



**Nicaragua**  
**Stakeholder Report for the United Nations Universal Periodic Review**

**Submitted by The Advocates for Human Rights,**  
a non-governmental organization in special consultative status  
and  
**Nicaraguenses en el Mundo-Texas**

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Founded in 1983, **The Advocates for Human Rights** (“The Advocates”) is a volunteer-based non-governmental organization committed to the impartial promotion and protection of international human rights standards and the rule of law. The Advocates conducts a range of programs to promote human rights in the United States and around the world, including monitoring and fact finding, direct legal representation, education and training, and publication.

The Advocates is the primary provider of legal services to low-income asylum seekers in the Upper Midwest region of the United States. A growing number of victims of human rights violations from Nicaragua have requested legal assistance from The Advocates in applying for asylum.

**Nicaraguenses en el Mundo -Texas** is a global civil society organization dedicated to promoting citizenship, humanitarian and immigrant welfare, and human rights so as to contribute to a democratic Nicaragua that respects the rule of law and promotes social justice. By building an active and critical citizenry, **Nicaraguenses en el Mundo - Texas** promotes and builds an active and critical citizenry, which promotes and defends democracy and human rights in favor of the integral and sustainable development of the country and of Nicaraguan society in the world.

First-hand information and expertise from Nicaraguans seeking asylum and in the diaspora about the human rights violations that they experienced in Nicaragua since the last review in 2019 has been used with their permission in this submission.

## EXECUTIVE SUMMARY

1. Since Nicaragua's third-cycle review by the Universal Periodic Review in 2019, the country's human rights situation has continued to worsen. The Government of Nicaragua continues to violate on Nicaraguans' human rights and deny perceived political opponents their rights by arbitrarily detaining people for prolonged periods, denying access to counsel and families, and torturing detained persons in an attempt to extract false confessions. In addition, detention conditions remain dangerous due to overcrowding, lack of access to safe drinking water, and limited ability to leave cells.
2. This report addresses Nicaragua's government's actions to restrict the civic space in Nicaragua and its actions to control and repress the freedom of opinion and expression to any individual in their jurisdiction.
3. The information in this report is mainly provided by Nicaraguans in the diaspora, who provide their expertise about the human rights violations detailed in this stakeholder report. Among the people with lived expertise who provide information for this report are clients represented by the Advocates for Human Rights and other human rights defenders in the diaspora.

### I. IMPLEMENTATION OF INTERNATIONAL HUMAN RIGHTS OBLIGATIONS

**D6 Rights related to name, identity, nationality; D21 Right to life; D25 Prohibition of torture and cruel, inhuman or degrading treatment; D33 Arbitrary arrest and detention; D43 Freedom of opinion and expression; D44 Right to peaceful assembly; D46 Right to private life, privacy; D52 Right to be recognized as a person before the law**

#### **Status of Implementation: Partially Accepted, Not Implemented**

4. In the Third-Cycle Universal Periodic Review (UPR), Nicaragua received numerous recommendations related to the treatment of political dissidents, human rights activists, arbitrary arrest, and detention. The Government of Nicaragua supported 15 recommendations and noted 53.<sup>1</sup>
5. Detention of, violence against, and murder of political activists and people in opposition to the government continues to be a systemic problem in Nicaragua<sup>2</sup>. UN treaty bodies have noted that following a series of demonstrations that began in April 2018, Nicaraguan authorities have been committing violence against and killing those present.<sup>3</sup>
6. There are credible reports that security forces have used excessive and lethal force to end anti-government protests that resulted in the arrests or deaths of protesters. With the State's acquiescence, pro-government groups and paramilitary organizations have likewise allegedly assaulted journalists, protesters<sup>4</sup>, and people who have expressed or are suspected to be in opposition to the government or critical of government actions.<sup>5</sup> According to individuals in the diaspora, paramilitary members are part of the community, and while they use face coverings, people in the community know the identity of paramilitary members.<sup>6</sup> Moreover, testimonies by Nicaraguans in the diaspora present that during the 2018 protests, paramilitary members attempted to recruit teenagers in high school to join the pro-government groups cowering to the protests, first offering money to join the groups and then threatening young individuals with murder them or their families.<sup>7</sup> Other credible reports by human rights defenders (HRDs) in the

diaspora assert witnessing firsthand that, allegedly, the Government released individuals serving sentences from prison during and after the 2018 protests in order for them to join the pro-government groups that attacked and intimidated protestors.<sup>8</sup>

7. Those known to have joined the anti-government protests in 2018 face intimidation from both security forces and paramilitary pro-government groups.<sup>9</sup> Testimonies collected by The Advocates include an individual who was followed by non-State actors armed with machetes, who threatened her and her family with death for being politically opposed to the government. The armed group also threw stones at the client's house.<sup>10</sup> Another individual's testimony asserted her husband was murdered after facing numerous threats because he decided not to participate in—and/or allow his son to participate in—demonstrations in favor of the government, allegedly by paramilitary groups.<sup>11</sup>
8. According to testimonies, there is currently a systemic absence of investigation into and sanctions and reparations following any violence to political oppositors, dissenters or those suspected to be in opposition to the government by either State or non-State actors during the 2018 protest or the subsequent years of civic space restriction.<sup>12</sup> According to members of the organization *Colectivo Derechos Humanos Nicaragua Nunca Más* and sourced by EL PAIS news outlets “of the 355 people who have died at the hands of the police or paramilitary bodies since April 2018, not a single case has been brought to a court, a sign that impunity is rampant and prevailing.”<sup>13</sup>
9. The Office of High Commissioner on Human Rights (OHCHR) reports that arbitrary arrests have increased in the last quarter of 2022 “in relation to the increased persecution of the Catholic Church and during municipal elections.”<sup>14</sup> In the months of April and May 2023 alone, OHCHR received reports of more than 100 arbitrary arrests.<sup>15</sup>
10. An individual reported that after joining the anti-government protests in 2018, they experienced constant harassment and intimidation from security forces or pro-government groups in the form of stalking, surveillance, attempted conscription, and threats of arbitrary detention.<sup>16</sup> Another person with lived experience expertise reported that police request people they know to be or are suspected of being protestors to present themselves to the police,<sup>17</sup> after which police beat, torture, and sometimes kill those they are interrogating.<sup>18</sup> In interviews, people with lived experience expertise have also reported that individuals suspected of being in opposition are, in many cases, under de facto house arrest and that police will check on them multiple times during the week.<sup>19</sup> Many individuals in the diaspora report fleeing the country out of fear due to this danger.<sup>20</sup>
11. The Inter-American Commission on Human Rights (IACHR) assessed that the police in Nicaragua failed to inform human rights defenders of their rights and charges at the time of arrest.<sup>21</sup> The IACHR also found that Nicaraguan police repeatedly arrested innocent people without a warrant.<sup>22</sup> According to credible reports by HRDs in the diaspora, the practice of detention without a valid judicial warrant is not an isolated event but a systemic practice against most of the political dissenters who have been detained.<sup>23</sup>
12. According to multiple testimonies by HRDs and documentary evidence, the Nicaraguan Government is increasingly and systematically disappearing people. Government agents are taking individuals, notably young Catholic individuals, into custody and prisons without due process or a judge's permission to arrest the individuals. In many cases, government authorities arrest and sentence individuals without notifying their families of their whereabouts or even admitting they have the individuals in custody.<sup>24</sup>

13. The IACHR granted precautionary measures in favor of Carlos Alberto Bojorge Martínez, a victim of such State conduct, and stated, “Mr. Carlos Alberto Bojorge Martínez, who is a university student and poet, has been missing since January 1, 2024, after being arrested by police officers. It is alleged that on the day of his arrest, he attended a mass at the Metropolitan Cathedral in Managua, wearing a shirt of the Virgin Mary, a small Nicaraguan flag and a picture of Monsignor Arnulfo Romero in reference to the state persecution against the Catholic Church in the country. In the evening hours, he was detained by police officers who took him to an unknown destination, presumably without an arrest warrant and without the reasons for his detention being known. The Commission also found that the State did not provide any information on the measures adopted to mitigate the beneficiary’s risk situation, or on the actions taken to determine the beneficiary’s whereabouts or fate.”<sup>25</sup>
14. Furthermore, NGOs like Amnesty International have reported that police allegedly torture individuals in detention and during their interrogations, especially political dissidents and protestors, leading to false confessions and incriminating individuals.<sup>26</sup>

