INSTILLING TERROR:

FROM LETHAL FORCE TO PERSECUTION IN NICARAGUA

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Members of the National Police armed with AK rifles and a Dragunov sniper rifle in Masaya. 13 July 2018. ©Oswaldo Rivas

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Coffin of Gerald Vásquez, 20, who died after an attack by pro-government armed groups on the UNAN-Managua on 13 and 14 July. 16 July 2018.@ACR/Amnesty International.

1. EXECUTIVE SUMMARY

On 18 April 2018, a series of reforms to the social security system in Nicaragua sparked an outbreak of anti-government social protest. Since then, hundreds of people in different places throughout the country have taken to the streets every day to demonstrate.

The state has responded to the social unrest with violent repression of the population by the National Police, including the riot police, and with the support of the groups widely known as "Sandinista mobs".

During April and May, the government used excessive, disproportionate and sometimes unnecessary force and on a number of occasions implemented a deliberate letal policy against protesters. It was in this context that Amnesty International published its report, *Shoot to kill: Nicaragua's strategy to repress protest*, which documents the state's strategy during the first four weeks of the crisis.

The government's refusal to end the repression, as well as the high number of deaths and injuries at the hands of state agents and their allied mobs (which quickly became in effect pro-government armed groups), intensified people's outrage. Thousands of neighbourhoods began to erect barricades or "blockades" ("*tranques*") across roads as a sign of protest, to defend themselves from attacks on the civilian population and to exert pressure on the authorities by restricting road traffic. On many of these barricades, the use of homemade mortars as a means of defence was common.

The government's response was to intensify its strategy of repression while at the same time announcing an Operation for Peace (Operación para la Paz), which was commonly referred to as "Operation Clean-up" (Operación Limpieza). This consisted of destroying the barricades by force and confronting demonstrators with combined forces of pro-government armed groups and National Police officers in sophisticated, well-organized attack operations that made widespread use of military-grade lethal weapons. There were also reports of clashes where a minority of demonstrators also resorted to the use of firearms (such as shotguns or rifles); however, the government's strategy of lethal use of force was widespread and, in many cases, indiscriminate.

For this report, Amnesty International carried out two missions to Nicaragua and Costa Rica, in July and September respectively, to document the situation, during which representatives carried out 115 interviews and documented a total of 25 cases of human rights violations. In addition, a team of experts analysed more than 80 pieces of audiovisual and photographic material as part of the analysis of the context.

This new report, *Instilling terror*, documents several human rights violations committed between 30 May and 18 September 2018 and details the different elements that make up the state strategy of repression to suppress the protests. Amnesty International believes that these violations were carried out not only with the knowledge of the highest authorities of the Nicaraguan state, including the President and Vice-President of the Republic, but also (in many cases) on their orders and under their command.

In particular, it concluded that a central plank of this repressive policy was the Nicaraguan state's persistent efforts to criminalize opponents, referring to anyone who protested against the government as “terrorists” or “coup plotters” in an effort to justify its own violent actions.

In addition, in contrast to previous months, the state made extensive use of pro-government armed groups, deliberate and widespread lethal force and military-grade weapons, sometimes indiscriminately, against the protests. Amnesty International documented the widespread use of AK-type rifles by the police and pro-government armed groups (sometimes with drum magazines) and identified in several contexts the use of sniper rifles such as the Dragunov, the M24 Remington and the FN SPR, as well as RPK light machine guns and PKM machine guns, and even anti-tank rocket-propelled grenade launchers such as the RPG-7.

During this period, not only was excessive, disproportionate and often indiscriminate lethal force used, but there were also killings that appeared to be extrajudicial executions. One of the cases detailed in this report is that of Leyting Chavarría, a minor under the age of 16, who was found dead with a gunshot wound to the chest following an attack by police and pro-government armed groups on barricades in the city of Jinotega. Witnesses indicated that an officer in the riot police was the perpetrator. When his body was recovered, Leyting Chavarría was found cornered in an alley, carrying a “slingshot” or “catapult”.

Amnesty International also documented the case of Faber López, an officer in the riot police who was allegedly killed by his fellow officers. Although the government publicly reported that he had died at the hands of armed “terrorists”, his family reported that when they received the body there were no bullet wounds, but rather multiple signs of torture. Faber López had called his family the day before his death saying that he was going to hand in his resignation from the force and that if he did not communicate with them the next day, it was because his own unit had killed him. Faber López never called again.

Amnesty International was able to confirm that repression and fear of reprisals have made victims of human rights violations reluctant to file complaints with the Attorney General (this intensified in April and May). Even when relatives were killed, many of the families did not even officially register the deaths, much less file a complaint, out of fear or distrust or lack of confidence in the authorities. In addition, as was the case during the first stage of the crisis, the state itself did not initiate thorough, prompt and impartial investigations into possible human rights violations and continued to harass victims and their families.

Amnesty International has concluded that the state used torture as a method of punishment and to fabricate evidence and that police investigations were geared towards obtaining information about how the protests were organized and who was leading them. In several of the cases documented, during their interviews with Amnesty International people still bore the visible physical marks of injuries sustained more than a month earlier.

Amnesty International also found that many people were arbitrarily detained and denied various procedural safeguards as a strategy to undermine the protests. Although people should have been presented before a judge within 48 hours of their detention, the organization documented cases where this took place only after they had been held for many days. In addition, the organization found that *habeas corpus* writs to bring detainees before a court were ineffective and that requests for medical examinations to verify the physical integrity of detainees were consistently denied.

Finally, the research confirmed that one of the consequences of the widespread persecution has been the internal displacement and the forced migration of thousands of people. On 31 July, the Office of the United Nations High Commissioner for Refugees (UNHCR) announced that in recent months an average of 200 Nicaraguans a day had registered as refugees in Costa Rica. The UNHCR stated that

it had registered almost 8,000 asylum requests from Nicaraguans since April, in addition to about 15,000 others who had pending appointments to register.

By the cut-off date for this report (18 September 2018), the figures for the crisis stood at: at least 322 people killed (most at the hands of state agents), among which 22 were police officers and more than 2,000 people injured. As of 18 August, at least 300 people were reported to have been prosecuted for their involvement in the protests. To the organization's knowledge, no one has been prosecuted or detained for human rights violations.

Among its most urgent recommendations, Amnesty International calls on the President of Nicaragua, Daniel Ortega, to dismantle and disarm pro-government armed groups immediately and to ensure that police forces act in accordance with the criteria of legitimate, proportionate and necessary use of the force in the context of demonstrations. In addition, the organization urges the authorities, as a matter of urgency, to put an end to the strategy of persecution and arbitrary detention of people who demonstrate against the government, and to guarantee the rights to freedom of expression and protest.

In addition, the organization calls on the international community to continue to demand that Nicaragua comply with its human rights obligations.

2. METHODOLOGY

On 29 May 2018, Amnesty International released a report, *Shoot to kill: Nicaragua's strategy to repress protest*,[1] in which it detailed some aspects of the policy of repression of the Nicaraguan government. During the research for that report, the organization found that the state had used excessive and unnecessary force and may have carried out extrajudicial executions in the context of the protests. It also found that groups commonly referred to as "Sandinista mobs"[2] were used to carry out attacks against the civilian population, to increase the capacity for repression and evade responsibility in criminal and international law. The report also documented cases of cover-ups and obstruction of access to justice, as well as denial of access to health care. Finally, the research indicated that this strategy had been implemented amid an official discourse of denial and stigmatization of protesters.

Serious violations of human rights did not stop between June and September 2018. Indeed, the state strategy of repression escalated.

This was the context in which Amnesty International, as part of its ongoing monitoring of the situation, carried out two missions to document what was happening. The first took place in Nicaragua from 23 to 31 July 2018. A four-person team visited the cities of Managua, Sébaco, Matagalpa and Jinotega, as well as the Pueblos Blancos area near Masaya. The second mission was carried out in Costa Rica from 3 to 7 September 2018, during which a team of three people conducted interviews in the city of San José.

This report was written as a follow-up to the previous report *Shoot to kill*, which covered acts committed between 18 April and 14 May 2018. This report focuses on human rights violations committed between 30 May and 18 September 2018.

It is based on 115 face-to-face interviews and the documentation of 25 cases, six of which involve people who were killed, eight concern people deprived of their liberty and 12 are of people who were reportedly tortured. In addition, 81 pieces of audiovisual and photographic material were examined and a contextual analysis was carried out. As with the previous report, a team of experts in video and photo analysis and in weapons and ammunition were involved in the research. All the images that are referred to as potential evidence had previously been analysed and verified by these specialists.[3] Because of the situation in the country at the cut-off date for this report, direct references to some sources of information have been withheld for security reasons.

Since it first began documenting the crisis, Amnesty International has repeatedly requested information from and meetings with the National Police, the Institute of Forensic Medicine and the Nicaraguan Public Prosecutor's Office. It has also and requested meetings with the Presidency of the Republic of Nicaragua. By the cut-off date for this report, the organization had not received a response to these requests.

1. Amnesty International, *Shoot to kill: Nicaragua's strategy to repress protest*, 29 May 2018.
2. In the previous report, Amnesty International noted that academics and human rights defenders defined these groups as sympathizers of the governing party with a variety of structures and composed of (among others) members of the current Sandinista Youth (Juventud Sandinista) and the "*motorizados*" (groups of motorcyclists), who carry out attacks riding motorcycles and wearing helmets. These groups are sometimes identifiable by shirts or other clothing they wear linking them to the state. Amnesty International believes that these groups were used by the government during April and May 2018 to carry out attacks against the protesters in order to increase its capacity for repression and to make it difficult to identify the perpetrators. See Amnesty International, *Shoot to kill: Nicaragua's strategy to repress protest*, 29 May 2018.
3. All the photographic and audiovisual material cited in this report has been analysed by Amnesty International teams specializing in weapons, ammunition and digital images in order to confirm the authenticity, location and time, as well as to identify who was involved, whether they were carrying weapons and, if so, the type of weapon and ammunition used.

"March of the Flowers" in Managua. 30 June 2018. ©Oscar Navarrete

3. TIMELINE OF KEY EVENTS

Daniel Ortega has held the office of President of Nicaragua since 2007 and since January 2017, Rosario Murillo, his wife, has held the position of Vice-President. In recent years, signs of a deterioration in the human rights situation had become increasingly visible to the general public and in April 2018 a crisis erupted which has had grave consequences.

In April 2018, the government adopted a number of social reforms[4] which were considered onerous by a large part of the population. In response, thousands of people took to the streets to express their dissatisfaction and demand that the state withdraw the proposed changes. Although the government did withdraw the measures (due to the pressure exerted by the protests), the repressive strategy it adopted towards the protesters resulted in hundreds of people being killed and thousands more wounded. This state response caused such outrage that the protests continued and the demands changed: protesters now called for the resignation of the government of President Ortega and Vice-President Murillo.

In response to the intensification of the repression[5] and the stagnation of the national dialogue,[6] the protests were transformed. As of May 2018, in many localities barricades or "blockades" ("*tranques*") began to be erected as protection from attacks by the National Police and pro-government armed groups[7] and also in order to exert pressure (as a result of restricted road traffic in a number of areas) for negotiations to find a way out of the crisis.

As of 15 May 2018, there were reports that there were between 50 and 80 main barricades throughout the country, located in practically every department and the two autonomous regions.[8] The repression continued and by mid-June it was reported that the number of "blockades" had doubled.[9] Around 20 of them sealed off roads almost permanently.[10]

4. On 16 April, the Executive Council of the Nicaraguan Institute of Social Security (INSS) approved reforms of the social security system, which were confirmed the following day by President Daniel Ortega. Among other changes, the reforms proposed an increase in social security contributions by employers and workers and an additional contribution of 5% by pensioners.
5. IACHR press release, 13 June 2018. See also, Amnesty International, *Nicaragua: Violence and state repression intensify despite numerous efforts at dialogue*, 21 June 2018.
6. On 24 April 2018, the National Assembly (at the President's suggestion) declared that a national dialogue would be initiated with different sectors of society (which would form the Civic Alliance for Justice and Democracy), with the Catholic Church acting as mediator. The participants did not meet formally until 16 May and the last plenary session took place in mid-June 2018. In July, the Catholic Church made a public statement denouncing the lack of genuine will on the part of the government. For more information, see the Episcopal Conference, Pastoral letter of 14 July 2018, available at: http://www.cen-nicaragua.org/noticias.php?recordID=531. For more information about the agreements reached in the national dialogue, see http://scm.oas.org/pdfs/2018/2COMUNICACIONESCMT.pdf (Spanish only).
7. It is Amnesty International's understanding that pro-government armed groups are made up of armed civilians who carry out the orders of the government to carry out attacks against the civilian population. During the crisis, these groups have undergone a transformation. During the initial stages of the protests, they could be described as "Sandinista mobs". However, as the conflict progressed they were transformed into groups whose members were hooded and heavily armed, generally with AK assault rifles, and who were coordinated more openly and effectively by law enforcement officers.
8. VosTv, Map of blockades in Nicaragua, 13 May 2018, available at: https://www.vostv.com.ni/nacionales/7152-zones-afectadas-por-tranques-en-nicaragua/ (Spanish only).
9. Confidencial, "Francisca Ramírez: paro ciudadano suma 125 tranques", ["Francisca Ramírez: citizen stoppages total 125 blockades"] 11 June 2018, available at: https://confidencial.com.ni/francisca-ramirez-%E2%80%A8paro-ciudadano-suma-125-tranques/. See also Confidencial, "Más de cien tranques en toda Nicaragua", [More than a hundred blockades in Nicaragua], 9 June 2018, available at: https://confidencial.com.ni/87-tranques-empieza-cerco-sobre-managua/ (Spanish only).
10. La Prensa, "Ciudadanos mantienen al menos 58 tranques en los departamentos de Nicaragua", [People are maintaining at least 58 blockades in various departments in Nicaragua] 6 June 2018, available at: https://www.laprensa.com.ni/2018/06/06/departamentales/2429935-al-menos-37-tranques-en-nicaragua.See also *La Prensa*, "Este es el mapa de los tranques en Nicaragua" ["A map of blockades in Nicaragua"], 11 June 2018, available at: https://www.vostv.com.ni/nacionales/7152-zones-afectadas-por-tranques-en-nicaragua/ (Spanish only).

