibid; Alejandro Flores Valle, “Prison authorities remove three defendants from a courtroom without the judge's order” (“Autoridades del sistema penitenciario sacan a tres acusados de una sala judicial sin la orden del juez”), *La Prensa*, July 18, 2018, <https://www.laprensa.com.ni/2018/07/18/nacionales/2450325-autoridades-del-sistema-penitenciario-sacan-a-tres-acusados-de-una-sala-judicial-sin-la-orden-del-juez> (accessed June 8, 2019); OHCHR, “Human Rights Violations and Abuses in the Context of Protests in Nicaragua: 18 April – 18 August 2018,” August 29, 2018, [https://ohchr.org/Documents/Countries/NI/HumanRightsViolationsNicaraguaApr\\_Aug2018\\_EN.pdf](https://ohchr.org/Documents/Countries/NI/HumanRightsViolationsNicaraguaApr_Aug2018_EN.pdf) (accessed June 3, 2019), para. 87.

classifying crimes presented by the Attorney General's Office, according to a Supreme Court press release.<sup>93</sup>

On November 28, Judge Melvin Leopoldo Vargas García convicted Tijerino along with four other protestors of “kidnapping,” “robbery with intimidation,” “organized crime,” and “illegal possession of firearms.”<sup>94</sup> The prosecutor asked that he be sentenced to 61 years in prison; the Nicaraguan criminal code, however, specifies the maximum sentence is 30 years. On December 10, the judge sentenced Tijerino to 18 years and six months in prison.<sup>95</sup>

The ruling is based largely on the testimony provided by government officials and policemen, and dismisses testimony provided by witnesses who said that Tijerino was at home on the day that the car was stolen and the attack on the police station, arguing that witnesses had an interest in the case.<sup>96</sup> A member of Tijerino’s defense team shared a video and photographs of Tijerino at home those days and said that they had offered evidence to the court, including a request to ask a telephone company for a report that confirms his location those days, which was rejected by the court.<sup>97</sup>

In late February, Tijerino was released into house arrest as part of a new round of negotiations between the government and the opposition.<sup>98</sup> He was asked to sign a piece of paper for his release, though was not given a copy, and was driven home. For several weeks, unknown men monitored his house. One day, men shot at the house and in

---

<sup>93</sup> Ernesto García, “Supreme Court of Justice dismisses judge Indiana Gallardo for acting against the law” (“CSJ destituye a jueza Indiana Gallardo”), *El Nuevo Diario*, July 19, 2018, <https://www.elnuevodiario.com.ni/nacionales/470017-csj-destituye-jueza-indiana-gallardo/> (accessed June 8, 2019).

<sup>94</sup> Human Rights Watch telephone interview with Eduardo Manuel Tijerino, May 17, 2019; Tania Ceron Mendez, “Terrorist group from Matagalpa found guilty” (“Declaran culpables a agrupacion terrorista de Matagalpa”), *El 19 Digital*, November 28, 2019, <https://www.el19digital.com/articulos/ver/titulo:84521-declaran-culpables-a-agrupacion-terrorista-de-matagalpa> (accessed June 5, 2019).

<sup>95</sup> Judicial ruling, File 010203-ORM4-2018-PN, signed by Judge Melvin Leopoldo Vargas García, December 10, 2018 (copy on file at Human Rights Watch).

<sup>96</sup> Judicial ruling, File 010203-ORM4-2018-PN, signed by Judge Melvin Leopoldo Vargas García, December 10, 2018 (copy on file at Human Rights Watch).

<sup>97</sup> Human Rights Watch private communication with a relative of Eduardo Manuel Tijerino, May 21, 2019.

<sup>98</sup> Interior Ministry press release, February 27, 2019, <https://www.migob.gob.ni/nota-de-prensa-11/> (accessed June 5, 2019); Human Rights Watch telephone interview with Eduardo Manuel Tijerino, May 17, 2019.

another incident, someone tried to set the side of the house on fire. “I couldn’t take it anymore,” Tijerino said. He fled the country in April.

### *Roberto Cortez*

This account is based on an interview with Roberto Cortez (pseudonym), 49.<sup>99</sup>

After the violent repression of the Mother’s Day march in mid-May, Cortez, a former Nicaraguan member of the military who had lived in Costa Rica for over 20 years, began to help fleeing protesters cross the border. Having been deployed at the border in the 1980s, he knew the area well enough to bring those fleeing the Ortega regime to safety, he said.

In late August, as he drove from Masaya to the border to help the relatives of a well-known activist get to Costa Rica, his car was stopped at an army checkpoint some 20 minutes from the crossing point. At least 15 heavily armed soldiers checked their documents and arrested Cortez and his four passengers, accusing them of being terrorists. Thirty minutes later, the police came to pick them up and brought them to their station in Rivas.

Upon arriving there, Cortez said he was taken to a small room where he was forced to undress and do ten squats, naked, while being insulted. Allowed to dress with only shorts and a T-shirt, he was brought to his cell, which he estimated to be about 2.5x3 meters. The cell had running water, a Turkish toilet and two bunk beds, he said, but no light and little floor space. There were 10 men inside the cell, he recalled.

Cortez was held incommunicado at the Rivas police station for ten days, he said. The detainees, many of whom had been active in the demonstrations, were fed once a day. During the ten days Cortez spent at the station, he was taken to an interrogation room five times. He said other detainees were also frequently interrogated. And each time, he explained, two men severely beat him while his hands were handcuffed in his back. During the first interrogation, Cortez lost consciousness three times because of the beating.

Ten days after his arrest, Roberto was released from detention and fled to Costa Rica.

---

<sup>99</sup> Human Rights Watch interview with Roberto Cortez (pseudonym), Costa Rica, September 2018.



## Abuse-Ridden Prosecutions

As of February 2019, at least 777 people had been arrested during the crackdown on protests and anti-government activity, according to the Inter-American Commission on Human Rights (IACHR).<sup>100</sup> On November 29, the Supreme Court president, Alba Luz Ramos Vanegas, had said there were “no political prisoners” in Nicaragua and that “all the detainees were brought to court for having committed crimes during the barricades between April and July.”<sup>101</sup>

In March, the government agreed with the opposition to release all prisoners detained in the context of protests by June 18, as part of ongoing negotiations.<sup>102</sup> According to the Interior Ministry, between March 15 and June 10, 2019, the government released 392 people who were imprisoned for “committing crimes against public security and crimes against the public peace.”<sup>103</sup> Of these, 286 were released to house arrest or under another restrictive regime; charges remained levied against them.<sup>104</sup> The remaining 106 were released pursuant to an Amnesty Law (Law No. 996) that came into force on June 10.<sup>105</sup>

Human Rights Watch examined the cases of 15 people who have been subject to prosecution for alleged crimes linked to their participation in protests or other anti-government activities. Three of the cases—Bryan Quiroz, Luiz Arnulfo Quiroz, and Eduardo Manuel Tijerino—are described in the previous chapter and the other 12 are detailed here.

---

<sup>100</sup> IACHR, 2018 Annual Report, Special Report on Nicaragua, <https://www.oas.org/en/iachr/docs/annual/2018/TOC.asp> (accessed June 15, 2019), p. 390, para. 13.

<sup>101</sup> Claudia Miranda, “Supreme Court President ‘in Nicaragua there are no political prisoners’” (“Presidenta CSJ: ‘en Nicaragua no hay presos políticos’”), Supreme Court of Justice of Nicaragua press release, November 29, 2018, [https://www.poderjudicial.gob.ni/prensa/notas\\_prensa\\_detalle.asp?id\\_noticia=9220](https://www.poderjudicial.gob.ni/prensa/notas_prensa_detalle.asp?id_noticia=9220) (accessed June 7, 2019).

<sup>102</sup> International Crisis Group, “The Keys to Restarting Nicaragua’s Stalled Talks,” June 13, 2019, p.2 <https://www.crisisgroup.org/latin-america-caribbean/central-america/nicaragua/074-keys-restarting-nicaraguas-stalled-talks> (accessed June 15, 2019).

<sup>103</sup> Interior Ministry press releases: March 15, 2019, <https://www.migob.gob.ni/nota-de-prensa-13-2-2/> (accessed June 15, 2019); April 5, 2019, <https://www.migob.gob.ni/nota-de-prensa-13-2/> (accessed June 15, 2019); April 16, 2019, <https://www.migob.gob.ni/nota-de-prensa-13/> (accessed June 15, 2019); May 20, 2019, <https://www.migob.gob.ni/nota-de-prensa-15/> (accessed June 15, 2019); May 30, 2019, <https://www.migob.gob.ni/nota-de-prensa-19/> (accessed June 15, 2019); June 10, 2019, <https://www.migob.gob.ni/nota-de-prensa-21/> (accessed June 15, 2019); June 11, 2019, <https://www.migob.gob.ni/nota-de-prensa-22/> (accessed June 15, 2019).

<sup>104</sup> Ibid.

<sup>105</sup> Interior Ministry press releases: June 10, 2019, <https://www.migob.gob.ni/nota-de-prensa-21/> (accessed June 15, 2019); June 11, 2019, <https://www.migob.gob.ni/nota-de-prensa-22/> (accessed June 15, 2019); Amnesty Law, *La Gaceta*, Law No. 996, Edition no. 108, June 10, 2019, <https://www.lagaceta.gob.ni/2019/06/108/> (accessed June 15, 2019).

The 15 cases include both high profile activists and ordinary people, between 20 and 63 years old, who joined the protests or made critical statements against the government in six cities across Nicaragua—Estelí, Jinotepe, León, Managua, Matagalpa and Nueva Guinea. Some of them are longstanding critics of the Ortega administration, while others were staunch supporters who became critical as the repression against protestors intensified. In every case, protestors were charged with serious, violent crimes.

In all these cases, we obtained testimony about the criminal procedures from defense lawyers, relatives of the detainees, or both, and cross-referenced details with press sources and reporting from international human rights bodies. Though relatives were often not allowed into courtrooms, they did communicate with defense lawyers or had access to some of the court documents. In four of the cases, the demonstrators were released with precautionary measures and we were able to speak with them by telephone. In 11 of the cases, we obtained portions of the judicial files from their criminal proceedings.<sup>106</sup>

We found evidence of human rights violations in all 15 cases. These included the following:

- In 12 of the 15 cases, police appear to have held protestors for more than two days before bringing them before a judge. This contravenes the Constitution, which requires authorities to bring detainees before a legal authority within 48 hours of arrest.<sup>107</sup>
- In at least five of the 15 cases, relatives who filed habeas corpus petitions to secure the release of their loved ones told Human Rights Watch that prison officials refused to comply with orders that the detainees be released.
- In 13 of the 15 cases, people were held incommunicado before being charged, relatives or defense attorneys told Human Rights Watch. In 10 of those 15 cases people were held incommunicado for periods varying from four to 22 days before being charged, the relatives and defense attorneys said; four of these cases consisted of enforced disappearances according to the Office of the High

---

<sup>106</sup> We were not able to obtain the entirety of the files in every case. Obtaining digital copies of paper files that are hundreds of pages long was not always possible with pro-bono attorneys who work on dozens of cases and sometimes face threats for exercising their role as defense attorneys.

<sup>107</sup> Political Constitution of Nicaragua, 2014, art. 33, para. 2.2, [https://www.oas.org/juridico/spanish/mesicic3\\_nic\\_const.pdf](https://www.oas.org/juridico/spanish/mesicic3_nic_const.pdf) (accessed June 15, 2019).

Commissioner for Human Rights (OHCHR).<sup>108</sup> Several detainees told relatives that they had been beaten or subjected to torture or ill-treatment while in detention, including denial of access to health care.

- Police chiefs in Managua frequently organized press conferences in which they called people detained without charge “terrorists.” They paraded shaved and handcuffed detainees, who sometimes wore prison garb, before pro-government reporters, accusing them of various crimes. Following these press conferences, the National Police issued a press release referring to the detainees as “criminals,” “terrorists,” and “coup plotters.”
- Relatives and defense attorneys report that detainees were deprived of their right to confer freely and privately with their legal counsel.<sup>109</sup> In two cases where defense attorneys were allowed to visit them in prison, they reportedly had to speak with their lawyers in the presence of police officers, prison guards, prosecutors, and/or judges.
- Trials were often conducted behind closed doors. Domestic law and Inter-American human rights standards require open hearings except in specified circumstances.<sup>110</sup> Detainees’ family members and media considered critical of the government were often barred from hearings, particularly when criminal proceedings began. Relatives were allowed to enter the courtroom after proceedings had ended to see the defendants for a few minutes. In August 2018, the Supreme Court barred international human rights bodies from monitoring trials.<sup>111</sup>

---

<sup>108</sup> OHCHR was able to ascertain that Medardo Mairena, Pedro Mena, Christian Fajardo and Maria Adilia were victims of an enforced disappearance for a period of time; OHCHR, “Human Rights Violations and Abuses in the Context of Protests in Nicaragua: 18 April – 18 August 2018,” August 29, 2018, [https://ohchr.org/Documents/Countries/NI/HumanRightsViolationsNicaraguaApr\\_Aug2018\\_EN.pdf](https://ohchr.org/Documents/Countries/NI/HumanRightsViolationsNicaraguaApr_Aug2018_EN.pdf) (accessed June 3, 2019), pp. 26-27; Political Constitution of Nicaragua, 2014, art. 33, par a. 2.1.

<sup>109</sup> Political Constitution of Nicaragua, 2014, art. 34, para. 4, states that detainees’ right to defense must be “guaranteed... from the start of the proceedings and [allow] adequate time and means to prepare their defense”; *Ibid.*, para. 5, states that detainees have the right to “communicate freely and privately with their counsel.”

<sup>110</sup> OHCHR found judges provided no legal reasoning for this measure in its August 2018 report. See OHCHR, “Human Rights Violations and Abuses in the Context of Protests in Nicaragua: 18 April - 18 August,” August 29, 2018, [https://ohchr.org/Documents/Countries/NI/HumanRightsViolationsNicaraguaApr\\_Aug2018\\_EN.pdf](https://ohchr.org/Documents/Countries/NI/HumanRightsViolationsNicaraguaApr_Aug2018_EN.pdf) (accessed June 3, 2019), para. 87; Legal standards are as follows: Nicaraguan Political Constitution, 2014, Article 34, para 11; Nicaraguan Criminal Procedural Code, 2002, art. 13; American Convention on Human Rights (B-32), 1969, art. 7, para. 5, [www.oas.org/dil/treaties\\_B-32\\_American\\_Convention\\_on\\_Human\\_Rights.htm](http://www.oas.org/dil/treaties_B-32_American_Convention_on_Human_Rights.htm) (accessed June 12, 2019).

<sup>111</sup> On August 14, the Supreme Court of Justice informed IACHR and OHCHR representatives in Nicaragua that the court must receive express authorization from the Ministry of Foreign Affairs to allow human rights bodies to monitor the hearings. The IACHR and OHCHR subsequently asked the ministry for access but received no reply. See “Supreme Court of Justice clarifies

These human rights violations combine to severely undermine defendants' right to a fair trial.

Our findings are consistent with violations identified by international human rights bodies. In January 2019, the IACHR found that:

[T]he hundreds of arbitrary detentions that have taken place; the targeted and mass criminalization of demonstrators, human rights defenders, journalists, students, social leaders, and government dissidents on unfounded and disproportionate charges; the systematic pattern of violations of due process guarantees; the ineffectiveness of the recourse to habeas corpus; the irregularities around access to legal defense and public hearings; the handling of trials for criminal offenses such as terrorism which are interpreted in a way that is incompatible with democracy; the failure to comply with release orders for those who took part in the recent protests; and the general manipulation of criminal law to prosecute any opposition to the current government; taken together, reveal the lack of independence of the Nicaraguan legal system as a whole.<sup>112</sup>

## Counter-Terrorism Legislation

During the crackdown, in July 2018, the National Assembly approved new counter-terrorism legislation that had been under consideration since early April.<sup>113</sup> The legislation amended articles 394 and 395 of the Criminal Code, providing an overly broad definition of

---

participation of the GIEI in the hearings and trials" ("CSJ aclara sobre participación del GIEI en las audiencias y juicios"), Supreme Court of Justice of Nicaragua press release, August 14, 2018, [https://www.poderjudicial.gob.ni/prensa/notas\\_prensa\\_detalle.asp?id\\_noticia=8947](https://www.poderjudicial.gob.ni/prensa/notas_prensa_detalle.asp?id_noticia=8947) (accessed June 7, 2019).

<sup>112</sup> "CIDH denounces the weakening of the rule of law in the face of serious human rights violations and crimes against humanity in Nicaragua," OAS press release, January 10, 2019, [https://www.oas.org/en/iachr/media\\_center/PReleases/2019/006.asp](https://www.oas.org/en/iachr/media_center/PReleases/2019/006.asp) (accessed June 5, 2019).

<sup>113</sup> "Law on money laundering, the financing of terrorism, and the financing of the proliferation of weapons of mass destruction" ("Ley contra el lavado de activos, el financiamiento al terrorismo y el financiamiento a la proliferación de armas de destrucción masiva"), *National Assembly of the Republic of Nicaragua*, No. 997, 2018, [https://www.uaf.gob.ni/images/Pdf/Leyes/Ley\\_N.\\_977\\_Ley\\_Contra\\_el\\_LA-FT-FPADM.PDF](https://www.uaf.gob.ni/images/Pdf/Leyes/Ley_N._977_Ley_Contra_el_LA-FT-FPADM.PDF) (accessed June 12, 2019).

“terrorism.”<sup>114</sup> The new definition includes destruction of property and “intimidation” as terrorist acts, as well as “disturbance of the constitutional order.”<sup>115</sup>

There is no universal legal definition of terrorism. However, the former UN special rapporteur on counterterrorism and human rights has set forth a model definition that is limited to the “intentional taking of hostages” or acts that are “intended to cause death or serious bodily injury to one or more members of the general population or segments of it,” with the aim of “provoking a state of terror in the general public or a segment of it” or “compelling a government or international organization to do or abstain from doing something.”<sup>116</sup>

After his visit in September, the IACHR’s rapporteur on the rights of people deprived of liberty called on judicial authorities to “better scrutinize charges of terrorism, especially given that considering ‘disturbance of the constitutional order’ a consequence of terrorist acts is highly subjective and does not form part of international practices to suppress terrorism.”<sup>117</sup>

The OHCHR expressed concern that the new law’s “overbroad definition of terrorism” could be used against “people who are taking part in protests.”<sup>118</sup> Within hours of the OHCHR statement, Foreign Affairs Minister Denis Moncada Colindres accused the UN high commissioner for human rights of being “an accomplice to the actions that terrorists groups have carried out” by making such statements.<sup>119</sup> It was a glimpse of how aggressively the Nicaraguan government might deploy the new definition of terrorism to stifle criticism.

---

<sup>114</sup> Ibid., art. 44.

<sup>115</sup> Ibid.