### ***Restriction of civic space and lack of transparency***

15. Nicaraguan authorities’ severe restriction of civic space has materialized in a systemic absence of transparency in public information. Further, they have targeted civil society actors for accessing and disseminating such data. Multiple cases have been documented by civil society,<sup>27</sup> including the Nicaraguan Government’s failure to adopt “Science-Based Prevention Measures with a Human Rights Approach” to counter the spread of the COVID-19 pandemic and the provision of “limited information” on deaths during the pandemic, as well as the harassment of health care workers and civil society disseminating preventive care information.<sup>28</sup> The IACHR observed that, “[a]ccording to figures from the *Observatorio Ciudadano* [Citizen Observatory], deaths from COVID-19 allegedly range between 190 and 200 per week, in contrast to reports from the Ministry of Health (MINSa), according to which there has only been one death per week.”<sup>29</sup> Further, the IACHR and its Office of the Special Rapporteur on Economic, Social, Cultural, and Economic Rights stated, “[that they] have become aware of ongoing acts of harassment and persecution targeting health-sector workers as a consequence of going about their work.”<sup>30</sup>
16. HRDs’ testimonies reveal that the Nicaraguan Government did not take any preventive measures to ensure the safety of its citizens during the early months of 2020 and through the COVID-19 pandemic.<sup>31</sup> According to credible sources, along with the lack of regulations urging people to stay home and avoid crowded spaces, the Government hid the gravity of the situation by implying the rise in the mortality rate was due to more people dying of heart attacks and sexually transmitted infections (STIs).<sup>32</sup> HRDs observed that many health community workers were concerned with the unnecessary high impact of COVID-19 and the lack of awareness and understanding resulting from the neglected management of the pandemic by the government of Nicaragua established *El Observatorio Ciudadano*.<sup>33</sup> They aimed to inform society of the risks and impacts of COVID-19 and disseminated weekly information about the spread of the pandemic.<sup>34</sup> According to HRDs’ testimonies, the authorities from the Government persecuted and threatened individuals, especially health professionals, who were suspected to be members of the *Observatorio Ciudadano*, especially by threatening them with the permanent revocation of their medical licenses unless they ceased their advocacy.<sup>35</sup>

### ***Attacks on religious organizations, especially the Catholic Church***

17. The Nicaraguan Government has targeted religious organizations and, especially, the Catholic Church as part of their systemic restriction of civic space and political opposition. According to the information given by the HRD Martha Patricia Molina to news outlets, from 2018 to 2023, the Catholic Church and its representatives received at least 740 attacks.<sup>36</sup> In 2024, governmental authorities still heavily surveil and restrict members of the Catholic Church from giving their opinions about the current human rights violations in the country.<sup>37</sup>
18. Related, the Nicaraguan Government has targeted and even closed Catholic education institutions, from grade schools to universities. According to HRDs' testimonies, governmental threats impact not only civil society, but also people's right to education.<sup>38</sup> HRDs provided examples such as Catholic-affiliated high schools are *de facto* hindered from receiving government grants and Catholic-affiliated universities – such as the *Universidad Centroamericana* – have been closed.<sup>39</sup> In the case of the *Universidad Centroamericana*, there are credible reports that students are unable to currently access their student records or even authenticate their diplomas (apostille).<sup>40</sup> News outlets such as El Pais have reported “persecution against Catholicism, aggressions against priests and bishops, desecration of churches, closure of media outlets and NGOs run by dioceses, freezing of bank accounts and a sustained narrative against Catholicism and its hierarchs.”<sup>41</sup>
19. Attacks on religious organizations have also expand to evangelical congregations.<sup>42</sup> The news outlet VOA News reported that “[t]he fear of the ongoing crackdown by President Daniel Ortega – on the Catholic Church in particular but not sparing evangelicals – has become so pervasive that it is silencing criticism of the authoritarian government and even mentions of the repression from the pulpit;” this further highlights the testimony of the HRD Martha Patricia Molina who observed that “it has hit not only clergy and religious orders but college students, minority and marginalized populations, even tiny businesses in rural towns that relied on now often prohibited or indoors-only religious processions and patron saints' feasts for their income.”<sup>43</sup>

### ***Arbitrary or unlawful interference with privacy, family, home, or correspondence***

20. Nicaraguan authorities are imposing heavy, multilayered, and illegal surveillance on individuals in their jurisdiction. Testimonies collected by The Advocates indicate that in Nicaragua, governmental authorities use different methods to control individuals' expression of their political opinion. The *Consejo del Poder Ciudadano -CPC-* [Council of the People's Power], which represent and organize the government and the Sandinista Party in neighborhoods and communities – and that in many cases are embedded within the community – undertakes constant surveillance of individuals' activities and private life, including surveilling their workplace, daily activities, and travel plans.<sup>44</sup> Individuals who have left the country reported that many of their families are constantly asked about their whereabouts.<sup>45</sup>
21. The Nicaraguan Government has undertaken severe restrictive control of communications. In 2021, the *Instituto de Comunicaciones y Correos* [Institute of Communications and POSTAL Services] issued the *Acuerdo Administrativo* N°. 001-2021,<sup>46</sup> which created an obligation for telecommunication operators in Nicaragua to preserve users' data on communications.<sup>47</sup>
22. Regarding the above-described legislation that fostered direct surveillance channels, Human rights defenders in the diaspora reported that the Nicaraguan government demands that cell phone company providers submit daily copies of text messages sent by political opposition members.<sup>48</sup> Further, according to testimonies, on many occasions, individuals who were forced

to flee the country due to the risk of persecution and torture were located through sophisticated methods of digital surveillance, including powerful and high-level intelligent traffic lights with sensitive cameras and videos for facial recognition, and tracking of IP addresses.<sup>49</sup> In 2022, different international news outlets reported on the Nicaraguan government's use of massive devices for collective surveillance, noting that "at least 39 mobile surveillance devices capable of intercepting telephone communications were detected in Nicaragua [...] the false antennas or mobile devices, used for electronic surveillance, were detected in areas near the Augusto C. Sandino International Airport, the Chancellery of the Republic, the General Staff of the Nicaraguan Army, residences that host Embassies, among other points."<sup>50</sup>

23. Reports by *Nicaragua Investiga* also noted internet control and surveillance by the State, including the monitoring of "private online communications without proper legal authority and, in some cases, restricted or interrupted internet access or censored online content."<sup>51</sup>
24. Social media has played a critical role in the most recent years of Nicaraguan political unrest. During the 2018 protests and subsequent years, social media posts have become a powerful tool of collective solidarity among people in Nicaragua in exercising public participation, freedom of opinion, and expression.<sup>52</sup> According to journalist HRDs in the diaspora, social media played a key role in community and social organizing in the social demonstrations of 2018 and the following the exercise of civic engagement in Nicaragua.<sup>53</sup>
25. Surveillance of individuals' social media has also become one of the government's biggest control tactics and an effective channel to deliver threats to activists and those who express their opinions about the political and social context. The Nicaraguan Government has implemented multiple tactics to surveil individuals in their jurisdiction. Tactics include using fake profiles to surveil and control people's political expressions and restrict any potential critique of the government on social media. Interviewees explained that the government employs social media surveillance in various layers, including having individuals in neighborhoods monitor social media posts and political expressions on social media and in casual conversations. Much of that information is transferred to the CPCs.<sup>54</sup>
26. According to HRDs in the diaspora, the government has multiple warehouses in the city, with individuals monitoring the publication on social media daily. Moreover, in 2021, multiple news outlets, including Reuters, reported that "Facebook said on Monday that last month it removed a troll farm with more than 1,000 Facebook and Instagram accounts which it was said was run by the Nicaraguan government and the country's ruling party, the Sandinista National Liberation Front. The social media company said the troll farm - a coordinated effort to manipulate public discourse using fake accounts - was intended to amplify pro-government and anti-opposition content. It said it had been active on its platforms since 2018 and was primarily operated by staff of TELCOR, Nicaragua's telecoms monitor, working from the postal service headquarters in the capital, Managua."<sup>55</sup>

### ***False criminal charges and other administrative sanctions***

27. Nicaragua reportedly continues to put pressure on those who express opposition to the government through a practice of filing allegedly false charges against dissenters. One client of The Advocates who attended a protest reported being falsely charged with possession of marijuana.<sup>56</sup> Individuals with lived experience expertise and human rights defenders reported that Nicaraguan authorities are systemically charging activists, human rights defenders, and people suspected of opposing the government with charges of treason and money laundering, among others.<sup>57</sup>

