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**Annual report of the United Nations High Commissioner
for Human Rights and reports of the Office of the
High Commissioner and the Secretary-General**

Report of the Group of Human Rights Experts on Nicaragua^{*}

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Summary

The present report, submitted to the Human Rights Council pursuant to its resolution 52/2, contains an overview of the findings and conclusions of the Group of Human Rights Experts on Nicaragua with respect to serious human rights violations, abuses and crimes perpetrated in the country since April 2018. In this report, the Group deepened its examination and analysis of patterns of violations and abuses and their evolution, including impunity, as well as related responsibilities. The Group looked particularly at violations and abuses targeting specific groups: university students and faculty, Indigenous people and people of African descent, members of the Catholic Church and other Christian denominations, and members of the *campesino* movement.

I. Introduction

* The report was submitted to the conference services for processing after the deadline so as to include the most recent information.

**The annex to the present report is circulated in the language of submission only.

A. Background

1. In its resolution 49/3, the Human Rights Council established the Group of Human Rights Experts on Nicaragua to investigate all alleged human rights violations and abuses committed in Nicaragua since April 2018, with a view to contributing to accountability and access to justice, and to making recommendations to improve the human rights situation.

2. In its resolution 52/2, the Council extended the mandate of the Group for a period of two years. Its current members, Jan-Michael Simon (Chair), Ángela María Buitrago and Ariela Peralta Distefano, were appointed by the President of the Council and worked pro bono as independent experts, with the support of a secretariat comprised of United Nations officials.

3. The Group presented its first report to the Council at its fifty-second session where it concluded to have reasonable grounds to believe that State and non-State actors had committed serious and systematic human rights violations and abuses against persons opposed to the Government or perceived as such.¹ The Group determined that these violations and abuses constituted a systematic and generalised attack against a civilian population conducted through a discriminatory policy promoted by the State authorities at the highest level to maintain power and suppress any form of dissent. This attack had resulted in the destruction of the civic space in Nicaragua and allowed the Group to affirm, *prima facie*, that the crime against humanity of persecution on political grounds had been perpetrated.²

4. In resolutions 49/3 and 52/2, the Council called upon the Government of Nicaragua to cooperate fully with the Group, including by granting unfettered, full, and transparent access to the country, and providing information necessary to discharge its mandate. On 2 August and 22 November 2023, the Group sent new letters requesting information to President Daniel Ortega which remained unanswered. The Group also sent an advance copy of this report to the Government. The Government continues to refuse to engage and cooperate with the Group.

5. The Group was able to gather, preserve, corroborate, and analyse the information and evidence necessary to establish the facts and circumstances of the serious human rights violations and abuses described in the present report, in accordance with its mandate, and despite the lack of cooperation from the Government and the ever-increasing security concerns for victims, witnesses and sources of information.

6. The Group prepared the present report despite significant challenges owing to persistent delays in the recruitment of a considerable part of secretariat staff with the required expertise. In addition, as at February 2024, non-post resources, which are essential to fulfil the Group's mandate, have been dramatically reduced. All of this has been causing serious difficulties in ensuring the deliverables since the beginning of the Group's mandate. This notwithstanding, the Group expresses its gratitude to the Office of the High Commissioner for Human Rights for providing secretariat support.

B. Methodology and standard of proof

7. The Group conducts its investigations applying methodologies and best practices established by the United Nations,³ ensuring a victim-centred approach, with specific attention to the gender dimensions of violations and abuses. The Group also applies the principles of independence, impartiality, objectivity, transparency, integrity and “do no harm”.

8. The Group continued to apply the “reasonable grounds to believe” standard of proof in its investigations, in line with the practice of investigative bodies established by the Human Rights Council. While this threshold is lower than that to establish liability in criminal proceedings, it is sufficient to warrant the initiation of criminal investigations.

¹ A/HRC/52/63, para. 123; see also: A/HRC/52/CRP.5.

² A/HRC/52/63, paras.109-110 and 124.

³ See: A/HRC/52/CRP.5, paras. 35-58.

9. For the preparation of the present report, the Group conducted 642 interviews with victims, witnesses, and other sources of information, both remotely and during eight field visits and examined hundreds of secondary sources to corroborate and contextualise the information gathered. The Group assessed these sources rigorously to establish their reliability.

10. The Group ensured to obtain the informed consent of each interviewee before using the information provided, and anonymised information that identifies or could lead to identify victims, witnesses, and other sources, where there are risks of reprisals against them or their relatives. The Group respected the sources' wishes before using any of the information provided. It expresses its deepest gratitude to all those who recounted with courage their traumatic experiences, and to human rights defenders, activists, journalists, lawyers, and other partners for the information provided, despite well-founded fears of reprisals.