<sup>116</sup> OHCHR, “Report of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, Martin Scheinin, A/HRC/16/51, December 22, 2010, <https://www2.ohchr.org/english/bodies/hrcouncil/docs/16session/a-hrc-16-51.pdf> (accessed on June 7, 2019), pp. 14-15,

<sup>117</sup> “Rapporteur on the Rights of People Deprived of Liberty Visits Nicaragua,” OAS press release, September 26, 2018, [http://www.oas.org/en/iachr/media\\_center/PReleases/2018/210.asp](http://www.oas.org/en/iachr/media_center/PReleases/2018/210.asp) (accessed June 7, 2019).

<sup>118</sup> Office of the High Commissioner on Human Rights, “Press briefing notes in Nicaragua,” July 17, 2018, <https://www.ohchr.org/sp/NewsEvents/Pages/DisplayNews.aspx?NewsID=23384&LangID=S> (accessed June 7, 2019).

<sup>119</sup> “Nicaragua sends strong protest to UN for criticizing its terrorism law” (“Nicaragua envía una ‘enérgica protesta’ a la ONU por criticar su ley sobre terrorismo”), *Agencia EFE*, July 17, 2018, <https://www.efe.com/efe/espana/mundo/nicaragua-envia-una-energica-protesta-a-la-onu-por-criticar-su-ley-sobre-terrorismo/10001-3693443> (accessed June 12, 2019).

The Permanent Commission on Human Rights (CPDH), a Nicaraguan non-governmental organization, provided legal representation to 145 defendants in cases related to the protests. Of these, 77 stand accused of terrorism and 61 of organized crime, often together with other crimes.<sup>120</sup> The terrorism and organized crime charges, if admitted by a judge, allow lengthier proceedings, preclude conditional release, and bar pre-trial detention for detainees under 18 years old.<sup>121</sup> The media reported one case, however, in which two 17-year-old boys accused of terrorism were held in pre-trial detention for months in a prison for adults.<sup>122</sup>

## Cases documented by Human Rights Watch

### *Medardo Mairena and Pedro Mena*

Medardo Mairena, 41, leads a farmers' movement opposing the construction of a government-backed transoceanic canal in southern Nicaragua. Pedro Mena, 51, is a farmer active in the movement. Mairena harshly criticized Ortega's violent crackdown on protesters and publicly called for his resignation. In May, he became a civil society representative in the national dialogue with government officials to find a solution to the crisis.

On July 13, police detained Mairena and Mena at Managua's international airport, as they prepared to board a flight. In an official statement issued hours later, the National Police celebrated the "capture" of the "terrorist" Mairena.<sup>123</sup> They accused him of being "directly responsible" for a "massacre."<sup>124</sup> The whereabouts of Mairena and Mena remained

---

<sup>120</sup> Ernesto García, "300 accused in six months of protests" ("300 acusados en seis meses de protestas"), *El Nuevo Diario*, October 18, 2018, <https://www.elnuevodiario.com.ni/nacionales/477352-300-acusados-seis-meses-protestas-nicaragua/> (accessed June 7, 2019).

<sup>121</sup> OHCHR, "Human Rights Violations and Abuses in the Context of Protests in Nicaragua: 18 April - 18 August," August 29, 2018, [https://ohchr.org/Documents/Countries/NI/HumanRightsViolationsNicaraguaApr\\_Aug2018\\_EN.pdf](https://ohchr.org/Documents/Countries/NI/HumanRightsViolationsNicaraguaApr_Aug2018_EN.pdf) (accessed June 3, 2019), para. 33.

<sup>122</sup> Their names are Erling Santiago Trujillo and Adonis Vargas. Mauricio González, "Dos menores de 17 años a juicio por terrorismo," *El Nuevo Diario*, October 24, 2018, <https://www.elnuevodiario.com.ni/nacionales/477768-adolescentes-terrorismo-nicaragua-juicio/> (accessed June 7, 2019).

<sup>123</sup> "Press Note No. 83 – 2018" ("Nota de prensa No. 83 – 2018"), National Police of Nicaragua press release, July 13, 2018, <https://www.policia.gob.ni/?p=19929> (accessed June 7, 2019).

<sup>124</sup> Ibid.

unknown for four days, until they were finally brought before a judge.<sup>125</sup> According to the OHCHR, this constituted an “enforced disappearance.”<sup>126</sup>

At a hearing on July 17, a prosecutor accused the two activists of being co-authors of “terrorism,” “organized crime,” and “blocking public services,” and having masterminded “murder,” “kidnapping,” “aggravated robbery,” and “aggravated damages.”<sup>127</sup> The prosecutor cited alleged violent incidents at three roadblocks, as well as the murder of four police officers in a remote town in Nicaragua’s southernmost province.<sup>128</sup> He accused Mairena and Mena of being the “intellectual authors” of the crimes, which were allegedly intended to “rupture the constitutional order and overthrow the government.”<sup>129</sup>

In the prosecutor’s accusation, the only actual piece of evidence supposedly linking Mairena and Mena to the crimes are two WhatsApp messages from a woman named “Carla M” in a group chat that allegedly included the defendants. According to the prosecutor’s accusation, her message reads: “Be careful with what you write because if this information is leaked, there could be serious problems.” Another message allegedly said: “say that the Police attacked and that they took the townhall and that the confrontation was between themselves.”<sup>130</sup> At the pre-trial hearing, the prosecutor produced no other evidence implicating Mairena and Mena as intellectual authors, according to the formal accusation.<sup>131</sup> However, the judge allowed the case to move to trial and sent both to pre-trial detention.

According to the defense attorney, only pro-government outlets were allowed into the pre-trial hearing.<sup>132</sup>

---

<sup>125</sup> Attorney General’s Office, Accusation File No. 1066-1890, July 17, 2018 (copy on file at Human Rights Watch). Human Rights Watch reviewed the attorney general’s accusation against Mairena and Mena: their arrest protocols are dated July 13, but the accusation was only submitted on July 17.

<sup>126</sup> OHCHR, “Human Rights Violations and Abuses in the Context of Protests in Nicaragua: 18 April - 18 August,” August 29, 2018, <https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=23481&LangID=E> (accessed June 5, 2019), para. 70.

<sup>127</sup> Attorney General’s Office, Accusation File No. 1066-1890, July 17, 2018 (copy on file at Human Rights Watch).

<sup>128</sup> Ibid; Human Rights Watch telephone interview with Alfredo Mairena, brother of Medardo Mairena, August 15, 2018.

<sup>129</sup> Attorney General’s Office, Accusation File No. 1066-1890, July 17, 2018, p. 6 (copy on file at Human Rights Watch).

<sup>130</sup> Ibid., p. 9.

<sup>131</sup> Ibid.

<sup>132</sup> Human Rights Watch private communication with Julio Montenegro, Mairena and Mena’s defense attorney, August 15, 2018.

Mairena's brother and Mena's son told Human Rights Watch that for 12 days following the activists' arrest, the police did not tell their families where they were being held.<sup>133</sup> Mairena and Mena were brought before a judge on the fourth day; a human rights lawyer saw them in the courthouse and reported it to the press.<sup>134</sup> Then, for another week: silence. The families took food to El Chipote prison in Managua every day, and although police accepted the packages, they never explicitly confirmed whether the activists were there.<sup>135</sup>

On July 25, police told Mairena's brother and Mena's son that the activists had been transferred from El Chipote prison to La Modelo prison. Guards allowed Mairena and Mena to see their relatives for the first time that day, only for 15 minutes. They brought both activists to the visitation room in handcuffs joined by a chain to leg irons, and guards removed the shackles in the presence of Mairena and Mena's relatives.<sup>136</sup>

The activists told their relatives that police officers in El Chipote had beaten them, deprived them of sleep, and forced them to kneel for hours. Officers also threatened to kill their family members, Mairena's brother told Human Rights Watch.<sup>137</sup>

Neither Mairena's nor Mena's relatives were allowed into the first trial hearing on August 15, Mairena's brother told Human Rights Watch.<sup>138</sup> Their defense lawyer, an attorney from the Permanent Commission of Human Rights (CPDH, by its Spanish acronym), said that he was allowed in 15 minutes before the hearing started to speak to his clients; he said that

---

<sup>133</sup> Human Rights Watch telephone interview with Alfredo Mairena, brother of Medardo Mairena, and Kelner Mena, son of Pedro Mena, August 15, 2018.

<sup>134</sup> "Farmers' leader Medardo Mairena is taken to court" ("Llevar a los tribunales al dirigente campesino Medardo Mairena"), *La Prensa*, July 15, 2018, <https://www.laprensa.com.ni/2018/07/15/nacionales/2449213-llevar-los-tribunales-al-dirigente-campesino-medardo-mairena> (accessed June 7, 2019).

<sup>135</sup> Human Rights Watch telephone interview with Alfredo Mairena, brother of Medardo Mairena, and Kelner Mena, son of Pedro Mena, August 15, 2018.

<sup>136</sup> Human Rights Watch telephone interview with Alfredo Mairena, Medardo Mairena's brother, October 13, 2018. International standards and comments by specialized treaty bodies indicate that restraints should only be used when lawful, necessary, and proportionate, in order to prevent the detainee from inflicting injuries to others or themselves or to prevent escape during a transfer, and that even when their use is legitimate they should not be applied in a manner that is degrading or painful. Needlessly using handcuffs in front of one's family in a visiting room would appear to violate that standard. For a comprehensive review of these standards see Association for the Prevention of Torture and Penal Reform International, "Instruments of restraint: Addressing risk factors to prevent torture and ill-treatment," 2015, [https://www.aprt.ch/content/files\\_res/factsheet-5\\_use-of-restraints-en.pdf](https://www.aprt.ch/content/files_res/factsheet-5_use-of-restraints-en.pdf) (accessed June 7, 2019), p. 5.

<sup>137</sup> Human Rights Watch telephone interview with Alfredo Mairena, Medardo Mairena's brother, August 15, 2018.

<sup>138</sup> Human Rights Watch private communication with Alfredo Mairena, brother of Medardo Mairena, and Kelner Mena, son of Pedro Mena, August 15, 2018.



two police officers hovered near them as they talked.<sup>139</sup> Observers from the IACHR and the OHCHR were barred from attending the hearing.<sup>140</sup>

The next time his brother could visit, on September 25, Mairena told him that prison guards never let him out of his cell and did not allow him to call his relatives. While Mairena and his brother spoke, the brother told Human Rights Watch, the guards used their phones to photograph and video them.<sup>141</sup>

Mena's son also visited on September 25. Mena had contracted an ear infection, and his neck was visibly swollen. Mena told him that prison authorities had failed to provide medical care.<sup>142</sup>

The defense attorney said that throughout the trial, prison authorities refused to let him confer with Mairena in private.<sup>143</sup>

Mairena's brother and Mena's son told Human Rights Watch that since the arrests, police and armed pro-government gangs have harassed and intimidated Mairena's and Mena's relatives. They live outside of Managua but rushed to the city when they learned of the arrests. During July and August, police and armed pro-government groups went to at least five hotels in Managua asking about their whereabouts, they said. They allegedly threatened to set the buildings on fire unless the hotel owners threw out the activists' relatives, the relatives said.<sup>144</sup>

On October 15, the IACHR granted Mairena and his immediate family precautionary measures, given the "gravity and urgency" of their situation. In addition to the facts outlined above, the IACHR noted Mairena was allegedly held in a maximum-security cell in

---

<sup>139</sup> Human Rights Watch private communication with Julio Montenegro, Mairena and Mena's defense attorney, August 15, 2018.

<sup>140</sup> Human Rights Watch private communication with a member of MESENI, August 15, 2018.

<sup>141</sup> Human Rights Watch telephone interview with Alfredo Mairena, brother of Medardo Mairena, October 13, 2018.

<sup>142</sup> Ibid.

<sup>143</sup> Human Rights Watch private communication with Julio Montenegro, Mairena and Mena's defense attorney, August 15, 2018.

<sup>144</sup> Human Rights Watch telephone interview with Alfredo Mairena, brother of Medardo Mairena, and Kelner Mena, son of Pedro Mena, August 15, 2018.

isolation, in darkness, unable to make calls to his relatives and in appalling unsanitary conditions.<sup>145</sup>

Mairena and Mena's fourth hearing, scheduled for November 6, was suspended. Earlier that day, a few human rights defenders from the Nicaraguan Center for Human Rights (CENIDH) held a peaceful demonstration at the courthouse, protesting the activists' imprisonment. Dozens of riot police surrounded the demonstrators, a CENIDH staff member told Human Rights Watch.<sup>146</sup>

On December 17, Judge Edgar Altamirano convicted Medardo Mairena and Pedro Mena of terrorism, aggravated robbery, aggravated damages, kidnapping and obstructing public services; the prosecutor asked for a prison sentence of 73 years for Mairena and 63 years for Mena.<sup>147</sup> On February 18, 2019, the judge handed down a sentence of 216 years for Mairena and 210 years for Mena; however, the judge explained they would serve the maximum sentence of 30 years established under Nicaraguan criminal law, according to media reports.<sup>148</sup>

On May 15, the IACHR requested that the Inter-American Court on Human Rights grant provisional protective measures for Medardo Mairena on the basis he was in a "situation of extreme gravity and urgency of irreparable harm."<sup>149</sup>

---

<sup>145</sup> IACHR, "Resolution 80/2018, Precautionary Measures No. 1172-18" ("Resolución 80/2018, Medidas cautelares No. 1172-18"), October 15, 2018, <http://www.oas.org/es/cidh/decisiones/pdf/2018/80-18MC1172-18-NI.pdf> (accessed June 7, 2019).

<sup>146</sup> Human Rights Watch private messages with CENIDH staff, November 6, 2018.

<sup>147</sup> Cinthya Tórrez García, "Regime finds guilty the farmers' leaders Medardo Mairena and Pedro Mena and asks for over 70 years of prison" ("Régimen declara culpables a los líderes campesinos Medardo Mairena y Pedro Mena y solicita más de 70 años de cárcel"), *La Prensa*, December 18, 2018, <https://www.laprensa.com.ni/2018/12/18/nacionales/2506788-justicia-orteguista-declara-culpable-los-lideres-campesinos-medardo-mairena-y-pedro-mena> (accessed June 7, 2019); "Conviction of Medardo Mairena: 'barbarous, illegal and unjust'" ("Condena a Medardo Mairena: 'Barbara, ilegal e injusta'"), *Confidencial*, February 19, 2019, <https://confidencial.com.ni/condena-a-medardo-mairena-barbara-ilegal-e-injusta/> (accessed June 7, 2019).

<sup>148</sup> Ernesto García, "Medardo Mairena convicted to 216 years of prison" ("Condenan a 216 años de cárcel a Medardo Mairena"), *El Nuevo Diario*, February 18, 2019, <https://www.elnuevodiario.com.ni/nacionales/486075-presos-politicos-nicaragua-condena-medardo-mairena/> (accessed June 7, 2019); Nicaraguan Criminal Code, No. 641, 2008, [https://www.poderjudicial.gob.ni/pjupload/noticia\\_reciente/CP\\_641.pdf](https://www.poderjudicial.gob.ni/pjupload/noticia_reciente/CP_641.pdf) (accessed June 8, 2019), art. 52.

<sup>149</sup> "IACHR Submits a Request to the Inter-American Court for Provisional Protection Measures for 17 People Who Are Being Deprived of Their Freedom and Are at Extreme Risk in Nicaragua," OAS press release, May 15, 2019, [http://www.oas.org/en/iachr/media\\_center/PReleases/2019/117.asp](http://www.oas.org/en/iachr/media_center/PReleases/2019/117.asp) (accessed June 12, 2019).

On June 11, Medardo Mairena and Pedro Mena were released from prison pursuant to the approval of the amnesty law that came into force on June 10.<sup>150</sup>

### *Christian Fajardo and María Adilia Peralta*

Christian Fajardo, 37, and María Adilia Peralta, 30, a married couple, are leaders of the April 19 Movement in Masaya. Both have regularly taken part in anti-government demonstrations and roadblocks.

On June 19, Fajardo, along with several other activists, announced that the movement was consulting with constitutional lawyers to create a self-governed community in Masaya, according to media reports.<sup>151</sup> “We have a police force that murders us and...our mayor abandoned the city,” Fajardo said, “so the city of Masaya will form its own government.”<sup>152</sup>

At about 3 a.m. on June 20, armed men in plain clothes broke into a small hotel that the couple owns in Masaya. According to Fajardo’s declarations to *La Prensa*, they brutally assaulted Fajardo’s 69-year-old uncle, hitting him with rifles before tossing him out on the street, barefoot and bloodied. The men vandalized the property, Fajardo told the newspaper, dousing it with gasoline and setting fire to it.<sup>153</sup>

On July 22, army personnel detained Fajardo and Peralta in Sapoá, 65 miles south of Masaya and about 3 miles from the Costa Rican border. The couple had intended to seek asylum in the neighboring country.<sup>154</sup>

---

<sup>150</sup> Interior Ministry press release, June 11, 2019, <https://www.migob.gob.ni/nota-de-prensa-22/> (accessed June 15, 2019). Amnesty Law, *La Gaceta*, Law No. 996, Edition no. 108, June 10, 2019, <https://www.lagaceta.gob.ni/2019/06/108/> (accessed June 15, 2019).

<sup>151</sup> Cynthia Tórrez García, “Masaya seeks to form its own government” (“Masaya busca crear su propio gobierno”), *La Prensa*, June 19, 2018, <https://www.laprensa.com.ni/2018/06/19/nacionales/2437509-masaya-exige-renuncia-de-autoridades-y-nuevas-elecciones> (accessed June 8, 2019).

<sup>152</sup> Ibid.

<sup>153</sup> Noel Amílcar Gallegos, “Hotel owned by a member of the April 19 Movement in Masaya set on fire” (“Incendian hotel propiedad de un miembro del Movimiento 19 de Abril de Masaya”), *La Prensa*, June 20, 2018, <https://www.laprensa.com.ni/2018/06/20/departamentales/2437993-incendian-hotel-propiedad-de-un-miembro-del-movimiento-19-de-abril-de-masaya> (accessed June 8, 2019).

<sup>154</sup> Human Rights Watch telephone interview with a relative of María Adilia Peralta, August 15, 2018.

Three days after their capture, the IACHR adopted precautionary measures for Fajardo and his family, including Peralta, to prevent “irreparable harm” to them.<sup>155</sup> Authorities refused to reveal the whereabouts of the couple for six days, which constituted an enforced disappearance, according to the OHCHR.<sup>156</sup>

On July 27, Peralta’s mother went to El Chipote prison to deliver food for them, assuming they were being held there. Government supporters on the gates of the prison taunted her and other relatives of detainees, as they passed, she told us, calling them “disgraceful old women” bringing food for “criminals and murderers.”<sup>157</sup>

On July 28, the couple appeared before a judge. A relative told Human Rights Watch that they were barred from attending the hearing, at which a prosecutor charged the couple with “terrorism,” “financing terrorism,” “organized crime,” “murder,” “kidnapping,” “desecrating a human corpse,” and “obstructing public services.” Only three days before the IACHR had granted them precautionary measures following the multiple alleged acts of harassment and violence against Fajardo and his family.<sup>158</sup> The following day, Peralta was transferred to La Esperanza, a women’s prison, and Fajardo to La Modelo prison, both in Managua.