28. An interviewee reported that a pro-government paramilitary group accused him of financing “liberal terrorists.” The group reportedly covered his head, forced him into a van, and took him to an unknown location where he was reportedly interrogated, beaten, starved, and sexually abused.<sup>58</sup> Another interviewee stated, “The paramilitaries sometimes nobody knows them because they are all covered up, sometimes you know who they are. The paramilitaries patrol the streets to scare the people and frighten them. This is a way to intimidate the people or to make the person be afraid.”<sup>59</sup>
29. An interviewed HRD recalls that many individuals working in governmental institutions, especially the police, have reported being forced to undertake repressive actions against individuals under the threat of detention, persecution, and potential torture.<sup>60</sup> The individual testified to witnessing cases in which police individuals’ family members have been detained and kidnapped by other police agents and sometimes paramilitary members when authorities suspected desertion from the institution. The individual told The Advocates that “they do not have the right to quit their job.”<sup>61</sup> Their testimony corresponds with the legislative changes that the State has taken on the matter, as the Nicaraguan National Assembly reformed the Organic Law of the National Police<sup>62</sup> in which police members who decide to leave the institution will be charged with face criminal penalties without “permission” under the allegation of “incurring in serious harm to citizen security.”<sup>63</sup>
30. Another individual told The Advocates that the Government forced a member of his family, a judge, to charge innocent people who opposed the government with fake charges or convict them of terrorism. When his relative refused to do so, the government persecuted him.<sup>64</sup>
31. Nicaragua also continues to take retaliatory measures against journalists who speak against the government. By the beginning of 2024, more than 200 journalists were forced to leave the country, and at least 22 of them have been declared “traitors.”<sup>65</sup> According to a journalist in the diaspora, governmental authorities have systemically hindered journalists from leaving the country since 2021.<sup>66</sup> Moreover, reports present that many journalists were denied the possibility to cross borders or take international flights in airports if border control agents got information about the individuals journalist profession.<sup>67</sup>
32. Testimonies by human rights defenders in the diaspora also note that the government commonly uses false incrimination as a method of persecution. HRDs pointed out that the government has falsely charged multiple individuals from the political opposition and other activists with “money laundering” as a means of persecution. A diasporic HRD from the Movimiento campesino reported that they had received communications from people who are still in the country that the government had sentenced the HRD in absentia for “treason.” The HRD had never received any formal or public notification of a process against them.<sup>68</sup>
33. Reports also exhibit that the Nicaraguan government has imposed irregular administrative sanctions – such as fiscal fines or overly restrictive administrative requirements – on family members of HRDs and political activists, as well as on individuals the government suspects of having undertaken activities of civic participation and the promotion of democracy.<sup>69</sup>
34. The government also imposes administrative sanctions on civil society organizations. It also orders many organizations to cease their activities under the guise of breaching their financial reporting obligations.<sup>70</sup>

***Violations to the rights to nationality, liberty of movement and freedom to choose residence, be recognized as a person before the law***

35. Nicaragua continues to use denaturalization as a punishment for political opponents.<sup>71</sup> For example, in 2023, the government stripped 94 of its citizens-in-exile of their citizenship<sup>72</sup> and deported and stripped 222 political prisoners who had been housed in Nicaragua of their citizenship. In the case of the 222 political prisoners, the government tried the individuals for crimes related to “conspiracy to undermine national integrity.”<sup>73</sup> The Sala Uno del Tribunal de Apelaciones de Managua [Managua Appels Court] issued a court decision that issued a deportation order for the activists and members of the political opposition and declared them “traitors to the country.” After the 222 individuals who were in prison for political persecution were transferred to the U.S, the Nicaraguan Asamblea Nacional of Nicaragua [Nicaraguan Congress] issued an “express law” that stripped the individuals from their Nicaraguans nationality under the declaration of “treason to the country;” the individuals were also “perpetually disqualified from exercising public office.”<sup>74</sup>
36. HRDs in the diaspora have reported that Nicaraguan authorities are increasingly using de facto nationality stripping as a persecution tactic. According to a directly impacted HRD, his birth registration and his children have disappeared from public records.<sup>75</sup>
37. In Nicaragua, the government sees traveling outside of the country as evidence of political opposition. An interviewee explained the situation as follows: “Whoever leaves Nicaragua and is suspected to be in opposition and, then returns, goes to prison, or disappears. There are many people who have this fear, who do not want to be in the country and if they are, they do not speak out because they are afraid.”<sup>76</sup> HRDs in the diaspora report that the government has often confiscated the passports of and placed under house arrest individuals who had traveled outside Nicaragua – sometimes for vacation – that the government suspected of undertaking activities in support of the political opposition or being related to such activists upon their return to Nicaragua.<sup>77</sup> Related, credible reports by HRDs also observed that the Nicaraguan authorities have banned many individuals who are suspected to be in opposition or advocate for human rights and democracy from coming back to the country, including hindering individuals from boarding flights with destination to Nicaragua.<sup>78</sup>
38. Reports from individuals in the diaspora noted that these practices expand into several aspects of microcontrol by governmental authorities. Such practices include denying passport requests to those suspected of doing human rights defense work, political activism, or participating in the civic space.<sup>79</sup> Such control has also expanded to the family members of those perceived to be opposed to the current government or who have a record of working on promoting human rights.<sup>80</sup>
39. There are also credible reports that the government threatens non-Nicaraguan nationals living in Nicaragua not to undertake any human rights activity under threat of deportation. The government also controls non-Nicaraguan nationals by often requiring them to come into or call the immigration offices.<sup>81</sup>

***Violations of private property***

40. In Nicaragua, there are also reports that governmental authorities are unlawfully seizing property. The IACHR noted the practice of “cancellation of bank accounts, police occupation, confiscation and removal of records of the properties of persons who have been affected by the deprivation of their nationality. In some cases, their relatives or third parties who live in these properties have reported seizure, the charging of rent by the Attorney General of the Republic



(PGR) as a condition to remain in the property and have received summons from the same institution to formalize ‘their occupational status,’ which would keep them under a climate of fear and anxiety of being evicted. The loss of housing and land for cultivation and work would leave the people who were declared stateless and their family members in a more vulnerable situation.”<sup>82</sup>

41. HRDs confirmed such practices in their interviews with The Advocates and further reported that, in some cases, they had been directly impacted by the unlawful restrictions described in the above paragraph by IACHR.<sup>83</sup> Moreover, a campesino HRD noted that on multiple occasions, money deposits he sent to his family were canceled as the account was in his name.<sup>84</sup>

#### ***Violations to the right to education and work***

42. Interviews of Nicaraguans in the diaspora have also uncovered reports of systemic restrictions to the rights to education and work for those who are not registered with the Sandinista political party.<sup>85</sup> Their testimonies note that individuals are requested to provide a letter from the CPS to attend and register for classes at the university level.<sup>86</sup>
43. Nicaraguans experience severe violations of their rights to work. Interviewees have also noted that public servants are de facto required to be members of the Sandinista party.<sup>87</sup> Further, their testimonies highlight that the government is de facto requiring employers in the private sector to hire individuals with party membership to avoid potential sanctions and fines.<sup>88</sup> According to those interviewed, the absence of substantial job opportunities hinders every Nicaraguan from the ability to live with dignity.<sup>89</sup>

#### ***Attacks on the Movimiento Campesino (Peasant Movement) and the campesino (peasant) population***

44. The Nicaraguan Government has systemically targeted the Movimiento Campesino for years as the Government has sought to extract resources and develop mega-development projects as the Interoceanic Grand Canal on their traditional land.<sup>90</sup> Persecution of the Movimiento Campesino has increased significantly from 2017 to the present day. In 2017, the *Movimiento Campesino* members and the community, in opposition to the multiple development projects on their lands, participated in massive and multiple demonstrations, demonstrations that received an unlawful and violent repression by the Nicaraguan police.<sup>91</sup> The *Movimiento Campesino* has also opposed Law 840, which created the legal framework for the El Grand Canal. Reports from HRDs demonstrate that the government did not consult or dialog with the affected communities.<sup>92</sup>
45. The peasant community and the *Movimiento Campesino* were deeply involved in the anti-government protests in 2018 and the following years’ opposition actions. On the matter, a Campesino HRD stated that the “Nicaraguan population is mostly campesinos [peasants]... around 60%,and we are not visible or taken into consideration.”<sup>93</sup>
46. The Nicaraguan Government has violently and systemically persecuted the *Movimiento Campesino* leaders. According to HRD testimonies, a great number of the leaders of the *Movimiento Campesino* are living in exile, many of them in Costa Rica,<sup>94</sup> after facing attacks and prison; other leaders and members are still living in Nicaragua but in clandestinity and some in prison.<sup>95</sup>
47. A *Campesino* HRD reported that after the 2018 protests and with him living already in exile, paramilitary members attacked his family, home and lands.<sup>96</sup> The HRD testimony recalled that paramilitary members set his house on fire, with his wife and daughters inside of it, and who survived with the help of the community. After the family fled to Costa Rica, paramilitary members and people connected to the government reportedly killed the family animals and took

possession of his lands. The HRDs recounted that several of *Movimiento Campesino's* leaders, members, and supporters had lost their lands in Zona del Rio San Juan and were under a de facto seizure by the government.<sup>97</sup> In general, communities living in rural Nicaragua, peasants and indigenous peoples are living under precarious living conditions, a *campesino* HRDs state.<sup>98</sup>