During May and June, there were several cases of serious human rights violations. One was an armed attack on the "March of the Mothers" on 30 May, which resulted more than 17 deaths across the country[11] and dozens of injuries; several buildings were set alight, including a public building.[12] Another was the burning down of a house in Managua on 16 June, allegedly by pro-government armed groups, which resulted in the six people being burned to death, including an eight-month-old baby and a two-year-old girl.[13]

The day before, on 15 June 2018, it was announced that a Verification and Security Commission (Comisión de Verificación y Seguridad, CVS) would be created to negotiate the removal of the barricades or "blockades"[14] and guarantee the rights of the protesters. The CVS was to be set up within the framework of the national dialogue involved international human rights organizations, such as the Inter-American Commission on Human Rights (IACHR) and the Office of the United Nations High Commissioner for Human Rights (OHCHR).[15] However, the barricades were removed peacefully through the work of the CVS in only two places (San Pedro Lóvago and Juigalpa).[16] From mid-June 2018, the government began to implement the so-called Operation for Peace (Operación por la Paz),[17] commonly known as Operation Clean-up (Operación Limpieza).[18] This consisted of destroying the barricades by force and confronting demonstrators with combined forces of pro-government armed groups and National Police officers in operations that made widespread use of military-grade lethal weapons.[19]

On 22 June, the IACHR presented its report, *Gross Human Rights Violations in the Context of Social Protests in Nicaragua*, which alerted the state to possible serious violations committed in the context of the "repression" and recommended concrete actions to ensure Nicaragua fulfilled its international obligations. [20]

During June and July, information was received about numerous attacks and clashes throughout the country which resulted in the death toll in the context of the protests rising to at least 302 people up to 24 July (most of them at the hands of state forces). In addition, more than 400 people were reportedly arbitrarily detained,[21] among them high-profile public figures such as social leaders and members[22] of the Civic Alliance for Justice and Democracy (Alianza Cívica por la Justicia y la Democracia).[23]

On 2 July 2018, the Interdisciplinary Group of Independent Experts (GIEI) was established by the IACHR to assist in the investigation of the violence that took place between 18 April and 30 May 2018.[24]

11. The attack targeted the march in Managua and spread to other cities in which similar marches were taking place, CENIDH, Report No. 3, p. 4.
12. IACHR press release, 1 June 2018. See also, Amnesty International, *Nicaragua: Violent attack on mass Mother's Day march in Managua*, 30 May 2018.
13. IACHR, *Gross Human Rights Violations in the Context of Social Protests in Nicaragua*, 21 June 2018, para. 129. See also, Amnesty International, *Nicaragua: Violence and state repression intensify despite numerous efforts at dialogue,* 21 June 2018.
14. National Dialogue Mediation and Witness Commission (Comisión de Mediación y Testigo, Diálogo Nacional), Communiqués of 15 and 16 June 2018, available at: http://scm.oas.org/pdfs/2018/2COMUNICACIONESCMT.pdf (Spanish only).
15. IACHR press release, 25 June 2018.
16. National Dialogue Verification and Security Commission (Comisión de Verificación y Seguridad, Diálogo Nacional). *Protocolo de desocupación libre y voluntaria de los tranques de San Pedro Lóvago y del respeto del derecho de los manifestantes*, [Protocol for the free and voluntary evacuation of the San Pedro Lóvago blockades and respect for the rights of protesters] 12 July 2018, and P*rotocolo de desocupación libre y voluntaria de los tranques de San Pedro Lóvago y del respeto del derecho de los manifestantes*, [P*rotocol of free and voluntary evacuation of the San Pedro Lóvago blockades and respect for the rights of protesters*], 13 July 2018 (Spanish only).
17. National Police, "Policía presenta resultados de 'Operación por la Paz'" ["Police present the results of 'Operation for Peace'"], 16 July 2018, available at: https://www.policia.gob.ni/?p=20022 (Spanish only).
18. Term used by the sources consulted and the media.
19. References to what is commonly referred to as "Operation Clean-up" can be found in: OHCHR, *Human rights violations and abuses in the context of protests in Nicaragua*, 18 April – 18 August, August 2018, p. 17. See also IACHR press release, 11 July 2018.
20. IACHR, *Gross Human Rights Violations in the Context of Social Protests in Nicaragua,* 21 June 2018.
21. CENIDH, *CENIDH denuncia violaciones sistemáticas a los derechos humanos de los nicaragüenses por el régimen dictatorial de Daniel Ortega y Rosario Murillo en el periodo del 14 de julio al 25 de julio de 2018,* [CENIDH denounces the systematic violations of the human rights of Nicaraguans by the dictatorial regime of Daniel Ortega and Rosario Murillo in the period from 14 July to 25 July 2018], Report No. 5, p. 2 (Spanish only).
22. The arrests were reported of Medardo Mairena and Pedro Mena, leaders of the *campesino* movement, as well as Cristhian Fajardo and María Peralta, members of the April 19 Movement in Masaya.
23. Committee formed by some participants in and advisers to the National Dialogue. For more information see www.alianzacivicanicaragua.com
24. According to the IACHR: "The GIEI will have, among others, the attributions of: technically analyzing the lines of investigation and making recommendations for actions with respect to the different levels of legal responsibility; analysing whether in the investigation all the

Operation Clean-up culminated on 23 July with an attack on Jinotega, the only city that still had barricades at that point.[25] After the complete removal of these "blockades", the government increased its strategy of persecution and carried out mass arbitrary detentions of people identified as having participated in the protests at some point in the preceding months.

In the context of widespread terror, hundreds of Nicaraguans were forced to flee their homes and became internally displaced; thousands more fled the country to save their lives, freedom and physical integrity.

On 31 July, the Office of the United Nations High Commissioner for Refugees (UNHCR) announced that in recent months an average of 200 Nicaraguans a day had registered as refugees in Costa Rica. The UNHCR stated that it had registered almost 8,000 asylum requests from Nicaraguans since April, in addition to about 15,000 others who had pending appointments to register.[26]

On 18 August 2018, the GIEI stated publicly the lack of access to state information and urged the government to provide investigation files and criminal case files, information that was essential if it was to fulfil its mandate.[27]

On 30 August, the OHCHR mission was expelled from the country, one day after it presented its report, *Human rights violations and abuses in the context of protests in Nicaragua, 18 April – 18 August 2018*.[28] The report indicated, among other things, that there may have been extrajudicial executions, enforced disappearances, arbitrary deprivation of liberty and personal security, torture and violations of due process guarantees.

On 10 September 2018, the Special Rapporteurship on Economic, Social, Cultural and Environmental Rights of the IACHR expressed concern at the numerous reports of arbitrary dismissals and harassment of medical personnel and university professors in retaliation for providing medical care to demonstrators or expressing criticism of the government.[29]

During this period, most of the people who died during the protests were reportedly killed by state agents or pro-government armed groups acting at the very least with their consent. However, several police officers and government supporters also lost their lives during the attacks and clashes. Amnesty International learned that a minority of demonstrators or individuals had committed crimes against supporters of the Sandinista National Liberation Front (Frente Sandinista de Liberación Nacional, FSLN) by subjecting them to acts of public humiliation, intentionally inflicting injuries and in certain isolated incidents, causing their deaths.

By the cut-off date for this report (18 September 2018), the figures for the crisis stood at: at least 322 people killed[30] (most at the hands of state agents), amongst which 22 were police officers,[31] and more than 2,000 people injured.[32] To the organization's knowledge, no one had been prosecuted or detained for human rights violations.

lines of investigation are being correctly exhausted and whether the appropriate legal figures are being used to frame the possible illicit acts and their perpetrators and, if necessary, recommending the actions to be implemented to guarantee that these objectives are achieved. The Group shall have guarantees of autonomy and independence, as well as access to investigation and security files in order to carry out its work." Available at: http://www.oas.org/en/iachr/media_center/PReleases/2018/145.asp

25. CENIDH, *CENIDH denuncia violaciones sistemáticas a los derechos humanos de los nicaragüenses por el régimen dictatorial de Daniel Ortega y Rosario Murillo en el periodo del 14 de julio al 25 de julio de 2018,* [CENIDH denounces the systematic violations of the human rights of Nicaraguans by the dictatorial regime of Daniel Ortega and Rosario Murillo in the period from 14 July to 25 July 2018], *Report No. 5*, p. 7 (Spanish only).

26. UN News, Miles de nicaragüenses huyen de la violencia [Thousands of Nicaraguans flee the violence], 31 July 2018, available at: https://news.un.org/es/story/2018/07/1438802. See also, UN News, "En Costa Rica no debe de haber lugar para el odio contra los nicaragüenses" ["In Costa Rica there must be no place for hatred against Nicaraguans"] 20 August 2018, available at: https://news.un.org/es/story/2018/08/1440002 (Spanish only).

27. GIEI press release, 16 August, available at: http://www.oas.org/es/cidh/actividades/visitas/2018Nicaragua/ComunicadoPrensa-GIEI-16Agosto2018.pdf (Spanish only).

28. OHCHR, Human rights violations and abuses in the context of protests in Nicaragua, 18 April – 18 August 2018, August 2018

29. IACHR press release, 10 September 2018.

30. Amnesty International found that a number of deaths which occurred during the context of protests were not reported to authorities due to fear and a lack of trust.

31. National Police press release, 7 August 2018, available at: https://www.policia.gob.ni/?p=20995 (Spanish only).

32. CIDH. *Press release.* 24 August 2018.

4. ESCALATION OF THE STRATEGY OF REPRESSION

Since June 2018, the government has adopted a strategy of indiscriminate repression with intent to kill not only in order to completely smash the protests, but also to punish those who participated in them.

Although several of the tactics identified by Amnesty International in its previous report have persisted, since June 2018, the organization believes that the state has escalated its repressive strategy, a number of aspects of which have changed. The official discourse aimed at justifying this strategy has continued, but has focused on criminalizing protesters and challenging the information put forward by human rights organizations. The widespread use of pro-government armed groups; the deliberate, widespread, and often indiscriminate use of lethal force against protesters; and possible extrajudicial executions have continued, as has the lack of effective investigations into possible human rights violations and the harassment of victims. Research also indicates that torture is being used as a method of punishment, to fabricate evidence and during investigations and that people are being arbitrarily detained as a strategy to stifle protest. A consequence of this widespread persecution has been the internal displacement and forced migration of thousands of people.

The context in which the violations of human rights were committed, and given the organizational architecture of the institutions of country's security forces, suggests, in Amnesty International's view, that these violations would have taken place not only with knowledge of the highest authorities of the Nicaraguan state, including the President and Vice-President of the Republic, but also, on many occasions, on their orders and under their command.[33]

The following sets out Amnesty International's analysis of these factors.

4.1. AN OFFICIAL DISCOURSE OF DENIAL AND CRIMINALIZATION

During the period analysed, the discourse of denial remained a central plank of government strategy. In addition, the government made widespread use of a narrative about the protest being a "coup" and "terrorist" in nature in order to justify its violent actions. Moreover, President Ortega began to publicly refute the data and figures about the crisis put forward by international organizations.[34]

During July 2018 alone, Vice-President Murillo (talking about protesters) referred to terrorist groups or coup leaders who were trying to seize power in her speeches on 7, 12, 18, 19, 20, 26 and 27 of the

33. According to the law amending the Nicaraguan Constitution (Law 854 of 2014), the National Police "will be subject to the civil authority that will be exercised by the President of the Republic in his capacity as Commander-in-Chief of the National Police". The National Head of Police (Jefatura Nacional), under the direction of the commander-in-chief, is responsible for the leadership, administration and unified command of the National Police (Law No. 872 (on National Police organization, functions, career progression and special social security provisions).
34. According to the IACHR, statements by public officials that describe human rights defenders as "terrorists", "enemies of the state" or "criminals," are not only intended "to delegitimize the work of human rights defenders, generating an adverse environment for the defense of human rights, but also constitute the prelude to the initiation of unfounded criminal accusations and judicial proceedings against them." IACHR, Criminalization of Human Rights Defenders, 31 December 2015, para. 80.

month. Likewise, President Ortega used the same terms in his speeches on at least 7, 19 and 31 July.

In her speech of 18 July, talking about those who had erected barricades, the Vice-President said: "In the face of the perversions of the terrorist and coup plot...we will safeguard every inch of our sacred homeland so that never again...will they attempt to invade us with darkness, with diabolic, perverse, evil energies..."[35]

President Ortega, in his speech on 19 July 2018, attacked human rights defenders, as well as the representatives of the Catholic Church, who were described as "coup plotters" and said that "many churches were occupied and used as barracks to store weapons and bombs, and then go out to attack and kill."[36]

The same day, the Vice-President said: "In the face of the satanic rites, of so many who are sick at heart, of so much malice, of such sinister thoughts and practices,... the courageous people rose up and are rising". She also stated that since 18 April, the day on which the protests began, what had taken place were acts of terrorism: "From the pain of 92 days of terrorism, suffering, grief, loss, from the deep pain of so many Nicaraguan families who saw our rights violated...by the perversity of the coup and terrorism, that tormented the flesh and soul of Nicaraguans." [37]

> ***"We call these practices perverse, sinister, diabolic, satanic, because they are not in keeping with our faith or our Christian principles. Crimes of hate, the whims of malevolent individuals; but God is the one who judges, and God is the one who leads us along righteous paths".*** [38]
>
> Public Speech by Rosario Murillo, 16 June 2018.

On 31 May 2018, Vice-President Rosario Murillo said, in relation to the demonstrators: "They conspire to denounce non-existent attacks, then they attack time and again and create victims in order to blame the institutions of public order."[39]

In August, the National Police made public its data on people who died between 19 April and 25 July 2018. This indicated that a total of 197 of those killed were "victims of coup-related terrorism" and 253 were killed as a result of "common criminal activity", described in the document as "traffic accidents and other causes, which were manipulated by the coup plotters and their related bodies to discredit, defame and damage the image of our Government".[40] Within this figure of 253, the National Police stated that 230 were ordinary homicides, of which 80% were due to "personal feuds" ("*rencillas personales*").[41] There was no reference to possible human rights violations.[42]

35. "Frente a todas las perversidades del plan terrorista y golpista (…) vamos a cuidar cada milímetro de nuestra sagrada patria para que nunca más (…) pretendan invadirnos con tinieblas, con energías diabólicas, perversas, malignas (…)". *El 19 Digital*, speech by Rosario Murillo, 18 July 2018, available at: https://www.el19digital.com/articulos/ver/titulo:79200-rosario-en-multinoticias-18-de-julio-del-2018 (Spanish only).
36. "muchos templos fueron ocupados como cuarteles para guardar armamento, para guardar bombas, y para de ahí salir a atacar y asesinar". *El 19 Digital*, Acto del 39 Aniversario de la Revolución [Commemorating the 39th Anniversary of the Revolution], 19 July 2018, available at: https://www.el19digital.com/articulos/ver/titulo:79267-daniel-y-rosario-en-acto-del-39-aniversario-de-la-revolucion-19-de-julio-de-2018 (Spanish only).
37. "Frente a los ritos satánicos, frente a tanto corazón ciego, frente a tanta malignidad, frente a un pensamiento y una práctica siniestra, (...) se alzó, y se alza, el pueblo valiente" and "Desde el dolor de 92 días de terrorismo, sufrimiento, duelo, pérdida, desde el profundo dolor, de tantas familias nicaragüenses que vimos violentados nuestros derechos (…) por la perversidad del terrorismo golpista, ensañado en la carne y el alma de los nicaragüenses". *El 19 Digital*, Acto del 39 Aniversario de la Revolución [Commemorating the 39th Anniversary of the Revolution], 19 July 2018, available at: https://www.el19digital.com/articulos/ver/titulo:79267-daniel-y-rosario-en-acto-del-39-aniversario-de-la-revolucion-19-de-julio-de-2018 (Spanish only).
38. Original quote: "*Estas prácticas que llamamos perversas, siniestras, diabólicas, satánicas, porque no corresponden ni con nuestra fe, ni con nuestra convicción cristiana. Crímenes de odio, caprichos de seres malévolos; pero bueno, dios es el que juzga y dios es el que nos conduce por sendas de bien*".
39. "Se confabulan para denunciar ataques inexistentes, luego se atacan y atacan, y producen víctimas para culpabilizar a las instituciones del orden público". *El 19 Digital*, statements by Rosario Murillo, 31 May 2018, available at: https://www.el19digital.com/articulos/ver/titulo:77613-rosario-en-multinoticias-31-de-mayo-del-2018 (Spanish only).
40. Original quote: "*accidentes de tránsito y otras causas, que fueron manipuladas por los golpistas y sus organismos afines para desprestigiar, difamar y dañar la imagen de nuestro Gobierno*".
41. La Voz del Sandinismo, " Nicaragua reporta 197 víctimas del terrorismo golpista" ["Nicaragua reports there were 197 victims of the terrorist coup"], 7 August 2018, available at: http://www.lavozdelsandinismo.com/nicaragua/2018-08-07/nicaragua-reporta-197-victimas-del-terrorismo-golpista/ (Spanish only).
42. National Police of Nicaragua, *Personas fallecidas en el período del 19 de abril al 25 de julio de 2018,* [People killed in the period from 19 April to 25 July 2018], available at: https://www.el19digital.com/app/webroot/tinymce/source/2018/00-Agosto/Del06al12Agosto/Martes07Agos/INFORME.pdf (Spanish only).

In an interview for the television channel *Euronews*, broadcast on 30 July 2018 (and filmed a couple of days earlier), President Daniel Ortega reported that there were a total of 195 deaths, and that the reason that a higher number was being reported was because "human rights organizations put everything together [referring to confrontations and common crimes] and...they classify anyone who is found dead as someone killed a result of these clashes."[43] That same day, 30 July, the IACHR pointed out that 317 people had been killed in the context of the protests, the majority at the hands of the state.[44]

Despite the fact that the figures given by the IACHR had been corroborated and included data provided by the state, the government asserted with respect to the human rights organization that there had been "irresponsible manipulation...of the figures of fatalities in the context of the failed coup attempt."[45]

A month earlier, the IACHR had itself submitted its report on serious human rights violations identified during the crisis to the Permanent Council of the Organization of American States (OAS). This report was publicly and comprehensively rejected by the government as "subjective, biased, prejudiced and flagrantly partial". The authorities also stated that the death toll included people who had not died in context of the protests or whose identities had been used "to making look as though they had died."[46]

Similarly, following the presentation on 29 August of the OHCHR report on human rights violations between 18 April and 18 August 2018, the government stated that the document maintained that "the concept of protests as the framework where those events happened, ignoring that what happened in Nicaragua was an attempt at a coup d'état" and completely rejected the report as subjective and "drafted under the influence of sectors linked to the opposition".[47]

4.2. WIDESPREAD USE OF PRO-GOVERNMENT ARMED GROUPS

The use of force in public duties is the exclusive competence of the state.[48] However, during June and July 2018, there was widespread use of pro-government armed groups and a conspicuous display of violence in actions clearly coordinated with the public security forces, mainly in the context of Operation Clean-up.