The National Police issued an official statement on July 30, saying Fajardo and Peralta had led “criminal acts against the population in general.”<sup>159</sup> At a press conference, police

---

<sup>155</sup> IACHR, “Resolution 56/2018, Precautionary Measures No. 868-18, 819-18, 777-18, 850-18 and 871-18” (“Resolución 56/2018, Medidas cautelares No. 868-18, 819-18, 777-18, 850-18, y 871-18”), July 25, 2018, <http://www.oas.org/es/cidh/decisiones/pdf/2018/56-18MC868-18-NI.pdf> (accessed June 8, 2019).

<sup>156</sup> OHCHR, “Human Rights Violations and Abuses in the Context of Protests in Nicaragua: 18 April - 18 August,” August 29, 2018, <https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=23481&LangID=E> (accessed June 5, 2019), para. 70.

<sup>157</sup> Human Rights Watch telephone interview with a relative of María Adilia Peralta, August 15, 2018.

<sup>158</sup> Ibid.; OHCHR, “Human Rights Violations and Abuses in the Context of Protests in Nicaragua: 18 April - 18 August 2018,” August 29, 2018, [https://ohchr.org/Documents/Countries/NI/HumanRightsViolationsNicaraguaApr\\_Aug2018\\_EN.pdf](https://ohchr.org/Documents/Countries/NI/HumanRightsViolationsNicaraguaApr_Aug2018_EN.pdf) (accessed June 3, 2019), p.18; IACHR, “Resolution 56/2018, Precautionary Measures No. 868-18, 819-18, 777-18, 850-18 and 871-18” (“Resolución 56/2018, Medidas cautelares No. 868-18, 819-18, 777-18, 850-18, y 871-18”), July 25, 2018, <http://www.oas.org/es/cidh/decisiones/pdf/2018/56-18MC868-18-NI.pdf> (accessed June 8, 2019).

<sup>159</sup> “National Police presents terrorists from the department of Masaya” (“Policía Nacional presenta a terroristas del departamento de Masaya”), National Police of Nicaragua press release, June 30, 2018, <https://www.policia.gob.ni/?p=20735> (accessed June 8, 2019).

commissioner Farle Roa called them “terrorists” with “ties” to opposition politicians and student activists accused of participating in criminal acts.<sup>160</sup>

On August 2, their relatives were able to visit them for the first time. Peralta told her mother that police officers forced her to strip to her underwear and that she remained undressed the entire six days at El Chipote prison. She slept on the bare concrete floor. Fajardo was brought to the visitation room with his hands and feet cuffed and chained.<sup>161</sup>

Prison guards told relatives their visits would be limited to once every 21 days.

On August 22, police captured Fajardo’s brother, Santiago Fajardo. The next day, police commissioner Mayor Farle Roa announced in a press conference that Santiago was a “terrorist ringleader” in Masaya, as police presented him to the pro-government press.<sup>162</sup> The Attorney General’s Office charged Santiago with terrorism, financing terrorism, organized crime, kidnapping, and torture, along with his brother and Peralta.<sup>163</sup>

On January 15, 2019, Judge Edgar Altamirano, who had convicted Medardo Mairena and Pedro Mena, found the Fajardo brothers and Peralta guilty of financing terrorism, organized crime, and blocking public services. The prosecutor asked for 42 years for the Fajardo brothers and five for Peralta, who was accused as co-author.<sup>164</sup>

---

<sup>160</sup> Ibid.

<sup>161</sup> Human Rights Watch telephone interview with a relative of María Adilia Peralta, August 15, 2018. The relative was told by the relative of Fajardo what she saw.

<sup>162</sup> Norely Areas, “Responsible of terror in Masaya is presented” (“Presentan a responsable del terror en Masaya”), *El 19 Digital*, August 23, 2018, <https://www.el19digital.com/articulos/ver/titulo:80591-presentan-a-responsable-del-terror-en-masaya> (accessed June 12, 2019).

<sup>163</sup> Yesmer Sánchez, “Proceedings continue against those responsible for causing terror in Masaya’s roadblocks” (“Continúa el proceso contra causantes del terror en los tranques de Masaya”), *TN8*, December 11, 2018, <https://www.tn8.tv/sucesos/463968-continua-proceso-causantes-terror-tranques-masaya/> (accessed June 8, 2019).

<sup>164</sup> Cinthya Tórrez García, “Witnesses do not sustain accusations against Christian Fajardo, leader of April 19 Movement in Masaya” (“Testigos no sustentan acusaciones contra Christian Fajardo, líder del Movimiento 19 de Abril de Masaya”), *La Prensa*, December 20, 2018, <https://www.laprensa.com.ni/2018/12/20/nacionales/2507151-testigos-no-sustentan-acusaciones-contra-christian-fajardo-lider-del-movimiento-19-de-abril-de-masaya> (accessed June 8, 2019); Rafael Lara, “Cristian Fajardo and his wife are found guilty” (“Declaran culpable a Cristian Fajardo y a su esposa”), *El Nuevo Diario*, January 15, 2019, <https://www.elnuevodiario.com.ni/nacionales/483461-preoss-politicos-cristian-fajardo-nicaragua/> (accessed June 12, 2019).

On May 15, the IACHR requested that the Inter-American Court on Human Rights grant provisional protective measures for Christian Fajardo on the basis he was in a “situation of extreme gravity and urgency of irreparable harm.”<sup>165</sup>

On May 20, María Adilia Peralta was released from prison with precautionary measures in the context of talks between the government and the opposition.<sup>166</sup> On June 11, Christian and Santiago Fajardo were released from prison pursuant to the approval of the amnesty law that came into force on June 10.<sup>167</sup>

### *Nelly Roque Ordóñez*

On June 26, armed pro-government groups shot at the pickup truck in which five young demonstrators—including Eduardo Manuel Tijerino, whose case is described in the previous chapter—were traveling in on the Pan-American Highway between Managua and Matagalpa. One of the tires was punctured during the shooting, forcing them to stop; before the youth could flee on foot, a dozen armed, hooded men surrounded them.<sup>168</sup>

Among the protestors was Nelly Roque Ordóñez, a 27-year-old engineer, photographer, and environmental activist. Roque had taken part in anti-government demonstrations and, since mid-May, had remained at a roadblock in Matagalpa, where she took responsibility for procuring food and medicine for protestors.<sup>169</sup>

---

<sup>165</sup> “IACHR Submits a Request to the Inter-American Court for Provisional Protection Measures for 17 People Who Are Being Deprived of Their Freedom and Are at Extreme Risk in Nicaragua,” OAS press release, May 15, 2019, [http://www.oas.org/en/iachr/media\\_center/PReleases/2019/117.asp](http://www.oas.org/en/iachr/media_center/PReleases/2019/117.asp) (accessed June 12, 2019).

<sup>166</sup> Interior Ministry press release, May 20, 2019, <https://www.migob.gob.ni/nota-de-prensa-15/> (accessed June 15, 2019).

<sup>167</sup> Interior Ministry press release, June 11, 2019, <https://www.migob.gob.ni/nota-de-prensa-22/> (accessed June 15, 2019). Amnesty Law, *La Gaceta*, Law No. 996, Edition no. 108, June 10, 2019, <https://www.lagaceta.gob.ni/2019/06/108/> (accessed June 15, 2019).

<sup>168</sup> Human Rights Watch telephone interview with Nelly Marily Roque, May 17, 2019.

<sup>169</sup> Unless otherwise stated, all the information about Roque's case is based on Human Rights Watch telephone interviews with Nelly Marily Roque, May 17, 2019; Gloria Elena Ordóñez Vargas, Nelly Marily Roque Ordóñez's aunt, on August 16 and October 26, 2018; and official trial documents including the habeas corpus order (Sala Penal Número Dos de Managua, Mandamiento, Número de Asunto 00961-ORM4-2018-CN, Número de Asunto Principal 000961-ORM4-2018-CN, June 29, 2018), the accusation submitted by the Attorney General on July 31, 2018 (Acusación Fiscal, Juzgado Séptimo de Distrito de lo Penal de Audiencias de Managua, Expediente Fiscal No. 1190-240-2018JD, July 31, 2018), the accusation submitted by the Attorney General on June 29, 2018 (Acusación Fiscal, Expediente Fiscal No. 933-240-18JD, Informe Policial No.00089-2018-DAJ, June 29, 2018), and the transcript of a preliminary hearing (Juzgado Séptimo Distrito de lo Penal Acta de Audiencia de Managua, Asunto no. 011623-ORM4-2018-PN, Acta de Audiencia Preliminar, August 1, 2018).

The armed hooded men pointed their guns at them and threatened to kill them, Roque told Human Rights Watch. They made them take off their shoes and they tied their hands with the shoelaces. The hooded men beat up one of the protestors because he wore a t-shirt with a pro-opposition slogan that referenced the 1979 Nicaraguan revolution (“Free Nicaragua”), Roque said. “They would ask us where the weapons were. Then the police came, they took pictures of us...The [armed hooded men] loaded us onto the [police] pickup truck. We were wet and with no shoes...They lifted me up by pulling on my hair and they threw me on the truck bed. We didn’t know where we were going,” she told Human Rights Watch.

The other female protestor in the group rode in the front with the police officers, Roque said. When they were unloaded from the pickup truck at El Chipote prison, in Managua, the woman was “crying, she told me they would kill us, [she said they were] telling her they would torture us and kill and the ways they would kill us,” Roque told Human Rights Watch. “When we arrived [female police officers] made us strip naked and do squats,” she said. A female police officer subsequently interrogated Roque and asked her if she was part of a social movement, whether she was a member of a civil society organization, and whether she had participated in demonstrations.

Three days after the arrests, an appeals court granted a habeas corpus petition, filed by Roque’s family because she remained detained without charge after the constitutional limit of 48 hours. Under the Nicaraguan criminal system, such petitions are filed to an appeals court; if granted the court appoints an executioner of the petition to oversee the conditions in which a prisoner is held.<sup>170</sup> The court granted the petition, a relative of Roque told us, but she was not released.<sup>171</sup>

On June 30, four days after her arrest, Roque appeared in court for the first time. The prosecutor charged her and four other protesters with “organized crime,” “extortive kidnapping,” “aggravated robbery,” “illegal possession of weapons,” and “possession of

---

<sup>170</sup> Law of Amparo and Reform (“Ley de Amparo y Reforma”), No. 49, November 30, 1995, <https://www.poderjudicial.gob.ni/arc-pdf/leyamparo.pdf> (accessed April 14, 2019), chapter 4.

<sup>171</sup> Human Rights Watch reviewed a copy of the habeas corpus ruling, Mandamiento, Numero de Asunto 000961-ORM4-2018-CN, June 29, 2018 (copy on file at Human Rights Watch); Human Rights Watch telephone interview with a relative of Nelly Marily Roque, August 16, 2018.

restricted weapons.”<sup>172</sup> Before her pre-trial hearing, Roque was not allowed to contact her relatives nor to consult a lawyer, she told Human Rights Watch. The relatives of the defendants were only allowed into the courtroom after the hearing had ended, and only for a few minutes, she said.

After nine days in El Chipote prison, Roque was transferred, on July 5, to the women’s prison, La Esperanza.

On July 18, the prosecutor attempted to hold a hearing in the cases of Roque and the four other protesters—in the absence of Roque and another woman accused. The judge refused, insisting on a public hearing in which they were present. According to media reports, the hearing ended abruptly when three of the five accused were dragged out of the courtroom by prison guards without specifying any reason.<sup>173</sup> The next day, the Supreme Court removed the judge from office, arguing she had committed “irregularities” when classifying crimes presented by the Attorney General’s Office.<sup>174</sup>

On August 1, Roque was again brought to court to face new accusations in a separate case. A prosecutor charged her and nine other demonstrators with “terrorism” and “obstructing public services.” The prosecutor accused them of attacking and robbing a couple in a barricade in Matagalpa.<sup>175</sup>

During all hearings in both of Roque’s cases, her relatives were not allowed into the courtroom until after proceedings had ended.

---

<sup>172</sup> Attorney General’s Accusation, File no. 933-240-18JD, Police Report No.00089-2018-DAJ, June 29, 2018 (copy on file at Human Rights Watch).

<sup>173</sup> Alejandro Flores Valle, “Prison authorities remove three defendants from a courtroom without the judge’s order” (“Autoridades del sistema penitenciario sacan a tres acusados de una sala judicial sin la orden del juez”), *La Prensa*, July 18, 2018, <https://www.laprensa.com.ni/2018/07/18/nacionales/2450325-autoridades-del-sistema-penitenciario-sacan-a-tres-acusados-de-una-sala-judicial-sin-la-orden-del-juez> (accessed June 8, 2019).

<sup>174</sup> “Supreme Court of Justice dismisses judge Indiana Gallardo for acting against the law” (“CSJ destituye a jueza Indiana Gallardo por actuar contra ley expresa”), Supreme Court of Justice of Nicaragua press release, July 20, 2018, [https://www.poderjudicial.gob.ni/prensa/notas\\_prensa\\_detalle.asp?id\\_noticia=8900](https://www.poderjudicial.gob.ni/prensa/notas_prensa_detalle.asp?id_noticia=8900) (accessed June 8, 2019); Ernesto García, “Supreme Court of Justice dismisses Judge Indiana Gallardo” (“CSJ destituye a juez Indiana Gallardo”), *El Nuevo Diario*, July 19, 2018, <https://www.elnuevodiario.com.ni/nacionales/470017-csj-destituye-jueza-indiana-gallardo/> (accessed June 8, 2019).

<sup>175</sup> Accusation submitted by the Attorney General’s Office against Nelly Marily Roque and others on July 31, 2018 (copy on file at Human Rights Watch).



On July 26, Roque's aunt brought the activist's three-year-old daughter to see her for the first time since her arrest. When we last communicated with her aunt in November 2018, they had been meeting regularly every 21 days; Roque subsequently confirmed this in a separate interview. She also said she would get only 30 minutes of yard time per week. But Roque was not allowed to make calls to her daughter, her aunt, or her defense lawyer. Roque's defense lawyer had not been allowed to meet with her at the prison. The only time they saw each other was during trial hearings, when Roque was brought into the courtroom.<sup>176</sup>

Roque's aunt told us she obtained three court orders for a doctor to evaluate Roque's health. Roque has hypothyroidism, a chronic condition that requires check-ups to evaluate adjustments to her medication. Roque's aunt said that prison authorities allowed her to deliver medication, but Roque told Human Rights Watch that prison authorities only took her to a nurse and "they never did any testing."<sup>177</sup> At one point, she spent two days vomiting but was not allowed to go for a consultation, she said.

"The most difficult thing was that every time we had family visits, and on our way to the courthouse and when we came back, they would make us strip naked and do squats. It was really humiliating. It was denigrating. They would completely humiliate us. Even when we had our period," Roque told Human Rights Watch.<sup>178</sup> She also said that prison guards prohibited her and other women who faced trial in connection with their participation in the protests from interacting with other prisoners.

On November 28, Judge Melvin Leopoldo Vargas García convicted Roque along with four other protestors for "organized crime," "extortive kidnapping," "aggravated robbery," "illegal possession of weapons," and "possession of restricted weapons."<sup>179</sup> The prosecutor asked that she be sentenced to 61 years in prison; in the Nicaraguan criminal code, however, the maximum sentence is of 30 years. On December 10, 2018, a judge sentenced her to 18 years and six months in prison for "organized crime," "illegal arms

---

<sup>176</sup> Human Rights Watch telephone interview with Nelly Marily Roque, May 17, 2019.

<sup>177</sup> Human Rights Watch telephone interview with a relative of Nelly Marily Roque, October 26, 2018.

<sup>178</sup> Human Rights Watch telephone interview with Nelly Marily Roque, May 17, 2019.

<sup>179</sup> Ernesto García, "Prosecutor asks for more than 60 years prison sentences for protestors" ("Fiscal pide más de 60 años de cárcel para manifestantes"), *El Nuevo Diario*, November 29, 2018, <https://www.elnuevodiario.com.ni/nacionales/480488-fiscal-pide-mas-60-anos-carcel-manifestantes/> (accessed June 8, 2019).

possession” and “kidnapping.”<sup>180</sup> The entire time she was imprisoned in La Esperanza during her trial, she was not allowed to meet with her lawyer, she told Human Rights Watch.

On April 5, 2019, Nelly Marily Roque was released with precautionary measures in the context of negotiations between the government and the opposition.

### *Guillermo Sobalvarro Oporta*

Professional chef and rugby player Guillermo Alberto Sobalvarro Oporta, 23, owns an event-planning business with his mother, Sara Oporta, in Managua.<sup>181</sup> Sobalvarro and his family participated in several anti-government demonstrations after protests broke out in April. He also brought homecooked meals and water to protesters at barricades near the Polytechnic University (UPOLI).

Sobalvarro’s mother told Human Rights Watch that he was detained on the afternoon of June 15, after he left to go grocery shopping in a market in Managua. Right before he was apprehended, Sobalvarro managed to call his brother-in-law and tell him he was about to be taken away.

Sobalvarro’s relatives immediately went looking for him at El Chipote prison in Managua, and the police stationed at the prison confirmed he was there.

On June 19, Sobalvarro was brought before a judge for the first time.

A prosecutor charged him with aggravated robbery, alleging he had broken into and robbed the home of Police Commissioner Juan Valle Valle.<sup>182</sup> The prosecutor said police officers had caught Sobalvarro and six others in the act of committing the crime on June 16.<sup>183</sup> Yet, according to his mother, Sobalvarro had been arrested a day earlier, on June

---

<sup>180</sup> Judicial ruling, File 010203-ORM4-2018-PN signed by Judge Melvin Leopoldo Vargas García, December 10, 2018 (copy on file at Human Rights Watch).

<sup>181</sup> Unless otherwise indicated, all the information about this case is based on a Human Rights Watch telephone interview with Sara Oporta, mother of Guillermo Alberto Sobalvarro Oporta, October 17, 2018.

<sup>182</sup> Tenth Criminal Court in Managua, Ruling 148-2018, October 15, 2018 (copy on file at Human Rights Watch).

<sup>183</sup> Ibid.

15.<sup>184</sup> And according to trial documents reviewed by Human Rights Watch, the brother in law testified in court he had indeed received a call from Sobalvarro a couple of minutes past 4 p.m.

