

MONITORING THE HUMAN RIGHTS SITUATION IN NICARAGUA MONTHLY BULLETIN N. 14 - DECEMBER 2019 - JANUARY 2020

Introduction This bulletin covers the period from 1 December 2019 to 31 January 2020, during which OHCHR continued to register attacks perpetrated either by police officers or pro-Government elements, against people who tried to stage protests or were perceived as opponents. Arbitrary detentions, harassments, threats and acts of intimidation were also repeatedly observed, including on the occasion of political meetings hosted by different sectors of the opposition. On 30 December 2019, the Government granted 91 persons deprived of their liberty in the context of the protests with alternative measures to detention. Nevertheless, civil society organizations warned that at least 65 people are still held in custody for the same reasons. At the end of January 2020, four indigenous men were killed in a Mayangna indigenous community in the north of the country, raising serious concerns.



Photo: Article 66 *Excessive restrictions of political rights continue to be registered in Nicaragua.*

International efforts in response to the socio-political crisis On 12 December 2019, the Office of Foreign Assets Control (OFAC) of the United States Department of the Treasury imposed financial sanctions on Rafael Antonio Ortega Murillo, son of President Ortega and Vice-President Murillo.¹ This is the third member of the Ortega-Murillo family on which OFAC has imposed sanctions since November 2018.²

On the same day, OFAC also sanctioned three companies reportedly owned or controlled by Rafael Antonio Ortega Murillo: *Distribuidor Nicaraguense de Petroleo S.A.* (DNP by its Spanish acronym), whose inventory was nationalized two days after through a law adopted by the Legislative under

¹ See: <https://home.treasury.gov/news/press-releases/sm854> and <https://www.treasury.gov/resource-center/sanctions/OFAC-Enforcement/Pages/20191212.aspx>, last accessed on 7 January 2020.

² In November 2018 and April 2019, respectively, Vice-President Rosario Murillo and her son Laureano Ortega Murillo were sanctioned by OFAC. See: OHCHR Monthly Bulletin No. 3, November 2018, and Monthly Bulletin No. 8, April 2019, available at: www.oacnudh.org/wp-content/uploads/2018/12/Nicaragua-Monthly-Bulletin-Mensual-November-2018.pdf and www.oacnudh.org/wp-content/uploads/2019/05/Nicaragua-Monthly-Bulletin-April-2019.pdf, last accessed on 7 January 2020.

special urgency procedure,³ *Inversiones Zanzibar S.A.* and *Servicio de Protección y Vigilancia S.A.*⁴ All sanctions are being taken pursuant to Executive Order 13851, “Blocking Property of Certain Persons Contributing to the Situation in Nicaragua”.⁵

On 19 December, the European Parliament adopted Resolution 2019/2978 (RSP), through which it urged the Nicaraguan Government to end the persistent repression of dissent, and the ongoing pattern of arbitrary arrests, torture and sexual violence.⁶

The resolution stresses the need to guarantee political and civil freedoms for all Nicaraguans, including through the adoption of electoral reforms, and the return of those in exile, and the return of and cooperation with international organizations.⁷ Finally, the document calls for the democracy clause in the current EU-Central America Association Agreement to be triggered, which would effectively start the process of suspending Nicaragua from the agreement.⁸

Attacks and/or intimidation by the National Police and/or pro-Government elements The National Police continued deploying a large number of officers in public places, which prevented people from protesting or participating in political activities, for fear of being arrested. This was the case on 12 December in the cities of Managua, on 15 December in Nueva Segovia and on 26 January in Bluefields in the South Caribbean Coast Autonomous Region.



Photo: Article 66 *Threatening graffiti on a house in Estelí. 31 December 2019.*

OHCHR continued to receive reports of selective repression in the form of arbitrary detentions, surveillance, or harassment, including through threatening graffiti on houses of individuals considered as opponents of the Government. Targeted persons include human rights defenders, journalists, protesters, relatives of persons killed during the 2018 protests, former detainees in the context of the protests and their relatives, as well as community leaders.