48. The Nicaraguan government is still persecuting leaders and members of the *Movimiento Campesino* in the diaspora. According to credible reports, individuals connected and under the orders of the Nicaraguan Government are threatening and attacking opposition leaders and their families, notable Campesino leaders, and people suspected of opposing the Nicaraguan government in Costa Rica's jurisdiction.<sup>99</sup>
49. To exemplify, A campesino HRD testimony reported multiple attempts against his life and family. The HRD was attacked in 2020 by individuals who reportedly worked for the Nicaraguan government and were aiming to kill him; the attackers stated, “this is what you get for rebelling against the comrades [el compañero -Daniel Ortega- y la compañera -Rosario Murillo]”<sup>100</sup> Credible sources exhibit that individuals connected to the Nicaraguan government have also targeted the HRD’s family. The HRD reported that his son-in-law was targeted because of his connection with his HRD. The HRD reported that a man was attacked, and one of his limbs was severed under the assumption that the person was his son-in-law as the individual was using the son-in-law's motorcycle.<sup>101</sup>

### ***Violations to Indigenous Rights in Nicaragua***

50. Multiple HRDs noted that currently indigenous people in the Caribe Coast of Nicaragua are facing systemic violence by non-state actors, colonos, which allegedly attack individuals and communities with the complicity of government authorities so as to use indigenous land and its natural resources, notably by mining minerals and extracting wood.<sup>102</sup> The violence by the colonos has caused widespread forced displacement in the communities, and some members have crossed borders seeking international protection, arriving in the United States.<sup>103</sup> In 2013, NGOs reported that “A group of 60 heavily [armed] colonos [armed settlers] attacked the land, resulting in the murder of at least five Mayangna community members between 20 and 45 years of age, as well as a young man from the Musawas community who was seriously wounded. In addition, three community members were kidnapped for at least 8 hours. The colonos also burned 50 homes in the community of Wilú, leaving only the church, the parsonage and the school.”<sup>104</sup>

## **D26 Conditions of detention**

### **Status of Implementation: Not Accepted, Not Implemented**

51. In the Third-Cycle UPR, Nicaragua received eight recommendations pertaining to the condition of, and treatment of persons in, detention centers. The Government of Nicaragua supported one recommendation and noted the remaining seven.<sup>105</sup>
52. Nicaraguan prisons are extremely overpopulated, with some estimates placing prison occupancy levels at 177.6% of capacity.<sup>106</sup> The Nicaraguan Center for Human Rights reported that the La Modelo prison held about twice its capacity in 2013, the last time the organization was permitted to visit the facility. Since then, lawyers and experts working with those incarcerated have reported that conditions have worsened since 2013.<sup>107</sup>

53. OHCHR has documented instances of physical and psychological torture and ill-treatment in three detention centers: La Modelo, La Esperanza, and El Chipote.<sup>108</sup> Some people in detention were reportedly drugged and interviewed by the police in that state,<sup>109</sup> placed in solitary confinement and held incommunicado,<sup>110</sup> and denied medicines.<sup>111</sup> The CAT noted that conditions were grim in the La Modelo and La Esperanza prisons. Among the observations were that the facilities included access to daylight for only 30 minutes a week as well as insufficient access to water and poor quality of food.<sup>112</sup>
54. Amnesty International has reported instances of up to 23 prisoners sharing a square five-by-five-meter cell where occupants are only allowed fresh air every two weeks.<sup>113</sup> One individual detained at the La Modelo prison testified that he received insufficient food and unsafe drinking water.<sup>114</sup>
55. In the La Esperanza prison, guards often encourage imprisoned people to inflict abuse upon each other. This is encouraged often to specifically inflict punishment against political dissenters.<sup>115</sup>
56. Another prison, El Chipote, is a maximum-security prison for alleged terrorists.<sup>116</sup> An interviewed individual brought to El Chipote reported that torture often occurs; he states that he was forced to stay in a dark room, handcuffed, for three days so that he would express support to the opposition.<sup>117</sup>
57. Prison conditions in Nicaragua have resulted in unfortunate health complications, and even death, for wrongly imprisoned political opponents of the government. Human Rights Watch has reported instances of heart failure, memory loss, and death for individuals detained by Nicaraguan authorities.<sup>118</sup>
58. Women activists and leaders of the political opposition in Nicaragua face ill-treatment and torture. Credible reports documented that the State held women political leaders in detention on charges of treason in El Chipote in solitary confinement and provided poor hygiene facilities. Further, the individual's sexual orientation as a lesbian woman was weaponized by Government authorities,<sup>119</sup> "as a queer political dissident, she was held in the men's cell block, and was often asked questions about her love life during interrogation."<sup>120</sup>

### **F13 Violence against women; D28 Gender-based violence**

#### **Status of Implementation: Partially Accepted, Not Implemented**

59. In the Third-Cycle UPR, Nicaragua received ten recommendations pertaining to violence against women. The Government of Nicaragua supported four of these recommendations and noted the remaining six.<sup>121</sup>
60. Women political activists continue to be threatened with arrest, rape, and death by the Government of Nicaragua.<sup>122</sup> Armed forces shot at an Advocates client with the intent to kill. She knew their objective was to deter her from participating in political protests because she recognized them as members of President Ortega's political party.<sup>123</sup> Similarly, Frontline Defenders denounced the Nicaraguan National Police for detaining, physically assaulting, and threatening women human rights defenders from the collective Asociación Madres de Abril.<sup>124</sup>
61. OHCHR reported that indigenous women "continue to suffer physical, psychological, economic and sexual violence and intersecting forms of discrimination in both the private and public spheres,"<sup>125</sup> which includes cases of abductions and rapes of Indigenous girls, most of which remain unpunished.<sup>126</sup>

62. In May 2022, the Nicaraguan National Assembly approved four Legislative Decrees that allowed the revocation of the legal personality of at least 83 non-profit organizations.<sup>127</sup> Nine of the 83 organizations affected by the Legislative Decrees are feminist or women’s rights organizations.<sup>128</sup>
63. Furthermore, multiple women human rights defenders were imprisoned in June 2021. “[W]omen have been held for more than six months in almost total isolation with restrictions on family visits. This has made it impossible for them to see their sons and daughters and entails constant interrogations, food deprivation or access only to food lacking in nutrients, the absence of adequate attention to chronic illnesses, sensory deficits, and the want of warm clothing, among other rights violations.”<sup>129</sup>

## II. RECOMMENDATIONS

64. This stakeholder report suggests the following recommendations for the Government of Nicaragua:
- Implement the necessary measures to restore the rule of law and the country's civic space.
  - Implement the necessary measures to foster appropriate conditions to hold free, fair, and transparent elections and in constructive dialogue with all sectors of Nicaraguan society.
  - Create a safe and enabling environment for domestic civil society organizations and international organizations to observe and report on the human rights situation in Nicaragua.
  - Create a safe and enabling environment for individuals to freely return and live in Nicaragua.
  - Allow independent monitoring and investigation regarding the allegations of systemic violations of human rights within the country by international mechanisms.
  - End government harassment, surveillance, and threats against individuals within Nicaragua, particularly people advocating for the promotion of human rights and pressing for accountability for human rights violations.
  - Implement necessary and progressive steps to restore the nationality of Nicaraguans who have been stripped of it by law or de facto.
  - Take measures to prevent law enforcement from arbitrarily arresting individuals based on political opinion expression.
  - Ensure the due process, releasing all people in arbitrary detention and providing judicial process with all guarantees of due process and legality to those currently charged or sentenced because of their exercising of political expression.
  - Implement all the necessary measures to ensure the respect and protection of the indigenous rights, including their right to their traditional and ancestral lands, as well and create a safe and enabling environment for the return of members in diaspora, and ensure all the conditions for them to participate in all the decisions related to their traditional lands.
  - End government harassment, surveillance, and threats against the members of the *Movimiento Campesino*, and create a safe and enabling environment for the return of members in diaspora, and ensure all the conditions for them to participate in all the decisions related to their traditional lands.
  - Stop and investigate threats against women political activists.
  - Hold government officials or police officers known to have threatened a woman political activist accountable for their actions.