As previously noted, this consisted in transporting combined groups to places where barricades or "blockades" had been maintained in order to pull them down by force, while confronting the civilian population with lethal weapons, sometimes indiscriminately.

An analysis of images and documentary information enabled Amnesty International to identify armed joint operations between police officers and armed pro-government groups; the use of official vehicles,

43. "los organismos de derechos humanos, juntan todo (refiriéndose a enfrentamientos y delitos comunes) y (…) todo el que aparece fallecido, lo ponen como fallecido como resultado de estos enfrentamientos." Euronews, interview with Daniel Ortega, 30 July 2018, available at: https://es.euronews.com/2018/07/30/directo-entrevista-al-presidente-de-nicaragua-daniel-ortega (Spanish only).
44. IACHR press release, 2 August 2018.
45. "manipulación irresponsable (…) sobre las cifras de fallecidos en el contexto del intento fallido de golpe de Estado". Government of Nicaragua, *Consideraciones Del Estado De Nicaragua Al Denominado Informe "Violaciones De Derechos Humanos Y Abusos En El Contexto De Las Protestas En Nicaragua. 18 De Abril - 18 De Agosto*". 26 August 2018.[*Observations of the State of Nicaragua on the report entitled "Violations of Human Rights and Abuses in the context of the protests in Nicaragua, 18 April – 18 August 2018, 26 August 2018*], p. 20, available at: https://www.ohchr.org/Documents/Countries/NI/CommentsState26Aug2018.pdf (Spanish only).
46. "de manera integral (…) por considerarlo subjetivo, sesgado, prejuiciado y notoriamente parcializado". *El Nuevo Diario* [YouTube], "CIDH presenta informe sobre Nicaragua ante Consejo Permanente de la OEA" ["IACHR Presents Report on Nicaragua to the Permanent Council of the OAS]", *22 June 2018*, available at: https://www.youtube.com/watch?v=COm1s8DrMb8
47. "redactado bajo la influencia de sectores vinculados a la oposición" and "el concepto de protestas como el marco donde sucedieron esos hechos obviando que lo sucedido en Nicaragua fue un intento de golpe de Estado". Government of Nicaragua, Consideraciones Del Estado De Nicaragua Al Denominado Informe "Violaciones De Derechos Humanos Y Abusos En El Contexto De Las Protestas En Nicaragua. 18 De Abril - 18 De Agosto" Elaborado Por Oacnudh, Con Fecha 24 de agosto de 2018 [*Observations of the State of Nicaragua on the report entitled "Violations of Human Rights and Abuses in the context of the protests in Nicaragua, 18 April – 18 August 2018, 24 August 2018*], pp. 2 and 7, available at: https://www.ohchr.org/Documents/Countries/NI/CommentsState26Aug2018.pdf (Spanish only).
48. Inter-American Court of Human Rights, *Case of the Rochela Massacre v. Colombia, (Merits, Reparations, and Costs)*, Judgment of May 11, 2007, para. 102.

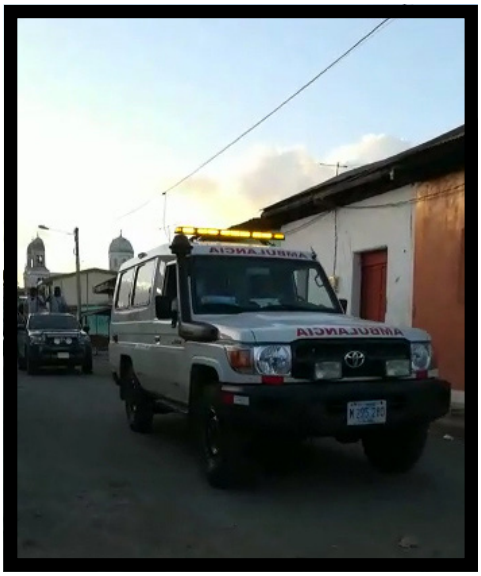
including public ambulances, for transport in such operations (caravanas); and the use of police checkpoints on avenues and roads.

The following are several examples of this, which have been verified by a team of experts.

According to reports, around 200 trucks had been blocked since the beginning of June by barricades, in Diriamba, Dolores and Jinotepe (Carazo region). On 8 July 2018, the government ordered an armed intervention to remove the barricades and open the road. The operation resulted in at least 20 deaths; two police officers were among those killed.[49]

In Diriamba, Amnesty International confirmed that the operation was carried out jointly by the National Police and pro-government armed groups and that most of the weapons deployed in confrontations with the demonstrators were service weapons issued exclusively to the Army. Images of the following day, 9 July 2018, in the town, show a convoy of at least 23 trucks carrying armed pro-government groups and three Ministry of Health ambulances. The images show a wide variety of shotguns, pistols, improvised mortars, slam guns and AK-style rifles. At least four of the trucks were flying the FSLN flag.

Two verified videos of joint operations in Managua on 22 June 2018 show in pro-government armed groups dressed in white, carrying a wide range of guns – including military-style assault rifles and long-range rifles, Mossberg model 500s or Mossberg model 88s,[50] as well as a pistol and improvised mortars – being accompanied by police officers and riot police.



Convoy of pro-government armed groups and three Ministry of Health ambulances in Diriamba. 9 July 2018

Joint armed operation between the National Police and pro-government armed groups in Managua. 22 June 2018.

49. IACHR press release, 11 July 2018.
50. These weapons can fire lethal or less- lethal rounds.

In the city of Masaya, several videos depicted pro-government armed groups dressed in blue and armed with shotguns, AK rifles and at least one Dragunov rifle on 18 July 2018, while they were allegedly carrying out citizen control activities in the presence of the National Police.

Pro-government groups armed with AK rifles, shotguns and sniper rifles patrol Masaya. 18 July 2018.

On 19 June, a checkpoint operated by pro-government armed groups was reported in the area of Ticuantepe, near Managua. In addition, during a research mission, Amnesty International witnessed other checkpoints operated by pro-government armed groups in various places throughout the country; the men were usually hooded and carried a variety of weapons and were supposedly carrying out searches.

Checkpoint observed in Ticuantepe on 20 June 2018. ©Oscar Sánchez/ Nuevo Diario

Regarding joint operations between pro-government armed groups and the National Police, President Ortega offered at least three different explanations to the media.

In an interview with the *Telesur* channel broadcast on 24 July 2018, President Daniel Ortega said: "if we are going to talk about paramilitaries here, the only thing that is paramilitary are these right-wing groups ...we have the Armed Forces, Army and Police, which are constitutional forces and at the same time, an armed clandestine force, whose members have become the instrument of death of the right-wing coup".[51]

51. "si aquí vamos a hablar de paramilitares, lo único que hay paramilitar son estos grupos de la derecha, (…) tenemos las Fuerzas Armadas, Ejército y Policía, que son fuerzas constitucionales y a la par, una fuerza clandestina armada, que son las que se han convertido en el instrumento de muerte del golpe de la derecha". Telesur, interview with Daniel Ortega, 24 July 2018, available at: https://videos.telesurtv.net/video/731812/pdte-ortega-afirma-que-la-violencia-en-nicaragua-fue-financiada/ (Spanish only).

However, in an interview with *CNN* broadcast on 30 July 2018, referring to an image that showed what appeared to be armed civilians flying the FSLN flag, he said: "those are not paramilitaries... It's people trying to defend themselves because they are being killed, what they have done is organize to defend themselves and coordinating yourselves to defend yourselves is not being a paramilitary group..."[52]

Photo presented during CNN interview with President Daniel Ortega in which armed civilians can be seen in a vehicle flying the FSLN flag. The photo was taken in the city of León. 12 June 2018. ©Private photo

Finally, in an interview with *Euronews* broadcast the same day, 30 July 2018, talking about the pro-government armed groups, President Daniel Ortega said: "Here we have what are called volunteer police... volunteer police officers in special operations, and the police itself are masked during special operations".[53]

The 2014 National Police Law (Law 872) recognizes the role of volunteer police and sets out their duties in Article 25. These are limited to: Support and preventative work only, such as: 1) supporting the police in carrying out surveillance, police patrols, traffic control and during natural disasters. 2) Helping the authorities gather information about criminal acts, securing the crime scene, providing the necessary help to victims and notifying appropriate authorities in a timely manner.[54] The same Article establishes that the members of the volunteer police should be properly identified with their own uniforms and badges and their activity must always be coordinated and supervised by a member of the National Police.[55]

52. "Eso no es paramilitar; (…) es la gente para poder defenderse porque los están asesinando, lo que han hecho es organizarse para defenderse y eso no es ser paramilitar, coordinando su labor para la defensa de la vida (…)". CNN, "Daniel Ortega sobre presunta foto de paramilitares: son ciudadanos defendiéndose" ["Daniel Ortega on the alleged photo of paramilitaries: they are citizens defending themselves"], available at: https://cnnespanol.cnn.com/video/nicaragua-paramilitares-daniel-ortega-entrevista-intvw-oppenheimer-cara-a-cara-p2/#0 See also, El 19 Digital, interview with Daniel Ortega, 30 July 2018, available at: https://www.el19digital.com/articulos/ver/titulo:79720-presidente-comandante-daniel-con-el-periodista-andres-oppenheimer (Spanish only).
53. "Aquí tenemos lo que se llama la policía voluntaria (…) el policía voluntario en operaciones especiales, y la misma policía en operaciones especiales va enmascarada".]*Euronews,* "Daniel Ortega niega querer perpetuarse en el poder en Nicaragua en su entrevista con Euronews" ["Daniel Ortega denies that he wants to prolong in time in power in Nicaragua in his interview with *Euronews*"]. 30 July 2018, available at: https://es.euronews.com/video/2018/07/30/directo-entrevista-al-presidente-de-nicaragua-daniel-ortega (Spanish only).
54. Law on National Police organization, functions, career progression and special social security provisions (Law 872) Articles 23 to 26.
55. "Únicamente tareas de apoyo en labores de prevención tales como: 1) Auxiliar a la Policía en la vigilancia, patrullaje, regulación de tránsito y en casos de desastres naturales.2) Auxiliar a las autoridades a tener conocimiento de la comisión de hechos delictivos, preservando el lugar, prestando la ayuda necesaria a las víctimas y dar parte oportuna a las autoridades que corresponda". Law on National Police organization, functions, career progression and special social security provisions (Law 872) Article 25.

Pro-government armed groups do not fall within the category of volunteer police since the actions identified exceed (and indeed contravene) the provisions of the law. Amnesty International believes that the government has referred to this role in an effort to give to its actions the appearance of legality.

However, even if it were accepted that such groups had become "community police", this would not remove or reduce the responsibility of the state for armed groups operating *de jure* or *de facto* under its command. [56]

In the following section, Amnesty International analyses the attack on the National Autonomous University of Nicaragua (UNAN-Managua), one of the most emblematic cases of this crisis, which highlights the widespread use of pro-government armed groups in public order operations that should be carried out by state law-enforcement officials.

4.3. EXCESSIVE USE OF FORCE AND EXTRAJUDICIAL EXECUTIONS

Given the potentially lethal outcome of the use of firearms, security forces are authorized to use them only in extreme situations, when other means have proved ineffective and their use is unavoidable. In other words, firearms should be used only in absolutely exceptional circumstances.[57]

However, Amnesty International was able to confirm that, as of June 2018, the public authorities practically never used less-lethal weapons (or riot equipment for policing demonstrations) that would allow a differentiated use of force in line with what was necessary and proportionate. Rather, there was a widespread use of assault rifles and military-grade weapons, which were sometimes fired indiscriminately.[58]

In most of the attacks and clashes of which Amnesty International is aware, demonstrators on barricades generally used homemade mortars and Molotov cocktails against the National Police and its pro-government armed groups. In some cases, the organization received information that firearms were also used by a minority of demonstrators in a number of locations.[59]

However, the fact that some groups or people use violence during a demonstration does not in itself make the whole protest violent; nor does it authorize the security forces to disperse the protest by force or indiscriminately detain those present.[60]

Even in violent gatherings, international standards state that lethal force should be used only "to the minimum extent necessary", in response to an attack of similar proportion, with the intention of minimizing damage and injury and preserving life, and that, if required, medical assistance should be provided at the earliest possible opportunity.[61] That is why the indiscriminate use of firearms (such as AK-type rifles or machine guns, as well as certain types of exclusively military-grade weapons such as grenade launchers) for public security operations and to restore public order is prohibited under international law .

56. Inter-American Court of Human Rights, *Case of the 19 Merchants v. Colombia.* (Merits, Reparations, and Costs), Judgment of July 5, 2004, para. 140.
57. The Inter-American Court of Human Rights calls on states to ensure the use of force is "in keeping with the principles of legality, absolute necessity, and proportionality". (Extract from the *Case of Nadege Dorzema et al. v. the Dominican Republic (Merits, Reparations, and Costs)*, Judgment of 24 October, 2012, paras 85 to 90). See also Basic Principles on the Use of Force and firearms by Law Enforcement Officials, 7 September 1990.
58. The Inter-American Court of Human Rights has established the state: "must equip its agents with different types of weapons, ammunition and protective equipment that will allow them to react in a way that is proportionate to the incidents in which they must intervene, limiting the use of lethal weapons that can cause injury or death to the greatest extent possible" (*case of the Landaeta Mejías Brothers et al. v. Venezuela. (Preliminary objections, merits, reparations and costs*), Judgment of 27 August, 2014, para. 126).
59. However, the information received suggests that these weapons were generally personal (registered) hunting weapons with limited ammunition. In general, the use of weapons by the protesters was limited in terms of quantity, calibre and available ammunition.
60. IACHR press release, 24 April 2018.
61. Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, 7 September 1990, Principles 5 and 14.

The following details a number of different incidents, all of which have been corroborated by a team of experts in the analysis of images, weapons and ammunition. They show how the authorities have made widespread, and sometimes indiscriminate, use of military-grade weapons in the context of the protests. The next section also describes five documented cases of possible extrajudicial executions carried out as acts of punishment.

4.3.1 ANALYSIS OF THE CONTEXT OF OPERATION CLEAN-UP

Amnesty International verified videos recorded on 25 June 2018[62] in Nagarote showing a group of four National Police officers, heavily armed solely with live ammunition, hooded and wearing black uniforms bearing official badges.

Among the weapons they carried, the following were identified: AK-type rifles, which use only lethal ammunition and can fire up to 650 rounds a minute in a fully automatic and indiscriminate manner; and two sniper rifles, one was a Remington M24 type and the other an FN SPR type, that allow bullets to be fire accurately at very long range. The date coincides with the period when Operation Clean-up was being carried out in Nagarote (department of León), during which a police officer died and several demonstrators were injured.[63]

On 2 July 2018, Amnesty International was able to confirm that a group of at least 11 national police officers wearing black uniforms and hoods, were all carrying AK-type rifles in the city of Sutiaba (department of León). Between 2 and 6 July, joint operations were carried out as part of Operation Clean-up in this department that left four demonstrators dead.[64]

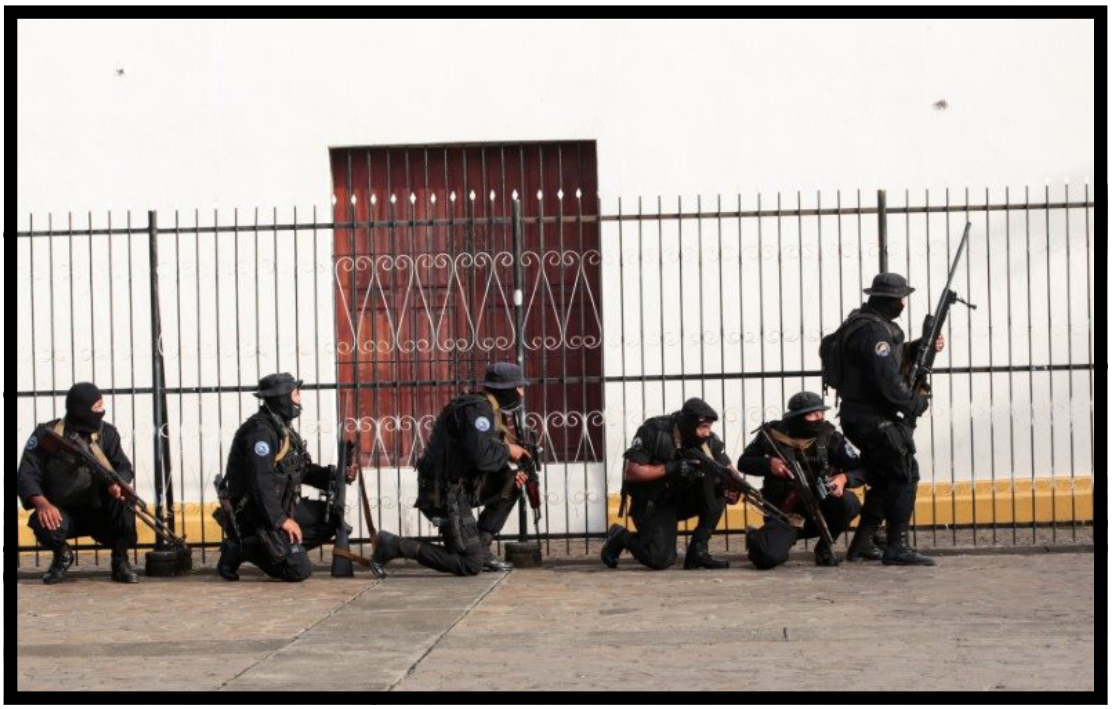
During the operation in and around the Masaya area (between 13 and 17 July 2018), the National Police used military and indiscriminate weapons. The images show police officers using a variety of weapons – several Russian Dragunov sniper rifles (which have an effective range of up to 1.3km), RPK light machine guns and PKM machine guns (weapons that operate completely automatically and therefore are in no way appropriate for public security operations), Remington M24 sniper rifles, and a wide range of AK-style rifles – against the barricades erected around the indigenous neighbourhood of Monimbó. Also visible was at least one RPG-7 type portable grenade launcher, a weapon designed to attack armoured tanks in conflict situations.