OHCHR collected images of nine cases showing threatening graffiti on religious buildings and houses in the cities of Matagalpa, Estelí, and Managua. This includes the houses of a women’s rights

³ See: <https://www.lagaceta.gob.ni/2019/12/239>, last accessed on 3 February 2020.

⁴ See: <https://home.treasury.gov/news/press-releases/sm854>, last accessed on 7 January 2020.

⁵ See: OHCHR Monthly Bulletin No. 3, November 2018, *op. cit.*

⁶ See: https://www.europarl.europa.eu/doceo/document/TA-9-2019-0111_EN.html, last accessed on 7 January 2020.

⁷ *Ibidem.*

⁸ See: <https://www.europarl.europa.eu/news/en/press-room/20191212IPR68926/nicaragua-meps-demand-an-end-to-repression-of-political-opponents>, last accessed on 7 January 2020.

defender, a female social leader and a male journalist. In a communication sent to OHCHR on 28 January 2020, in reply to a request of information on the actions adopted to protect human rights defenders, community leaders, journalists, media workers and people critical of the Government from attacks or intimidating acts, the State of Nicaragua completely denied that such attacks or acts of intimidation have happened.

OHCHR received reports of at least 30 cases of arbitrary detentions carried out without arrest warrants by police officers. The 30 persons remained deprived of their liberty from less than one hour to a maximum of 48 hours, and were released without any charges. Fifteen of them had been previously detained in the context of the 2018 protests and were released after the approval of the Amnesty Law in June 2019.

On 6 December, the National Agrarian University (UNA by its Spanish acronym) reportedly decided to expel four students, suspend for up to one year nine students and cancel the scholarships of 30 others. They allegedly participated in peaceful protests on 26 and 27 November 2019 to denounce an alleged fraud in the election of the National Union of Students of Nicaragua (UNEN, by its Spanish acronym).⁹ These measures could also affect their rights to education.¹⁰

On 12 December, a picket line was staged by dozens of protesters outside Metrocentro, in Managua, just after the Civic Alliance for Justice and Democracy (hereinafter Civic Alliance) and the Blue and White National Unity (UNAB by its Spanish acronym) presented an agreed proposal to undertake electoral reforms.¹¹ During the picket line, police officers, including riot police, reportedly attacked at least eight people, including three mothers of persons detained in the context of the 2018 protests and four journalists who were covering the picket line. Police officers also reportedly confiscated the cell phone of a female journalist. In addition, a man attacked a woman by hitting her on the face with a tube. OHCHR has not been informed of any investigation taking place for these attacks or the phone reportedly confiscated. In a communication sent to OHCHR, the Government of Nicaragua blames a member of the Civic Alliance for the attack to the woman.

Also, on 12 December, in a statement delivered on Canal 4,¹² Vice-President Murillo referred to the opponents as “cowards” and “traitors”, among other expressions. Inflammatory speech from the authorities may put at risk people perceived as opponents to the Government, since it may incite members of the population to use discriminatory, hostile or violent language and/or to act violently against these people.¹³

⁹ See: <https://confidencial.com.ni/universidad-agraria-cancela-becas-de-estudiantes-que-se-sublevaron-ante-unen/> and https://twitter.com/PiruloAr/status/1204873747305549825?ref_src=twsrc%5Etfw%7Ctwcamp%5Etweetembed%7Ctwtterm%5E1204873747305549825&ref_url=https%3A%2F%2Fconfidencial.com.ni%2Funiversidad-agraria-cancela-becas-de-estudiantes-que-se-sublevaron-ante-unen%2F, last accessed on 8 January 2020.

¹⁰ On 12 February 2020, UNA decided to suspend the sanctions imposed on the above-mentioned students. The University Council issued a new agreement requesting the students to avoid any acts of misconduct as a condition to be enrolled at the University.