- Ensure that women political activists are able to carry out their work without fear of harassment, violence, criminal investigations, and other reprisals.
- Condemn the violence and harassment carried out by pro-government armed groups against political dissidents and investigate, prosecute, and sanction those responsible for such actions.
- Allow independent investigation and reporting regarding the conditions of prisons and detention centers in the country.
- Address overcrowding in prisons and provide sufficient and clean drinking water and medical attention to persons in detention.
- Immediately release all women who are imprisoned for political reasons and repair and compensate these women for the damage caused to them during the period of imprisonment.
- Stop and investigate the reported cases of abuse and torture being committed by Nicaraguan police during arrests and in detention centers, especially the reports of torture and ill-treatment of political dissenters and people who are suspected or related to political dissenters or activists.
- Provide training to police officers and members of the security sector regarding the proportionate use of force during legitimate police operations.
- Investigate improper use of force and firearms by the police and paramilitary groups and prosecute offenders.

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<sup>1</sup> Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Nicaragua*, (15 May 2019), U.N. Doc. A/HRC/42/16.¶125.135 Adopt urgently all the necessary measures to guarantee the full exercise and enjoyment of the freedoms of association, assembly, demonstration and expression, as recognized in the Constitution, including the cessation of arbitrary detentions and of the excessive use of force by the police (Spain); ¶125.153 Decriminalize the right to hold peaceful protests and release persons arbitrarily detained in the context of civil protests (Costa Rica); ¶125.154 Restore respect for freedom of expression and of the press and free journalists who are in detention (Costa Rica); ¶125.71 Release political prisoners immediately and implement a comprehensive reparation policy for victims and families that includes measures to establish the truth, the identification of victims and perpetrators, and allows the Interdisciplinary Group of Independent Experts to enter and stay for an indefinite period of time, as well as the presence of the Inter-American Commission on Human Rights and all its mechanisms (Paraguay); ¶125.83 Immediately release all political prisoners, guaranteeing the prompt, exhaustive, independent and transparent investigation of allegations of rape, torture and other inhuman and degrading treatment committed in detention centres, and provide victims with truth, justice, reparation and guarantees of non-repetition (Colombia); ¶125.84 Adopt measures to release political prisoners without delay and guarantee prompt, exhaustive, independent and transparent investigation into allegations of rape, torture and other ill-treatment committed in detention centres, and provide victims with truth, justice, reparation and guarantees of non-repetition (Ecuador); ¶125.78 Release without delay political prisoners and guarantee the prompt, exhaustive, independent and transparent investigation of allegations of rape, torture and other ill-treatment committed in detention centres, and provide victims with truth, justice, reparation and guarantees of non-repetition (Argentina); ¶125.80 Immediately release political prisoners and guarantee independent and transparent investigations into allegations of rape, torture and other ill-treatment committed in detention centres (Brazil); ¶125.72 Immediately release political prisoners, guarantee the independent investigation of complaints of rape, torture and other ill-treatment committed in detention centres, and provide victims with truth, justice, reparation and guarantees of non-repetition (Peru); ¶125.120 Respect and guarantee freedom of expression for all civilians, which includes the unconditional release of incarcerated journalists and political prisoners and the return of confiscated material to the media and human rights organizations (Netherlands); ¶125.70 Release all those arbitrarily or illegally detained, guarantee due process, and ensure that the conditions of detention are compliant with international human rights obligations (Norway); ¶125.74 Release all those who were unlawfully imprisoned and ensure due process and fair treatment at all stages (Slovakia); ¶125.69 Honour without delay the commitment to free all political prisoners (Luxembourg); ¶125.73 Release prisoners held since the

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beginning of the crisis without court supervision (France); ¶125.76 Honour its commitments related to the release of political prisoners (Georgia); ¶125.77 Release all prisoners of conscience immediately and unconditionally, and take immediate steps to end arbitrary arrest and detention (United States of America); ¶125.81 Expeditiously release all prisoners per the announcement made in the context of the National Dialogue, including those arbitrarily sentenced for their participation in social protests (Canada); ¶125.82 Immediately release political prisoners in accordance with the commitment undertaken by the Government of Nicaragua within the framework of the negotiations (Chile); ¶125.123 Immediately cease the repression of public protests, particularly the unlawful arrests and arbitrary detentions of those involved in public protests (New Zealand); ¶125.79 Release all students, human rights defenders, journalists and other protestors who were arbitrarily detained for exercising their rights to freedom of expression and peaceful assembly, without resorting to house arrests, and ensure that their right to due process is fully respected (Belgium); ¶125.108 Immediately halt the persecution of political opponents and swiftly release all individuals who have been arbitrarily detained (Iceland); ¶125.68 Release all arbitrarily detained political opponents and critics, including journalists (Lithuania); ¶125.146 Cease violent repression of opposition protests, uphold the rights to freedom of association, peaceful assembly and expression, and release those arbitrarily detained for exercising their rights (Australia); ¶125.115 Comply with international human rights obligations to guarantee that all persons and civil society actors can freely exercise, without fear of persecution or violence, their rights to freedom of peaceful assembly and association, including peaceful protest and dissent; refrain from using arbitrary restrictions and excessive force against protesters; and ensure that those responsible for human rights violations are brought to justice and held to account (Lithuania); ¶125.140 Respect the rights to freedom of peaceful assembly and of association, and release persons arbitrarily detained for having participated in demonstrations, in conformity with the agreements signed on 29 March 2019 by the Government and the Civic Alliance (Switzerland); ¶125.101 Address and ensure thorough and impartial investigation of human rights violations, including excessive use of force, torture, arbitrary detention and killings committed by State officials and paramilitary groups, and guarantee the independence and impartiality of the judiciary (Austria); ¶125.86 Conduct prompt and impartial investigations into the widespread violations of human rights and fundamental freedoms perpetrated in the country and release all unlawfully detained political opponents (Italy); ¶125.75 Release, immediately, and within the established deadlines, all the prisoners on the lists provided by the Government and the Civic Alliance (Spain); ¶125.55 Ensure that all security forces act in accordance with the principles of legitimate, proportionate and necessary use of force in the context of protests (New Zealand); ¶125.58 Continue the work to ensure the safety of citizens, which is a guarantee for reducing the level of violence on the streets (Russian Federation); ¶125.61 Pursue the State sovereignty and public safety strategy, in light of the low levels of violence, and its coordination with the social fabric in resolving community security problems (Plurinational State of Bolivia); ¶125.65 Ensure that the police, the army and the judicial system remain under the rule of law, curbing the activity of paramilitary forces and ensuring that no acts of ill-treatment are tolerated in detention facilities (Holy See); ¶125.56 Ensure that the National Police refrain from carrying out acts that constitute torture or other ill-treatment against detainees and demonstrators (New Zealand); ¶125.67 Disband paramilitaries, prevent excessive use of force by police and investigate perpetrators to protect the rights to association and peaceful assembly (United Kingdom of Great Britain and Northern Ireland); ¶125.60 Cease the excessive use of force by the police against the exercise of peaceful protest, and guarantee the immediate disarmament of civilians close to the Government (Argentina); ¶125.63 Take immediate steps to prevent the excessive use of force against peaceful protestors (Cyprus); . ¶125.130 Ensure the international human rights standards related to freedom of expression, including media freedom, both online and offline, are upheld, and refrain from using any administrative, judicial or financial means to unduly restrict the exercise of this right (Poland); ¶125.158 Ensure freedom of expression and refrain from using administrative and judicial means to unduly restrict exercise of this right (Czechia); ¶125.159 Guarantee press freedom, including by refraining from using administrative, judicial or financial means to unduly restrict its exercise (Denmark); ¶125.150 Eliminate the restrictions that are systematically imposed on freedom of expression and freedom of the press by developing policies for the promotion and protection of access to public information (Chile); ¶125.152 Guarantee the rights to freedom of opinion and expression, and cease all acts of censorship and harassment of the media (Colombia); ¶125.138 Guarantee freedom of expression and non-resumption of violence (Georgia); ¶125.128 Guarantee freedom of expression and demonstration, as a way of advancing towards effective dialogue with all the parties involved (Paraguay); ¶125.148 Take steps to guarantee full enjoyment of human rights and fundamental freedoms, including freedom of expression, of the media, of association and of peaceful assembly, and refrain from further acts of intimidation or reprisal, including by paramilitary groups (Canada); ¶125.146 Cease violent repression of opposition protests, uphold the rights to freedom of association, peaceful assembly and expression, and release those arbitrarily detained for exercising their rights (Australia); ¶125.129 Respect and guarantee the full enjoyment of the population's rights to protest, freedom of expression, peaceful