Heavily armed members of the National Police in Nagarote. 25 June 2018.

62. The Amnesty International team verifying audiovisual material determined that the image could have been taken on 25 June 2018.
63. National Police press release 73/2018, available at: https://www.policia.gob.ni/?p=19656 (Spanish only).
64. CENIDH, *CENIDH denuncia violaciones sistemáticas a los derechos humanos de los nicaragüenses por el régimen dictatorial de Daniel Ortega y Rosario Murillo en el periodo del 19 de junio al 14 de julio de 2018*, [CENIDH denounces the systematic violations of the human rights of Nicaraguans by the dictatorial regime of Daniel Ortega and Rosario Murillo in the period from 19 June to 14 July 2018], Report No. 4, pp. 6 and 9, (Spanish only).

Members of the National Police armed with AK rifles and an RPG-7 type portable grenade launcher in Masaya. 13 July 2018. ©Oswaldo Rivas

Members of the National Police armed with AK rifles and a Dragunov sniper rifle in Masaya. 13 July 2018. ©Oswaldo Rivas



Members of the National Police armed with RPK automatic machine guns, AK rifles and M24 Remington sniper rifles in Masaya. 13 July 2018 ©Oswaldo Rivas

During this joint armed operation, which ended on 17 July 2018 after the attack on the neighbourhood of Monimbó, at least nine protesters died, allegedly at the hands of police and pro-government armed groups.[65] One police officer was also reportedly killed.[66]

That day, the Masaya Police Commissioner issued press statements saying: "the orders of our president and our vice-president are to clean up these blockades at the national level, and we are going to fulfil this request from the people of Monimbó, which is our Monimbó, and remains ours, and our Masaya, whatever the cost".[67]

It is important to stress that state security forces may only resort to the use of lethal weapons when it is strictly unavoidable to protect life and when less extreme measures are ineffective.[68] International standards require that all other avenues be exhausted before resorting to the use of lethal force.[69] Despite the fact that in several localities, such as in and around the Masaya area, there was a dialogue to reach a peaceful solution to the blockade, the state resorted straight away to the use of lethal force.[70]

The type of weapons identified confirms the presence of snipers (or of people acting as such), which would explain the high number of people injured and killed as a result of gunshot wounds to parts of the body where such injuries are most likely to be fatal, as Amnesty International highlighted in its previous report *Shoot to kill*. This pattern has reportedly continued throughout the crisis.[71]

65. CENIDH, Report No. 5, p. 11.
66. National Police press release 84-2018, available at: https://www.policia.gob.ni/?p=19965 (Spanish only).
67. "la orden de nuestro presidente y nuestra vicepresidenta es ir limpiando estos tranques a nivel nacional, y esa petición de la población de Monimbó, que es nuestro Monimbó, sigue siendo nuestro, y nuestra Masaya, vamos a cumplirla, al costo que sea". YouTube channel *100 % Noticias*, available at: https://www.youtube.com/watch?v=F1j9-cbmX60 (Spanish only).
68. Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, 7 September 1990, Principle 9.
69. Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, 7 September 1990, Principle 4.
70. IACHR press release, 19 July 2018.
71. Amnesty International, *Shoot to kill: Nicaragua's strategy to repress protest*, 29 May 2018. p. 32.

In addition, the state did not weigh up whether force should be used against demonstrators (if protesters had used a certain degree of violence): in all the events analysed, the National Police and pro-government armed groups almost always only used military-grade weapons that are by their nature indiscriminate, in breach of the state's duty to use firearms to disperse violent gatherings only to the extent strictly necessary, minimizing the risk to life.[72]

Amnesty International believes this suggests that the authorities wanted not only to tear the barricades down violently, but also to punish (even with death) those who participated in building or operating them.

4.3.2 POSSIBLE EXTRAJUDICIAL EXECUTIONS

Amnesty International analysed five cases of possible extrajudicial executions and crimes under international law carried out by pro-government armed groups and members of the National Police.

In these cases, the evidence suggests that although none of the victims represented a threat (they were not carrying deadly weapons at the time of their deaths), they were deliberately killed.[73]

CASE: RIOT POLICE OFFICER

Faber López Vivas, aged 23 and originally from the municipality of Santo Tomas in the department of Chontales, was an officer in the National Riot Police. He was on duty during several operations to police demonstrations and took part in Operation Clean-up in various locations.

According to the information gathered, Faber López was critical of the behaviour of the National Police in the context of the crisis and had tendered his formal resignation on 6 July 2018. However, this was not accepted and instead his superior officer threatened him with death for being a "deserter".

On Saturday, 7 July 2018, Faber López called a relative and told him: "If I don't call you tomorrow, it's because they've killed me." The following morning, early on Sunday, 8 July, several relatives tried to contact him by telephone without success. Faber López had died between 6:00 and 7:00 that morning, allegedly in Diriamba, department of Carazo.[74]

Although the authorities knew about his death as soon as it happened and relatives repeatedly tried to get hold of him, it was 23:00 when an officer from the emergency services finally informed the family that his body was in the Institute of Forensic Medicine in Managua, where he had been taken at 17:00.

According to press release 79/2018 issued by the National Police on 8 July 2018, Faber López had died after being shot by "armed terrorists" while trying to clear the road to allow traffic to pass.[75]

However, in an interview with Amnesty International, Faber López' family reported that the corpse had no bullet wounds, but rather multiple signs of torture and that this had been confirmed by a private pathologist. His family believe that he was executed by the police as a punishment.

72. Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, 7 September 1990, principle 14.
73. Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, 7 September 1990, Principles 5 a) and b).
74. Ministry of Health, Faber López Vivas' death certificate, 8 July 2018.
75. National Police press release 79/2018, available at: https://www.policia.gob.ni/?p=19756 (Spanish only).

CASE: JINOTEGA, 23 JULY

On 23 July 2018 at around 19:00, pro-government armed groups and the National Riot Police began an attack in the Sandino neighbourhood of the city of Jinotega. At that time, this neighbourhood was known as the protesters' last stronghold in the country where they had kept up the barricades as a form of protection and protest.

According to the information obtained, in the afternoon several demonstrators carrying saucepans gathered in the Sandino neighbourhood and people held a march from the city centre to Sandino as a sign of support. Witnesses and neighbours interviewed by Amnesty International said that from 19:00 until 4:00 the next day pro-government armed groups and members of the National Riot Police attacked people indiscriminately. Three people were killed and dozens injured and many were forcibly displaced to a nearby hill in Jinotega.

Amnesty International documented three possible extrajudicial executions: Leyting Ezequiel Chavarría Pérez (aged 16), Bryan Odoniel Picado Blandón (aged 22) and Benito Rodríguez González (aged 34). All died of gunshot wounds.

Based on the statements, videos and audio recordings collected, Amnesty International believes that the three were shot dead by members of the National Riot Police at around 4:00 on 24 July as they were fleeing the shooting along Fifth Street (calle quinta) in the Sandino neighbourhood.

In the case of Leyting Chavarría, he was cornered and shot at close range in the upper left chest. According to witnesses, before he died Leyting Chavarría shouted: "You're crazy, don't kill me!" and then they heard a gun being fired. The teenager was found with a "slingshot" or "catapult" in his possession.

One of the videos analysed by Amnesty International of the early hours of 24 July shows a minor at the scene of the killing, shouting and pointing his finger at one of the National Police officers who was there as the person who had fired the fatal shot.

Bryan Odoniel Picado Blandón, aged 22, died just a few metres away from Leyting Chavarría after being shot in the upper right chest. According to the witnesses, at the time of his death, Bryan Picado had a "slingshot" and several marbles in his pockets.

Benito Rodríguez González died after being shot several times, possibly as a result of blood loss. According to the available evidence, at the time of his death Benito Rodríguez was not carrying any weapons and asked the police for help as he lay dying.

Amnesty International had access to two audio recordings made by neighbours in the area at the time of killing in which the Benito Rodríguez' voice can be heard as he died. Specifically, as he was dying someone thought to be a police officer can be heard saying, "Raise your hands" and repeating several times, "Do you want us to take you to the hospital?".

According to the statements gathered, his body had at least two gunshot wounds to the legs: a small bullet hole that went right through the leg and another wound about 6cm in diameter.

The National Police issued a press release (92/2018) on 24 July regarding the cases of Leyting Chavarría, Bryan Odonel Picado, and Benito Rodríguez stating that: "at approximately 5.30 in the morning, police forces carried out an operation to restore free movement of traffic in the Sandino neighborhood... which had been taken over by groups of terrorists... These terrorist groups attacked the police with firearms and mortars, resulting in the deaths of three people and the wounding of five police officers"[76]

76. "aproximadamente a las 5:30 de la mañana, fuerzas policiales realizaban labores de restablecimiento de la libre circulación en el barrio Sandino (…), que estaba secuestrado por grupos de terroristas (…).]Estos grupos terroristas atacaron con armas de fuego y morteros a las fuerzas policiales, resultando tres personas fallecidas y cinco compañeros policías heridos". National Police press release 92/2018, available at: https://www.policia.gob.ni/?p=20548, (Spanish only).

CASE: PROTESTER ATTACKED AS HE SLEPT

On 11 June 2018, H.S.P. was killed by pro-government armed groups at the home of one of his relatives in the department of Jinotega. That night, H.S.P. was sleeping at his cousin's house because he was frightened as he had been threatened several times by pro-government armed groups on account of his participation in the protests. Statements gathered by Amnesty International suggest that members of pro-government armed groups were looking for him in order to kill him, since despite the fact that there were at least six other people in the house, they only attacked H.S.P.

Around 4:00 am, clashes broke out at one of the barricades near the house. While H.S.P. was sleeping, police officers forced their way into the house and shot him in the arm as he was trying to escape through the window. Wounded, he fell to the ground and was then extrajudicially executed with a bullet to the forehead. His death certificate gives the cause of death as a gunshot above the left eyebrow and severe cranioencephalic trauma.[77]

77. Ministry of Health, H.S.P.'s death certificate, 11 June 2018.

ATTACK BY PRO-GOVERNMENT ARMED GROUPS AT UNAN-MANAGUA

On 7 May 2018, dozens of young people occupied the National Autonomous University of Nicaragua (UNAN-Managua) as a sign of protest against the government. As the crisis progressed, many people barricaded themselves inside; at its height more than 500 people were involved on a permanent or almost permanent basis.[78]

In July, the UNAN-Managua authorities summoned university staff to resume classes on the 17 July.[79] This triggered the start of urgent negotiations with the government, in the context of the Verification and Security Commission (Comisión de Verificación y Seguridad, CVS) for the coordinated handover of the facilities. The Special Follow-up Mechanism for Nicaragua (MESENI), the OHCHR and local human rights organizations were involved in the negotiations.[80]

However, without prior notice from the authorities, on 13 July 2018 at 13:00, dozens of members of pro-government armed groups entered the campus firing a large number of rounds indiscriminately, while the National Police guarded the access routes to the university. The protesters responded with a large number of homemade mortars thrown mainly from the barricades.

The shooting by pro-government armed groups continued for more than 20 hours and, almost from the start, members of the National Police prevented personnel from the emergency rescue services from entering the university campus and stopped students and demonstrators from leaving. While during the first hour of the armed incursion hundreds of students and others taking part in the occupation managed to flee, by 14:00 practically all the entrances and exits were blocked.[81] More than 200 people were trapped on campus and later in the nearby Divina Misericordia church. Among them were people involved in the occupation, medical personnel, priests, two international journalists and a national journalist.

As a consequence of the operation, two young people lost their lives, at least 16 people were injured and several university buildings were burned down. In addition, most of the people interviewed by Amnesty International who were on the campus at the time of the attack reported suffering psychological harm and thought that this action was directed and coordinated by the Nicaraguan state with the intention of instilling terror.

Amnesty International has analysed these events in the framework of international human rights law.

Facade of the Divine Mercy Church with bullet holes after the attack by pro-government armed groups on 13 and 14 July. 30 July 2018.@ACR/ Amnesty International.

78. For the analysis of this case, 23 people were interviewed who had all been trapped in the UNAN-Managua campus and the Divina Misericordia Church at the time of the attack (they included students, a priest at the Divina Misericordia church, a doctor and a journalist) and four people who were in the vicinity of the campus at some point during the attack.
79. Amnesty International interview with people who took part in the occupation of the UNAN on 29 July 2018.
80. OHCHR, *Human rights violations and abuses in the context of protests in Nicaragua, 18 April – 18 August 2018*, 2 August 2018 para. 27.
81. The only entrance that remained open was the gate next to the Divina Misericordia church, which is why people took shelter in the church. Later the church was virtually surrounded.

The Inter-American Court of Human Rights has established that the state is responsible whenever it is found that it allowed, both by its acts and omissions, "the involvement and cooperation of private individuals in the performance of certain duties (such as the military patrol of public order areas, the employment of arms designed for the exclusive use of the armed forces or the performance of military intelligence activities), which, in general, are within the exclusive competence of the State and where the State has a special duty to act as a guarantor."[82]

In the case of the UNAN-Managua, the authorities at the highest levels were not only aware of the attack by pro-government armed groups, but Amnesty International believes that they directed and controlled certain aspects of the attack.

From the beginning, the government would have known what was happening not only because it was public and widely publicized, but because from the first hours of the operation, negotiations were initiated with their authority between the Apostolic Nuncio, the Episcopal Conference and the CVS.[83]

According to information received from people who remained inside the Divina Misericordia church, the violence only stopped when senior state officials accepted a ceasefire (which allowed the evacuation at 10:00 on the morning of July 14 to take place). In addition, almost from the beginning of the attack, the National Police remained near the areas of the university entrances and exits to stop people coming in and getting out, even though they were fully aware of what was happening.[84]

The attack was not a response to an imminent threat or danger, to protect life or physical integrity,[85] but was a premeditated operation by pro-government armed forces using lethal and indiscriminate force to evict those occupying the university campus.[86] This, despite the fact that (as required by international standards) a dialogue had been established to achieve a peaceful surrender, ensure the safety of demonstrators when they left and enable normal university activities to resume.[87]

Images and videos confirm that the weapons used in the attack by the pro-government armed groups included American-style M16 rifles, long-range rifles with telescopic sight (similar to the weapons used by military snipers) and semi-automatic pistols. They also had AK-style rifles and rifle magazines with 7.62mm ammunition and at least one large-capacity drum magazine capable of holding up to 100 rounds. The use of such magazines has no role whatsoever in a legitimate policing operation.