¹¹ See: https://www.alianzavicicanicaragua.com/wp-content/uploads/2019/12/PPT_Propuesta_Unificada-121219.pdf, last accessed on 8 January 2020.

¹² See: www.youtube.com/watch?v=IPOSwa2Lww8, last accessed on 8 January 2020.

¹³ See: OHCHR, bi-monthly bulletin No. 13, October-November 2019, available at: www.oacnudh.org/wp-content/uploads/2019/10/nicaragua-monthly-bulletin-n13-octubre-noviembre-2019.pdf, last accessed on 8 January 2020.

On 24 December, three family members of Amaya Coppens, a woman human rights defender detained for the second time on 14 November,¹⁴ and a man who was with them, were reportedly attacked and beaten in the city of Chinandega by a group of approximately 10 to 15 male armed pro-Government elements. Two of the men were injured mainly on the face, and one/two of them were also reportedly beaten on the back and the ribs. The fourth person, a woman, was allegedly threatened by a pro-Government element. According to the information received by OHCHR, this occurred after two of them pasted stickers making reference to “the release of political prisoners”. OHCHR was also informed that the alleged perpetrators expressed death threats against the four persons. Later on, the four were allegedly brought to the police station by police officers, where they spent approximately four hours in the police station, during which they were interrogated and were seen by a doctor.

A 19-year old male university student was reportedly kidnapped on 17 January around noon, by hooded pro-Government elements, while he was on the street in Masaya. He was allegedly kept in a room with his hands and feet tied, before being reportedly thrown from a car by his captors in the Tisma municipality – located approximately at 20 kilometers from Masaya –, on 19 January in the evening. While deprived of his liberty, the student was allegedly tortured, humiliated and deprived of food and water. According to the information received by OHCHR, before being allegedly kidnapped, the student had received several threatening messages, through the social media and by phone.

On 23 January, in the morning, an important number of police officers, including riot police were deployed outside the hotel Maracas, in the city of Managua, where a former Minister was presenting his book. Around noon, a picket line was initiated by approximately five people, who were holding the national flag, outside the hotel. The riot police officers tried to push them inside the hotel and, some of the riot police officers reportedly entered the hotel. A journalist was beaten on the head by a riot police officer, who reportedly beat him with his shield and then kicked him on the leg, while he was covering the picket line and actions undertaken by the police deployed.



Photo: Article 66 *Seven women and nine men detained on 14 November 2019 for having delivered some water to the hunger strikers, after their release. 8 January 2020.*

Also on 23 January, the church of Saint John the Baptist in Masaya organized a campaign to collect school supplies for the children of former prisoners and prisoners detained in the context of the protests. However, patrol vehicles and a group of police officers, including riot police, surrounded the church, preventing the arrival of people who wanted to show solidarity with the students. All those who tried to enter the church for this purpose, had to leave the place without being able to make their donations. Others preferred not to approach the church for fear of reprisals.¹⁵

¹⁴ *Ibid.*

¹⁵ See: <https://www.youtube.com/watch?v=b5EvrY5Pw4I>, last accessed on 3 February 2020.
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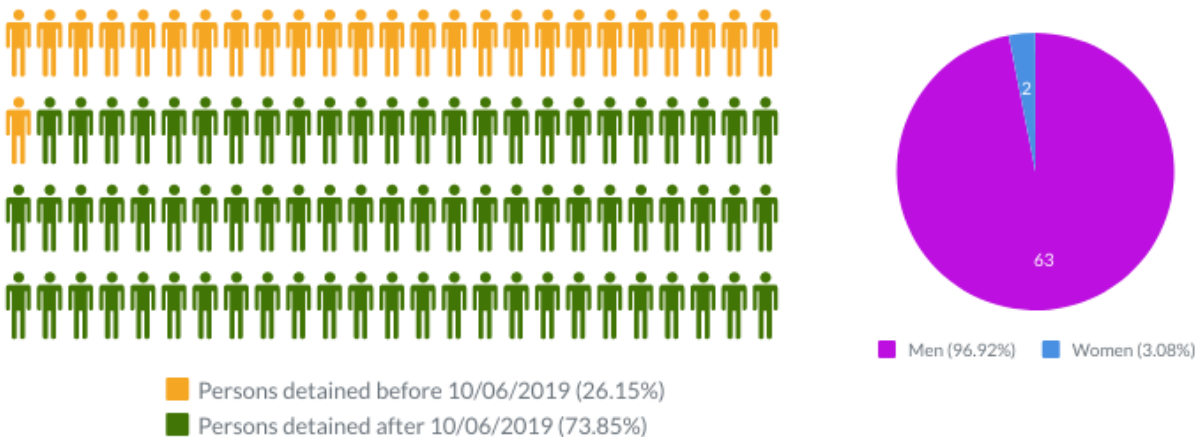