The majority of the prosecutor's witnesses were police officers. Their statements in court, which we reviewed, were fundamentally inconsistent. Police Commissioner Valle, who was the alleged victim, and a traffic police officer testified they caught Sobalvarro at 3 p.m. in Valle's house. A lieutenant under Valle's command said he apprehended Sobalvarro at 8:45 a.m. Two other officers said he was caught at 3 a.m. The only consistency was that they all said the break-in happened on June 16, when, according to his mother, Sobalvarro was already in prison.<sup>185</sup>

On June 26, Sobalvarro was transferred from El Chipote prison to La Modelo prison to await trial. Prison authorities allowed his mother, Sara Oporta, to see him that day for 15 minutes. "When I hugged him," she told Human Rights Watch, "he whispered in my ear: my body hurts from all the beatings I've taken." They could not speak freely, she said, as many police officers watched closely, using their cellphones to film them.

For the duration of the trial hearings, Oporta was barred from court. The judge only allowed her to enter the courtroom after proceedings had ended. She was able to see her son this way four times, for five minutes each. She also saw him once, for 15 minutes, on June 26, when he was transferred to La Modelo prison.

Prison authorities did not allow Sobalvarro's defense lawyer to confer with him in detention. His lawyer was only able to talk to him as he entered the court, for a few minutes before trial hearings began.

On October 15, a judge declared Sobalvarro not guilty, based on "undeniable contradictions among witnesses."<sup>186</sup>

---

<sup>184</sup> Tenth Criminal Court in Managua, Transcript of Sentencing Hearing of Ruling 148-2018 (copy on file at Human Rights Watch).

<sup>185</sup> Tenth Criminal Court in Managua, Ruling 148-2018, October 15, 2018 (copy on file at Human Rights Watch).

<sup>186</sup> Tenth Criminal Court in Managua, Transcript of Sentencing Hearing of Ruling 148-2018, October 16, 2018 (copy on file at Human Rights Watch).

Commissioner Valle appealed the not guilty verdict.

On January 2, 2019, police raided Oporta's home as she was preparing to host a press conference with mothers of jailed protestors; she and the other women fled through a backdoor. Oporta remained in hiding through March.<sup>187</sup> She told Human Rights Watch she had not been able to return to her home because armed men in plainclothes constantly surrounded it.<sup>188</sup>

While Sobalvarro remained incarcerated, prison authorities refused him permission to make phone calls. Despite the judge's not guilty verdict, Sobalvarro remained imprisoned at La Modelo until March 2019 when he was released in the context of negotiations between the government and the opposition.<sup>189</sup> In May 2019, Sobalvarro left the country.<sup>190</sup>

### *Albert Bernard Monroe*

Albert Bernard Monroe, 25, was tried and acquitted with Guillermo Sobalvarro Oporta on the same basis – the “undeniable contradictions between witnesses” – all of whom were police officers, including Commissioner Juan Valle Valle and three of his subordinates (see above).<sup>191</sup> Monroe and Sobalvarro say that they did not know each other before they found themselves in the same jail.<sup>192</sup>

Police arrested both Sobalvarro and Monroe on the afternoon of June 15 in Managua, Monroe's mother told Human Rights Watch. Originally from Bluefields, a port town on the Caribbean Coast, Monroe had come to Managua in April to work. He was staying with his older brother in Managua when the protests broke out, and he supported roadblocks that protestors erected around the Polytechnic University (UPOLI), near his brother's house.

---

<sup>187</sup> Human Rights Watch private communication with Sara Oporta on March 2, 2019.

<sup>188</sup> Human Rights Watch private messages with Sara Oporta, January 2, 2019 and January 7, 2019.

<sup>189</sup> According to article 321 of the Nicaraguan procedural criminal code, if the judge hands down a not guilty verdict the prisoner should be freed immediately at the hearing. See Nicaraguan Procedural Criminal Code, 2002, [https://www.poderjudicial.gob.ni/pjupload/spenal/pdf/2001\\_leyo2.pdf](https://www.poderjudicial.gob.ni/pjupload/spenal/pdf/2001_leyo2.pdf) (accessed January 7, 2019); Human Rights Watch private communication with Sara Oporta on March 2, 2019.

<sup>190</sup> Human Rights Watch private communication with Sara Oporta on May 14, 2019.

<sup>191</sup> Tenth Criminal Court in Managua, Transcript of Sentencing Hearing of Ruling 148-2018, October 16, 2018 (copy on file at Human Rights Watch).

<sup>192</sup> Unless otherwise indicated, all the information about this case is based on a Human Rights Watch telephone interview with Fluvia Adilia Monroe Taylor, mother of Albert Bernard Monroe, October 31, 2018.

On June 15, Monroe left home at around 9 a.m., but never returned. On June 18, after days without news from Monroe, his brother went to El Chipote prison, where an officer confirmed that Monroe was detained there. On June 19, four days after being taken into custody, the prosecutor brought aggravated robbery charges against Monroe and Sobalvarro at the same pre-trial hearing.<sup>193</sup> The next day, police transferred them to La Modelo prison.

Monroe's mother, who lived on the east coast, could not come to Managua for eight days, until June 27. The following day she obtained a special visiting permit and saw her son for the first time since his arrest; prison guards brought him into the visiting room with cuffed hands and feet. The guard removed the restraints and allowed them to sit together.

Speaking in Creole English, Monroe's first language, he told his mother masked riot police had stopped him near a mall in Managua, as he headed home. One of them, who wore the National Police's regular light blue uniform and later handed over Monroe to other officers at El Chipote prison, said that if they did not make him talk, he would "make him sing," Monroe's mother told Human Rights Watch. The officers repeatedly beat him and asked, "where the weapons were." Monroe told them he did not know of any weapons. The officers called in the man in the light blue uniform who allegedly inserted his gun inside Monroe's mouth and threatened to kill him and disappear his body. Officers beat Monroe again until he fainted, he told his mother. When he regained consciousness, he was in a wet cell wearing only underwear, he allegedly told his mother.

Monroe's mother saw her son again after trial hearings for a couple of minutes; the judge allowed her and Sobalvarro's mother to see the young men when proceedings ended. She had a 45-minute family visit on October 17, when she could speak to him from behind glass.

The prison authorities did not allow Monroe's lawyer to meet with her client in prison.

---

<sup>193</sup> Tenth Criminal Court in Managua, Transcript of Sentencing Hearing of Ruling 148-2018, October 16, 2018 (copy on file at Human Rights Watch).

As described above in the case of Guillermo Sobalvarro, the judge acquitted Monroe on grounds that the testimony of Valle and his subordinates contained multiple contradictions.<sup>194</sup>

Commissioner Valle appealed the not guilty verdict.

Monroe remained imprisoned at La Modelo until March 2019 when he was released in the context of negotiations between the government and the opposition.<sup>195</sup>

### *Dilon Zeledón Ramos*

Dilon Zeledón Ramos, 20, is a 4<sup>th</sup> year accounting student at the public National Autonomous University of Nicaragua in the city of Matagalpa (UNAN-FAREM).<sup>196</sup>

Before protests broke out in April, Zeledón was a staunch supporter of the governing Sandinista party. As authorities doubled down on the crackdown on dissent, Zeledón joined the April 19 Movement.

Police and armed pro-government groups captured Zeledón on July 21. His mother called her sister in Managua, who went to El Chipote prison on July 22, and guards confirmed Zeledón was being held there.

“I didn't hear anything about him for 10 days,” Zeledón's mother, Eimy Ramos, told Human Rights Watch.

On August 1, a prosecutor brought Zeledón before a judge for the first time and charged him with “terrorism,” “extortive kidnapping,” “aggravated robbery,” “moderate psychological injuries,” “threats with weapons,” and “blocking public services,” all in

---

<sup>194</sup> Ibid.

<sup>195</sup> Humberto Galo Romero, “Protestors who had release order since October are released” (“Liberaron a manifestantes que desde octubre tenían orden de libertad”), *El Nuevo Diario*, March 2, 2019, <https://www.elnuevodiario.com.ni/nacionales/486952-manifestantes-presos-nicaragua-libres/> (accessed May 20, 2019).

<sup>196</sup> Unless otherwise indicated, all the information about this case is based on a Human Rights Watch telephone interview with Eimy José Ramos Hernández, mother of Dilon Antonio Zeledón Ramos, October 17, 2018.

connection with the case of a couple who were allegedly attacked and robbed at a roadblock in Matagalpa.<sup>197</sup>

Prison authorities had not allowed Zeledón to meet with his lawyer in detention when we spoke to his mother in November 2018. The only time Zeledón and his lawyer were able to prepare his defense was in the minutes prior to the beginning of the trial hearings, his mother told Human Rights Watch. The judge only allowed his relatives into the courtroom after the hearings had ended.

The accusation filed by the prosecutor on July 31 alleges that Zeledón was arrested on July 29, eight days after the day his relatives say he was detained.<sup>198</sup> If he had been detained on July 29, as the prosecutor's accusation stated, his presentation before the court on August 1 would have complied with the Nicaraguan legal requirement to present detainees before a judge within 48 hours.

Ramos saw her son for the first time in El Chipote prison on August 7, when they were able to meet for 15 minutes. According to Ramos, Zeledón said that after he was captured, police beat him and loaded him into a pick-up truck. It made one stop between Matagalpa and Managua, Zeledón told his mother, during which a police officer made him kneel beside the highway and pointed a gun to his head, threatening to kill him. "We're going to see how tough you really are now," the officer allegedly told him. His mother says he told her that in El Chipote, police beat him, applied electric shocks to his testicles, and pulled him out of his cell at 3 a.m., night after night, to interrogate him. On August 9, Ramos saw her son again. Zeledón told her he had bled from his ears and his hearing had diminished, she said.

On September 13, Ramos went to see her son again, but police accused her of smuggling objects in her vagina. "They humiliated me. I told them to search me then because I was not about to lose the possibility of seeing my son," she told Human Rights Watch. Instead,

---

<sup>197</sup> Seventh Criminal Court of Managua, Prosecutorial File No. 1190-240-2018JD, July 31, 2018 (copy on file at Human Rights Watch); Seventh Criminal Court of Managua, Matter no. 011623-ORM4-2018-PN, Preliminary Hearing Transcript, August 1, 2018 (copy on file at Human Rights Watch).

<sup>198</sup> Seventh Criminal Court of Managua, Prosecutorial File No. 1190-240-2018JD, July 31, 2018 (copy on file at Human Rights Watch).

police simply refused her entry. The mother of another detainee told her that Zeledón had had seizures repeatedly in previous days.

On September 17, when Ramos delivered food and personal items for his son, the guards threatened her: “They said if I continued telling the press that my son was having seizures in prison, they wouldn’t let me in,” Ramos said.<sup>199</sup>

During a visit on October 4, Zeledón confirmed to his mother that he had had seizures several times in prison. Guards constantly took pictures and videos of them during the family visit.

On January 18, 2019, a judge convicted Zeledón to 25 years and six months in prison on the charges of “terrorism,” “robbery,” and “kidnapping.”<sup>200</sup> His mother told Human Rights Watch prison authorities never allowed him to meet privately with his lawyer and, at the time of writing, he was still not allowed to make phone calls. The last time she visited him, on March 18, 2019, he told her he still had seizures regularly. A nurse administers his treatment, the mother said.<sup>201</sup>

On May 20, Dilon Zeledón Ramos was released from prison with precautionary measures in the context of talks between the government and the opposition.<sup>202</sup> He has completely lost his hearing in his right ear, his mother told Human Rights Watch.<sup>203</sup>

---

<sup>199</sup> In at least two press articles in major outlets the week prior to September 17, Zeledón’s mother spoke of her concerns about his poor health. Luis Eduardo Martínez, “Mother reports that her son convulses due to torture he receives at La Modelo” (“Madre denuncia que su hijo convulsiona por las torturas que recibe en La Modelo”), *La Prensa*, September 3, 2018, <https://www.laprensa.com.ni/2018/09/03/departamentales/2466516-madre-denuncia-que-su-hijo-convulsiona-por-las-torturas-que-recibe-en-la-modelo> (accessed June 8, 2019); Luis Eduardo Martínez, “University student convulsed in La Modelo prison” (“Universitario convulsionó en la cárcel Modelo”), *Periódico de Hoy*, September 3, 2018, <http://www.hoy.com.ni/2018/09/03/universitario-convulsiono-en-la-carcel-modelo/> (accessed June 8, 2019).

<sup>200</sup> “Ortega’s justice condemns four student leaders from Matagalpa” (“Justicia orteguista condena a cuatro líderes estudiantiles de Matagalpa”), *La Prensa*, January 18, 2019, <https://www.laprensa.com.ni/2019/01/18/nacionales/2515263-justicia-orteguista-condena-a-mas-lideres-estudiantiles-de-matagalpa> (accessed June 8, 2019).

<sup>201</sup> Human Rights Watch private communication with Eimy José Ramos Hernández, mother of Dilon Antonio Zeledón Ramos, March 23, 2019.

<sup>202</sup> Interior Ministry press release, May 20, 2019, <https://www.migob.gob.ni/nota-de-prensa-15/> (accessed June 15, 2019).

<sup>203</sup> Human Rights Watch private communication with Eimy Ramos, June 15, 2019.



## *Félix Maradiaga*

On September 24, the Attorney General's Office used a new law approved by Congress in July to accuse Félix Maradiaga—a chief opposition figure and director of the prestigious Institute of Strategic Studies and Public Policy research center (IEEPP, by its Spanish acronym) —of “financing terrorism.”<sup>204</sup>

Maradiaga, an outspoken critic with international visibility, had been publicly accused in June by a police commissioner of being implicated in terrorist acts.<sup>205</sup> In July, a pro-government mob violently assaulted him in León.<sup>206</sup>

According to pro-government media, the indictment says Maradiaga trained people to participate in “destabilizing activities that took place since April 18” by creating a Civil Society Leaders Institute, whose stated mission is to impart values of democracy and human rights to youth.<sup>207</sup> Along with Maradiaga, the Attorney General's Office also accused two demonstrators of financing terrorism.

Five days later, the police searched IEEPP's office in Managua. The officers presented a search warrant and took away hundreds of documents from 2016, 2017, and 2018, which the press reported were loaded onto ordinary trucks with no license plates that departed guarded by police vehicles.<sup>208</sup> As described in the following chapter, in December, the pro-

---

<sup>204</sup> “Attorney General accuses Félix Maradiaga of financing terrorism” (“Fiscalía acusa a Félix Maradiaga por financiamiento al terrorismo”), Supreme Court of Justice of Nicaragua press release, September 24, 2018, [https://www.poderjudicial.gob.ni/prensa/notas\\_prensa\\_detalle.asp?id\\_noticia=9044](https://www.poderjudicial.gob.ni/prensa/notas_prensa_detalle.asp?id_noticia=9044) (accessed June 8, 2019). Human Rights Watch also reviewed a judicial analysis of the case prepared by Maradiaga's defense lawyer (copy on file at Human Rights Watch).

<sup>205</sup> Elizabeth Romero, “National Police accuses the IEEPP director, Félix Maradiaga, of directing a criminal and terrorism network” (“Policía Nacional acusa al director del Ieepp, Félix Maradiaga, de dirigir una red delincuencia y terrorista”), *La Prensa*, June 5, 2018, <https://www.laprensa.com.ni/2018/06/05/nacionales/2430790-policia-nacional-acusa-al-director-del-ieepp-felix-maradiaga-de-vinculos-una-supuesta-red-delincuencia-y-terrorista> (accessed June 8, 2019).

<sup>206</sup> Eddy López, “Félix Maradiaga was beaten while he was in a café in León” (“Félix Maradiaga fue golpeado mientras se encontraba en una cafetería de León”), *Hoy!*, July 11, 2018, <http://www.hoy.com.ni/2018/07/11/felix-maradiaga-fue-golpeado-mientras-se-encontraba-en-una-cafeteria-de-leon/> (accessed June 8, 2019).

<sup>207</sup> “Attorney General accuses Félix Maradiaga of financing terrorism” (“Fiscalía acusa a Félix Maradiaga por financiamiento al terrorismo”), Supreme Court of Justice of Nicaragua press release, September 24, 2018, [https://www.poderjudicial.gob.ni/prensa/notas\\_prensa\\_detalle.asp?id\\_noticia=9044](https://www.poderjudicial.gob.ni/prensa/notas_prensa_detalle.asp?id_noticia=9044) (accessed June 8, 2019).

<sup>208</sup> Mauricio González, “Police and Attorney General raid the IEEPP” (“Policía y Fiscalía allanan el IEEPP”), *El Nuevo Diario*, September 29, 2018, <https://www.elnuevodiario.com.ni/nacionales/475815-iepp-allanamiento-policia-nacional-fiscalia/> (accessed June 8, 2019).

government majority in the National Assembly of Nicaragua cancelled the legal registration of the IEEPP.<sup>209</sup> The IEEPP's bank accounts had been frozen earlier that month.<sup>210</sup>

At the time of the indictment, Maradiaga was in the United States rallying diplomatic pressure against the Ortega government during the United Nations General Assembly. After Maradiaga began taking a public stance against the crackdown on dissent, the IEEPP became a target of a smear campaign in social media, some of the messages accusing it of having links to the U.S. Central Intelligence Agency (CIA).<sup>211</sup> As of June, Maradiaga had not returned to Nicaragua.

### *Tomás Maldonado Pérez*

Retired Army Major Tomás Maldonado Pérez, 63, was an active supporter of the Sandinista government and its party, FSLN, for decades until 2007, when he left the political scene and turned toward his evangelical faith. He was ordained as a pastor in 2016.<sup>212</sup> Because he had a military background, armed pro-government groups that worked jointly with the police repeatedly sought his support, but he always refused.<sup>213</sup> Instead, he prayed with the protesting youth at the Jinotepe barricades. As a result, he began receiving threats.<sup>214</sup>

Shortly after armed pro-government groups and police dismantled the barricades in Jinotepe and Diriamba, Maldonado left Jinotepe to live with his daughter in Managua.<sup>215</sup>

---

<sup>209</sup> José Isaac Espinoza, "Ieepp legal registration is cancelled in National Assembly of Nicaragua" ("Cancelan al Ieepp personería jurídica en Asamblea Nacional de Nicaragua"), *La Prensa*, December 11, 2018, <https://www.elnuevodiario.com.ni/nacionales/481262-asamblea-nacional-cancela-personeria-ieepp/> (accessed June 8, 2019).

<sup>210</sup> Leonor Álvarez, "Ortega's Regime Freezes Ieepp's Bank Accounts" ("Régimen Ortegaísta congela las cuentas bancarias del Ieepp"), *La Prensa*, December 5, 2018, <https://www.laprensa.com.ni/2018/12/05/politica/2502897-regimen-orteguista-congela-las-cuentas-bancarias-del-ieepp> (accessed June 8, 2019).

<sup>211</sup> Human Rights Watch reviewed several of the pictures that circulated in social media associating the IEEPP with the CIA and speculating about the sources of its funding.

<sup>212</sup> Human Rights Watch interview with Yesenia Maldonado, daughter of Tomás Maldonado, November 1, 2018.

<sup>213</sup> Ibid.

<sup>214</sup> Ibid.