Inter-American jurisprudence has established that, in addition to demonstrating the absolute necessity of the use lethal force, the force used must be proportionate to the level of resistance offered at each moment, and in line with the degree of cooperation, resistance or aggression, so that the tactics of negotiation, control or use of force can be adopted as appropriate.[88]

82. Inter-American Court of Human Rights, *Case of the Rochela Massacre v. Colombia. (Merits, Reparations, and Costs)*, Judgment of May 11, 2007, para. 102.
83. IACHR press release, 19 July 2018.
84. Amnesty International has documented that there was no access for Red Cross ambulances to come to the aid of and transfer injured people or for MESENI personnel, OHCHR staff, the Episcopal Conference or other human rights organizations who were in the area. See also http://www.oas.org/en/iachr/media_center/PReleases/2018/156.asp
85. The Inter-American Court of Human Rights has stated that: "it must be verified whether other means are available to protect the life and safety of the person or situation that it is sought to protect, in keeping with the circumstances of the case" (*Case of Nadege Dorzema et al. v. the Dominican Republic (Merits, Reparations, and Costs)*, Judgment of 24 October, 2012, para. 85.ii).
86. Inter-American Court of Human Rights, *Case of Nadege Dorzema et al. v. the Dominican Republic (Merits, Reparations, and Costs)*, Judgment of 24 October, 2012, para. 91.
87. Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, 7 September 1990, Principle 4. See also Inter-American Court of Human Rights, *Case of Cruz Sánchez et al v. Peru (Preliminary Objections, Merits, Reparations, and Costs)*, Judgment of April 17, 2015, para. 265.
88. Inter-American Court of Human Rights, *Case of Cruz Sánchez et al v. Peru (Preliminary Objections, Merits, Reparations, and Costs)* Judgment of April 17, 2015, para. 265. See also, Inter-American Court of Human Rights, *Landaeta Mejías Brothers et al. v. Venezuela (Preliminary Objections, Merits, Reparations, and Costs)*, Judgment of 27 August, 2014, para. 134. See also Inter-American Court of Human Rights, *Case of Nadege Dorzema et al. v. the Dominican Republic (Merits, Reparations, and Costs)*, Judgment of 24 October, 2012, para. 85.

According to information that we have received, although dozens of protesters initially responded to the attack mainly with homemade mortars and Molotov cocktails, a channel of dialogue was established through which the demonstrators expressed their willingness to cooperate.

Pro-government armed groups use M16 rifles, semiautomatic pistols, AK rifles, and a large-capacity drum magazine on the outskirts of UNAN-Managua. 13 July 2018.

One such instance occurred around 20:00, when a priest from the Divina Misericordia church, came out of the church with a cross in his hands, to ask for a ceasefire and access to ambulances for the transfer of those who had been wounded. That is, despite the willingness to cooperate shown at various points, the state did not change its strategy and the shooting continued, in breach of the obligation of absolute necessity and proportionality that should be ensured regarding the use of force and the harm it is being deployed to prevent.[89]

This action by pro-government armed groups resulted in the deaths of two demonstrators and the wounding of at least 16 others. The two fatalities were Francisco José Flores (aged 21) and Gerald Vázquez (aged 20), who both died from gunshot wounds to the head sustained sometime between 3:00 and 6:00 on 14 July. At the time of their deaths, both were carrying handmade mortars in their hands. The state did not report that anyone else was injured or killed.

According to international standards, when excessive force is used by the state, any resulting deprivation of life is arbitrary.[90] Having documented the case of Gerald Vázquez, Amnesty International believes it could constitute an extrajudicial execution and a crime under international law because, although he was carrying a handmade mortar at the time of his death, according to the statements gathered, he was deliberately shot down by a sniper (and therefore from a privileged position), who acted under the orders (or at least with the acquiescence) of the state authorities.

Instead of minimizing damage and injury and respecting and preserving human life,[91] the actions of the authorities resulted in Gerald Vázquez suffering the "destruction of vital brain centres and cranioencephalic trauma caused by gunshot wounds,"[92] and he died as a result 10 minutes later inside the Divina Misericordia church.

89. Inter-American Court of Human Rights, *Case of Nadege Dorzema et al. v. the Dominican Republic (Merits, Reparations, and Costs)*, Judgment of 24 October, 2012, para. 87.
90. Inter-American Court of Human Rights, *Case of Zambrano Vélez et al v. Ecuador (Merits, Reparations, and Costs)*, Judgment of July 4, 2007, para. 84. See also: *Case of Nadege Dorzema et al. v. the Dominican Republic (Merits, Reparations, and Costs)*, Judgment of 24 October, 2012, para. 92.
91. *Basic Principles on the Use of Force and Firearms by Law Enforcement Officials*, 7 September 1990, Principle 5 (b)).
92. Ministry of Health, Gerald Vázquez López' death certificate, 14 July 2018.

In addition, whenever the use of force has resulted in the death of an individual, the state has the obligation to provide a satisfactory explanation and to disprove the arguments concerning its responsibility, with appropriate probative elements.[93]

However, in press release 86/2018, the National Police stated that "armed terrorist groups...had kidnapped the Rubén Darío University campus UNAN-Managua, for 45 days, occupying it as a torture centre..." and that " there was information that two people who died on the barricades manned by armed individuals, around UNAN-Managua: Francisco José Flores, aged 21, and Gerald José Vásquez López, aged 20, both of whom died as a result of gunshot injuries, were members of these terrorist groups."

The use of the term "terrorist" by state bodies to describe people who have not been convicted of any crime has been judged an affront to the honour, dignity and reputation of the person, according to Article 11 of the American Convention.[94]

In relation to the wounded, international standards state that assistance and medical aid must be rendered to any injured or affected persons at the earliest possible moment.[95] However, Amnesty International confirmed that for hours, the National Police blocked access, preventing the wounded from being evacuated. One of the documented cases was that of a young man, V.A.S., who was injured in the right foot by a high energy projectile[96] as he was running back trying to protect himself. V.A.S was wounded at around 17:00 and transferred to the Divina Misericordia church around 18:00; continuing gunfire prevented him from being rescued earlier. Despite the serious condition of his foot, his evacuation, along with that of the other wounded, was not authorized until 21:30, when Red Cross ambulances were allowed in.[97]

According to the statements collected by Amnesty International, many of the people who were trapped on the campus during for more than 20 hours while the attacks continued, with outbreaks of gunfire and seeing people injured and killed, said that they experienced moments of extreme anxiety and felt traumatized by their experiences; this has also been judged a violation of the right to personal integrity.[98]

93. Inter-American Court of Human Rights, *Case of Nadege Dorzema et al. v. the Dominican Republic (Merits, Reparations, and Costs)*, Judgment of 24 October, 2012, para. 89.
94. Inter-American Court of Human Rights *Case of the Miguel Castro-Castro Prison v. Peru, (Merits, Reparations, and Costs)*, Judgment of November 25, 2006, paras 352 and 354.
95. Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, Principle 5c.
96. Vivian Pellas Hospital, Epicrisis on V.A.S., 13 July 2018.
97. Twitter post by Joshua Partlow, 13 July 2018.
98. The Inter-American Court, in its ruling in the case of the *La Rochela Massacre v. Colombia*, stated that the state had violated the right to personal integrity of those who "endured additional circumstances of intense psychological suffering, as well as physical injuries, given that they had just survived a violent attack with bursts of gunfire and, later, the final fatal shots. Moreover, they were present during the suffering and death of their friends and colleagues, and felt the possibility that they might die in those moments as well." See, Inter-American Court of Human Rights, *Case of the Rochela Massacre v. Colombia (Merits, Reparations, and Costs)*, Judgment of May 11, 2007, para. 135.

↑ 👁

National Police vehicles block entrances to UNAN-Managua. 14 July 2018.

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Satellite image that shows the Divine Mercy Church and one of the locations where police vehicles had blocked entrances on 14 July 2018.

Members of the National Police armed with a Dragunov rifle and a PKM machine gun in Masaya. 18 July 2018 ©Marvin Recinos/AFP/Getty Images.

4.3.3 FAILURE TO INVESTIGATE POSSIBLE EXTRAJUDICIAL EXECUTIONS

During the period covered by this report, families were more reluctant to lodge a complaint with the Attorney General's Office than they had been during the first weeks of protest. Several did not even formally register the death of their relative, much less file a complaint, out of fear, distrust or lack of confidence in the authorities.

The jurisprudence of the Inter-American Court has pointed out that the investigation of possible extrajudicial executions should be "*ex officio*, without delay, serious, impartial and effective". In such cases the investigation should not rely on the interested parties and authorities must carry out the investigation using all available legal means, as well as attempting to pursue, capture, prosecute and punish those responsible, especially when state agents are or may be involved. [99]

However, Amnesty International has received information indicating that in all the cases of possible extrajudicial executions documented in this report, the Nicaraguan authorities have not initiated *ex officio* investigations or conducted the thorough investigative processes that would guarantee access to the truth and justice for victims' families.

A. IRREGULARITIES IN THE INITIAL STAGES OF THE INVESTIGATION

E The recovery of the body and an autopsy are the minimum and vital steps that must be taken to give the best possible chance of a successful investigation.[100] In compliance with international standards, autopsies must be carried out systematically, by competent professionals and using the most appropriate procedures.[101]

Of the six documented deaths, in three cases the recovery of the body was not carried out in line with the minimum guidelines set out in international standards.[102] In the cases of Bryan Picado, Leyting Chavarría and Benito Rodríguez, the families refused to allow the authorities to take custody of the body because they did not trust them and because they believed that it was the National Police themselves who had killed their relatives.

According to human rights standards, "in order for a death investigation to be effective, it is essential that the persons in charge of such investigation be independent, *de jure* and *de facto*, of the ones involved in the case. This requires not only hierarchical or institutional independence, but also actual independence."[103]

In relation to autopsies, of the six cases, only two underwent a forensic medical examination.[104]

One of these two cases was that of the police officer, Faber López. In his case, both the death certificate and the supposed forensic autopsy[105] state that the cause of death was a bullet wound to the head.[106]

However, an alternative report written on 9 July 2018 by a pathologist hired by the family stated that although the direct cause of death was "severe cranial brain trauma and exposure of the brain tissue",

99. Inter-American Court of Human Rights, *Case of Manuel Cepeda Vargas v. Colombia (Preliminary Objections, Merits, Reparations, and Costs)*, Judgment of 26 May, 2010. para. 117.
100. Inter-American Court of Human Rights, *Case of the Garífuna Community of Punta Piedra and its members v. Honduras (Preliminary Objections, Merits, Reparations, and Costs)*, Judgment of 8 October 2015, para. 295.
101. Inter-American Court of Human Rights, *Landaeta Mejías Brothers et al. v. Venezuela (Preliminary Objections, Merits, Reparations, and Costs)*, Judgment of 27 August, 2014, para. 227.
102. Inter-American Court of Human Rights, *Case Luna López v. Honduras (Merits, Reparations, and Costs)*, Judgment of October 10, 2013, para. 164. See also: Minnesota Protocol on the Investigation of Potentially Unlawful Death (2016) – The Revised United Nations Manual on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions (1991)
103. Inter-American Court of Human Rights, *Case of Baldeón García v. Peru (Merits, Reparations, and Costs)*, Judgment of 6 April, 2006, para. 95.
104. In the cases of Faber López and Gerald Vázquez.
105. In an interview with Amnesty International on 30 July 2018, the family indicated that they were not given a copy of the autopsy and that the doctor from the Institute of Forensic Medicine who carried out the examination simply said that Faber López had died from a gunshot wound.
106. Ministry of Health, Faber López Vivas' death certificate, 8 July 2018. Causes of death: severe frontal craneoencephalic trauma, due to a wound that penetrated the skull, with haemorrhage and damage to the brain.

there was no evidence that this was the result of a gunshot wound.[107]

Instead, the autopsy found injuries consistent with torture, such as: the total destruction of the nose bone, and a sutured wound with regular medial edges in the shape of "Y" of approximately 17 to 20 centimetres...; a burst left eyeball; evidence of otorrhagia (bleeding from the ears); multiple wounds with linear edges on the shoulders and forearms, right and left, with redness at the edges; destruction and removal of the nails of the third and fourth fingers of the right hand; exposure of the distal phalanx bone of the third finger of the right hand; multiple bruises and contusions on the back; and bruises to the chest and abdomen.

In an interview with Amnesty International, the family of Faber López said they believed this was an effort to hide the truth by the police who allegedly tortured their son as punishment for wanting to "desert" from the National Police.[108]

The fact that a key procedure is manipulated jeopardizes the success of the investigation, which is a violation of the duty to ensure due diligence and good faith, thoroughness and impartiality in investigations of serious violations.[109]

B. OBSTACLES TO ACCESS TO JUSTICE

Investigations of probable extrajudicial executions must be initiated *ex officio*, even if there has been no formal complaint.[110] The Inter-American Court of Human Rights has indicated that "in investigations into a violent death...as soon as the State authorities are aware of the act, they should initiate *ex officio* and without delay a genuine, impartial and effective investigation".[111]

Of the six possible extrajudicial executions documented, in three cases no complaint was filed because of fear and mistrust. In all cases, the families reported not knowing of any official investigation being initiated *ex officio*.

> ***"If there is an investigation, they certainly never informed me. I doubt it very much. How can the same police officers who killed him investigate his death? That's why I haven't gone to the Attorney General's Office to file a complaint. For what? So they can arrest me?"***
>
> Relative of Faber López

The three families that did file a complaint said that they had faced obstacles in lodging the complaint and in pursuing official proceedings.

The family of H.S.P. said that after his death they went to the municipal health centre to obtain a death certificate, which was refused on the grounds that they needed photos and witnesses. After meeting these requirements, a doctor informed them that she could not hand over the certificate "because of orders from above."

In addition, the health centre tried to register the death as due to "lack of medical assistance". After going through several procedures and with the help of a private doctor, the family managed to obtain a death certificate containing the correct information more than a week after H.S.P.'s death.

107. Excerpt from the Private Forensic Medical Report provided by the family on 29 July 2018.
108. Amnesty International interview with a member of Faber López's family on 29 July 2018.
109. Inter-American Court of Human Rights, *Case of the Serrano-Cruz Sisters v. El Salvador (Merits, Reparations, and Costs)*, Judgment of March 1, 2005, para. 83.
110. International Convention for the Protection of All Persons from Enforced Disappearance, Article 12.2. Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions. Principle 9. Declaration on the Protection of All Persons from Enforced Disappearance, Article 13.1. Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, Principle 34. United Nations Rules for the Protection of Juveniles Deprived of their Liberty, Rule 57.
111. Inter-American Court of Human Rights *Case of Garibaldi v. Brazil. (Preliminary Objections, Merits, Reparations, and Costs)*, Judgment of September 23, 2009, para. 114.

C. HARASSMENT OF FAMILY MEMBERS

Several families said that they were afraid of having any kind of contact with the authorities because of the threats they had received. International standards state that: "Family members should be protected from any ill-treatment, intimidation or sanction as a result of their participation in an investigation or their search for information concerning a deceased or disappeared person."[112]

In addition, at least two families reported having been the targets of intimidation. According to the videos and statements gathered, during the funeral of Leyting Chavarría on 25 July, members of a pro-government armed group fired shots to terrorize mourners. Dozens of terrified people, including children, ran out of the church. His relatives believe this incident was an act of intimidation and punishment for the protests, "so that the families are isolated".

A relative of Faber López said that between 9 July 2018, the day he was buried, and at the cut-off date for this report, she had recorded more than 30 security incidents, including serious threats on social networks, shots fired into the air in front of their home and threatening phone calls telling them they risked arrest as "terrorists".

In addition, days after the funeral, the President of the Republic, Daniel Ortega, appeared on television giving a posthumous medal to a woman who was claimed to be Faber López' wife.[113] The family of Faber López publicly denounced this, stating that the woman was a National Police officer posing as the wife of the dead policeman.

Two families (those of Bryan Picado and H.S.P.) buried their relative in a remote area, fearing that the police or pro-government armed groups would arrive and assault them. Because of the families' fear and lack of confidence in the authorities, at the time of the interview with Amnesty International, the deaths of Bryan Picado, Leyting Chavarria and Benito Rodríguez had not been officially registered with any authority.

D. VICTIMS' RIGHTS

The Inter-American Court has established that the victims of human rights violations or their relatives must have ample opportunities to be heard and participate in the respective processes. This includes presenting arguments, receiving information, providing evidence, making allegations and defending their interests.[114]

None of the six families interviewed had received information from the authorities on the lines of investigation or the procedures undertaken.

H.S.P.'s relatives told Amnesty International that, following the death of their relative, they went to the police station to lodge a complaint. However, they were given "a variety of excuses" as a result of which they had to go back three times before they were finally able to file the complaint.

Afterwards, they went back to get information about the ongoing investigation, but this was refused. At the time of the interview, they were unaware whether there was any investigation under way or whether proceedings had started to request an examination by a pathologist.