Situation of people deprived of their liberty in the context of the protests According to information received by OHCHR, during December, some of the detainees in the ‘*Dirección de Auxilio Judicial*’, a detention center in the city of Managua, were not allowed to rest properly at night, either because of constant artificial lighting in their cells or because they were not provided with blankets to be protected from the cold at night. Some were affected by the poor supply of drinking water, lack of adequate medical attention and medicines. Some detainees suffered from diarrhea due to inadequate food. In this context, on 18 January, at least ten male deprived of their liberty in the context of the protests started a hunger strike to request the release of “all the political prisoners” and denounce the conditions of detention.

On 10 December, a transgender woman, who participated in the 2018 protests and returned from exile on 5 December 2019, was detained by the police in her house, located in the Yalagüina Municipality, Department of Madriz. She was accused of obstruction of police officers’ functions, for acts reportedly committed on 6 December. She was deprived of her liberty in a male prison in Somoto.¹⁶

On 30 December, the Ministry of the Interior ordered the release of 91 persons (eight women and 83 men) under alternative measures to detention. The measure benefited, among others, the seven women and nine men detained on 14 November 2019 for having delivered some water to the hunger strikers surrounded by the police in the church of San Miguel, in Masaya, as well as an human rights defender in environmental matters, who went into exile in 2018 and was detained on 1

Persons still deprived of their liberty in the context of the protests until 30/12/2019



Creation date: 13 February 2020 Source: OHCHR based on information provided by both governmental and civil society sources

¹⁶ She was released under alternative measures to detention on 13 February 2020, after having experienced health problems.

September 2019, few months after his return to Nicaragua.¹⁷ In a press release issued on the day of the release, the Ministry of the Interior thanked the representative of the Holy See in Nicaragua, the International Committee of the Red Cross and the national human rights institution (*Procuraduría para la Defensa de los Derechos Humanos*) for accompanying the initiative, which the Government considered as a contribution towards reconciliation.¹⁸

OHCHR was informed that these 91 persons released must comply with a number of conditions in order to remain free. This include: avoid carrying out acts that disturb public order, refrain from visiting the places where the alleged crimes were committed, and those convicted may not transit through places restricted by the sentence. They are also prevented to travel outside Nicaragua, which in the case of human rights defenders may constitute an obstacle to carrying out their activities, especially the cooperation with regional and international human rights mechanisms. OHCHR also received information that, of these 91 released persons, 41 were serving sentence, 38 were being prosecuted, and five were under detention.

According to civil society organizations, 65 people (two women and 63 men) are still deprived of their liberty allegedly in the context of the protests, from which, 48 have been reportedly detained after 10 June 2019, the day of the adoption of the Amnesty Law.¹⁹ According to the information provided by the Government to OHCHR, these people were charged with common crimes, being drug trafficking or possession and manufacture, trafficking, possession and use of illicit weapons and explosive substances or devices the most common. Besides, they are detained in different parts of the country – not only in the city of Managua, following a different practice than the one applied for people deprived of their liberty in the context of 2018 protests.