<sup>215</sup> According to CENIDH, 105 people were wounded and at least 14 others, including two police officers, were killed on July 8. CENIDH, "Report No. 4" ("Informe No. 4"), July 18, 2018, <https://www.cenidh.org/recursos/62/> (accessed June 8, 2019). The police issued a press release condemning the killing of its two officers, it made no mention of the other dozen civilians killed in the operation; see "Press Note No. 79 – 2018" ("Nota de prensa No. 79 – 2018"), National Police of Nicaragua press release, July 8, 2018, <https://www.policia.gob.ni/?p=19756> (accessed June 4, 2019).

At around 1 p.m. on August 2, uniformed police officers and armed pro-government groups jointly stormed into Maldonado's daughter's house, and pointed their guns at everybody present, ordering them to be quiet and sit down. One of the raiders grabbed Maldonado by the neck, dragged him out, and threw him in the back of a pick-up truck without license plates, according to a sworn statement made by his daughter in a habeas corpus petition.<sup>216</sup>

Despite the guns pointed at her and her relatives, Maldonado's daughter dared to ask where they were taking her father. The officers and armed civilians did not respond and took Maldonado away. One of his relatives followed the pick-up truck on his motorbike and discovered that Maldonado had been taken to El Chipote prison.

The next day, his daughter went to El Chipote to look for him, but police officers told her he was not there. She returned the following day, and police officers again denied Maldonado was in their custody.<sup>217</sup>

On August 5, Maldonado's daughter submitted a habeas corpus petition, arguing the officers had presented neither a search nor an arrest warrant when they entered their home and took Maldonado away.<sup>218</sup> An appeals court granted her petition, but the court appointed a judge who was then out of the country to implement it. The tribunal appointed another judge to verify Maldonado's whereabouts on August 24, but family members interviewed in November 2018 by Human Rights Watch did not know if the judge had in fact visited the prison.<sup>219</sup>

After 22 days, police officers at El Chipote prison told Maldonado's wife and daughter that he was being held there—the first official confirmation of his whereabouts. Until then, he had been a victim of enforced disappearance.

---

<sup>216</sup> Human Rights Watch reviewed a sworn statement given by Brenda Maldonado, Tomás Maldonado's daughter, for a habeas corpus petition introduced on his behalf on August 5, 2018. Habeas corpus petition, Matter no. 001413-ORM4-2018-CN, First Criminal Chamber of the Managua Appeals Tribunal, August 5, 2018 (copy on file at Human Rights Watch).

<sup>217</sup> Ibid.

<sup>218</sup> Ibid.

<sup>219</sup> Human Rights Watch interview with Yesenia Maldonado, daughter of Tomás Maldonado, November 1, 2018. Judicial order, Matter no. 001413-ORM4-2018-CN, August 24, 2018, (copy on file at Human Rights Watch).

After his arrest, armed pro-government groups harassed Maldonado's family in Jinotepe for about a week. On August 3, unknown individuals broke into their house when nobody was home. During the following days, people threw stones at the house and spray painted the walls with the words "terrorist," "murderer," and "lead" (or *plomo* in Spanish, which alludes to bullets). Government supporters often wrote on social media that "terrorists" should be prescribed *plomo*.<sup>220</sup>

On August 24, Maldonado was brought before a judge. The Attorney General's Office charged him with "terrorism," "organized crime," "blocking public services," and "grave injuries."<sup>221</sup>

According to the prosecutor's charging document reviewed by Human Rights Watch, Maldonado allegedly headed a "criminal group" created at the end of 2017 to "incite fear and panic amidst the population" in Jinotepe, Dolores, and Diriamba, Carazo province.<sup>222</sup> The document includes language frequently used by authorities to describe opponents as "coup plotters."

Maldonado's family only learned that a hearing had taken place when pro-government media reported on a press conference held by the National Police on August 28, in which Maldonado stood flanked by hooded police officers. General Luis Alberto Pérez Olivas, chief of El Chipote prison, accused him of leading a terrorist group.<sup>223</sup>

A week later, on August 31, Maldonado's relatives learned, when they went to El Chipote to deliver food for him, that he had been transferred to La Modelo prison. On September 3, a month after he was taken away, his family finally was able to speak to him briefly, under the constant watch of guards.

---

<sup>220</sup> Human Rights Watch interview with Yesenia Maldonado, daughter of Tomás Maldonado, November 1, 2018. Human Rights Watch also reviewed multiple photographs of Maldonado's house in Jinotepe that his daughter, Yesenia Maldonado shared with Human Rights Watch (copies on file at Human Rights Watch).

<sup>221</sup> Terrorismo, crimen organizado, entorpecimiento de servicios públicos y dano agravado

<sup>222</sup> Accusation File, File No. 1386-240-2018JD, Police Complaint No. D-0162-2018-00142, (copies on file at Human Rights Watch).

<sup>223</sup> Nohemy Sandino, "Police captures head of terrorists in Jinotepe" ("Policía captura a cabecilla de terroristas en Jinotepe"), *El 19 Digital*, August 28, 2018, <https://www.el19digital.com/articulos/ver/titulo:80776-policia-captura-a-cabecilla-de-terroristas-en-jinotepe> (accessed June 12, 2019).

Maldonado told his family that he had been in isolation since his arrest. Living with diabetes and chronic hypertension, he also complained that he was not getting all his medicines on the proper schedules.

On January 31, 2019, a judge found Maldonado guilty of terrorism, organized crime and obstructing public services, among others. The prosecutor asked that he receive a 34-year prison sentence but the sentencing hearing did not take place.<sup>224</sup>

On June 11, Tomás Maldonado Pérez was released from prison pursuant to the approval of an amnesty law that came into force on June 10.<sup>225</sup>

### *Carlos Brenes Sánchez*

Carlos Brenes Sánchez, 63, joined the Sandinistas and fought in the civil war that toppled the military dictatorship in 1979. He then served in various postings in the army until 1992, when he retired as a colonel and became a critic of the Sandinista party, accusing its leaders of embezzling public funds. When Ortega regained power in 2006, Brenes remained a dissenting voice, appearing repeatedly in media interviews.<sup>226</sup>

On August 28, soldiers captured Brenes at the Peñas Blancas border post with Costa Rica as he attempted to flee Nicaragua. The army turned him over to the police shortly after. That day, his relatives found out he was detained when they received pictures over

---

<sup>224</sup> Rafael Lara, “Former military quotes Sandino when he is convicted of ‘terrorism’ in Nicaragua” (“Exmilitar cita a Sandino al ser condenado por ‘terrorismo’ en Nicaragua”), *El Nuevo Diario*, February 1, 2019, <https://www.elnuevodiario.com.ni/nacionales/484838-exmilitar-condenado-nicaragua-cita-sandino/> (accessed May 20, 2019). Human Rights Watch private communication with Thelma Brenes, June 15, 2019.

<sup>225</sup> Interior Ministry press release, June 11, 2019, <https://www.migob.gob.ni/nota-de-prensa-22/> (accessed June 15, 2019); Amnesty Law, *La Gaceta*, Law No. 996, Edition no. 108, June 10, 2019, <https://www.lagaceta.gob.ni/2019/06/108/> (accessed June 15, 2019).

<sup>226</sup> See, for example, Brenes decried Ortega’s reelection as unconstitutional and contended his choice of vice president, former chief of the army Omar Halleslevens, and indicated he intended to rule “with an iron fist.” “High level retired military officers warn Ortega” (“Altos militares en retiro advierten a Ortega”), March 16, 2011, *El Nuevo Diario*, <https://www.elnuevodiario.com.ni/nacionales/97212-altos-militares-retiro-advierten-ortega/> (accessed June 8, 2019); “Former army officers: Hallesvens candidacy is a bad sign” (“Ex militares: mal mensaje candidatura de Halleslevens”), March 18, 2011, *El Nuevo Diario*, <https://www.elnuevodiario.com.ni/politica/97480-ex-militares-mal-mensaje-candidatura-halleslevens/> (accessed June 8, 2019).

WhatsApp of Brenes in police custody at the border and then in the back of a police pick-up truck; pro-government outlets had published them online.<sup>227</sup>

The next day, his family brought him food and medicine at El Chipote prison in Managua. Prison guards accepted the package but did not explicitly acknowledge he was there.

Accompanied by a group of retired military officers, Brenes called for “the return of democracy” during a public statement on May 17 in his native Monimbó.<sup>228</sup> After that, he began receiving anonymous death threats, his daughter told Human Rights Watch.<sup>229</sup>

Brenes learned on August 25 that a warrant had been issued for his arrest, another one of his relatives told Human Rights Watch, but he waited two days before leaving for Costa Rica because he got anonymous phone calls saying he was being watched and was going to get killed.<sup>230</sup>

A day after his detention, on August 29, prosecutors brought Brenes before a judge and charged him with “terrorism,” “organized crime,” “blocking public services,” and “aggravated damages” against “Nicaraguan society and the state of Nicaragua.” He was accused of coordinating “terrorist acts” and attacking a police station in Jinotepe, together with Tomás Maldonado (see above).<sup>231</sup> According to his daughter and defense attorney, he was forbidden to meet with his defense lawyer while in detention; he could only speak

---

<sup>227</sup> “Chief of group that caused chaos in Masaya is captured” (“Capturan jefe de grupo que provocó caos en Masaya”), *Radio La Primerísima*, August 28, 2018, <http://www.radiolaprimerisima.com/noticias/general/248889/capturan-jefe-de-grupo-que-provoco-caos-en-masaya/> (accessed June 8, 2019).

<sup>228</sup> Cynthia Tórrez García, “Retired military officers demand Daniel Ortega's departure from power” (“Militares en retiro exigen salida de Daniel Ortega del poder”), *La Prensa*, May 17, 2018, <https://www.laprensa.com.ni/2018/05/17/departamentales/2420801-militares-en-retiro-exigen-salida-de-daniel-ortega-del-poder> (accessed June 8, 2019).

<sup>229</sup> Human Rights Watch telephone interview with Thelma Brenes, daughter of Carlos Brenes, October 30, 2018.

<sup>230</sup> Human Rights Watch telephone interview with a relative of Maldonado, October 31, 2018.

<sup>231</sup> A prosecutor submitted an accusation against Brenes, Maldonado, and seven other men on August 23, 2018, after which the presiding judge ordered that he be captured. Accusation File, Prosecutorial File No. 1386-240-2018JD, Police Complaint No. D-0162-2018-00142, August 23, 2018; copy on file at Human Rights Watch.

with her minutes before the hearing.<sup>232</sup> The judge barred Brenes' family members from the courtroom, a relative said.<sup>233</sup>

On August 30, the deputy director of El Chipote prison, Commissioner Farle Roa, organized a press conference with pro-government media outlets and announced that the National Police had captured Brenes. The officer called Brenes a "terrorist" and displayed him to cameras flanked by two hooded police officers.<sup>234</sup>

Brenes was transferred to La Modelo prison on August 31. His wife only found out after she attempted to deliver food for him at El Chipote, and prison guards told her about the transfer. Prison authorities allowed Brenes' wife and daughter to see him on September 3, after waiting for eight hours and being forced to pull down their trousers in front of female guards before entering the prison.

Officers led the family members to a room with contiguous phone booths where Brenes told them, through a glass window, that he had not been beaten, but was detained alone in a dark cell and had been repeatedly threatened. Suffering from diabetes and hypertension, Brenes told his family that prison authorities administered his insulin, but not at the intervals required by his condition.

They were able to speak for 15 minutes before guards took Brenes away. Four guards stood beside them during the visit, filmed and took pictures of them, and took notes.

During our last interview in March 2019, Brenes' relatives said they were allowed to see him in prison once a month and, in addition, he had one conjugal visit per month. Brenes' relatives expressed concern for his health; they said guards were not giving him the medicines they had purchased for him and delivered to prison authorities.<sup>235</sup>

---

<sup>232</sup> Thelma Brenes, Carlos Brenes' daughter, sent Human Rights Watch a detailed written summary of her father's case on September 25, 2018 via e-mail. Human Rights Watch also reviewed a legal analysis of the case prepared by Brenes' defense lawyer which also stated his right to counsel had been undermined.

<sup>233</sup> Human Rights Watch telephone interview with a relative of Carlos Brenes, October 31, 2018.

<sup>234</sup> Pedro Ortega Ramírez, "Police captures two terrorists who caused a lot of harm to Nicaraguan families" ("Policía captura a dos terroristas que causaron mucho daño a las familias nicaragüenses"), *El 19 Digital*, August 30, 2018, <https://www.el19digital.com/articulos/ver/titulo:80864-policia-captura-a-dos-terroristas-que-causaron-mucho-dano-a-las-familias-nicaraguenses> (accessed June 8, 2019).

<sup>235</sup> Human Rights Watch private messaging with a relative of Carlos Brenes, March 23, 2019.

Prison authorities have not allowed Brenes to make phone calls to either his family or his defense lawyer. According to his relatives, prison authorities have never allowed Brenes' lawyer to visit him in prison either.<sup>236</sup> The first hearing on his trial took place on September 21. His relatives were barred from entering the courtroom until the end of the hearing, when they saw him for five minutes. They were allowed into subsequent hearings.<sup>237</sup>

On January 31, 2019, Brenes was declared guilty of terrorism, organized crime, and obstructing public services, among others. The prosecutor asked that he be given a 32-year prison sentence, according to press reports; the sentencing hearing did not take place, his daughter told Human Rights Watch.<sup>238</sup>

On June 11, Carlos Brenes Sánchez was released from prison pursuant to the approval of an amnesty law that came into force on June 10.<sup>239</sup>

### *Amaya Coppens Zamora*

Amaya Coppens Zamora, 24, is a fifth-year medical student at the National University of Nicaragua in León (UNAN-León), a graduate of the United World College of Hong Kong, and a leader of the April 19 Movement in the city of León.<sup>240</sup> She is a dual citizen of Belgium and Nicaragua.

At around 5 p.m. on September 10, police officers and members of an armed pro-government group arrested Coppens and her friend, 28-year-old Sergio Midence, at the Midence family home in León. Police found one 25mm gun in the house.<sup>241</sup>

---

<sup>236</sup> Ibid.

<sup>237</sup> Ibid.

<sup>238</sup> Rafael Lara, "Former military quotes Sandino when he is convicted of 'terrorism' in Nicaragua" ("Exmilitar cita a Sandino al ser condenado por 'terrorismo' en Nicaragua"), *El Nuevo Diario*, February 1, 2019, <https://www.elnuevodiario.com.ni/nacionales/484838-exmilitar-condenado-nicaragua-cita-sandino/> (accessed May 20, 2019). Human Rights Watch private communication with Thelma Brenes, June 15, 2019.

<sup>239</sup> Interior Ministry press release, June 11, 2019, <https://www.migob.gob.ni/nota-de-prensa-22/> (accessed June 15, 2019); Amnesty Law, *La Gaceta*, Law No. 996, Edition no. 108, June 10, 2019, <https://www.lagaceta.gob.ni/2019/06/108/> (accessed June 15, 2019).

<sup>240</sup> Unless otherwise indicated, all the information about this case is based on a Human Rights Watch telephone interview with Frédéric Coppens, father of Amaya Coppens, October 12, 2018.

<sup>241</sup> National Police of Nicaragua, "Technical Report of Crime Scene Inspection, Record IEC-709-2018" ("Informe Técnico de Inspección Escena del Crimen, Registro IEC-709-2018"), León, September 10, 2018 (copy on file at Human Rights Watch).



Coppens' father said that the officers took Coppens and Midence to a police station in León, where they beat them with their weapons. Police transferred the two to El Chipote prison in Managua on September 12. The same day, Police Commissioner Farle Roa presented Coppens to government media outlets, along with three other protesters including Midence, as “four terrorists.”<sup>242</sup>

Also on September 12, the police chief of El Chipote, Commissioner General Luis Alberto Pérez Olivas, retroactively issued arrest warrants for Coppens and Midence, two days after the police had actually apprehended them.<sup>243</sup>

A relative of Midence filed a habeas corpus petition. The tribunal granted it on September 13 and required a judge to inspect the site where Coppens and Midence were being held, but the judge recused himself without providing any legal reasoning, according to a court document reviewed by Human Rights Watch.<sup>244</sup>

Police held Coppens in El Chipote prison for six days, during which prison authorities did not allow her to see relatives or speak with them on the phone, nor confer with a lawyer.

The Belgian ambassador to Panama flew to Managua and she was able to see Coppens in El Chipote on September 15. The ambassador later told Coppens' father that Coppens had said that police officers had twice pulled her out of her cell in the middle of the night to interrogate her.

On September 18, eight days after the police took Coppens into custody, she was brought before a judge. The prosecutor charged her with “terrorism,” “kidnapping,” “grave injuries,” “aggravated robbery,” “blocking public services,” and “illegal possession of weapons or ammunition.”<sup>245</sup>

---

<sup>242</sup> Nohemy Sandino, “Police capture 4 terrorists in Masaya, León and Managua” (“Policía captura a 4 sujetos por terrorismo en Masaya, León y Managua”), *El 19 Digital*, September 12, 2018, <https://www.el19digital.com/articulos/ver/titulo:81315-policia-captura-a-4-sujetos-por-terrorismo-en-masaya-leon-y-managua> (accessed October 13, 2018).

<sup>243</sup> “Information and Evidence Exchange Act” (“Escrito de Intercambio de Información y Pruebas”), *Fifth Criminal Court of Managua*, Prosecutor File MP No. 1592-240-2018-JD, Police File 180-2018 DAJ, Judicial file 014348-ORM4-2018 PN (copy on file at Human Rights Watch).

<sup>244</sup> Judicial Appeal 001684-ORM4-2018-CN, September 18, 2018 (copy on file at Human Rights Watch).

<sup>245</sup> Accusation File No. 01438-ORM4-2018-PN, Police File 180-2018, Prosecutor File 1592-240-2018 JD, September 18, 2018 (copy on file at Human Rights Watch).

Coppens' lawyer challenged her detention as illegal, arguing it exceeded the 48-hour limit imposed by the Nicaraguan Constitution. The judge dismissed her petition without providing any legal reasoning. The judge argued that all of Coppens' constitutional rights were respected and even cited the habeas corpus order issued on September 13—which had not been implemented—as an example of existing guarantees.<sup>246</sup>

Judicial authorities did not allow Coppens' relatives into the hearing; when it ended, the judge allowed her father to see her for five minutes before prison guards took her away.

The evidence listed by the prosecutor in the accusation against Coppens includes declarations from three police officers saying that on April 20 Coppens directed a mob of people with a megaphone to throw rocks and fire homemade mortars (*morteros*) at them; testimony from a man saying that Coppens and Midence ordered other protestors to assault him at a roadblock on May 23; and a declaration from a man saying that Coppens had robbed him and ordered other protestors to assault him and kidnap him for several hours on June 3.<sup>247</sup> As detailed below, all three pieces of evidence contain significant discrepancies or flaws. (An anonymous witness listed as “Code One” also testified against Coppens, but we were not able to obtain or review Code One's declaration.)