112. OHCHR, Minnesota Protocol on the Investigation of Potentially Unlawful Death (2016) – The Revised United Nations Manual on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions (1991) para. 36
113. Confidencial, "Ortega condecora a "falsa" esposa de oficial asesinado" [Ortega gives award to "false" wife of officer who was killed] Available at: https://confidencial.com.ni/ortega-condecora-a-falsa-esposa-de-oficial-asesinado/ (Spanish only).
114. Inter-American Court of Human Rights, *Case of Radilla-Pacheco v. Mexico (Preliminary Objections, Merits, Reparations, and Costs)*, Judgment of November 23, 2009, para. 247. See also Inter-American Court of Human Rights, *Case of the "Street Children" (Villagran-Morales et al.) v. Nicaragua, (Merits)*, Judgment of November 19, 1999, para. 227.

> ***They told us that the boss was not there, that they do not give copies, that they were going to consult, to come back tomorrow...they gave us different excuses."***
>
> Relative of H.S.P..

4.4. USE OF TORTURE

International human rights law establishes the right of every person to have their physical, mental, and moral integrity respected and the absolute prohibition of torture and other cruel, inhuman or degrading treatment or punishment.[115] The prohibition of torture is a peremptory norm (*ius cogens*) from which no derogation or exception is permitted under any circumstances.[116]

Amnesty International documented at least 12 cases of torture, reportedly at the hands of members of the National Police or pro-government armed groups acting with the acquiescence of the authorities, during June and July 2018. In all cases, the aim of causing pain or suffering was to exert pressure on people to make false statements to incriminate student and social leaders, to obtain information on the organization of the protests, and to punish those who took part in the protests.

Submitting detainees to individuals acting with the state's acquiescence or tolerance who commit acts of torture with impunity represents in itself a breach of the obligation to prevent violations to personal integrity and to life.[117] In addition, both the direct perpetrators and officials in the chain of command bear a legal responsibility whether by acts of instigation, consent or acquiescence.[118]

THE CASE OF A.B.

According to his statement, on 3 June 2018, A.B. was unlawfully detained while walking down the street in a town in the Matagalpa region. He described how armed, hooded men wearing black uniforms got out of a Ministry of Health van and violently dragged him into the vehicle. Once he was in the van, A.B. said his hands were tied and he was blindfolded.

As he was being driven away, he heard that they were going to a place near Managua to the building where he would be held and tortured for 10 days.

When they arrived at the building, the hooded men tied him to a chair and started to plunge his head in a barrel of water to suffocate him, all the while asking him who the leaders on the barricades in his area were, who organized the protests and how the movement was organized. When A.B. said that he did not know, they untied him from the chair, threw him to the ground and kicked him for several minutes, mainly in the abdomen.

They then gave him electric shocks on his legs, arm, back and chest. In addition, they cut him on the chest with a sharp object. After the electric shocks, they punched him in the head and burned him with a cigarette on various parts of his body, including his genitals. At this point, A.B. passed out because of the pain. He was subjected to similar treatment for several days.

The perpetrators were dressed in blue trousers, military-style boots, dark vests, black shirts and black hoods, and practically everyone carried an AK-type rifle. A.B. said he could not be sure whether they were members of the National Police or pro-government armed groups.

115. American Convention on Human Rights, 22 November 1969, ratified by the Nicaragua on 25 September 1979, Article 5, Right to Humane Treatment; International Covenant on Civil and Political Rights, 16 December 1966, ratified by Nicaragua on 8 January 1980, Article 7; Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, 10 December 1984, ratified by Nicaragua on 5 July 2005, Article 16; and UN Committee against Torture, General comment No. 2.
116. Vienna Convention on the Law of Treaties, 23 May 1969, Article 53.
117. Inter-American Court of Human Rights, *Case of González Medina and Family v. the Dominican Republic (Preliminary Objections, Merits, Reparations and Costs),* Judgment of February 27, 2012, para. 181; Case of Velásquez-Rodríguez v. Honduras (Merits), para. 175; and the case of *Case of Contreras et al. v. El Salvador (Merits, Reparations, and Costs)*, para. 85.
118. Committee against Torture, *General Comment No. 2, Implementation of article 2 by States parties*, 24 January 2008

In an interview A.B. said that there were other people in the place where he disappeared for 10 days; he could hear the screams of men and women who were also being tortured.

According to A.B., during the last days he was held, he could not move or speak. On the 10th day of his detention, the commander of the group of armed men arrived and realized that A.B. was not the person that he had ordered to be disappeared and ordered them to dump him somewhere where he could be rescued.

A.B. appeared on 13 June 2018 near UNAN-Managua, unable to hear, speak, move or see properly. He was looked after for several days by students sheltering in UNAN, then handed over to the CENIDH and subsequently taken to the Bautista hospital for medical treatment.

Amnesty International was able to examine various injuries to A.B.'s body at the time of the interview (a month and a half after the events described) and burn marks on his arm and back, injuries to the head and leg, and cuts to the chest were still visible.

Photo taken of A.B. in a city in the Matagalpa region, in which signs of burns can be observed. 27 July 2018. ©Amnesty International

In an interview with A.B.'s family, they pointed out that when they realized that he was missing, they immediately filed a complaint with the National Police in his neighbourhood. However, an officer told them that they would not accept any complaints and, in a mocking tone, said that they should go and make their complaints to the priests. For 10 days, the family of A.B. looked for him without the authorities making any efforts to help locate him. They never lodged a complaint with the Attorney General's Office because they feared that this was the very body which had detained and tortured A.B.

Amnesty International believes that there are substantial grounds for believing that state authorities were responsible in the case. A.B. was taken away in an official vehicle (of the Ministry of Health) and was disappeared and tortured by members of the National Police or pro-government groups acting with their acquiescence. In cases of serious human rights violations, the burden of proof lies with the state.[119]

THE CASE OF C.H.

C.H. was unlawfully detained at around 7:30 on 14 July 2018 near UNAN-Managua by pro-government armed groups.

When he heard about the attack which had begun at 13:00 the previous day at the UNAN-Managua campus, C.H. went there to see how he could help in securing the release of the protesters.

119. Inter-American Court of Human Rights, *Case of Durand and Ugarte v. Peru, (Merits)*, Judgment of August 16, 2000, para. 65; and Inter-American Court of Human Rights, *Case of Espinoza Gonzáles v. Peru. (Preliminary Objections, Merits, Reparations, and Costs)*, Judgment of November 20, 2014, para. 261.

However, a Hilux truck with three armed members of pro-government armed groups blocked his way and started questioning him. After searching him and stealing his belongings, they found he was carrying a Nicaraguan flag[120] and then took him by force into the University.

Once inside, two men with black and red balaclavas started slapping him and threatening to kill him and throw his body in a ravine unless he agreed to record a video to identify the people responsible for the crimes committed in UNAN-Managua. According to his testimony, C.H. was made to get down on his knees, a gun was held to his head and they demanded that he let himself be recorded. However, when they realized that C.H. did not know anyone in the University, they put him back into a Hilux truck and took him to the Judicial Assistance Department of the National Police in Managua (*Dirección de Auxilio Judicial de la Policía Nacional*), also known as El Chipote. During the journey they continued to threaten him.

When they arrived, he was taken into a room, stripped naked and forced to do 100 squats. After letting him put on his underwear, a police officer started punching him in the head, stomach and face. Later, another policeman came into the room to question him about his involvement in the burning down of a radio station and in UNAN-Managua. In the interview with Amnesty International, C.H. said that at that point he had thought that this was going to be the last day of his life.

He was held in El Chipote for a total of 11 days during which he interrogated at least eight times and beaten and threatened. In the interview with Amnesty International he said that, for him, the prison conditions in which he was held were as damaging as the blows.

> ***"For me, being in that cell was torture in itself, they don't need to hit you. It is below ground with a hole in the ceiling. It is very dark even in the day. There is a small hole in the door where a bit of light comes in. I had no shoes, there were lots of flies, mosquitoes, I had no clothes, only my boxer shorts. It's like hell, very hot. You can't breathe properly, there is no fresh air coming in. It's dirty, and there's only a small hole where you can go to the bathroom."***
>
> Interview with C.H. in Costa Rica, 9 September 2018

THE CASE OF NINE STUDENTS

Amnesty International interviewed nine young people who had been tortured after they were arbitrarily detained on 16 July 2018.

According to the testimonies collected, 11 students (six men and five women) were stopped in a city in the west of the country by members of the National Police and hooded pro-government armed groups, who searched their bags and found a Nicaraguan flag. At the time of the arrest the students were insulted and threatened and hit about the head and in the stomach with AK rifle butts. At least two were thrown to the ground and kicked and one was kicked hard in the testicles.

All 11 were taken to holding cells at the National Police station in the city; there were no warrants for their arrest. During the journey they were hit in the ribs and on the head; the women were threatened with rape.

Once at the station, they were interrogated, subjected to acts that could constitute torture and held for five days in what was tantamount to enforced disappearance (four of them were held for two days longer); they were unlawfully deprived of their liberty and the authorities kept their whereabouts hidden.

120. The self-organized movement typically waves the Nicaraguan flag (blue and white), in opposition to the FSLN flag (black and red).

During the first day, uniformed police officers and armed men in civilian clothing (and mostly hooded) interrogated the 11 from around 19:00 to 2:30 the following day. During the second and third days they were interrogated between one and three times, for periods of between half an hour to an hour. Two people were subjected to interrogation and ill-treatment all five days.

During interrogation, the 11 were questioned about their involvement in the protests and about the organization, leadership and funding of the protests. They were threatened with death, with criminal prosecution for "terrorism", and with death threats against a member of their family. In addition, all were slapped and punched in the ribs and abdomen, head and legs. Most reported that they were made to stretch out their hands on a table and then the butt of a gun was dropped on them from a height.

In relation to the detained men, at least one of the four interviewees reported being beaten severely about the ears, two said they had received electric shocks to the ribs and chest, and three reported having been made to strip naked while insults were hurled at them. Three reported being kicked in the genitals and at least two alleged that they were burned on the testicles with a cigarette during the interrogation on the first and second days.

The women reported that the first night they had been forced to remove their underwear to give it to other prisoners. One of them was threatened that her three-year-old daughter would be killed. One woman had almost the entire nail of her big toe pulled out[121] and had a miscarriage following blows to her abdomen. In this particular case, although she told them that she was pregnant (around two months), the police continued to beat her saying: "ah, we have a pregnant woman. We're going to make chorizo out of it" and "we're going to pull it out and you're going to eat it alive". They then threw her to the ground and kicked her in the abdomen and ribs. While she was held at this centre, she lost blood on several occasions. When she got out, five days later, a doctor confirmed that she had miscarried.

At the time of the interview with Amnesty International (a month and a week after their detention), several of the students still had visible physical injuries and burns.

THE CASE OF C.D.

Amnesty International received reports of sexual torture in El Chipote from C.D., a 19-year-old woman, originally from near Managua.

On the morning of 13 June 2018, four Hilux trucks carrying armed and hooded men in civilian clothes, as well as National Police officers from the town, arrived at the home of C.D. to detain her. While the police stayed outside to block the roads leading to the house, at least five armed members of pro-government groups forced their way into the house, wrecking the house searching for alleged weapons, to detain her and get hold of her mobile phone. C.D. identified at least three of the members of the pro-government groups as local police officers from her neighbourhood. None of them wore a uniform and they were not travelling in official vehicles. At the time of her detention, no arrest warrant or search warrant was produced, nor was any reason given for detaining her.

After she was detained, they took her to the local police station and then from there to El Chipote, where she arrived at around 13:00. During the journey she was threatened, hooded and her head was pressed against the floor so she could not move.

Once in El Chipote, C.D. was stripped naked, forced to do "squats" and interrogated by several prison officers about the self-organized citizens' movement. When she did not provide this information, they read out the charges – terrorism, illegal possession of weapons, exposing people to danger, causing damage to an institution and murder – and said that they had proof. When she still refused to provide

121. At the time of the interview on 29 July 2018, Amnesty International was able to confirm that half of the nail on her big toe was missing.

the information, they threatened her and took her to a dark cell. She was left there for about six hours and then they came and took her to another interrogation session.

This time C.D. was interrogated by two women and four men and beaten and kicked on various parts of the body, especially the abdomen, arms and legs. In the interview with Amnesty International, C.D. described hearing the dreadful screams of a women during the interrogation and being threatened: "you are here and she is there, but if you don't talk, you are going to be there with her".

They then returned her to the cell. During the night, a hooded man in plainclothes came to interrogate her. He threatened her saying: "Look girl, what do you want? Do you want me to keep hitting you or screw you? You decide: I can kill you or rape you". When she said nothing, he hit her, penetrated her by force and ejaculated inside her vagina.

The next morning, on 14 June 2018, she was interrogated again and one of the women police officers made fun of the attack she suffered the night before. C.D. was questioned again, threatened to try to make her sign a statement incriminating herself, and beaten on various parts of her body. C.D. refused to sign or provide information.

After this interrogation, at around 16:00 she was reportedly referred to a psychologist at the centre and she told them that she had been raped the night before. However, this public official did not record the allegation or ask any questions about it.

C.D. was subsequently transferred to a plainclothes officer who suggested that she negotiate, while threatening to kill her family. She refused to provide information and was released at around 19:00 on 14 June 2018.

According to the report of a psychological examination carried out on 15 June, to which Amnesty International had access, C.D. presented with symptoms of post-traumatic stress, namely "sleep disorder, hypervigilance and rationalization of her emotions".[122]

4.5 ARBITRARY DETENTION

International law establishes that a person may only be detained on grounds and in accordance with procedures that are established in law.[123] Although Nicaraguan law includes the obligation of the state to respect the right to liberty, complaints of arbitrary detentions have been increasing.[124]

According to information from NGOs, as of 18 August 2018, at least 300 people were being prosecuted for taking part in the protests.[125] According to the CENIDH, between the beginning of the crisis and 25 July 2018, more than 1,900 people were detained and about 400 remained in detention without formal charges.[126]

A significant number of detainees have been accused of terrorism.[127] On 16 July 2018, the National Assembly approved the Law against Money Laundering, the Financing of Terrorism and the Proliferation of Weapons of Mass Destruction,[128] ostensibly to redefine the crime of terrorism and punish those funding it. While Amnesty International did not have access to cases of people prosecuted under this law, but only to cases of those prosecuted under the definition set out in the Criminal Code, it believes that this law could be used to facilitate misuse of the criminal legal framework.

122. Psychological report provided by the victim.
123. International Covenant on Civil and Political Rights, Article 9.1, and the American Convention on Human Rights, Article 7.2.
124. IACHR press release, 2 August 2018.
125. OHCHR, *Human rights violations and abuses in the context of protests in Nicaragua,* 18 April - 18 August 2018, para. 33.
126. CENIDH, Report No. 5. pp. 3 and 19.
127. OHCHR, *Human rights violations and abuses in the context of protests in Nicaragua,* 18 April - 18 August 2018, para. 33.
128. Official Gazette, Ley contra el Lavado de Activos, Financiamiento de Terrorismo y Proliferación de Armas de Destrucción Masiva (Law against Money Laundering, the Financing of Terrorism and the Financing the Proliferation of Weapons of Mass Destruction), Law No. 977, 16 July 2018.