C. Legal framework

11. Factual determinations on specific incidents and patterns of conduct provided the basis for the legal qualification under international law, international human rights law and, where appropriate, customary international criminal law. The Group also considered the human rights guarantees contained in Nicaragua's Constitution and laws and other relevant domestic provisions. The full legal framework applied by the Group is contained in the detailed conclusions published with its first report.⁴

12. In view of the accountability component of its mandate, the Group considered that its ultimate object and purpose, when determining the factual basis, is to establish the existence of serious human rights violations. The Group considered that a violation of human rights is serious when the State has the intention to violate the norm.⁵ The Group also considered the extent and number of individual violations and the aggravating effect of their scale, together with their prevalence, nature, interrelatedness, and impact. In the latter case, it considered both the size of the group targeted and the consequences for the victims, as well as those affected in the broader population beyond the targeted group.⁶

II. Findings

13. For the preparation of the present report, the Group has focused on key features of the development of the overall human rights situation in Nicaragua since March 2023. The Group investigated the patterns of human rights violations and abuses prevalent during the reporting period.

14. The Group also further examined the violations and abuses targeting specific groups: university students and faculty, Indigenous people and people of African descent, members of the Catholic Church and other Christian denominations, and members of the *campesino* movement. This focus does not reflect the totality of human rights violations and abuses in Nicaragua. Rather, it was adopted to illustrate the development of the human rights situation in the country. Detailed findings and references are published in the accompanying conference room papers.⁷

15. In line with its accountability mandate, the Group also further investigated the role and structure of State institutions involved in the violations and in perpetuating impunity.

⁴ Ibid., paras. 59-74.

⁵ The Group also interpreted "systematic violation" as an "organized and deliberate violation".

⁶ This approach is further substantiated in the supporting conference room papers.

⁷ A/HRC/55/CRP.3; A/HRC/55/CRP.4; A/HRC/55/CRP.5; A/HRC/55/CRP.6; and

A/HRC/55/CRP.7.

A. Development of the human rights situation – key features

1. Pervasive persecution

16. Since the presentation of the Group's first report, the authorities have continued to commit serious human rights violations to ensure total Government control over any civic space in Nicaragua. Based on the results that its efforts to eradicate any opposition and criticism had achieved thus far, the Government has adapted and expanded the persecution and forms of repression, by silencing any – even remote – form of criticism, targeting an ever-growing group of individuals, and forcing more and more Nicaraguans to leave their country, intimidating those who have left and depriving them of their fundamental human rights.

17. Persecution of real or perceived opponents remaining in Nicaragua has continued in the form of incessant harassment, threats, surveillance, and arbitrary detention, causing the victims and their relatives to live in constant fear. In some cases, such as that of human rights defender Vilma Núñez de Escorcia, the authorities have gone as far as depriving dissenting voices of their legal identity and means of living. Many people have felt compelled to leave the country out of well-founded fear of repression. Others were expelled by the authorities.

18. The authorities have also extended the persecution to Nicaraguans located abroad, banning them from entering the country, depriving them of their nationality and legal identity, denying them access to official documentation and consular support, preventing family reunification, especially with children, and depriving them of their pension entitlements and assets left in Nicaragua. The authorities have also resorted, on occasion, to violating the human rights of relatives that remained in the country to intimidate and/or punish those who had left.

19. There exist plenty of notorious cases illustrating the extent and intensity of the current persecution, the events that took place in the context of the “Miss Universe” contest, during which blue and white national flags were waved on the streets in Nicaragua, being just one case in point in this regard. Since the mass protests of April 2018, the national flag had become a symbol of opposition to the Government.

2. Total centralisation of State powers in the hands of the President and Vice-President

20. The context of pervasive persecution was accompanied by the further consolidation of the concentration and centralisation of all State powers in the hands of the President and the Vice-President. This has led, in particular, to the total control of the judicial branch. In October 2023, the Chief Justice was removed and put under de facto house arrest, reportedly by orders of the Vice-President. The general administrator of the Supreme Court of Justice and several judges were also removed. The vice-president of the Supreme Court, who was also the political secretary of the *Frente Sandinista de Liberación Nacional* at the Court, became acting president. In February 2024, he was reportedly removed from his functions by the executive. This happened in a context in which, since 2018, over ten percent of the personnel of the judicial branch had been dismissed.

21. According to several sources, removals and dismissals in the judicial branch aimed at doing away with those who were considered not entirely loyal to the Government and the *Frente Sandinista de Liberación Nacional*, and at clustering control in the hands of a few officials who enjoyed the Presidency's full trust. These actions also aimed at intimidating the rest of the judicial branch.

22. The de facto takeover of the judicial branch by the executive also demonstrates the President and the Vice-President's strategy to assure total control at any cost. It not only grossly violates the principle of independence of the judiciary, but also further undermines the conditions necessary for fair trials and access to justice, thereby affecting the entire population.

3. Total impunity

23. The centralisation of all State powers in the hands of the President and Vice-President further guarantees total impunity. In its first report, the Group concluded that the human rights violations, abuses, and crimes identified by the Group had been met with total impunity. This has continued and has been further consolidated through the control over the judicial branch. The instrumentalization of all State powers, especially the judicial branch, has either prevented proceedings against perpetrators or shielded them from accountability by applying an Amnesty Law adopted in June 2019.