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assembly and political participation and dismantle the pro-government armed groups, given the negative impact of their actions on human rights (Peru); ¶125.126 Respect the rights to freedom of expression, association and assembly by ending the repression of people involved in peaceful protests and allowing human rights defenders, civil society organizations and the media to carry out their work (Norway); ¶125.117 Restore civil and political rights, including the right to demonstrate and freedom of the press (Luxembourg); ¶125.160 Immediately cease acts of State repression towards demonstrators, and guarantee the population’s right to freedom of expression, peaceful assembly and political participation (Ecuador); ¶125.119 Guarantee the exercise of freedom of expression and the right to peaceful assembly, avoiding acts of repression against journalists or human rights defenders (Mexico); ¶125.165 Respect the rights to freedom of peaceful assembly and expression, in particular by ending reprisals and violence against journalists and human rights defenders (Republic of Korea); ¶125.139 Restore immediately the rights to freedom of expression and of the media, and carry out investigations into all cases of violence committed against journalists and the media (Switzerland); ¶125.134 Restore and ensure public freedoms, in particular freedom of expression and of opinion (France); ¶125.141 Cease harassment of and political pressure on journalists and the press and reduce import restrictions on journalistic supplies and equipment to strengthen protection of freedom of expression (United Kingdom of Great Britain and Northern Ireland); ¶125.54 Implement effective policies to better promote and protect access to information, including through collaboration with other States (Indonesia); ¶125.113 Enhance the protection and promotion of freedom of expression and of the media and the right to peaceful assembly, and resolve ongoing problems through dialogue between the Government and the people (Japan); ¶125.110 Promote freedom of expression, association and peaceful assembly (Iraq); ¶125.111 Ensure that human rights standards for freedom of expression, association and peaceful assembly, including press freedom, are upheld (Ireland); ¶125.124 Guarantee the human rights and fundamental freedoms of its citizens, especially their rights to freedom of expression, association and peaceful assembly without fear of reprisals, threats, attacks, harassment or unjust prosecution (New Zealand); ¶125.145 Ensure that members of the political opposition and civil society organizations, as well as journalists, are free to express their opinions and that their right to freedom of assembly is guaranteed (Germany); ¶125.162 Safeguard the right to expression and to assembly for all members of society, and the freedom of the press (Holy See); ¶125.122 Ensure the freedom of speech and the independence of the press (Finland); ¶125.156 Guarantee the protection and promotion of freedom of expression and the independence and pluralism of the media (Greece); ¶125.151 Respect the rights to peaceful assembly and freedom of association with guarantees and effective protection mechanisms (Colombia); ¶125.121 Respect and guarantee the rights to freedom of peaceful assembly and of association (Finland); ¶125.115 Comply with international human rights obligations to guarantee that all persons and civil society actors can freely exercise, without fear of persecution or violence, their rights to freedom of peaceful assembly and association, including peaceful protest and dissent; refrain from using arbitrary restrictions and excessive force against protesters; and ensure that those responsible for human rights violations are brought to justice and held to account (Lithuania); ¶125.140 Respect the rights to freedom of peaceful assembly and of association, and release persons arbitrarily detained for having participated in demonstrations, in conformity with the agreements signed on 29 March 2019 by the Government and the Civic Alliance (Switzerland); ¶125.157 Fully guarantee freedom of association and peaceful assembly without fear of reprisals or unjust prosecution (Czechia).

<sup>2</sup> Interviews conducted by The Advocates (2019-2024).

<sup>3</sup> Committee Against Torture, *List of Issues in Relation to the Second Periodic Report of Nicaragua*, (Dec. 23, 2020), U.N. Doc. CAT/C/NIC/Q/2.

<sup>4</sup> Human Rights Watch, “Nicaragua: Protests Leave Deadly Toll,” accessed Feb. 2, 2024, <https://www.hrw.org/news/2018/04/27/nicaragua-protests-leave-deadly-toll>.

<sup>5</sup> The case information presented in this submission is compiled from intake and other interviews conducted by The Advocates for Human Rights with people seeking asylum seekers from Nicaragua between 2019 and 2024 and Nicaraguans in the diaspora (hereinafter referred to as “Interviews conducted by The Advocates (2019-2024)”). Some details have been removed to maintain confidentiality and to protect the identities of individuals and their families. Interviews conducted by The Advocates (2019-2024).

<sup>6</sup> Interviews conducted by The Advocates (2019-2024).

<sup>7</sup> Interviews conducted by The Advocates (2019-2024).

<sup>8</sup> Interviews conducted by The Advocates (2019-2024).

<sup>9</sup> Interviews conducted by The Advocates (2019-2024).

<sup>10</sup> Interviews conducted by The Advocates (2019-2024).

<sup>11</sup> Interviews conducted by The Advocates (2019-2024).

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- <sup>12</sup> Interviews conducted by The Advocates (2019-2024).
- <sup>13</sup> Patricia Blanco, “Las víctimas de tortura en Nicaragua son personas comunes que lo único que hicieron fue protestar” (El País, 03 May 2023), at <https://elpais.com/planeta-futuro/2023-05-03/las-victimas-de-tortura-en-nicaragua-son-personas-comunes-que-lo-unico-que-hicieron-fue-protestar.html>
- <sup>14</sup> Annual report of the United Nations High Commissioner on Human Rights – Human rights situation in Nicaragua, (Aug. 1, 2023), A/HRC/54/60 ¶ 19.
- <sup>15</sup> Annual report of the United Nations High Commissioner on Human Rights – Human rights situation in Nicaragua, (Aug. 1, 2023), A/HRC/54/60 ¶ 19.
- <sup>16</sup> Amnesty International, *Instilling Terror: From Lethal Force to Persecution in Nicaragua*, (London: Peter Benenson House). Also available online at <https://www.amnesty.org/es/wp-content/uploads/2021/05/AMR4392132018ENGLISH.pdf>.
- <sup>17</sup> Interviews conducted by The Advocates (2019-2024).
- <sup>18</sup> Interviews conducted by The Advocates (2019-2024).
- <sup>19</sup> Interviews conducted by The Advocates (2019-2024).
- <sup>20</sup> Interviews conducted by The Advocates (2019-2024).
- <sup>21</sup> Inter-American Court on Human Rights, *Resolución de Medidas Provisionales Asunto Integrantes Del Centro Nicaragüense De Derechos Humanos y de la Comisión Permanente De Derechos Humanos (Cenidh-Cpdh) Respecto De Nicaragua*, Oct. 14, 2021, [https://www.corteidh.or.cr/docs/medidas/integrantes\\_centro\\_ni\\_se\\_04.pdf](https://www.corteidh.or.cr/docs/medidas/integrantes_centro_ni_se_04.pdf).
- <sup>22</sup> Civicus, “Arbitrary Detentions Continue As Nicaragua Announces Decision To Withdraw From OAS,” accessed Feb. 2, 2022, <https://monitor.civicus.org/updates/2021/12/02/arbitrary-detentions-continue-nicaragua-announces-decision-withdraw-oas/>.
- <sup>23</sup> Interviews conducted by The Advocates (2019-2024).
- <sup>24</sup> Interviews conducted by The Advocates (2019-2024).
- <sup>25</sup> <https://www.oas.org/en/IACHR/decisions/MC/precautionary.asp?Year=2024&Country=NIC>
- <sup>26</sup> Amnesty International, *Instilling Terror: From Lethal Force to Persecution in Nicaragua*, (London: Peter Benenson House). Also available online at <https://www.amnesty.org/es/wp-content/uploads/2021/05/AMR4392132018ENGLISH.pdf>.
- <sup>27</sup> See Carlos Chamorro at Confidencial, “La corrupción en Nicaragua es alarmante”, advierte Transparencia” (5 Feb 2024), available at <https://confidencial.digital/politica/la-corrupcion-en-nicaragua-es-alarmante-advierte-transparencia/>, [https://urnasabiertas.com/wp-content/uploads/2022/09/UA\\_Situacion-de-la-Transparencia-Municipal.pdf](https://urnasabiertas.com/wp-content/uploads/2022/09/UA_Situacion-de-la-Transparencia-Municipal.pdf); Ana Cruz at La PRENSA, “régimen orteguista continua violando Ley de Acceso a la información a la información Pública, denuncia Transparencia Nicaragua” (31 Oct 2019), available at <https://www.laprensani.com/2019/10/31/nacionales/2605958-regimen-orteguista-continua-violando-ley-de-acceso-a-la-informacion-publica-denuncia-transparencia-nicaragua>
- <sup>28</sup> Press Release, “IACHR and OSRESCER Express Alarm at Scarcity of Public Information on the Pandemic in Nicaragua and Urge State to Implement Urgent Science-Based Prevention Measures with a Human Rights Approach”, (17 Nov 2021), Available at [https://oas.org/en/iachr/jsForm/?File=/en/iachr/media\\_center/preleases/2021/309.asp](https://oas.org/en/iachr/jsForm/?File=/en/iachr/media_center/preleases/2021/309.asp)
- <sup>29</sup> Id.
- <sup>30</sup> Id.
- <sup>31</sup> Interviews conducted by The Advocates (2019-2024).
- <sup>32</sup> Interviews conducted by The Advocates (2019-2024).
- <sup>33</sup> Interviews conducted by The Advocates (2019-2024).
- <sup>34</sup> Interviews conducted by The Advocates (2019-2024).
- <sup>35</sup> Interviews conducted by The Advocates (2019-2024).
- <sup>36</sup> <https://elpais.com/internacional/2023-12-23/destierros-detenciones-y-740-agresiones-la-persecucion-de-ortega-y-murillo-contra-la-iglesia-catolica-se-agrava-en-nicaragua.html>
- <sup>37</sup> Interviews conducted by The Advocates (2019-2024).
- <sup>38</sup> Interviews conducted by The Advocates (2019-2024).