In this context, information was received about the detention of Medardo Mairena and Pedro Mena, leaders of the campesino (peasant farmer) movement, on 13 July 2018. They were accused of at least six crimes, including terrorism.[129] On 18 July 2018, it was reported that Irlanda Jerez, leader of the self-organized merchants of the Mercado Oriental,[130] had been arbitrarily detained by police officers and hooded members of pro-government armed groups.[131] And on 22 July 2018, Cristhian Fajardo and María Peralta (members of the 19 April Movement in Masaya) were detained in connection with several crimes, including terrorism.[132] Three days later, the IACHR granted precautionary measures in their favour.[133]

On 25 August 2018, seven young people – Juan Pablo Alvarado, Christopher Olivas, Bayron Corea, Luis Quiroz, Yaritza Rostrán, Levis Artola and Victoria Obando – were detained in the city of León after taking part in a peaceful demonstration. Six of them were members of the University Coordinating Committee for Democracy and Justice (Coordinadora Universitaria por la Democracia y la Justicia).[134] On 10 September 2018, the detention was reported of two young members of the student movement, Amaya Coppens and Sergio Midence, in the city of León. According to media reports, they were accused of terrorism, among other crimes.[135]

In some of these cases, the police authorities made public statements describing the detainees as "terrorists", and even presented them to the media as criminal gangs.[136] International standards state that the right to the presumption of innocence requires that the authorities refrain from making statements about the guilt or innocence of the accused before their trial has ended.[137] In addition, as already mentioned, the use of the term "terrorist" by state bodies about people before they have received a final judgment from a court is an affront to the person's honour, dignity and reputation.[138]

Amnesty International has analysed violations of the right to liberty and due process by the Nicaraguan authorities, through the documentation of seven cases of probable arbitrary detention (Nelly Roque and Roberto Cruz, from Matagalpa, and five people in the Pueblos Blancos area).[139]

129. OHCHR, *Human rights violations and abuses in the context of protests in Nicaragua*, 18 April - 18 August 2018, para. 33, and IACHR press release, 19 July 2018.
130. CENIDH, Report No. 5 p. 14, available at: https://www.laprensa.com.ni/2018/07/21/nacionales/2451379-comerciante-irlanda-jerez-es-presa-politica-segun-sus-familiares (Spanish only).
131. Mesoamerican Initiative of Women Human Rights Defenders (Iniciativa Mesoamericana de Mujeres Defensoras de Derechos Humanos, IM-defenders). #AlertaDefensoras, Nicaragua, 18 July 2018.
132. IACHR press release, 2 August 2018.
133. IACHR, Resolution 56/2018, Precautionary measures nos 868-18, 777-18, 850-18 and 871-18 regarding Cristhian Rodrigo Fajardo Caballero and others in Nicaragua, 25 July 2018
134. Amnesty International, *Nicaragua: Request for information on reports of human rights violations* 4 September 2018.
135. Amnesty International, *Nicaragua: Wave of detentions of students and activists.* 14 September 2018. 30 May 2018.
136. The National Police publicly described Medardo Mairena, Cristhian Fajardo, María Peralta and the seven young people detained in León as "terrorists" on its website, available at: https://www.policia.gob.ni/?p=19929 , https://www.policia.gob.ni/?p=20735 y https://www.policia.gob.ni/?p=21806 (Spanish only).
137. UN Human Rights Committee, General Comment No. 32, Article 14: Right to equality before courts and tribunals and to a fair trial (CCPR/C/GC/32), 23 August 2007, para. 30.
138. Inter-American Court of Human Rights, *Case of the Miguel Castro-Castro Prison v. Peru (Merits, Reparations, and Costs)*, Judgment of November 25, 2006, para. 359.
139. As indicated, the Pueblos Blancos area includes the municipalities of Catarina, Diriomo, Niquinohomo, Diriá, Nandasmo, San Juan de Oriente and Masatepe.

THE CASE OF NELLY AND ROBERTO

Nelly Roque and Roberto José Cruz had actively participated in protests organized in Matagalpa since April 2018. On 26 June 2018, while both were travelling with three other people to Managua, hooded members of pro-government armed groups carrying firearms and accompanied by a traffic police officer fired at their vehicle and then detained all five of them.

On 30 June, Nelly, Roberto and the others appeared in court and were accused of aggravated robbery using intimidation, kidnapping for ransom, carrying or illegal possession of firearms or ammunition, and organized crime. In addition, Roberto was also accused of the possession and use of restricted weapons.

Nelly and Roberto were later accused of terrorism and obstructing public services, as well as aggravated robbery using violence or intimidation, kidnapping for ransom, torture, causing minor psychological harm and making threats using a firearm. The first hearing about this new set of crimes took place 1 August 2018.

> ***"It is with great concern that we have become aware of the dramatic increase in the number of people who have been arrested without the guarantees of due process. We call urgently on the Nicaraguan state to ensure strict compliance with the law and other procedural guarantees for all detainees, in line with the corresponding international standards. The state must ensure the prompt release all people who have been detained arbitrarily or on unfounded charges."***
>
> Commissioner Joel Hernández, IACHR Rapporteur on the Rights of Persons Deprived of Liberty, 2 August 2018.

A. DETENTIONS WITHOUT APPROPRIATE JUDICIAL SUPERVISION

According to the Nicaraguan Constitution, every detainee has the right to be released or brought before a competent authority within 48 hours of arrest.[140]

International law states that arrests must be reviewed by a judge (or other authorized officer) and that the detainee is entitled to trial within a reasonable time or to release.[141] This requirement applies in all cases without exception and must be respected even before formal charges have been filed.[142]

Relatives of Nelly Roque and Roberto Cruz told Amnesty International that, two days after their arrest and not having obtained any information about their whereabouts, they filed a writ of *habeas corpus*. Although they had been held for more than 48 hours without being brought before a competent authority, the two were not immediately released. On 29 June 2018, their appeal against their unlawful detention was granted by the court.

According to the information available, Nelly Roque and Roberto Cruz were brought before a judge for the first time on 30 June 2018.[143] That is to say, after four days' in incommunicado detention. The Human Rights Committee has stated that: "Incommunicado detention that prevents prompt

140. Constitution of the Republic of Nicaragua, Articles 33 (2.2). See also the Code of Criminal Procedure of the Republic of Nicaragua, Law 406, Article 95.9.
141. International Covenant on Civil and Political Rights, Article 9.3 and the American Convention on Human Rights Article 7(5).
142. Human Rights Committee, General comment No. 35, Article 9: Liberty and Security of Person, para. 32.
143. La Prensa, "Acusan en Managua a miembros del Movimiento 19 de abril de Matagalpa" [Members of the April 19 Movement in Matagalpa charged in Managua], 30 June 2018, available at: https://www.laprensa.com.ni/2018/06/30/nacionales/2443003-acusan-en-managua-a-miembros-del-movimiento-19-de-abril-de-matagalpa (Spanish only).

presentation before a judge" violates the right to liberty enshrined in the International Covenant on Civil and Political Rights.[144]

Arrest or detention that lacks any legal basis is also arbitrary.[145] Therefore the detention of a person must be submitted without delay to judicial review. The Inter-American Court of Human Rights has indicated that "prompt judicial control is a measure tending to avoid the arbitrary or illegal nature of detentions... Prompt judicial review of the detention is particularly relevant when applied to arrests made without a court order".[146]

B. INEFFECTIVENESS OF REMEDIES TO REVIEW THE LEGALITY OF DETENTION

The American Convention on Human Rights guarantees the right of every person deprived of their liberty to appeal the legality of their detention or arrest before a competent judge or court.[147] The Inter-American Court of Human Rights has ruled that the writ of *habeas corpus*, or any domestic recourse that allows the legality of detention to be reviewed, "represents the appropriate means for guaranteeing the liberty and controlling respect for the life and integrity of the person, and also for protecting the personal integrity of the individual".[148]

In Nicaraguan legislation, the appeal for a person to be presented before a court (recurso de exhibición personal) acts in favour of those whose freedom, physical integrity and security are, or are in danger of being, violated.[149]

On 28 June 2018, the family of Nelly Roque filed a writ of habeas corpus that was resolved in their favour by the court on 29 June 2018. Nelly's relatives reported that, although on 29 June the judge designated to execute the appeal (juez ejecutor) went to El Chipote to fulfil her legal mandate and obtain access to the detainee, police officers prevented her from doing so.[150]

On 30 June 2018, the judge, accompanied by a relative of Nelly Roque, returned to El Chipote. This time, police officers in the entrance area said that Nelly was not in the detention centre as she had been transferred to a court for a preliminary hearing. The family of Roberto Cruz reported that they had faced similar obstacles regarding implementation of their *habeas corpus* writ.

Although Nicaraguan law provides recourse to habeas corpus (recurso de exhibición personal), in the case of Nelly and Roberto it proved ineffective.[151] In both cases, the designated judges (jueces ejecutores) were not able to enter the detention centre, check the physical condition of the detainees or review their files. For there to be an effective remedy it is not sufficient that it is provided for in the Constitution or the law or that it be formally admissible, but it must be genuinely capable of establishing whether a human rights violation has been committed and provide the necessary means to remedy it.[152]

144. Human Rights Committee, General comment No. 35, Article 9: Liberty and Security of Person, para. 35.
145. Human Rights Committee, General comment No. 35, Article 9: Liberty and Security of Person para. 11.
146. Inter-American Court of Human Rights, *Case of J. v. Peru. (Preliminary objection, merits, reparations and costs),* Judgment of November 27, 2013. para. 143.
147. American Convention on Human Rights, Article 7 (6).
148. Inter-American Court of Human Rights, *Case of Yvon Neptune vs. Haiti, (Merits, Reparations and Costs)* Judgment May 6, 2008, para. 115.
149. Amparo Law, Law No. 49, Article 4.
150. Amparo Law, Law No. 49 Article. 64.
151. In the case of C.D., the torture case detailed in the previous section, Amnesty International learned that the judge assigned to deal with the *habeas corpus* in his case had died a year earlier.
152. Inter-American Court of Human Rights, *Case of Mejía Idrovo v. Ecuador, (Preliminary Objections, Merits, Reparations, and Costs),* Judgment of July 5, 2011, para. 94.

C. LACK OF ACCESS TO LEGAL COUNSEL OF ONE'S CHOICE AND LACK OF COMMUNICATION WITH RELATIVES

According to international human rights standards, in criminal proceedings states must allow and facilitate detainees' access to a lawyer from the start of their detention.[153] In addition, "the detainee also has the right to notify a third party – for example, a relative or an attorney... This notification must be carried out immediately by the authorities conducting the detention".[154]

However, in the case of Nelly Roque and Roberto Cruz, lawyers appointed by their families were not able to see them during their detention in El Chipote. Despite the fact that Nelly's family had tried to see her on several occasions, the police officers in the entrance area informed them that "she only has the right to have food delivered to her."

Incommunicado detention "may constitute an act that is contrary to human dignity, because it may result in a situation of extreme psychological and moral suffering for the detainee". Therefore, international human rights law has established that it must be "an exceptional measure" and only "applied if it is ordered in keeping with conditions that have been established previously by law".[155] Nicaraguan legislation states one of the duties of the National Police is to allow detainees to inform their families, or whoever them deem appropriate, of their detention.[156]

Nelly Roque's defence counsel, provided by the Permanent Commission for Human Rights of Nicaragua (Comisión Permanente de Derechos Humanos de Nicaragua, CPDH), told Amnesty International that before the preliminary hearing on 30 June, they had not been able to speak with either of the detainees, nor had they been properly notified of the preliminary hearing.

The IACHR has indicated that there is abundant information on the obstacles faced in accessing appropriate legal defence in Nicaragua; these include restrictions on lawyers' access to hearings and the refusal to provide information on the legal status and state of health status of detainees.[157]

After being detained in El Chipote, Nelly and Roberto were transferred to other detention centres without the families being properly notified, in violation of the guarantees enshrined in international principles.[158]

The incommunicado detention to which Nelly and Roberto were subjected may also constitute a violation of their right to physical integrity. The Inter-American Court of Human Rights has stated that: "Even if an unlawful detention has only lasted for a short time, this is sufficient for it to constitute a violation of mental and moral integrity, in accordance with the standards of international human rights law and, in these circumstances, it is possible to infer, even when there is no other evidence in this regard, that the treatment that the victim received during her time of incommunicado was inhuman and degrading".[159]

D. DENIAL OF MEDICAL EXAMINATION

Nicaraguan law states that those who are accused or charged with an offence have the right to be examined by a doctor before being brought before the judicial authorities.[160] The UN Standard Minimum Rules for the Treatment of Prisoners (Nelson Mandela Rules) state that a physician or other qualified health-care professionals, should see, talk with and examine every prisoner as soon as

153. Human Rights Committee, General comment No. 35: Article 9: Liberty and Security of Person, para. 35.
154. Inter-American Court of Human Rights, *Case of the Gómez-Paquiyauri Brothers v. Peru, (Merits, Reparations and Costs)*, Judgment of July 8, 2004, para. 93.
155. Inter-American Court of Human Rights, *Case of Espinoza Gonzáles v. Peru, (Preliminary objections, merits, reparations and costs)* Judgment of 20 November 2014, para. 186.
156. Code of Criminal Procedure of the Republic of Nicaragua, Law 405, Article 232 (4).
157. IACHR press release, 2 August 2018.
158. Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, United Nations General Assembly Resolution 43/173, Principle 16.
159. Inter-American Court of Human Rights, *Case of Espinoza Gonzáles v. Peru, (Preliminary Objections, Merits, Reparations, and Costs)*, Judgment of November 20, 2014. para. 187.
160. Nicaraguan Code of Criminal Procedure, Article 95.

possible following his or her admission and thereafter as necessary.[161]

The Inter-American Court of Human Rights has stated that: "the State has the duty to provide detainees with regular medical review and appropriate medical care and treatment when required."[162]

In the case of Nelly Roque and Roberto Cruz, their defence counsel requested at least three times that their state of health be assessed by the Institute of Forensic Medicine (Instituto de Medicina Legal, IML)[163] in Managua. Their requests were received by the judicial authorities, who on several occasions ordered an assessment of their health by the IML.[164] However, according to the families of Nelly and Roberto and their lawyers, by the cut-off date for this report, a medical examination had not been carried out and the health of their relatives was continuing to undergo a serious deterioration.[165]

> "The provision of health care for prisoners is a State responsibility. Prisoners should enjoy the same standards of health care that are available in the community, and should have access to necessary health-care services free of charge without discrimination on the grounds of their legal status."
>
> Rule 24.1, United Nations Standard Minimum Rules for the Treatment of Prisoners.

The lack of appropriate medical care for a person who is deprived of liberty and in the state's custody may be considered a violation of the right to physical integrity, depending on the particular circumstances of the specific person.[166]

In addition to the cases of Nelly Roque and Roberto Cruz, Amnesty International received allegations of the arbitrary detentions of demonstrators in the context of Operation Clean-up, which are discussed below.

E. DETENTIONS DURING OPERATION CLEAN-UP

> ***"It is worth noting that, in the context of tougher 'clean-up' raids, the MESENI and the staff of the Office of the United Nations High Commissioner for Human Rights on the ground observed a high degree of support and collaboration between 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'. The MESENI could also verify that both police officers and members of parapolice groups detained scores of people who were later taken to National Police detention centers".***
>
> Inter-American Commission on Human Rights Press release 19 July 2018.

161. United Nations Standard Minimum Rules for the Treatment of Prisoners (Nelson Mandela Rules), (A/RES/70/175), 8 January 2016, Rule 30.
162. Inter-American Court of Human Rights, *Case of Vera Vera v. Ecuador, (Preliminary Objections, Merits, Reparations and Costs)*, Judgment of 19 May, 2011, para. 43.
163. This consisted of the following documents: a copy of the record of the preliminary hearing, held on 30 June 2018; a copy of the document sent by the defence on 6 July 2018 (with acknowledgment of receipt by the Office for the receipt and serving of cases and documents of the court complex of Managua (Oficina de recepción y Distribución de Causas y Escritos del Complejo Judicial de Managua); and a copy of the record of the initial hearing held on 24 July 2018.
164. As stated in the following documents: the record of the preliminary hearing, held on 30 June 2018; the record of the hearing to reschedule the initial hearing due to force *majeure*, held on 16 July 2018; and the record of initial hearing, held on 24 July 2018.
165. Amnesty International contacted relatives and defence lawyers between 12 and 14 September 2018 to verify the situation.
166. Inter-American Court of Human Rights, *Case of Espinoza Gonzáles v. Peru, (Preliminary Objections, Merits, Reparations, and Costs)*, Judgment of November 20, 2014, para. 206.

Pro-government armed groups dressed in green assault a family business in the Pueblos Blancos area. 15 July 2018. ©Private photo

On several occasions, after tearing down the blockades and confronting the population using force in the context of Operation Clean-up, members of pro-government armed groups and police officers illegally raided homes and unlawfully detained people, apparently as punishment for participating in the protests.[167]

Amnesty International has analysed the detention of five people after attacks on the "blockades" in several neighbourhoods known as Pueblos Blancos.[168] During Amnesty International's visit to this area, information was obtained about the attacks carried out in the context of Operation Clean-up between 15 and 17 July 2018. Both the OHCHR[169] and MESENI[170] denounced the excessive use of force in the operations carried out in this area. Amnesty International obtained information about the arbitrary detention of five people in this context.

In all five cases, which involved four families, the detention was carried out in an extremely violent manner. The four families (A, B, C and D) reported that members of pro-government armed groups dressed in green, accompanied by police officers, conducted unlawful searches of their homes (and, in at least one case, their family business), causing damage to the buildings and looting the contents. During the raids, the police officers (armed mostly with AK-style rifles) beat, threatened and insulted people on account of their participation in the anti-government protests.

Family A reported that 15 men, mostly hooded, dressed in civilian clothes and carrying firearms, opened fire inside the house, destroyed windows and doors, beat one person and then took her away.