The text of the declarations of the three officers who said Coppens directed the mob on April 20 are almost identical and none contains distinctive elements that normally distinguish individual eyewitness observations.<sup>248</sup> And in the first version of events the three police officers gave to a forensic doctor who examined them on April 25, they describe a mob of 200 people but do not identify any young woman with a megaphone.<sup>249</sup> Additionally, two of the three police officers injured in the alleged mob attack suffered only

---

<sup>246</sup> Preliminary hearing document, File No. 01438-ORM4-2018-PN, Case No. 01438-ORM4-2018-PN, September 18, 2018, pp. 3-4, (copy on file at Human Rights Watch).

<sup>247</sup> Accusation File No. 01438-ORM4-2018-PN, Police File 180-2018, Prosecutor File 1592-240-2018 JD, September 18, 2018, (copy on file at Human Rights Watch).

<sup>248</sup> Photographic Recognition Writ signed by police officer Noel Alexander Centeno Tellez, April 25, 2018; Photographic Recognition Writ signed by police officer Juan Francisco Quant Rodriguez, April 25, 2018; Photographic Recognition Writ signed by Ervin Genera Mendez Reyes, April 25, 2018 (copy on file at Human Rights Watch).

<sup>249</sup> Human Rights Watch reviewed the forensic evaluations performed by the Legal Medicine Institute on the three police officers. Supreme Court of Justice, Legal Medicine Institute, Report 1400-2018, April 25, 2018. Supreme Court of Justice, Legal Medicine Institute, Report 1398-2018, April 25, 2018. Supreme Court of Justice, Legal Medicine Institute, Report 1399-2018, April 25, 2018 (copy on file at Human Rights Watch).

superficial injuries, and none required medical treatment.<sup>250</sup> The man who said Coppens ordered protesters to assault him on May 23 initially told a different story, one that implicated neither Coppens nor Midence. On July 9, he told the forensic doctor who evaluated his injuries that two protesters with other names had badly injured him and incited other protestors to assault him and attempt to kill him by dropping a block on his head.<sup>251</sup> The victim did not mention Coppens or Midence. In the version of his testimony the prosecutor presented in the accusation, however, the alleged victim said these two other protesters had brought him to Amaya Coppens and Sergio Midence, who then gave the order to assault him.<sup>252</sup>

The man who testified that Coppens and Midence ordered protesters to assault and kidnap him on June 3 also told two different stories. In his statement to the forensic doctor immediately after the incident, he said he passed a barricade and that several protestors there identified him as an “infiltrated police officer” (a *policia infiltrado* or spy sent by police), and proceeded to beat him. He then received medical care from one of the doctors stationed at the roadblock with the protestors who transferred him to a hospital in León, where he received treatment for his injuries.<sup>253</sup>

The statement referenced by the prosecutor’s accusation two months later, however, includes a different sequence of events. In it, the victim claims he was driving by the roadblock in León on his motorcycle on June 3, when a woman identified him as a police officer and said that he and all his family should be hurt. A man he knew was sitting in a nearby car and they struck up conversation. The protestors quickly found them and made both leave the vehicle and follow them. The victim claimed the protestors then made them walk to another location, where Coppens was; he claims she stole his belongings and that people who accompanied Coppens allegedly beat them, tied them, and loaded them into

---

<sup>250</sup> Human Rights Watch reviewed the forensic evaluations performed by the Legal Medicine Institute on the three police officers. Supreme Court of Justice, Legal Medicine Institute, Report 1400-2018, April 25, 2018. Supreme Court of Justice, Legal Medicine Institute, Report 1399-2018, April 25, 2018 (copies on file at Human Rights Watch).

<sup>251</sup> Human Rights Watch compared the declaration the victim gave to the medical forensic examiner on July 9 (Supreme Court of Justice, Legal Medicine Institute, Report 1921-2018, July 9, 2018 with the version presented by the prosecutor in his accusation; copies on file at Human Rights Watch).

<sup>252</sup> Accusation File No. 01438-ORM4-2018-PN, Police File 180-2018, Prosecutor File 1592-240-2018 JD, September 18, 2018, (copy on file at Human Rights Watch).

<sup>253</sup> Human Rights Watch reviewed the report of the examination performed by the forensic doctor on the alleged victim Supreme Court of Justice, Legal Medicine Institute, Report 1791-2018, June 5, 2018, (copy on file at Human Rights Watch).

the back of a pick-up truck. He claimed Sergio Midence then drove them to a secluded location, where he held them for an hour before driving them back to the roadblock, where protestors again beat him.<sup>254</sup>

On October 11, Coppens' first trial hearing was cancelled after her defense lawyer requested that the case be heard in León, where the crimes had allegedly taken place. Her request was refused, and the trial resumed in Managua.

Coppens' lawyer met with his client for the first time on December 21, while Coppens was in detention. Prison guards watched them for the whole meeting, and they prohibited the defense lawyer from giving Coppens a paper copy of the prosecutor's accusation against her.<sup>255</sup> When they met on February 17 for 20 minutes, they were surrounded by three prison guards, the lawyer told Human Rights Watch.<sup>256</sup>

In January, Coppens' father said he had been allowed to visit her in prison regularly, once every three months.<sup>257</sup> Prison guards constantly surrounded them and filmed them with their cellphones during visits. Prison authorities have not allowed Coppens to make calls, her father said.

On May 15, the IACHR requested that the Inter-American Court on Human Rights grant provisional protective measures for Amaya Coppens and other female prisoners on the basis she was in a "situation of extreme gravity and urgency of irreparable harm."<sup>258</sup>

On June 11, Amaya Coppens Zamora was released from prison pursuant to the approval of an amnesty law that came into force on June 10.<sup>259</sup>

---

<sup>254</sup> Accusation File No. 01438-ORM4-2018-PN, Police File 180-2018, Prosecutor File 1592-240-2018 JD, September 18, 2018, (copy on file at Human Rights Watch).

<sup>255</sup> Human Rights Watch private messaging with Frédéric Coppens, father of Amaya Coppens, January 8, 2019.

<sup>256</sup> Human Rights Watch private messaging with Maynor Curtis, defense attorney of Amaya Coppens, March 23, 2019.

<sup>257</sup> Human Rights Watch private messaging with Frédéric Coppens, father of Amaya Coppens, January 8, 2019.

<sup>258</sup> "IACHR Submits a Request to the Inter-American Court for Provisional Protection Measures for 17 People Who Are Being Deprived of Their Freedom and Are at Extreme Risk in Nicaragua," OAS press release, May 15, 2019, [http://www.oas.org/en/iachr/media\\_center/PReleases/2019/117.asp](http://www.oas.org/en/iachr/media_center/PReleases/2019/117.asp) (accessed June 12, 2019).

<sup>259</sup> Interior Ministry press release, June 11, 2019, <https://www.migob.gob.ni/nota-de-prensa-22/> (accessed June 15, 2019); Amnesty Law, *La Gaceta*, Law No. 996, Edition no. 108, June 10, 2019, <https://www.lagaceta.gob.ni/2019/06/108/> (accessed June 15, 2019).

## Attacks on Free Press and Civil Society

In its June 2018 report, the Inter-American Commission of Human Rights (IACHR) found that the Nicaraguan government had “adopted measures of direct and indirect censorship restricting the widest range of public information about what is happening in the country.”<sup>260</sup> The commission documented attacks against journalists as well as violent attacks against media outlets and destruction of their facilities and equipment.<sup>261</sup>

Similarly, in its August 2018 report, the Office of the High Commissioner for Human Rights (OHCHR) concluded that there are no “conditions for the free and safe exercise of the rights to freedoms of expression, peaceful assembly and association.”<sup>262</sup> A November 2018 statement by several UN experts highlighted that “protesters, human rights defenders, and others who have been critical of the Government have been persecuted, threatened and criminalised.”<sup>263</sup>

The crackdown on civil society and the free press intensified between November and December 2018, when the National Assembly stripped nine NGOs of their legal registration, authorities shut down two media outlets, and police arrested two journalists.<sup>264</sup> Between April 2018 and January 2019, 56 Nicaraguan journalists have gone into exile, according to a journalists’ association.<sup>265</sup>

---

<sup>260</sup> IACHR, “Gross Human Rights Violations in the Context of Social Protests in Nicaragua,” June 21, 2018, <http://www.oas.org/en/iachr/reports/pdfs/Nicaragua2018-en.docx> (accessed June 12, 2019), p. 9, para. 15.

<sup>261</sup> *Ibid.*, pp. 67 – 70.

<sup>262</sup> OHCHR, “Human Rights Violations and Abuses in the Context of Protests in Nicaragua: 18 April – 18 August 2018,” August 29, 2018, [https://ohchr.org/Documents/Countries/NI/HumanRightsViolationsNicaraguaApr\\_Aug2018\\_EN.pdf](https://ohchr.org/Documents/Countries/NI/HumanRightsViolationsNicaraguaApr_Aug2018_EN.pdf) (accessed June 3, 2019), p. 21, para. 46.

<sup>263</sup> OHCHR, “Nicaragua must stop repression of human rights – UN experts,” November 22, 2018, <https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=23919&LangID=E> (accessed June 8, 2019).

<sup>264</sup> “Nicaragua: Government Crackdown on Media, Activists,” Human Rights Watch news release, December 14, 2018, <https://www.hrw.org/news/2018/12/14/nicaragua-government-crackdown-media-activists>; “Nicaragua: owner of 100% Noticias accused of ‘inciting hatred’” (“Nicaragua: Acusan a dueño de 100% Noticias de presunta ‘instigación al odio’”), *VOA*, December 22, 2018, <https://www.voanoticias.com/a/nicaragua-acusan-a-dueno-de-100-noticias-de-instigacion-al-odio-/4712146.html> (accessed June 8, 2019). Human Rights Watch also reviewed a copy of the charging document against the journalists.

<sup>265</sup> “Cenidh spokesman flees Nicaragua due to threats in the midst of crisis” (“Portavoz del Cenidh huye de Nicaragua por amenazas en medio de crisis”), *El Nuevo Diario*, January 8, 2019, <https://www.elnuevodiario.com.ni/nacionales/482851-portavoz-cenidh-sale-nicaragua-amenazas/> (accessed June 12, 2019).

Several of the activists targeted had already been victims of harassment under Ortega's administration in previous years. For example, Medardo Mairena, the leader of the farmers' movement who was sentenced to 216 years in prison in December 2018 (see previous chapter), had been detained and held incommunicado by the police for 2 days in September 2017.<sup>266</sup> Vilma Núñez, a prominent human rights defender whose organization was shut down, had been the subject of hostile remarks by Ortega's ministers in March 2017, who issued a public letter stating she had "repeatedly offended the People and the Government of Nicaragua, with the intention of disrupting the Harmony and Unity [of the nation]" after she received an award from the US ambassador recognizing her human rights work.<sup>267</sup> Indeed, as the Interdisciplinary Group of Independent Experts (GIEI, by its Spanish acronym) noted in its December 2018 report, even prior to the 2018 crackdown in Nicaragua, the climate for human rights defenders there had been one of "political hostility, persecution and smear campaigns fostered by the government."<sup>268</sup> Furthermore, the GIEI noted, "there is a grave situation of impunity for the acts committed to their detriment."<sup>269</sup>

## Independent Media

As has been previously reported, since April 2018, police and armed pro-government groups have harassed, intimidated, assaulted, and arbitrarily detained several journalists, and immigration authorities summarily deported two foreign journalists.<sup>270</sup> State regulators

---

<sup>266</sup> "Medardo Mairena Sequeira released from arbitrary detention," *Front Line Defenders*, September 5, 2017, <https://www.frontlinedefenders.org/en/case/medardo-mairena-sequeira-reported-missing> (accessed June 8, 2019).

<sup>267</sup> Wilfredo Miranda Aburto, "Government unleashes attack against Vilma Núñez, president of Cenidh" ("Gobierno desata ataque contra Vilma Núñez, president del Cenidh"), *Confidencial*, March 8, 2017, <https://confidencial.com.ni/ee-uu-reconoce-trabajo-doctora-vilma-nunez/> (accessed June 8, 2019); "Nicaraguan Ministers and Vice-Ministers Letter to Ambassador Laura Dogu" ("Carta de Ministras y Viceministras de Nicaragua a la Embajadora Dogu"), *El 19 Digital*, March 8, 2017, <https://www.el19digital.com/articulos/ver/titulo:53246-carta-de-ministras-y-viceministras-de-nicaragua-a-la-embajadora-laura-dogu> (accessed June 8, 2019).

<sup>268</sup> Interdisciplinary Group of Independent Experts (GIEI), IACHR, "Report about the acts of violence occurred between April 18 and May 30, 2018" ("Informe sobre los hechos de violencia ocurridos entre el 18 de abril y el 30 de mayo de 2018"), [https://gieinicaragua.org/giei-content/uploads/2018/12/GIEI\\_INFORME\\_DIGITAL.pdf](https://gieinicaragua.org/giei-content/uploads/2018/12/GIEI_INFORME_DIGITAL.pdf) (accessed June 12, 2019), p. 51

<sup>269</sup> *Ibid.*

<sup>270</sup> "American journalist who covered the protests in Nicaragua is detained and deported" ("Detienen y deportan a periodista de EE.UU. que cubría protestas en Nicaragua"), *El Comercio*, October 2, 2018, <https://elcomercio.pe/mundo/detienen-deportan-periodista-ee-uu-cubria-protestas-nicaragua-noticia-nndc-563760> (accessed June 8, 2019); Monica Yanakiew, "Nicaragua deports Brazilian documentarian" ("Nicaragua deporta a documentalista brasileña"), *Agencia Brasil*, August 28, 2018, <http://agenciabrasil.ebc.com.br/es/direitos-humanos/noticia/2018-08/nicaragua-deporta-documentalista-brasilena> (accessed June 8, 2019).

have shut down critical news channels for days and independent online outlets have been repeatedly subject to cyber-attacks.<sup>271</sup>

On April 19, 2018, four TV news channels were taken off the air. The director of one station, *100% Noticias*, said that the state telecommunications regulator had told him to stop covering the protests or “face the consequences,” and that the cable company subsequently informed him that the regulator had ordered it to stop broadcasting the channel.<sup>272</sup> He said that he and three other members of his staff received anonymous calls threatening to set the station’s office on fire.<sup>273</sup> The three other channels were back on the air after six hours, but *100% Noticias* was not able to resume broadcasting until April 24.<sup>274</sup>

On May 28, police assaulted two *EFE* reporters in Managua, one of them later told the press. Photographer Jorge Torres and camerawoman Renée Lucía Ramos were covering a protest near the National Engineering University (UNI) when police began firing rubber bullets and live ammunition at protestors. The journalists took cover behind a car. Two police officers found them and kicked them and rough handled them while shouting: “get up motherfuckers!” Torres and Ramos showed the officers their press credentials before managing to escape their grip and run to a nearby gas station. The officers fired rubber bullets at them, but they were not hit.<sup>275</sup>

On June 19, armed pro-government groups detained Leticia Gaitán – of *100% Noticias*– and Daliana Ocaña and Luis Alemán of *Channel 12* when they attempted to cover the crackdown on protestors in Masaya, the journalists later said in an interview with the press. A group of 10 armed men approached them when they exited their car on the Masaya Highway, fired their weapons in the air, and shouted at them to lie on the ground.

---

<sup>271</sup> “Nicaragua: Protests Leave Deadly Toll,” Human Rights Watch news release, April 27, 2018, <https://www.hrw.org/news/2018/04/27/nicaragua-protests-leave-deadly-toll>.

<sup>272</sup> Human Rights Watch telephone interview with Miguel Mora, *100% Noticias* owner, April 20, 2019.

<sup>273</sup> Ibid.

<sup>274</sup> “Nicaragua: Protests Leave Deadly Toll,” Human Rights Watch news release, April 27, 2018, <https://www.hrw.org/news/2018/04/27/nicaragua-protests-leave-deadly-toll>

<sup>275</sup> “National Police assaults EFE Agency’s graphic team in Nicaragua” (“La Policía Nacional agrede a un equipo gráfico de la Agencia EFE en Nicaragua”), *EFE*, May 28, 2018, <https://www.efc.com/efe/america/sociedad/la-policia-nacional-agrede-a-un-equipo-grafico-de-agencia-efe-en-nicaragua/20000013-3630728> (accessed June 8, 2019). Human Rights Watch reviewed a video testimony provided by Ramos where she described the incident, as well as a video she allegedly shot where she is heard screaming “we are press” (*somos prensa*, in Spanish) as she is surrounded by armed riot police officers in black uniforms.



The men searched the reporters and robbed them of their equipment. One of them kicked Alemán twice while he was lying down. The ordeal lasted approximately 30 minutes, before the men left the team on the ground.<sup>276</sup> Gaitán fled the country on December 23, 2018, after two of her colleagues were jailed on terrorism charges (see below).<sup>277</sup>

On August 25, police arrested Brazilian-American documentary filmmaker Emilia Mello in San Marcos, Carazo, when she was on her way to cover a demonstration in Granada. Police brought Mello to El Chipote prison, where they subjected her to a long interrogation and “psychological abuse,” according to the IACHR executive secretary.<sup>278</sup> The next day, Nicaraguan authorities made her board a flight to El Salvador.<sup>279</sup>

On October 1, police arrested Austrian-American reporter Carl Goette-Luciak in his home in Managua. Goette-Luciak told the press that police handcuffed him and brought him to the airport barefoot and shirtless, where they interrogated him for five hours. The reporter said one police officer threatened to “torture” him and “take” him to El Chipote prison if he did not give him the passcode for his phone. Another officer told him he was going to be deported because he was present at “illegal marches,” Goette-Luciak said in an interview. That night, authorities deported him.<sup>280</sup>

On the night of December 13, the National Police raided the offices of *Confidencial*. Carlos Fernando Chamorro, *Confidencial*’s chief press officer, has been a staunch government critic. The police confiscated computers, hard drives and other journalism equipment, and

---

<sup>276</sup> Maynor Salázar, “Police told paramilitaries that they assaulted journalists” (“Policía avisó a los paramilitares que asaltaron a los periodistas”), *Confidencial*, June 20, 2018, <https://confidencial.com.ni/policia-aviso-a-los-paramilitares-que-asaltaron-a-los-periodistas/> (accessed June 8, 2019). Human Rights Watch also reviewed a broadcast of an interview with the three journalists where they recounted the incident; see, “Journalists from Channel 12 and 100% Noticias attacked by paramilitaries” (“Periodistas de Canal 12 y 100% Noticias agredidos por paramilitares”), video clip, YouTube, June 20, 2018, <https://www.youtube.com/watch?v=nNlvyjYsO1s> (accessed June 8, 2019).