On 28 January 2020, the Government informed OHCHR that *"to date no person has been found to be in detention for the commission of offences in the context of the attempt failed coup d'état"*, that *"there are no political prisoners in Nicaragua"*, and that *"some sectors of the opposition to the Government have manipulated this situation in the media, alleging that those accused and tried for crimes committed beyond the context of the attempted failed coup d'état benefit from [...] the Amnesty Law"*.²⁰

Freedom of association On 12 April 2019, the Ministry of the Interior approved the Regulation for the surveillance and control of non-profit organizations²¹ that has reportedly started being implemented in January 2020. The regulation requests national and international non-profit organizations to sign a commitment to “not include projects, programmes or actions of the type of political parties”, among others requirements. Taking into consideration the context in Nicaragua, including the cancellation of the legal registration of nine civil society organizations in 2018, OHCHR

¹⁷ See: OHCHR Monthly Bulletin No. 13, October-November 2019, available at: <http://www.oacnudh.org/wp-content/uploads/2019/10/nicaragua-monthly-bulletin-n13-octubre-noviembre-2019.pdf>, last accessed on 7 January 2020 and OHCHR Monthly Bulletin No. 12, August-September 2019, available at: <http://www.oacnudh.org/wp-content/uploads/2019/10/Nicaragua-Monthly-Bulletin-N12-August-September-2019.pdf>, last accessed on 3 February 2020.

¹⁸ See: <https://www.migob.gob.ni/nota-de-prensa-25/>, last accessed on 7 January 2020.

¹⁹ See: <https://twitter.com/cenidh/status/1211777273344512008/photo/2>, last accessed on 7 January 2020.

²⁰ Information sent by the Government in a communication to OHCHR on 28 January 2020.

²¹ See <https://www.migob.gob.ni/wp-content/uploads/2020/01/NORMATIVA-DEL-DEPARTAMENTO-DE-ASOCIACIONES-PARA-LA-SUPERVISIÓN-DE-LAS-OSFL.pdf>, last accessed on 30 January 2020.

is concerned that this regulation could further restrict the right to freedom of association of non-profit organizations in Nicaragua.

Attacks against Indigenous communities During the period covered by this bulletin, OHCHR registered the killings of five indigenous men, including a leader, in the North Caribbean Coast Autonomous Region.

On 4 January 2020, Mark Rivas, a Miskitu indigenous leader, was found shot dead in Bilwi. He proactively defended the rights of Miskitu people and had reportedly received anonymous death threats after accusing the ruling party of creating divisions among indigenous communities.



A house burned down in the Mayangna indigenous community of Alal, Saudi As territory. 30 January 2020.

On 29 January 2020, dozens of armed men attacked the Mayangna community deep inside the Bosawas Biosphere Reserve, a remote protected area in the North Caribbean Coast Autonomous Region, 300 km north of Managua. Four members of the Alal community in the Sauni As territory, were killed, two others seriously injured and 16 houses burned down, forcing hundreds of people from the village and surroundings to flee. Police officers arrived on the scene the following day. The security forces established a temporary presence in the Alal community, while other authorities held different meetings with Indigenous representatives and provided humanitarian aid to the inhabitants. This response prompted the return of most of the families that had been initially displaced. The police also issued a press statement indicating that the alleged perpetrators belonged to a criminal

gang known as “Chabelo”.²² This was also confirmed by non-governmental sources. Nevertheless, OHCHR received conflicting information about the circumstances that motivated the attack. It should also be noted that the Mayangna publicly reported last November that they had received death threats and that authorities had not provided adequate protection to the community.



Burial of the remains of victims in the Mayangna indigenous community of Alal, Saudi As territory. 30 January 2020.

²² See: National Police, Press Release No. 26-2020, available at: <https://www.policia.gob.ni/?p=46030>, last accessed on 26 February 2020.