The wife of a detainee in family B reported that at the time of the arrest, 14 men arrived, including police and members of pro-government armed groups, and when they found her husband they kicked him, took off his shoes and clothes, threw him on the ground, pushed him to his knees and beat him. The detainee's wife said that, at the time of the detention, there were several girls present; they were lined up and an AK-type weapon was pointed at them.

In the case of family C, the detention was carried out by members of pro-government armed groups. But in all five cases, the families reported that after being unlawfully detained, their relatives were transferred to police stations.

The Inter-American Commission on Human Rights has noted that in the context of the "Clean-up" raids, "a high degree of support and collaboration between National Police forces and masked parapolice groups" has been observed and "both police officers and members of parapolice groups detained scores of people who were later taken to National Police detention centers".[171]

167. CENIDH, Report No. 4, p. 6.
168. The Pueblos Blancos area includes the municipalities of Catarina, Diriomo, Niquinohomo, Diriá, Nandasmo, San Juan de Oriente and Masatepe
169. El uso de la fuerza letal en Nicaragua "es inaceptable" [The use of lethal force in Nicaragua "is unacceptable"] 16 July 2018, available at: https://news.un.org/es/story/2018/07/1437962 (Spanish only).
170. IACHR press release 19 July 2018.
171. IACHR press release 19 July 2018.

A member of family D told Amnesty International that she was detained and released after five days. She said that during that time she had no access to a lawyer and she was not brought before a judge. She added that when he asked a police officer if she could make a call to tell people where she was, he replied: "You have no rights."

> "The Inter-American Commission on Human Rights (IACHR) alerts about the ongoing stigmatization and criminalization of social protest on unjustified and disproportionate grounds; serious problems of access to legal defense and due process; and violations of the rights of persons deprived of liberty and their families."
>
> IACHR, 24 August 2018

4.6 DISPLACEMENT AND FORCED MIGRATION

> ***"Children as young as 12 have left the neighbourhood; children do not go to school because there are lots of paramilitaries in front of the school. There are no young people, it is a neighbourhood of traumatized women and children. Before it was full of young people, and now they are all running away".***
>
> Resident of the Sandino neighbourhood, Jinotega, interview with Amnesty International

The Inter-American Court of Human Rights has established that every person lawfully in a country has the right to move about in it and to reside in it[172] and that this includes protection from being forcibly displaced within a country or from being forced to leave a state.[173]

During Amnesty International's visit to the towns of Managua, Jinotega, Sébaco, Matagalpa and Pueblos Blancos, the organization obtained more than 60 statements about the daily climate of terror and harassment in which the inhabitants of these communities and neighbourhoods were living.

According to the information received, the "normality" that the government is trying to impose is based on the stigmatization, harassment, detention and criminalization of those who participated in the protests. As a result, many people have been forced to leave their homes and seek refuge in other districts, municipalities or departments for fear of being persecuted and detained. In other cases, people have been forced to migrate to other countries in an effort to safeguard their lives, security and freedom.[174]

Amnesty International was able to collect 18 statements from students, human rights defenders, *campesinos*, relatives of victims of human rights violations, members of opposition parties and community leaders who had come to Costa Rica in search of protection.

The well-founded fear of these people that they would be persecuted if they returned to Nicaragua was reflected in their fear of being arrested, criminalized, harassed, publicly humiliated, stigmatized or even tortured if returned to their country. Some people had had to circumvent Nicaraguan border controls to reduce the risk of being arrested at the frontier.

172. American Convention on Human Rights, Article 22
173. Inter-American Court of Human Rights, *Case of V.R.P., V.P.C. et al v. Nicaragua (Preliminary Objection, Merits, Reparations and Costs)*, Judgment of March 8, 2018, para. 308.
174. "…the definition or concept of a refugee to be recommended for use in the region is one which, in addition to containing the elements of the 1951 Convention and the 1967 Protocol, includes among refugees persons who have fled their country because their lives, safety or freedom have been threatened by generalized violence, foreign aggression, internal conflicts, massive violation of human rights or other circumstances which have seriously disturbed public order." Cartagena Declaration on Refugees.

> ***"We did not want to leave the country, but seeing as how they are snatching the young people, we felt we had no choice and also seeing our parents' desperation. Our parents told us that we were more help to them alive than dead or imprisoned and that leaving was the most viable option".***
>
> Young Nicaraguan man, V.X., interviewed in Costa Rica.

During the visit to Costa Rica, Amnesty International witnessed the fear that still haunted people even in a foreign country. Many people said that there were "informants", that is to say, Nicaraguan people connected to the government of President Ortega, in Costa Rica. According to their statements, the "informants" were operating not only in Costa Rican cities, but also in the border area, making a list of and sometimes attacking people who had participated in the protests and barricades. While Amnesty International could not confirm the existence of these groups, complaints about them were widespread.

> The Court has indicated that the right of movement and residence can be violated by de facto restrictions if the State has not established the conditions, nor provided the means to exercise it. The right of movement and residence can be affected when a person is the victim of threats or harassment and the State does not provide the necessary guarantees to ensure that they can move and reside freely in the territory in question, even when the threats and harassment come from non-state actors. Likewise, the lack of an effective investigation of violent acts, as well as the situation of impunity, can undermine the confidence of victims in the justice system and contribute to conditions of insecurity. In addition, this situation of impunity can lead to or perpetuate exile or forced displacement.
>
> The Inter-American Court of Human Rights, Case of V.R.P., V.P.C. et al v. Nicaragua, March 2018, para. 309.

5. CONCLUSIONS AND RECOMMENDATIONS

After analysing the events and cases documented, Amnesty International has concluded that since June 2018 the government has maintained and intensified a deliberately lethal and indiscriminate repressive strategy, not only with the intention of completely dismantling the protests, but also to punish those who participated in them.

Amnesty International believes that this strategy was based on the following:

1. AN OFFICIAL DISCOURSE OF DENIAL AND CRIMINALIZATION

Through the analysis of speeches and official public statements, Amnesty International confirmed that both the President and the Vice-President of Nicaragua have adopted language that includes the widespread use of the terms "terrorist" and "coup plotter" to refer to anyone who takes part in anti-government demonstrations.

In addition, the state has continued to publicly deny that human rights violations have been committed. Amnesty International believes that the figures and data presented by the National Police were deliberately manipulated and are proof of the government's intention to present a different picture. This denial is also demonstrated by the total rejection of the two reports submitted by international human rights bodies.

2. WIDESPREAD USE OF PRO-GOVERNMENT ARMED GROUPS

Through the analysis of images and testimonies, Amnesty International has concluded that the government made widespread and conspicuous use of pro-government armed groups with whom it coordinated violent actions against protesters in order to increase the capacity for repression and for use of lethal force, as well as to instill terror in the population.

A prime example of this phenomenon was the attack on the UNAN-Managua, where dozens of members of pro-government armed groups entered the university, attacked those occupying the campus using military-grade weapons indiscriminately, and trapped more than 200 people inside, while the National Police blocked the entrances to prevent people leaving. This case exemplifies how attacks were carried out not only with the knowledge of the most senior members of the government, but under their control.

Furthermore, Amnesty International believes that efforts by President Ortega to try to justify the existence and modus operandi of pro-government armed groups are an attempt to give the appearance of legality to a situation that violates both Nicaraguan law and international human rights law.

3. EXCESSIVE AND INDISCRIMINATE USE OF LETHAL FORCE AND EXTRAJUDICIAL EXECUTIONS

The state continued to use excessive force. In particular, during this period the use of lethal force was widespread, disproportionate and often indiscriminate. New cases of possible extrajudicial executions were documented that constitute a gross human rights violation and are a crime under international law.

Although there were incidents where demonstrators did engage in violent actions, the National Police (and pro-government armed groups) failed to fulfil their obligations and adhere to the principle of using the minimum force necessary, but rather engaged in the widespread use of lethal force. As the analysis above shows, the police almost never used less-lethal weapons which would allow a differentiated use of force, but instead engaged in the widespread use of lethal military-style weapons that fire indiscriminately, such as RPK light machine guns or AK rifles in automatic mode, which cannot ensure the least possible harm to life and physical integrity. There was also evidence of the use of military-style weaponry – which was disproportionate to the force being countered, including RPG-7 anti-tank grenade launchers – and of sniper rifles, such as the Dragunov or M24 Remington, which is consistent with continued reports of injuries in in parts of the body where the injury is most likely to prove fatal and that indicate that there was an intention to kill. The state used weapons that are designed for situations of armed conflict and that, therefore, should not be used in public security operations.

In addition, there were possible extrajudicial executions by state agents or of third parties acting on their orders or with their acquiescence. Amnesty International believes that the six cases of alleged extrajudicial executions documented in this report were a form of punishment.

Finally, the actions of pro-government groups, operating under the protection of the security forces and the control of the government, as in the case of eviction of those occupying UNAN-Managua, and public statements such as those by the Masaya Commissioner of Police stating that the National Police would comply with the orders of the President and Vice-President to eliminate the "blockades" whatever the cost, show that the repressive policy came from the highest levels of the Nicaraguan government.

4. LACK OF EFFECTIVE INVESTIGATIONS INTO HUMAN RIGHTS VIOLATIONS

The state has perpetuated impunity for serious human rights violations by failing to comply with its duty to initiate prompt, thorough and impartial investigations

The most basic procedures were not undertaken in most cases and the necessary conditions were not guaranteed that would have enabled victims to trust the authorities and file their complaints, or follow up on investigations without fear of reprisals.

Instead the relatives of victims of serious violations continued to face harassment and threats.

5. THE USE OF TORTURE AS A METHOD OF PUNISHMENT AND IN INVESTIGATIONS

Through the documentation of at least 12 reported cases of torture, Amnesty International has concluded that state agents, or members of pro-government armed groups acting under their command, inflicted pain and suffering on demonstrators as a method of punishment and during investigations to obtain information about the organization of protests. This constitutes a gross violation of human rights and a crime under international law.

At least one of the documented cases involved the sexual torture of a young woman in an official detention centre.

6. ARBITRARY DETENTION OF DEMONSTRATORS

Amnesty International believes that the state authorities carried out arbitrary detentions and disregarded basic judicial guarantees in proceedings against student and community leaders, as well as demonstrators in general, as part of a repressive strategy to disrupt the protest movement and punish those involved in it.

In the cases analysed in this report it was possible to confirm that detainees had been held in incommunicado detention and that no effective judicial recourse was available to relatives to review the legality of their detention. In addition, deadlines established in law for bringing detainees before judicial authorities were not adhered to. Amnesty International also documented the lack of access to an appropriate legal defence: the detainees did not have access to their lawyers and representatives before the first hearing and their legal counsel was not properly notified of some hearings during criminal proceedings.

7. INTERNAL DISPLACEMENT AND FORCED MIGRATION

As a consequence of the widespread persecution, thousands of people were forced to leave the country in order to safeguard their lives security and freedom. Amnesty International also found that people had been internally displaced because of well-founded fears that they would be attacked, arrested or harassed if they stayed in their neighbourhoods. The lack of effective investigations into human rights violations, entrenched impunity and the lack of trust in the institutions responsible for guaranteeing access to justice also contributed to this migration and displacement. The Nicaraguan state has not ensured the right of movement and residence because it did not provide the necessary guarantees for people to move around and reside freely in the country.

Amnesty International therefore makes the following recommendations:

TO THE PRESIDENT OF NICARAGUA

- Dismantle and disarm pro-government armed groups immediately and ensure that the police forces act in accordance with the principles of legitimate, proportionate and necessary use of force in the context of protests.
- Put an end, as a matter of urgency, to the strategy of repression, persecution and arbitrary detention of people involved in anti-government protests and guarantee the rights to freedom of expression and protest.
- Immediately release those human rights defenders, activists or other protesters who have been arrested for exercising their right to freedom of expression despite facing multiple charges for which the state has not presented any compelling evidence.
- Ensure that the National Police refrain from carrying out acts that constitute torture or other ill-treatment, intimidation, harassment or reprisals against demonstrators or those perceived to be opponents of the current government.
- Put an end to the public discourse that stigmatizes and criminalizes people who protest or who are perceived to be opponents of the current government and protect and recognize publicly the legitimate and important work of human rights defenders and journalists.
- Comply without delay with the recommendations issued by the Inter-American Commission on Human Rights (IACHR) and the Office of the United Nations High Commissioner for Human Rights (OHCHR). Ensure appropriate conditions for the IACHR Follow-up Mechanism on the Situation of Nicaragua (MESENI) and Group of Independent Experts (GIEI) so that they can carry out their work. Allow international human rights bodies and mechanisms unrestricted access to the country.

- Promptly seek to ratify the Rome Statute of the International Criminal Court and incorporate its provisions in domestic legislation.

TO THE PUBLIC PROSECUTOR´S OFFICE

- Initiate prompt, impartial, independent and thorough investigations into cases of extrajudicial executions, torture and other human rights violations, including those committed by pro-government armed groups, and include in those investigations not only those who committed the violations, but also the superior commanders who ordered or allowed them or who, knowing of such possible violations, did nothing to prevent them.
- Guarantee the effective participation of the victims and their families in investigation proceedings.
- Guarantee the safety of all those who, directly or indirectly, participate in the investigations.
- Guarantee the Interdisciplinary Group of Independent Experts (GIEI) full access to information and assistance in criminal investigations into acts of violence and possible human rights violations, in line with its mandate.

TO THE INSTITUTE OF FORENSIC MEDICINE

- Ensure that forensic pathologists participating in investigations act in an independent and impartial manner and in accordance with the best forensic practices, including those set out in the Minnesota Protocol.[175]
- In the case of arbitrary killings or extrajudicial executions, the Institute of Forensic Medicine must perform the autopsies, issue the relevant reports and keep the families informed at all times.

TO THE JUDICIAL AUTHORITIES

- Guarantee the independence and impartiality of judges, so that they can exercise their functions free of any interference, pressure or undue influence.
- Respect due process guarantees for detained students, activists or other protesters, including their right to appear before a court without delay, and guarantee access to their families and lawyers of their choice.
- Examine, in line with international legal standards, all cases of detainees brought before them and order their release if the individuals were arbitrarily detained.

TO THE INTERNATIONAL COMMUNITY

- Demand that Nicaragua fulfil its obligations regarding human rights.
- Ensure that the mandate of Working Group on Nicaragua, created within the framework of the Permanent Council of the OAS, to seek a peaceful and lasting solution to the crisis.
- Follow up on the suggestion of the Office of the United Nations High Commissioner for Human Rights, made in the framework of the 38th session of the UN Human Rights Council to consider the creation of an international commission of inquiry.[176]
- Guarantee international protection for all Nicaraguans who flee to other countries in the region to escape the danger to their lives, liberty and security.

175. OHCHR, Minnesota Protocol on the Investigation of Potentially Unlawful Death (2016) – The Revised United Nations *Manual* on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions (1991)
176. Alto Comisionado condena la violencia en Nicaragua durante su último discurso ante al Consejo de Derechos Humanos [High Commissioner condemns the violence in Nicaragua during his last speech before the Human Rights Council], 18 June 2018, available at: http://www.oacnudh.org/alto-comisionado-condena-la-violencia-en-nicaragua-durante-su-ultimo-discurso-ante-al-consejo-de-derechos-humanos/ (Spanish only) [Statement given in English available at: https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=23206&LangID=E]

Protest leaders walk through the Nicaraguan jungle in order to reach Costa Rica and seek asylum. 7 August 2018. © Marvin Recinos/AFP/Getty Images

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INSTILLING TERROR:

FROM LETHAL FORCE TO PERSECUTION IN NICARAGUA

This report is a follow-up to Amnesty International's earlier report *Shoot to kill*. In this report, *Instilling terror*, Amnesty International analyses the ongoing strategy of repression adopted by the Nicaraguan government towards the protests that began in April 2018.

Although several of the elements identified in the previous report have persisted, the organization found that since June 2018 several aspects of the state strategy have been intensified and transformed.

Official government statements have continued to seek to justify the repression, but have put greater emphasis on criminalizing those who took part in protests. The use of pro-government armed groups was common and there was widespread, deliberate and often indiscriminate use of lethal force against protesters. In addition, Amnesty International again documented cases of possible extrajudicial executions which the authorities failed to investigate.

Research showed that torture was used as a method of punishment, to fabricate evidence and during investigations. In addition, arbitrary detention was used as a strategy to suppress the protests. The result has been that thousands of people have been internally displaced or forced to flee the country.

It is Amnesty International's view that these violations were carried out not only with the knowledge of the highest authorities of the Nicaraguan state, including the President and Vice-President, but on many occasions, under their orders and control.

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