<sup>277</sup> Ana Cruz, “Journalist Leticia Gaitán leaves Nicaragua due to harassment” (“Periodista Leticia Gaitán sale de Nicaragua ante asedio”), *El Nuevo Diario*, December 24, 2018, <https://www.elnuevodiario.com.ni/nacionales/482086-nicaragua-leticia-gaitan-exilio-amenazas/> (accessed June 8, 2019).

<sup>278</sup> Noelia Celina Gutiérrez, “Filmmaker deported decries mistreatment” (“Cineasta deportada denuncia maltrato”), *El Nuevo Diario*, August 28, 2018, <https://www.elnuevodiario.com.ni/nacionales/473294-cineasta-deportada-denuncia-maltrato-nicaragua/> (accessed June 8, 2019).

<sup>279</sup> Ibid.

<sup>280</sup> Wilfredo Miranda Aburto, “Journalist Deported from Nicaragua, ‘They Threatened to Torture Me,’” *Confidencial*, October 2, 2018, <https://confidencial.com.ni/journalist-deported-from-nicaragua-they-threatened-to-torture-me/> (accessed June 8, 2019).



numerous legal and accounting documents.<sup>281</sup> In the same building, the police ransacked the offices of an environmental consulting business owned by Chamorro's wife.<sup>282</sup>

Officers from the police's special operations department (DOEP) occupied the buildings belonging to Chamorro where *Confidencial* and *CINCO*—a research center focused on media studies, which Chamorro also leads—are hosted. As of June, the police remained on site and were forbidding the staff entry.<sup>283</sup>

Five weeks after the assault on *Confidencial*, Chamorro went into exile in Costa Rica with his wife to protect his “physical integrity and freedom,” he told the press. The journalist said the threats had intensified after police took over his offices.<sup>284</sup> He continues to run *Confidencial* and broadcast online his two television programs from Costa Rica.

On December 21, police raided the studio of news channel *100% Noticias* and arrested their chief press officer, Lucía Pineda; the channel's owner, Miguel Mora and journalist Verónica Chávez, who is also Mora's wife.<sup>285</sup> Minutes prior to the raid, the state regulating entity shut down *100% Noticias* broadcast.<sup>286</sup> The next day, police released Chávez and took Mora before a judge; the Attorney General's Office charged him with “provoking, proposing and conspiring to commit terrorist acts” and “provoking, excusing and inciting hate crimes,” with the aggravating circumstances of “discrimination based on political ideology.”<sup>287</sup> The week before, on December 13, the IACHR had granted precautionary measures to Mora and his wife, as well as another journalist working for the channel,

---

<sup>281</sup> Human Rights Watch instant message communication with a *Confidencial* journalist, December 14, 2018.

<sup>282</sup> “Nicaragua: Government Crackdown on Media, Activists,” Human Rights Watch news release, December 14, 2018, <https://www.hrw.org/news/2018/12/14/nicaragua-government-crackdown-media-activists>.

<sup>283</sup> “Police Occupies *Confidencial*'s Bureau” (“Policía se toma la redacción de *Confidencial*”), *Confidencial*, December 15, 2018, <https://confidencial.com.ni/policia-se-toma-la-redaccion-de-confidencial/> (accessed June 8, 2019); Human Rights Watch private communication with a journalist from *Confidencial*, April 14, 2019.

<sup>284</sup> Javier Lafuente, “Journalist Carlos Fernando Chamorro flees to Costa Rica amidst threats from the Ortega regime” (“El periodista Carlos Fernando Chamorro se exilia en Costa Rica ante las amenazas del régimen de Ortega”), *El País*, January 21, 2019, [https://elpais.com/internacional/2019/01/21/america/1548041576\\_165557.html](https://elpais.com/internacional/2019/01/21/america/1548041576_165557.html) (accessed June 8, 2019).

<sup>285</sup> C.S. Maldonado, “Ortega assaults another outlet critical of the Nicaraguan regime” (“Ortega asalta otro medio crítico contra el régimen en Nicaragua”), *El País*, December 23, 2018, [https://elpais.com/internacional/2018/12/22/america/1545453205\\_991075.html](https://elpais.com/internacional/2018/12/22/america/1545453205_991075.html) (accessed January 7, 2019).

<sup>286</sup> *Ibid*; Human Rights Watch also reviewed and has on file a copy of the shutdown order issued by the Nicaraguan Institute of Telecommunications and Mail (TELCOR).

<sup>287</sup> Charging document against Miguel Mora, Jaime Arellano, Jackson Orozco, Lucía Pineda and Luis Manuel Galeano, December 23, 2018, Expediente Fiscal no. 2263-240-2018, Expediente Judicial no. 020017-ORM4-2018PN (copy on file at Human Rights Watch).

urging the state of Nicaragua to adopt special protective measures to safeguard their integrity.<sup>288</sup>

On December 23, Pineda was brought before a judge after two days being held incommunicado. The Attorney General's Office charged her with the same crimes as Mora. The charging document revealed that three other *100% Noticias* reporters were also accused of committing the same crimes; they have since fled the country.<sup>289</sup> On February 11, 2019, the IACHR granted precautionary measures to Pineda, citing alleged acts of "psychological torture" she would have been subject to during several interrogations in El Chipote.<sup>290</sup>

On May 15, the IACHR requested that the Inter-American Court on Human Rights grant provisional protective measures for Mora and Pineda, on the basis they were in a "situation of extreme gravity and urgency of irreparable harm." The Commission also cited allegations that Mora and Pineda were being held in maximum security or isolation, with little natural lighting and restrictions to their family visits. Mora allegedly lost considerable weight after a hunger strike which could pose a risk to his health, the Commission noted.<sup>291</sup>

On June 11, Mora and Pineda were released from prison pursuant to the approval of an amnesty law that came into force on June 10.<sup>292</sup>

---

<sup>288</sup> IACHR, "Resolution 90/2018, Precautionary Measures No. 873-18" ("Resolución 90/2018, Medidas cautelares No. 873-18"), December 13, 2018, <http://www.oas.org/es/cidh/decisiones/pdf/2018/90-18MC873-18-NI.pdf> (accessed June 8, 2019).

<sup>289</sup> Ibid. See also, "Journalist Luis Galeano abandons Nicaragua after arrest warrant against him" ("El periodista Luis Galeano abandona Nicaragua tras orden de captura en su contra"), *La Prensa*, December 26, 2018, <https://www.laprensa.com.ni/2018/12/26/nacionales/2508628-el-periodista-luis-galeano-abandona-nicaragua-tras-orden-de-captura-en-su-contra> (accessed June 8, 2019).

<sup>290</sup> IACHR, "Resolution 5/2019, Precautionary Measures No. 873-18" ("Resolución 5/2019, Medidas cautelares No. 873-18"), February 11, 2019, <http://www.oas.org/es/cidh/decisiones/pdf/2019/5-19MC873-18-NI.pdf> (accessed June 8, 2019).

<sup>291</sup> "IACHR Submits a Request to the Inter-American Court for Provisional Protection Measures for 17 People Who Are Being Deprived of Their Freedom and Are at Extreme Risk in Nicaragua," OAS press release, May 15, 2019, <http://www.oas.org/es/cidh/prensa/comunicados/2019/117.asp> (accessed June 8, 2019).

<sup>292</sup> Interior Ministry press release, June 11, 2019, <https://www.migob.gob.ni/nota-de-prensa-22/> (accessed June 15, 2019). Amnesty Law, *La Gaceta*, Law No. 996, Edition no. 108, June 10, 2019, <https://www.lagaceta.gob.ni/2019/06/108/> (accessed June 15, 2019).

## Civil Society

Between November 29 and December 13, 2018, Congress stripped nine non-governmental organizations of their legal registration, effectively forcing them to shut down.

Congressman Filiberto Rodríguez of the ruling party introduced the motions stripping them of registration at the request of the Interior Ministry. On the night of December 13, the National Police raided five of these organizations, confiscating many documents and computers.

On November 29, Congress cancelled the legal registration of the Information and Service Center for Health Counselling (CISAS, by its Spanish acronym), a 35-year-old organization dedicated to health education and HIV/AIDS prevention. Rodríguez said the group was “participating in destabilizing activities against the government and Nicaraguan society” and that it should not have “taken part in protests.”<sup>293</sup>

Three days earlier, immigration authorities had deported the group’s founder and director, Ana Quirós, a vocal feminist activist and critic of the Ortega administration who had become a Nicaraguan citizen after immigrating from Costa Rica. Immigration authorities summoned Quirós, informed her that she was stripped of her Nicaraguan citizenship and detained her in El Chipote prison for six hours before deporting her to Costa Rica, she later told *Confidencial*.<sup>294</sup> Quirós was neither allowed to consult a lawyer nor to challenge in court the decision to strip her of her citizenship, she said.<sup>295</sup> After living for 40 years in Nicaragua, she is now in Costa Rica.<sup>296</sup>

---

<sup>293</sup> “CISAS Legal Registration Is Cancelled” (“Cancelan personalidad jurídica a CISAS”), National Assembly of Nicaragua press release, November 29, 2018, <https://noticias.asamblea.gob.ni/cancelan-personalidad-juridica-a-cisas/> (accessed June 8, 2019).

<sup>294</sup> Maynor Salazar, “Expulsion of Ana Quiros Was Illegal and an ‘Action of Hate’” (“Expulsión de Ana Quirós fue ilegal y una ‘acción de odio’”), *Confidencial*, November 28, 2018, <https://confidencial.com.ni/expulsion-de-ana-quiros-fue-ilegal-y-una-accion-de-odio/> (accessed June 8, 2019).

<sup>295</sup> Ibid.

<sup>296</sup> “Costa Rica Confirms that Ana Quirós Was Deported from Nicaragua,” (“Costa Rica confirma que Ana Quirós ya fue deportada desde Nicaragua”), *El Nuevo Diario*, November 26, 2018, <https://www.elnuevodiario.com.ni/nacionales/480326-costa-rica-deportacion-ana-quiros-nicaragua/> (accessed June 8, 2019); “Ortega’s Regime Expels Activist Ana Quirós” (“El régimen orteguista expulsa a la activista Ana Quirós”), *La Prensa*, November 26, 2018, <https://www.laprensa.com.ni/2018/11/26/nacionales/2500332-el-regimen-orteguista-prepara-la-expulsion-de-la-activista-ana-quiros> (accessed June 8, 2019).

On the same day Quirós was deported, immigration authorities subpoenaed one Swiss and two Spanish feminist activists who had resided and worked in Nicaragua for years and had been vocal critics of Ortega’s government.<sup>297</sup> The government revoked their residency permits and compelled them to present themselves before immigration authorities every 15 days.<sup>298</sup> Previously, on October 26, three representatives of the Center for Justice and International Law (CEJIL, by its Spanish acronym), a human rights organization, were denied entry at Managua’s international airport when they attempted to visit the country.<sup>299</sup>

On December 11, Congress cancelled the legal registration of the Institute of Strategic Studies and Public Policy (IEEPP, by its Spanish acronym).<sup>300</sup> Police had raided the group’s offices weeks earlier, confiscating many documents, and the authorities had frozen the organization’s bank accounts.<sup>301</sup> As described in the previous chapter, in September, the Attorney General’s Office accused Félix Maradiaga—a chief opposition figure and director of the IEEPP—of “financing terrorism.”<sup>302</sup>

On December 12, Congress cancelled the legal registration of two other organizations it claimed were implicated in “an attempted coup,” an official news release said.<sup>303</sup> One was the Nicaraguan Center for Human Rights (CENIDH, by its Spanish acronym), a prestigious

---

<sup>297</sup> Marlo Medrano, “Nicaragua Strips 3 Foreign Activists of their Residency; One More Is Detained by Immigration” (“Nicaragua retira residencia a 3 activistas extranjeras; una más es retenida por Migración”), *CNN Español*, November 27, 2018, <https://cnnespanol.cnn.com/2018/11/27/nicaragua-retiran-residencia-a-3-activistas-extranjeras-una-cuarta-es-retenida-por-migracion/> (accessed June 8, 2019).

<sup>298</sup> “Nicaragua Expels and Strips of Her Nationality Feminist Activist Ana Quirós” (“Nicaragua expulsó y retiró nacionalidad a la activista feminista Ana Quirós”), *La Red 21*, November 29, 2018, <http://www.lr21.com.uy/mundo/1386523-nicaragua-expulsion-feminista-activista-ana-quiros-costa-rica> (accessed June 8, 2019).

<sup>299</sup> “Government arbitrarily prevents CEJIL from entering Nicaragua,” Center for Justice and International Law (CEJIL) press release, October 26, 2018, <https://www.cejil.org/en/government-arbitrarily-prevents-cejil-entering-nicaragua> (accessed June 8, 2019).

<sup>300</sup> José Isaac Espinoza, “IEEPP’s legal registration cancelled in Nicaraguan Congress” (“Cancelan al IEEPP personería jurídica en Asamblea Nacional de Nicaragua”), *El Nuevo Diario*, December 11, 2018, <https://www.elnuevodiario.com.ni/nacionales/481262-asamblea-nacional-cancela-personeria-ieepp/> (accessed June 8, 2019).

<sup>301</sup> Lester Arcia, “IEEPP’s Bank Accounts Frozen” (“Congelan cuentas bancarias al IEEPP”), *El Nuevo Diario*, December 6, 2018, <https://www.elnuevodiario.com.ni/nacionales/480932-congelan-cuentas-bancarias-ieepp-crisis-nicaragua/> (accessed June 8, 2019).

<sup>302</sup> See an analysis of the case against Maradiaga in the chapter “Abuse-Ridden Prosecutions” of this report.

<sup>303</sup> National Assembly, “Legal Registration Cancelled for Two NGOs for their Implication in Criminal Acts” (“Cancelan personalidad jurídica a dos ONG por actos delictivos”), National Assembly of Nicaragua press release, December 12, 2018, <https://noticias.asamblea.gob.ni/cancelan-personalidad-juridica-a-dos-ong-por-actos-delictivos/> (accessed June 8, 2019).

28-year-old human rights organization with international recognition whose lawyers and researchers have played an essential role supporting victims of the crackdown.

On December 13, Congress cancelled the legal registration of five more groups that had been critical of the Ortega administration. Congress said in a news release that it had shut the groups down because they had “performed activities to destabilize the country” and due to delays in filing financial reports.<sup>304</sup>

In every case, the Interior Ministry asked Congress to shut down the organizations because they had “deviated from the purpose for which they had been created,” according to three official news releases issued by Congress.<sup>305</sup> Under article 24 of Law 147, Congress can revoke legal registration of an organization if it “perform[s] activities that do not correspond to its mission statement.”<sup>306</sup> This legislation grants the government dangerously broad powers to dissolve organizations that criticize it.

On the night of December 13, the National Police raided the offices of CENIDH.<sup>307</sup> Officers from the police’s special operations department (DOEP, by its Spanish acronym) occupied CENIDH’s bureau in Managua and did not allow the staff to come into their office, according to media reports and CENIDH’s president.<sup>308</sup>

The NGO shutdowns were followed by criminal accusations against prominent human rights defenders and the expulsion of the IACHR Special Monitoring Mechanism for

---

<sup>304</sup> “Legal Registration Cancelled for Five NGOs for Unfulfilled Duties” (“Cinco ONG con personalidades jurídicas canceladas por incumplimientos”), National Assembly of Nicaragua press release, December 13, 2018, <https://noticias.asamblea.gob.ni/cinco-ong-con-personalidades-juridicas-canceladas-por-incumplimientos/> (accessed June 8, 2019).

<sup>305</sup> Ibid; “Legal Registration Cancelled for Two NGOs for their Implication in Criminal Acts” (“Cancelan personalidad jurídica a dos ONG por actos delictivos”), National Assembly of Nicaragua press release, December 12, 2018, <https://noticias.asamblea.gob.ni/cancelan-personalidad-juridica-a-dos-ong-por-actos-delictivos/> (accessed June 8, 2019); “Legal Registration Cancelled for CISAS” (“Cancelan Personalidad Jurídica a CISAS”), National Assembly of Nicaragua press release, November 29, 2018, <https://noticias.asamblea.gob.ni/cancelan-personalidad-juridica-a-cisas/> (accessed June 8, 2019).

<sup>306</sup> Ibid.

<sup>307</sup> “Nicaragua: Government Crackdown on Media, Activists,” Human Rights Watch news release, December 14, 2018, <https://www.hrw.org/news/2018/12/14/nicaragua-government-crackdown-media-activists>.

<sup>308</sup> “Police Occupies Confidencial’s Bureau” (“Policía se toma la redacción de Confidencial”), *Confidencial*, December 15, 2018, <https://confidencial.com.ni/policia-se-toma-la-redaccion-de-confidencial/> (accessed December 19, 2018); Human Rights Watch also reviewed several voice messages recorded by CENIDH’s president.

Nicaragua (MESENI, by its Spanish acronym).<sup>309</sup> Previously, representatives from the OHCHR had been expelled following the publication of a scathing report.<sup>310</sup>

On December 19, 2018, General Luis Pérez Olivas accused CENIDH's president, Vilma Núñez, and their general counsel, Gonzalo Carrión, of being implicated in a fire that killed four adults and two children at a house in Managua. General Pérez said that Núñez had "instigated" the survivors to accuse the government and the police in exchange for "visas to the US and Costa Rica," and that Carrión had given "false declarations" blaming police for the incident to "conceal the true criminals."<sup>311</sup>

On the same day, the representatives of MESENI were called to the Foreign Affairs Ministry and told their presence in Nicaragua was "suspended." In a letter to the secretary general of the Organization of American States, Foreign Affairs Minister Moncada accused MESENI and GIEI of having an "interventionist attitude" despite the government's "good faith."<sup>312</sup>

---

<sup>309</sup> "Press release about Nicaragua," OAS press release, December 19, 2018, [http://www.oas.org/en/iachr/media\\_center/PReleases/2018/274.asp](http://www.oas.org/en/iachr/media_center/PReleases/2018/274.asp) (accessed June 8, 2019).

<sup>310</sup> Oswaldo Rivas, "Nicaragua orders expulsion of U.N. human rights delegation," *Reuters*, August 31, 2018, <https://uk.reuters.com/article/uk-nicaragua-protests/nicaragua-orders-expulsion-of-u-n-human-rights-delegation-idUKKCN1LG2CS> (accessed June 16, 2019).

<sup>311</sup> Inspector Raúl Sequeira "Police clarifies murder of family that took place in Carlos Marx neighborhood" (Policía esclarece asesinato de familia ocurrido en barrio Carlos Marx), National Police of Nicaragua press release, December 19, 2018, <https://www.policia.gob.ni/?p=27218> (accessed June 12, 2019).

<sup>312</sup> Ministry of Foreign Affairs, MRE/DM-DMC/00572/12/18E, December 19, 2018 (copy on file at Human Rights Watch).

# Pathways to Legal Accountability Outside Nicaragua

## Universal Jurisdiction

The principle of “universal jurisdiction” allows national prosecutors to pursue individuals believed to be responsible for certain grave international crimes such as torture, war crimes, and crimes against humanity, even though they were committed elsewhere and neither the accused nor the victims are nationals of the country.