Asylum seekers from Nicaragua The flow of Nicaraguan asylum seekers can be seen as another evidence of the persistent socio-political and human rights crisis. As of November 2019, available official data provided by governmental authorities of different host countries, indicated that more than 92,500 persons had fled Nicaragua to seek protection since April 2018. Of these, about 70,000 were registered in Costa Rica²³ and 7,880 in Panama. In addition, the United Nations Refugee Agency that has been collecting these figures, noted that during the period included between June and November 2019, an average of more than 4,000 asylum seekers left Nicaragua each month. The same Agency also informed that, as of December 2019, the total number of Nicaraguan asylum-seekers had reached 98,000.²⁴

Conclusions and recommendations

OHCHR continued to register recurrent episodes of human rights violations, particularly excessive restrictions on civil and political rights by security forces and pro-Government elements, reportedly acting with the support, direct or indirect, consent or acquiescence of the authorities. Lack of accountability for gross human rights violations committed since April 2018, impedes the victims to obtain justice and interferes with their ability to seek truth, redress and guarantees of non-recurrence. OHCHR is also concerned by the continuous restriction of the freedom of association in Nicaragua, as well as by the situation of indigenous communities. In this context, the flow of Nicaraguans asylum seekers to other countries, especially to Costa Rica, persists.

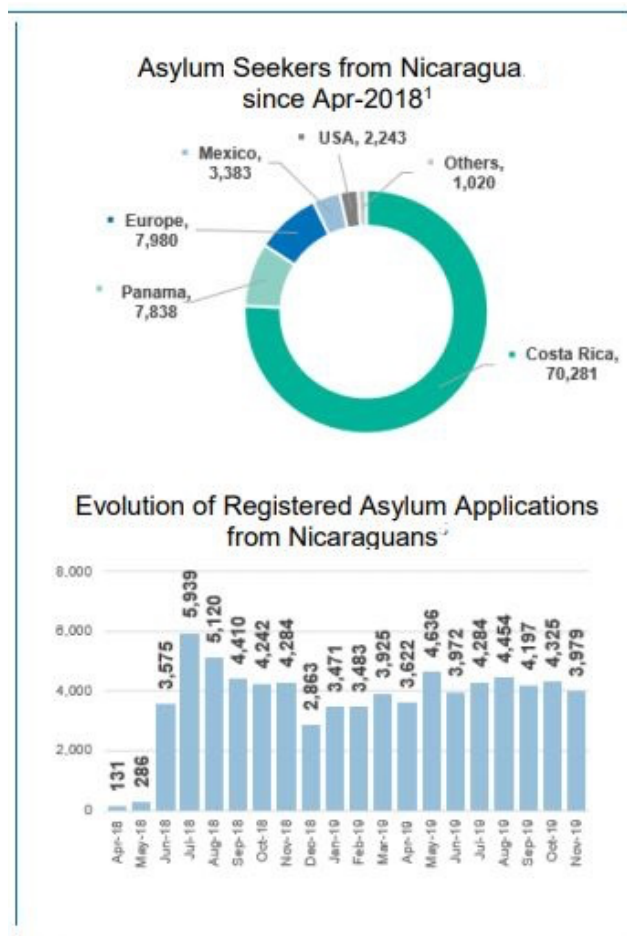
The international community must remain alert and committed to the situation in Nicaragua in order to provide the support needed by the State and the society as a whole to overcome the ongoing sociopolitical crisis.

OHCHR stands ready to support the Government in the implementation of the recommendations issued in its reports of 2018 and 2019.²⁵

²³ These figures include about 17,750 individuals, who are waiting to formalize their claims in Costa Rica.

²⁴ Preliminary figures based on the information provided to UNHCR by Governments.

²⁵ See http://www.oacnudh.org/wp-content/uploads/2018/08/Nicaragua-Report-FINAL_EN.pdf and http://www.oacnudh.org/wp-content/uploads/2019/09/A_HRC_42_18_EN.pdf, last accessed on 3 February 2020.



Creation date: 30 November 2019 Source: UNHCR based on data provided by Governments as of November 2019