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<sup>39</sup>Interviews conducted by The Advocates (2019-2024). <https://www.diariolasamericas.com/america-latina/regimen-ortega-cierra-nueve-asociaciones-y-una-universidad-n5352243>

<sup>40</sup> Interviews conducted by The Advocates (2019-2024).

<sup>41</sup> Interviews conducted by The Advocates (2019-2024).

<sup>42</sup> Interviews conducted by The Advocates (2019-2024).

<sup>43</sup> Associated Press at VOA News, “Nicaragua's Crackdown on Catholic Church Spreads Fear Among Faithful”, (11 Feb 2024), available at <https://www.voanews.com/a/nicaragua-s-crackdown-on-catholic-church-spreads-fear-among-faithful/7483266.html>

<sup>44</sup> Interviews conducted by The Advocates (2019-2024).

<sup>45</sup> Interviews conducted by The Advocates (2019-2024)

<sup>46</sup> Instituto Nicaragüense de Telecomunicaciones y Correos, Acuerdo Administrativo N°. 001-202, (9 Jan 2021), available

[http://legislacion.asamblea.gob.ni/Normaweb.nsf/\(\\$All\)/8D9C9ECE6ED36D33062586700060A80F?OpenDocument](http://legislacion.asamblea.gob.ni/Normaweb.nsf/($All)/8D9C9ECE6ED36D33062586700060A80F?OpenDocument)

<sup>47</sup>Article 3 of Acuerdo Administrativo N°. 001-202 establishes: “Datos necesarios para rastrear e identificar el origen de una comunicación: **1)** Con respecto a la telefonía fija y móvil: **i)** El número de teléfono que origina la llamada; **ii)** El nombre completo, número de documento de identidad y la dirección del usuario del servicio, cuando el número de origen sea dentro de **2)** Con respecto al acceso a Internet, correo electrónico por Internet y telefonía por Internet (VoIP): **i)** La identificación de usuario y/o facilidad asignada; **ii)** La identificación de usuario y/o facilidad y el número de teléfono asignados a toda comunicación que acceda a la red pública de telefonía; y **iii)** El nombre y la dirección del usuario del servicio y/o facilidad al que se le ha asignado en el momento de la comunicación una dirección de Protocolo Internet (IP), una identificación de usuario o un número de teléfono. **iv)** Información sobre Protocolo de comunicación usado en el servicio y número de puerto de comunicación. **b)** Datos necesarios para identificar el destino de una comunicación: **1)** Con respecto a la telefonía fija y móvil: **i)** El número o números marcados (el número o números de teléfono de destino) y, en aquellos casos en que intervengan otros servicios, como el desvío o la transferencia de llamadas, el número o números hacia los que se transfieren las llamadas; y **ii)** Los nombres completos, números de documento de identidad y las direcciones de los usuarios del servicio, cuando los números de destino sean dentro de la misma red. **2)** Con respecto al correo electrónico por Internet y a la telefonía por Internet (VoIP): **i)** La identificación de usuario o el número de teléfono del destinatario o de los destinatarios de una llamada telefónica por Internet; y **ii)** Los nombres completos, números de documento de identidad y las direcciones de los usuarios de los servicios y la identificación de usuario del destinatario de la comunicación. **iii)** Información sobre Protocolo de comunicación usado en el servicio y número de puerto de comunicación. **c)** Datos necesarios para identificar la fecha, hora y duración de una comunicación: **1)** Con respecto a la telefonía fija y móvil: la fecha y hora del inicio y fin de la comunicación; **2)** Con respecto al Acceso a Internet, correo electrónico por Internet y telefonía por Internet (VoIP): **i)** La fecha y hora de la conexión y desconexión del servicio de acceso a Internet, basadas en un determinado huso horario, así como la dirección del Protocolo Internet (IP), ya sea dinámica o estática, asignada por el Proveedor de Servicios, así como la identificación del usuario registrado; y **ii)** La fecha y hora de la conexión y desconexión del servicio de correo electrónico por Internet o del servicio de telefonía por Internet, basadas en un determinado huso horario. **d)** Datos necesarios para identificar el tipo de comunicación: **1)** Con respecto a la telefonía fija y móvil: el servicio telefónico utilizado; y **2)** Con respecto al correo electrónico por Internet y a la telefonía por Internet: el servicio de Internet utilizado. **e)** Datos necesarios para identificar el equipo de comunicación de los usuarios o lo que se considera ser el equipo de comunicación: **1)** Con respecto a la telefonía fija: los números de teléfono de origen y destino; **2)** Con respecto a la telefonía móvil (voz y datos): **i)** Los números de teléfono de origen y destino; **ii)** La identidad internacional del abonado móvil (IMSI) de la parte que efectúa la llamada; **iii)** La identidad internacional del equipo móvil (IMEI) de la parte que efectúa la llamada; **iv)** La dirección MAC (Media Access Control), del equipo. **3)** Con respecto al acceso a Internet, correo electrónico por Internet y telefonía por Internet: **i)** El número de teléfono de origen en caso de acceso mediante marcado de números; y **ii)** La línea digital de abonado (DSL) u otro

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punto terminal identificador del autor de la comunicación.iii) La dirección MAC (Media Access Control), del equipo.f) Datos necesarios para identificar la localización del equipo de comunicación móvil:1) La etiqueta de localización (identificador de celda) al comienzo y finalización de la comunicación; y2) Los datos que permiten fijar la localización geográfica de la celda, mediante referencia a la etiqueta de localización, durante el período en el que se conservan los datos de las comunicaciones.g) Datos que deberán preservar y proporcionar los operadores que prestan los servicios de repetidores comunitarios y enlaces troncalizados. 1) Frecuencia de operación asignada al usuario.2) Registro de Tonos asignados al usuario.3) Números de identificación ID asignados al usuario.4) Registro de grupos utilizados en comunicación truncal.5) Números de serie de equipos suministrados a los usuarios.6) Datos que identifiquen la repetidora y/o canal donde se conectan los equipos del usuario.7) Los datos que permiten fijar la localización geográfica de los equipos móviles, mediante referencia al ID asignado”.

<sup>48</sup> Interviews conducted by The Advocates (2019-2024).

<sup>49</sup> Interviews conducted by The Advocates (2019-2024).

