



June 10, 2019

Rep. Albio Sires
Chair

Rep. Francis Rooney
Ranking Member

House Foreign Affairs Committee
Subcommittee on Western Hemisphere, Civilian Security, and Trade

Re: Amnesty International Statement for Hearing on “Crushing Dissent: The Ongoing Crisis in Nicaragua”

On behalf of Amnesty International USA and our over two million members and supporters in the United States, we hereby submit this statement for the record. Amnesty International is an international human rights organization with national and regional offices in more than 70 countries, including in the United States. Our organization has undertaken multiple research missions to Nicaragua in the wake of widespread repression of political protests in April 2018. In this statement, we wish to share our grave concerns with the Subcommittee regarding human rights violations in Nicaragua as well as our recommendations to ensure that survivors of these violations can access lasting justice.

I. Following widespread repression of political protests in Nicaragua in April 2018, the human rights situation in Nicaragua continues to deteriorate.

In April 2018, a series of reforms to the social security system [triggered widespread social protests](#) in Nicaragua. In response to these protests, the Nicaraguan government adopted a strategy of violent repression. At least 325 people were killed in the protests, primarily by state security forces and pro-government armed groups. More than 2,000 people were injured and hundreds arbitrarily detained.

Amnesty International [has documented](#) the **widespread use of lethal force** by pro-government armed groups against people taking in part in public demonstrations. These groups have also used military-grade weapons in an indiscriminate, excessive and disproportionate manner. These weapons include machine guns, AK-type rifles and sniper rifles. Most of the 325 people who died during the protests were killed by state security forces and pro-government armed groups. Some of these killings may be tantamount to extrajudicial executions, which constitute crimes under international law.

Amnesty’s research also [demonstrated that](#) **state authorities used torture and widespread arbitrary detention** as forms of punishment for political dissidence, as well as to extract information about how protests are organized and who is leading them. As of December 2018, more than 2,000 individuals had been injured and hundreds of people arbitrarily detained. The

Inter-American Commission on Human Rights (IACHR) has reported that [at least 550 people](#) were detained and prosecuted in the context of the repression of protests. Though the government pledged in March 2019 to release all individuals whose detentions were politically motivated by mid-June, at least 100 individuals are estimated to remain in detention as of this writing.

There is reason to believe that human rights violations committed in Nicaragua since the beginning of the protests were carried out not merely with the knowledge or consent of the state authorities, but on their orders, including at the highest levels of government. In December 2018, the Interdisciplinary Group of Independent Experts (GIEI) for Nicaragua, created by the Inter-American Commission on Human Rights (IACHR) with the agreement of the State of Nicaragua, [concluded that](#) “the State of Nicaragua perpetrated actions that amount to crimes against humanity” on numerous occasions in the context of the repression of protests.

The human rights situation in Nicaragua continues to deteriorate day by day. Amnesty International continues to receive reports of arbitrary detentions and information about the torture of detainees. Since December 2018, when Nicaraguan authorities further intensified their [repression of civil society organizations](#) by making it illegal for them to do their work and seizing their premises and assets, organizations are still unable to work freely in the country. Journalists and media workers critical of the Ortega regime also continue to face [particular risks of harm](#): Amnesty International has been informed of the arbitrary detentions of two journalists, attacks on premises of newspapers and TV programs, and near-constant harassment of journalists and media managers working at independent outlets. Since the onset of the political crisis, an estimated [60,000 Nicaraguans](#) have fled the country because of threats to their lives, freedom and security and sought protection abroad, mainly in neighboring Costa Rica, as well as in the United States.

II. Survivors of human rights violations do not have access to truth, justice, or effective remedies at the national or regional levels.

In the wake of these mass human rights violations, victims have been unable to seek redress: a truth exemplified by the passage last week in the Nicaraguan congress of a [sweeping amnesty law](#) that could endanger access to truth, justice, and reparations for survivors of human rights violations relating to repression of the 2018 protests.

In three of the six possible cases of extrajudicial executions documented in Amnesty International's [October 2018 report “Instilling Terror: From Lethal Force to Persecution in Nicaragua,”](#) families of the victims did not file complaints out of fear of reprisals and lack of confidence in the authorities. In all cases, the families stated that they had no knowledge of any official investigation having been initiated. Repression and fear of reprisals have made survivors of human rights violations reluctant to file complaints with the Public Prosecutor's Office. Amnesty International's research found that some families did not even officially register the deaths of their relatives, much less attempt to file official complaints.

Similarly, [in its December 2018 report](#), the GIEI raised serious concerns regarding the judicial system because of the lack of independence of the judiciary and the Attorney General's office in Nicaragua; the extremely limited number of prosecutions for homicides that have taken place to date; and improper use of the criminal law against journalists, human rights defenders and

people who take part in demonstrations. As a result, as both the GIEI and Amnesty International have highlighted, it is currently impossible for victims to access justice at the national level.

Though the IACHR formally established, in agreement with the Nicaraguan state, two mechanisms to observe and investigate the human rights situation in the country, the government has since halted both. The Special Follow-Up Mechanism for Nicaragua (MESENI), which was established to follow up on the recommendations based on the IACHR's visit, including extensive recommendations it made in a [June 2018 report](#), was suspended in December 2018. That same month, the Nicaraguan government announced the end of the mandate and mission of the other IACHR-supported mechanism, the GIEI, which had been established to investigate the violent attacks that took place between April and May 2018. As a result, no national or regional mechanism currently operates on the ground to promote access to truth and justice for victims of Nicaragua's brutal crackdown on political dissent.

III. Recommendations

Given the lack of effective remedies available at the national level and the expulsion of two critical regional mechanisms, the international community must work collectively to adopt measures that will promote truth, justice, and reparation for survivors of widespread human rights violations in Nicaragua, as well as to ensure ongoing accountability for the Nicaraguan government's compliance with its human rights obligations in the future.

Amnesty International therefore recommends that Congress:

- Continue to robustly fund and support the efforts of the IACHR in ensuring that the Inter-American Commission can continue to monitor the situation and that Nicaragua implements the detailed recommendations of the IACHR as well as its MESENI and GIEI mechanisms;
- Adopt a resolution condemning the government's use of extrajudicial executions, arbitrary detentions, and torture as reprisal for political dissidence and reiterating the importance of access to justice and independent oversight mechanisms to ensure redress for these actions;
- Call on the Nicaraguan government to:
 - Cease arbitrary detentions and politically motivated arrests and immediately release all individuals detained solely for peacefully exercising their right to freedom of expression;
 - Promptly allow for impartial, independent, and thorough investigations of extrajudicial executions, torture, and other human rights violations committed by agents of the state or by pro-government armed groups acting with state acquiescence;
 - Disband and immediately disarm pro-government armed groups and ensure that police forces act in accordance with international standards on the legitimate, proportionate, and necessary use of force;
 - Halt all forms of repression, attacks, harassment, and criminalization of media workers for doing their job, and ensure that journalists and human rights defenders can carry out their work without fear of reprisal;

- Guarantee access to justice, truth, and reparations as a durable and sustainable solution to the crisis (in line with GIEI recommendations);
- Cease avoiding international scrutiny and comply with its international human rights obligations, including ensuring that the MESENI is afforded all necessary conditions to enable to carry out its work.

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Sincerely,

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