Such prosecutions are an important part of international efforts to hold perpetrators of atrocities accountable, provide justice to victims who have nowhere else to turn, deter future crimes, and help ensure that countries do not become safe havens for abusers. Universal jurisdiction can act as a crucial safeguard against impunity when states are unwilling or unable to properly investigate and try alleged crimes that occur on their territory.<sup>313</sup>

The Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment requires states parties to either extradite or prosecute officials of foreign governments present on their soil, who have committed acts of torture.<sup>314</sup> A similar provision is included in the Inter American Convention to Prevent and Punish Torture.<sup>315</sup>

## Legal Frameworks for Sanctions

### *The Global Magnitsky Human Rights Accountability Act (United States)*

The Global Magnitsky Human Rights Accountability Act, passed by Congress in 2016, authorizes the president of the United States to block or revoke the visas of certain “foreign persons” (whether individuals or entities) or to impose property sanctions on them. Sanctions can be imposed on a foreign person or entity who is:

---

<sup>313</sup> “Q&A: First Cracks to Impunity in Syria, Iraq,” Human Rights Watch news release, October 20, 2016, <https://www.hrw.org/news/2016/10/20/qa-first-cracks-impunity-syria-iraq> (accessed June 8, 2019).

<sup>314</sup> United Nations Committee against Torture, Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, June 26, 1987, <https://www.ohchr.org/EN/ProfessionalInterest/Pages/CAT.aspx>, Art. 5(2).

<sup>315</sup> OAS, Inter-American Convention to Prevent and Punish Torture, December 9, 1985, <http://oas.org/juridico/english/treaties/a-51.html> (accessed June 8, 2019), art. 12.

- Responsible for or acted as an agent for someone responsible for “extrajudicial killings, torture, or other gross violations of internationally recognized human rights,” outside of the US against persons seeking to exercise certain rights or expose illegal activity by the government; or who is,
- A government official or senior associate of government officials complicit in “acts of significant corruption.”<sup>316</sup>

These sanctions can include the freezing of financial assets held in US banks, the seizure of property held in the US, and bans on visas for traveling to the US. The effect can be to deny sanctioned people entry into the US and effectively prevent them from entering into transactions with large numbers of banks and companies. Both US firms and international firms with US subsidiaries run the risk of violating US sanctions if they do business with sanctioned people.

In July 2018, the US Treasury Department imposed sanctions on three Nicaraguans implicated in human rights abuses and corruption pursuant to Executive Order 13818, “Blocking the Property of Persons Involved in Serious Human Rights Abuse or Corruption,” which implements and expands upon the Global Magnitsky Act. Two of them were sanctioned for their responsibility in the 2018 crackdown on protestors: Francisco Díaz, then National Police commissioner who directed police operations during the repression; and Fidel Moreno, the main liaison between municipal governments and the FSLN. Moreno is also the leader of the Sandinista Youth, the party’s youth organization that has been implicated in abuses during the protests. The third individual was sanctioned for alleged acts of corruption.<sup>317</sup>

On November 27, 2018, US President Donald Trump issued Executive Order 13851, which stated the “violent response by the Government of Nicaragua to the protests that began on April 18, 2018, and the Ortega regime’s systematic dismantling and undermining of democratic institutions and the rule of law, its use of indiscriminate violence and

---

<sup>316</sup> “The US Global Magnitsky Act: Questions and Answers,” Human Rights Watch news release, September 13, 2017, <https://www.hrw.org/news/2017/09/13/us-global-magnitsky-act> (accessed June 8, 2019); US Congress, S.284 – Global Magnitsky Human Rights Accountability Act, n.d., <https://www.congress.gov/bill/114th-congress/senate-bill/284/text> (accessed June 8, 2019).

<sup>317</sup> US Department of the Treasury, Treasury Sanctions Three Nicaraguan Individuals for Serious Human Rights Abuse and Corrupt Acts, July 5, 2018, <https://home.treasury.gov/news/press-releases/sm422> (accessed June 8, 2019).



repressive tactics against civilians...constitutes an unusual and extraordinary threat to the national security and foreign policy of the United States.”<sup>318</sup> Based on this executive order, the US Treasury sanctioned Vice-President Rosario Murillo and presidential aide Nestor Moncada Lau, freezing their assets and imposing a travel ban on both.<sup>319</sup>

### *The Nicaragua Human Rights and Anticorruption Act (United States)*

The Nicaragua Human Rights and Anticorruption Act, adopted by the US Congress in December 2018, grants the Treasury Department the power to sanction any “current or former official of the Government of Nicaragua or any person acting on behalf of that Government” whom the US president determines to have been involved or have responsibility in or over the following actions since April 18, 2018:

- “significant acts of violence or conduct that constitutes an abuse or violation of human rights against persons associated with the protests in Nicaragua,”
- “significant actions or policies that undermine democratic processes or institutions,” or,
- “the arrest or prosecution of a person, including an individual or media outlet disseminating information to the public, primarily because of the legitimate exercise by such person of the freedom of speech, assembly, or the press,” among others.<sup>320</sup>

The law defines involvement in various ways, including:

- responsibility for “ordering, controlling, or otherwise directing” the actions;
- having “knowingly participated” in them “directly or indirectly,” or
- being the leader of an institution implicated in the actions.

---

<sup>318</sup> Executive Order 13851, November 27, 2018, [https://www.treasury.gov/resource-center/sanctions/Programs/Documents/nicaragua\\_eo.pdf](https://www.treasury.gov/resource-center/sanctions/Programs/Documents/nicaragua_eo.pdf) (accessed June 8, 2019).

<sup>319</sup> “Issuance of a new Nicaragua-related Executive Order; Nicaragua-related Designations,” US Department of the Treasury press release, November 27, 2018, <https://www.treasury.gov/resource-center/sanctions/OFAC-Enforcement/Pages/20181127.aspx> (accessed June 8, 2019).

<sup>320</sup> US Congress, Nicaragua Human Rights and Anticorruption Act (NICA), December 20, 2018, <https://www.congress.gov/bill/115th-congress/house-bill/1918/text> (accessed June 8, 2019).

The sanctions provided by the law include freezing assets held in the US, forbidding entry to the United States, and revoking US visas. Among others, the act requires the Secretary of State to certify that, within 180 days of the law's enactment on December 20, Nicaragua is taking "effective steps" including to, among other things:

- "strengthen the rule of law and democratic governance, including the independence of the judicial system and electoral council,"
- protect the rights of Nicaraguans to "freedom of the press, speech and association," and
- investigate and hold accountable those responsible for the killings during the protests.

The Secretary of State should also submit, within the same timeframe, a report to Congressional committees on the participation of Nicaraguan senior officials in human rights abuses, corruption, and money laundering.

### *European Union*

The 2012 European Union Strategic Framework on Human Rights and Democracy, and its implementing action plan, guide EU foreign policy. The framework recognizes the European Union's aspiration "to build a world founded on respect for human rights, democracy, and the rule of law." It affirms that such principles "underpin all aspects of the internal and external policies of the European Union." It also explicitly recognizes that when "faced with violations of human rights, the EU will make use of the full range of instruments at its disposal, including sanctions."<sup>321</sup>

In accordance with this framework, all agreements on trade or cooperation with non-EU countries stipulate that human rights are central to relations with the EU. The EU has imposed sanctions for human rights breaches in several instances.<sup>322</sup>

---

<sup>321</sup> Council of the European Union, "Human Rights and Democracy: EU Strategic Framework and EU Action Plan," June 25, 2012, <http://data.consilium.europa.eu/doc/document/ST-11855-2012-INIT/en/pdf> (accessed June 8, 2019).

<sup>322</sup> European Union, "Human Rights," n.d., [https://europa.eu/european-union/topics/human-rights\\_en](https://europa.eu/european-union/topics/human-rights_en) (accessed June 8, 2019).

Restrictive measures should be proposed by the High Representative of the Union for Foreign Affairs and Security policy to be then adopted unanimously through a Common Foreign and Security Policy Council decision. If the decision includes an asset freeze or other types of economic or financial sanctions, it should be implemented through a council regulation that describes the scope and details for their implementation. These regulations are binding on any person or entity within the EU.<sup>323</sup>

One of the strategic objectives of the European Union's cooperation plan with Nicaragua for 2014-2020 is "the promotion of democracy, good governance, and respect for human rights and the rule of law."<sup>324</sup> Similarly, the EU-Central American Free Trade Agreement emphasizes that respect for democratic principles and fundamental rights is "an essential element" of the agreement. A key objective of the agreement is cooperation between parties to "strengthen democratic institutions, full respect for the rule of law (...) and human rights."<sup>325</sup>

### *Canada*

Canada's 2017 Justice for Victims of Corrupt Foreign Officials Act provides that the Canadian government can sanction foreign nationals who are:

- [R]esponsible for, or complicit in, extrajudicial killings, torture or other gross violations of internationally recognized human rights committed against individuals in any foreign state who seek:
  - to expose illegal activity carried out by foreign public officials, or
  - to obtain, exercise, defend or promote internationally recognized human rights and freedoms, such as freedom of conscience, religion,

---

<sup>323</sup> Council of the European Union, "Adoption and review procedure for EU sanctions," n.d., <https://www.consilium.europa.eu/en/policies/sanctions/adoption-review-procedure/#> (accessed June 8, 2019).

<sup>324</sup> European External Action Service and European Commission – Directorate General for Development and Cooperation – Europaid, "Country Strategy Paper and Multiannual Indicative Programme 2014-2020. Nicaragua," n.d., [https://eeas.europa.eu/delegations/nicaragua/13609/country-strategy-paper-and-multiannual-indicative-programme-2014-2020-nicaragua\\_my](https://eeas.europa.eu/delegations/nicaragua/13609/country-strategy-paper-and-multiannual-indicative-programme-2014-2020-nicaragua_my) (accessed June 12, 2019).

<sup>325</sup> European Union Official Gazette, "Agreement that establishes an association between the European Union and its member states, on one side, and Central America, on the other" ("Acuerdo por el que se establece na asociación entre la Unión Europea y sus Estados miembros, por un lado, y Centroamérica, por otro"), December 15, 2012, (copy on file at Human Rights Watch).

thought, belief, opinion, expression, peaceful assembly and association and the right to a fair trial and democratic elections.<sup>326</sup>

The law also allows sanctions against a foreign national who acts “as an agent of or on behalf of a foreign state” in the above-mentioned abuses. Sanctions may include denying the sanctioned person entry to Canada and preventing the sanctioned person or entity from accessing property or other assets held under Canadian jurisdiction.<sup>327</sup>

## International Support for Nicaragua’s National Police

The 2018 budget approved by Nicaragua’s National Assembly shows that most of the funding for the National Police that year, when most of the egregious abuses documented in this report took place, came from international sources.

The Nicaraguan Treasury provided only about 470,000 córdobas (approximately US\$14,600) of the 98,940,000 (approximately US\$3 million) assigned to the National Police. The rest came from a donation from the EU (39,760,000 córdobas or approximately US\$1.2 million), a loan from the Central American Bank for Economic Integration, or CABEL, (51,518,000 córdobas or approximately US\$1.6 million), and a donation from the International Cooperation Agency for Development of Andalucía, or ICADA, (7,192,000 córdobas or approximately US\$220,000).<sup>328</sup>

In response to an information request from Human Rights Watch, the head of cooperation of the EU delegation in Managua confirmed that an agreement between the EU and the Nicaraguan government supported activities by several Nicaraguan authorities, including the police, to counter organized crime and prevent drug abuse. The project covered 2014-2018 and consisted of a total of 8 million euros. As of June, the EU representative had

---

<sup>326</sup> Justice for Victims of Corrupt Foreign Officials Act (Sergei Magnitsky Law), *US Congress*, S.C. 2017, c. 21, October 18, 2017, <https://laws-lois.justice.gc.ca/eng/acts/J-2.3/page-1.html> (accessed June 12, 2019).

<sup>327</sup> Government of Canada, Types of sanctions, n.d., [http://www.international.gc.ca/world-monde/international\\_relations-relations\\_internationales/sanctions/types.aspx?lang=eng](http://www.international.gc.ca/world-monde/international_relations-relations_internationales/sanctions/types.aspx?lang=eng) (accessed June 12, 2019).

<sup>328</sup> Law that modifies the 2018 National Budget of Nicaragua, *Official Gazette 157*, August 16, 2018, <https://www.lagaceta.gob.ni/2018/08/157/> (accessed June 8, 2019).

failed to respond to a follow-up inquiry from Human Rights Watch, asking how much of that money has gone to the police or whether the project would be renewed.<sup>329</sup>

The CABEL's website shows that, in 2017, the bank approved provision of a total of US\$487.8 million to Nicaragua.<sup>330</sup> The bank does not specify which government entity receives the funds, but it notes that the vast majority was for construction, and the bank's funds assigned to the Nicaraguan police in the annual budget show up as allocated to infrastructure. The bank approved two additional loans in 2018 to improve roads and airports.

Human Rights Watch submitted an information request on these loans to CABEL on October 31, 2018.<sup>331</sup> On November 13, Nick Rischbieth, CABEL's executive president, responded that CABEL had approved a US\$16.3 million loan to Nicaragua in 2011 for the project "Expansion of the Rural Coverage of the National Police to Strengthen Citizen Security." He emphasized that the CABEL's institutional mandate is to invest in projects that have "high impact in development to improve the quality of life of citizens in the region" and most funding in 2018 was for health projects or to develop infrastructure.<sup>332</sup>

A representative from the International Cooperation Agency for Development of Andalucía told Human Rights Watch that in July 2017 the agency had approved a donation for 400,000 euros to strengthen prevention activities by the police targeting youth. The project was supposed to last two years, but less than 10 percent of the budget was disbursed as of October 2018. No disbursements were made in April, May, or June 2018, and the project was suspended in July because "the current circumstances do not allow the development of activities foreseen in the project to obtain its planned results."<sup>333</sup>

---

<sup>329</sup> Human Rights Watch email communication with Laurent Sillano, EU representative in Managua, October 16, 2018.

<sup>330</sup> Central American Bank for Economic Integration, History of Approved Funds (Aprobaciones Históricas), n.d. <https://www.bcie.org/operaciones-y-adquisiciones/aprobaciones-historicas/> (accessed June 12, 2019).

<sup>331</sup> Letter from José Miguel Vivanco, Americas director at Human Rights Watch, to Nick Rischbieth, executive president of the Central American Bank for Economic Integration, October 31, 2018 (copy on file at Human Rights Watch).

<sup>332</sup> Letter from Nick Rischbieth, CABEL Executive President, to José Miguel Vivanco, Americas director at Human Rights Watch, OFRI-391/2018, November 13, 2018 (copy on file at Human Rights Watch).

<sup>333</sup> Human Rights Watch interview with Raul Muñoz, program coordinator for cooperation with Central America, October 31, 2018; Email exchange with Raúl Muñoz, October 31, 2018.

On December 6, 2018, the Taiwanese government donated US\$3 million to the National Police of Nicaragua. Jaime Chi Mu Wu, Taiwan’s ambassador to Nicaragua, said in a public event with General Francisco Díaz—the sanctioned police chief—that the donation was intended to support the police’s Hospital Carlos Roberto Huembes.<sup>334</sup> It is unclear why the Taiwanese government chose to make this donation directly to the National Police as opposed to the Interior Ministry, which administers the hospital.

---

<sup>334</sup> “Taiwan donates three million dollars to Police Institution” (“China Taiwán entrega tres millones de dólares a Institución Policial”), National Police of Nicaragua press release, December 6, 2018, <https://www.policia.gob.ni/?p=26349> (accessed June 8, 2019).

## Acknowledgments

This report was researched and written by researchers from Human Rights Watch's Americas Division and Crisis & Conflict Division, including and supervised by Tamara Taraciuk Broner, senior Americas researcher. It was edited by Daniel Wilkinson, Americas managing director; Dan Baum, senior researcher/editor; Margaret Knox, senior researcher/editor; Joe Saunders, deputy program director; Chris Albin-Lackey, senior legal advisor; and José Miguel Vivanco, Americas executive director. Americas Division associates Delphine Starr and Megan Monteleone contributed to the report production. Americas Division research assistant Ángel Zapata and interns Virtudes Chiaraluce and Hannah Smith provided valuable research support. The report was prepared for publication by Fitzroy Hepkins, administrative manager; and José Martinez, senior administration coordinator. It was translated into Spanish by Gabriela Haymes.

Human Rights Watch would like to thank the numerous Nicaraguan organizations, activists, and human rights defenders that contributed to this report, many of whom asked not to be identified.

Human Rights Watch is also deeply grateful to the survivors of abuse and their family members who shared their testimonies with us. Human rights violations often inflict deep wounds on survivors, witnesses, and their families, and recounting such stories can be painful. Many of the victims of abuse who spoke with us expressed the hope that, by telling their stories, they could help prevent others from suffering the same abuses.





In April 2018, Nicaraguans took to the streets to protest the government of President Daniel Ortega. They were met with violence. A brutal crackdown by the National Police and heavily armed pro-government groups against protesters left more than 300 people dead and more than 2,000 injured. In the ensuing weeks and months, hundreds were arrested as authorities increased their repression of dissent.

*Crackdown in Nicaragua* examines what happened to many of the hundreds of people arrested by police or abducted by armed pro-government groups. Many detainees were subject to serious abuses that in some cases amounted to torture—including electric shocks, severe beatings, nail removal, asphyxiation, and rape. Some who were injured were reportedly denied medical care in public health centers and doctors who did provide care said they suffered retaliation. Detainees have also been subject to prosecutions for alleged crimes in connection with their participation in anti-government protests or their role in social movements challenging the government that were marred by serious due process violations.

Nicaraguan authorities have threatened, harassed, expelled, or jailed those who expose its abuses. In addition, the government has shut down critical NGOs.

Impunity for these abuses remains the norm. Instead of holding perpetrators accountable, President Ortega, who under Nicaraguan law is the police's "supreme chief," has promoted top officials who bear responsibility for the abuses.

The international community has an essential role to play in pressing the Nicaraguan government to curb these abuses. Governments in the Americas and Europe should impose targeted sanctions, such as asset freezes and travel bans, against top Nicaraguan officials. They should also suspend all funding and other support for Nicaragua's National Police, including any transfers of weaponry and other equipment, that risk being used to further the government's violent abuses against opponents. They should keep up the pressure needed to force an end to abuses and real accountability for the officials most responsible for them.

*(above) Police arrest a man during a demonstration against the government in Managua, Nicaragua, on October 14, 2018. That day, police arrested several opposition leaders who were planning a protest march against President Ortega's government in the country's capital.*

© 2018 Carlos Herrera/picture alliance via Getty Images

*(front cover) A demonstrator holds a national flag in front of a line of riot police during a protest against the government of the Nicaraguan President Daniel Ortega in Managua, Nicaragua. September 13, 2018.*

© 2018 Oswaldo Rivas/Reuters