<sup>50</sup> DW, “Nicaragua: detectan 39 falsas antenas que espían celulares” (18 Oct 2022), accessed 03 March 2024, available <https://www.dw.com/es/nicaragua-detectan-39-falsas-antenas-que-esp%C3%ADan-celulares/a-63468522>

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<sup>105</sup> Human Rights Council, Report of the Working Group on the Universal Periodic Review: Nicaragua, (15 May 2019), U.N. Doc. A/HRC/42/16.¶125.65 Ensure that the police, the army and the judicial system remain under the rule of law, curbing the activity of paramilitary forces and ensuring that no acts of ill-treatment are tolerated in detention facilities (Holy See); ¶125.66 Release without delay lesbian, gay, bisexual, transgender and intersex persons in detention after the events of April 2018 and guarantee dignified conditions for lesbian, gay, bisexual, transgender and intersex persons arrested and detained for other reasons (Malta); ¶125.70 Release all those arbitrarily or illegally detained, guarantee due process, and ensure that the conditions of detention are compliant with international human rights obligations (Norway); ¶125.72 Immediately release political prisoners, guarantee the independent investigation of complaints of rape, torture and other ill-treatment committed in detention centres, and provide victims with truth, justice, reparation and guarantees of non-repetition (Peru); ¶125.78 Release without delay political prisoners and guarantee the prompt, exhaustive, independent and transparent investigation of allegations of rape, torture and other ill-treatment committed in detention centres, and provide victims with truth, justice, reparation and guarantees of non-repetition (Argentina); ¶125.80 Immediately release political prisoners and guarantee independent and transparent investigations into allegations of rape, torture and other ill treatment committed in detention centres (Brazil); ¶125.83 Immediately release all political prisoners, guaranteeing the prompt, exhaustive, independent and transparent investigation of allegations of rape, torture and other inhuman and degrading treatment committed in detention centres, and provide victims with truth, justice, reparation and guarantees of non-repetition (Colombia); ¶125.84 Adopt measures to release political prisoners without delay and guarantee prompt, exhaustive, independent and transparent investigation into allegations of rape, torture and other ill-treatment committed in detention centres, and provide victims with truth, justice, reparation and guarantees of non-repetition (Ecuador).

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<sup>109</sup> Annual report of the United Nations High Commissioner on Human Rights – Human rights situation in Nicaragua, (Aug. 1, 2023), A/HRC/54/60 ¶ 45.

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<sup>111</sup> Annual report of the United Nations High Commissioner on Human Rights – Human rights situation in Nicaragua, (Aug. 1, 2023), A/HRC/54/60 ¶ 50.

<sup>112</sup> Committee Against Torture, *List of issues in relation to the second periodic report of Nicaragua*, (Dec. 23, 2020), U.N. Doc. CAT/C/NIC/Q/2.

<sup>113</sup> Amnesty International, “Prison and the Pandemic: The Lethal Cocktail Used by the Nicaraguan Government Against Those Who Criticize Them,” accessed Jan. 23, 2024, <https://www.amnesty.org/en/latest/news/2020/08/carcel-covid19-coctel-letal-gobierno-nicaragua/>.

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<sup>115</sup> Amnesty International, “‘She Doesn’t Want to Die There’: Women Activists Punished with Jail in Nicaragua Amid COVID-19,” accessed Jan. 22, 2024, <https://www.amnesty.org/en/latest/news/2020/08/women-activists-punished-jail-nicaragua-amid-covid19/>.

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<sup>118</sup> Human Rights Watch, “Government Critics Languish in Nicaraguan Prisons,” accessed Jan. 23, 2024, <https://www.hrw.org/news/2022/03/10/government-critics-languish-nicaraguan-prisons>.

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<sup>120</sup> Dánae Vílchez at Open Democracy, “Released Nicaraguan political prisoners tell of homophobia and misogyny in jail,” (17 Feb 2023), available at <https://www.opendemocracy.net/en/5050/nicaragua-women-lgbt-human-rights-prison-ortega/>

<sup>121</sup> Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Nicaragua*, (15 May 2019), U.N. Doc. A/HRC/42/16. ¶125.135 Adopt urgently all the necessary measures to guarantee the full exercise and enjoyment of the freedoms of association, assembly, demonstration and expression, as recognized in the Constitution, including the cessation of arbitrary detentions and of the excessive use of force by the police (Spain); ¶125.153 Decriminalize the right to hold peaceful protests and release persons arbitrarily detained in the context of civil protests (Costa Rica); ¶125.154 Restore respect for freedom of expression and of the press and free journalists who are in detention (Costa Rica); ¶125.71 Release political prisoners immediately and implement a comprehensive reparation policy for victims and families that includes measures to establish the truth, the identification of victims and perpetrators, and allows the Interdisciplinary Group of Independent Experts to enter and stay for an indefinite period of time, as well as the presence of the Inter-American Commission on Human Rights and all its mechanisms (Paraguay); ¶125.83 Immediately release all political prisoners, guaranteeing the prompt, exhaustive, independent and transparent investigation of allegations of rape, torture and other inhuman and degrading treatment committed in detention centres, and provide victims with truth, justice, reparation and guarantees of non-repetition (Colombia); ¶125.84 Adopt measures to release political prisoners without delay and guarantee prompt, exhaustive, independent and transparent investigation into allegations of rape, torture and other ill-treatment committed in detention centres, and provide victims with truth, justice, reparation and guarantees of non-repetition (Ecuador); ¶125.78 Release without delay political prisoners and guarantee the prompt, exhaustive, independent and transparent investigation of allegations of rape, torture and other ill-treatment committed in detention centres, and provide victims with truth, justice, reparation and guarantees of non-repetition (Argentina); ¶125.80 Immediately release political prisoners and guarantee independent and transparent investigations into allegations of rape, torture and other ill-treatment committed in detention centres (Brazil); ¶125.72 Immediately release political prisoners, guarantee the independent investigation of complaints of rape, torture and other ill-treatment committed in detention centres, and provide victims with truth, justice, reparation and guarantees of non-repetition (Peru); ¶125.120 Respect and guarantee freedom of expression for all civilians, which includes the unconditional release of incarcerated journalists and political prisoners and the return of confiscated material to the media and human rights organizations (Netherlands); ¶125.70 Release all those arbitrarily or illegally detained, guarantee due process, and ensure that the conditions of detention are compliant with international human rights obligations (Norway); ¶125.74 Release all those who were unlawfully imprisoned and ensure due process and fair treatment at all stages (Slovakia); ¶125.69 Honour without delay the commitment to free all political prisoners (Luxembourg); ¶125.73 Release prisoners held since the beginning of the crisis without court supervision (France); ¶125.76 Honour its commitments related to the release of political prisoners (Georgia); ¶125.77 Release all prisoners of conscience immediately and unconditionally, and take immediate steps to end arbitrary arrest and detention (United States of America); ¶125.81 Expeditiously release all prisoners per the announcement made in the context of the National Dialogue, including those arbitrarily sentenced for their participation in social protests (Canada); ¶125.82 Immediately release political prisoners in accordance with the commitment undertaken by the Government of Nicaragua within the framework of the negotiations (Chile); ¶125.123 Immediately cease the repression of public protests, particularly the unlawful arrests and arbitrary detentions of those involved in public protests (New Zealand); ¶125.79 Release all students, human rights defenders, journalists and other protestors who were arbitrarily detained for exercising their rights to freedom of expression and peaceful assembly, without resorting to house arrests, and ensure that their right to due process is fully respected (Belgium); ¶125.108 Immediately halt the persecution of political opponents and swiftly release all individuals who have been arbitrarily detained (Iceland); ¶125.68 Release all arbitrarily detained political opponents and critics, including journalists (Lithuania); ¶125.146 Cease violent repression of opposition protests, uphold the rights to freedom of association, peaceful assembly and expression, and release those arbitrarily detained for exercising their rights (Australia); ¶125.115 Comply with international human rights obligations to guarantee that all persons and civil society actors can freely exercise, without fear of persecution or violence, their rights to freedom of peaceful assembly and association, including peaceful protest and dissent; refrain from using arbitrary restrictions and excessive force against protesters; and ensure that those responsible for human rights violations are brought to justice and held to account (Lithuania); ¶125.140 Respect the rights to freedom of peaceful assembly and of association, and release persons arbitrarily detained for having participated in demonstrations, in conformity with the agreements signed on 29 March 2019 by the Government and the Civic Alliance (Switzerland); ¶125.101 Address and ensure thorough and impartial investigation of human rights violations, including excessive use of force, torture, arbitrary detention and killings committed by State officials and

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paramilitary groups, and guarantee the independence and impartiality of the judiciary (Austria); ¶125.86 Conduct prompt and impartial investigations into the widespread violations of human rights and fundamental freedoms perpetrated in the country and release all unlawfully detained political opponents (Italy).

<sup>122</sup> Chris Kenning, *A Year into Nicaragua Crisis Women Face ‘Dramatic Consequences’*, Al Jazeera, accessed Mar. 14, 2024, <https://www.aljazeera.com/news/2019/04/year-nicaragua-crisis-women-face-dramatic-consequences-190418212037100.html>.

<sup>123</sup> Interviews conducted by The Advocates (2015-2022).

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<sup>125</sup> Annual report of the United Nations High Commissioner on Human Rights – Human rights situation in Nicaragua, (Aug. 1, 2023), A/HRC/54/60 ¶ 59.

<sup>126</sup> Annual report of the United Nations High Commissioner on Human Rights – Human rights situation in Nicaragua, (Aug. 1, 2023), A/HRC/54/60 ¶ 60.

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