24. Total impunity even extends de facto to cases presented before foreign jurisdictions based on the victim's foreign nationality, such as the extrajudicial execution of Brazilian student Raynéia Lima in 2018. According to the information provided by the Brazilian Public Prosecutor's Office to the lawyers of Lima's mother in May 2023, the Government of Nicaragua had refused to accede to the Brazilian authorities' request of international legal assistance to access the file of a person convicted of Lima's murder, stating that the convict had later been granted amnesty.

25. The Amnesty Law guarantees impunity for serious human rights violations and abuses, including extrajudicial executions, arbitrary detention and torture and other ill-treatment, related to all events until the entry into force of the law. The law terminated with the few attempts at obtaining truth and justice, leaving the victims and their relatives with no effective remedy in the country. The Group notes that an amnesty that forecloses prosecution of acts of torture is incompatible with the obligations of Nicaragua under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. An amnesty that exempts other serious human rights violations from punishment is also generally incompatible with Nicaragua's obligations under international human rights law.

B. Corroboration of torture

26. The Group interviewed 73 of the 222 persons who had been arbitrarily detained in different detention centres in Nicaragua and were expelled to the United States of America in February 2023. The victims all corroborated the patterns of ill-treatment detailed in the Group's first report, which, in many cases, reached the threshold of torture, due to the combination of different acts, their prolonged nature, the presence of other stressors or vulnerabilities, and the severe psychological pain inflicted on the victims.

C. Prevalent patterns of violations and abuses

27. The Group continued to document serious violations of the rights to liberty and security of the person, due process and fair trial, and freedom of movement and a nationality, as well as serious violations connected to the latter, affecting an increasing number of individuals.

1. Arbitrary detentions and violations of the right to a fair trial

28. Of the many detentions documented by the Group during the reporting period, a series of 85 detentions conducted in May 2023 during large-scale police operations across the country, coordinated with the Public Prosecutor's Office and the judiciary, stands out. Those arrested were transferred to Managua where they were brought before judges in hearings held at night. Most of them were charged with conspiracy to undermine national integrity and spreading false news through technology. They were released the following day on the condition to report daily to a designated police station until further notice. Their legal situation remains uncertain. Many have opted to leave the country in the face of constant harassment by the authorities and the prospect of prosecution and conviction.

29. According to civil society, by February 2024, 121 real or perceived Government opponents (102 men and 19 women) remained deprived of their liberty. More than two thirds were detained in 2023. The majority was charged with drug trafficking-related offences, spreading false news through technology, and/or conspiracy to undermine national integrity. More than two thirds of the arbitrarily detained were "convicted".

30. The profile of victims of arbitrary detention continued to be diverse and included members of different sectors of society, such as priests, seminarians, journalists, employees of the judiciary, judges, Indigenous leaders, students, and members of civil society organizations and political and *campesino* movements. They were all real or perceived Government opponents. Family members of the victims were also victimised only for being related to Government targets.

31. The authorities followed the same patterns and modus operandi already identified in the Group's first report. The police conducted the detentions and raids without arrest and search warrants. Most of the persons detained were transferred to the District III police station and/or courts in Managua and were subsequently sent to detention centres in Managua.

32. The detainees were not allowed any communication with their families and lawyers. In some cases, following their apprehension, their whereabouts were unknown for extensive periods of time and no writs of habeas corpus were admitted by the courts. The detainees did not have access to a defence counsel of their choice. Hearings were held *in camera* and the accused were only able to participate by means of videoconferencing. The cases were all assigned to the same few prosecutors and judges in Managua regardless of the places where the alleged crimes had been committed.

2. Violations of the rights to freedom of movement and a nationality

33. Serious and systematic violations of the rights to freedom of movement and a nationality, as tools to persecute and silence any real or perceived Government opponent, have caused, and continue to cause, multiple additional human rights violations which are so far-reaching that they are impossible to quantify, thereby demonstrating the authorities' intention to relentlessly incapacitate any opposition in the longer term.

34. The Group ascertained that all the persons subjected to violations of the right to freedom of movement and to a nationality, who are from different sectors of society, were all real or perceived Government opponents or their family members.

Expulsion of nationals and foreigners

35. Violations of the right to freedom of movement of nationals and foreigners have been committed since 2018, but increased in 2022 and, especially, in 2023. To date, the Group has documented 21 expulsions of foreigners and 263 expulsions of Nicaraguans, conducted both individually and *en masse*, without due process of law.

36. As already reported, on 9 February 2023, the Government expelled 222 persons who had been arbitrarily deprived of their liberty (189 men and 33 women) to the United States, following a deportation order issued by the Court of Appeals of Managua declaring them traitors to the homeland.⁸ Other expulsions of nationals have followed, many conducted without the publication of any judicial decision, leaving the victims in a situation of uncertainty over whether they had been officially deprived of their nationality or not. This, in turn, generated obstacles in protection requests to other States, leaving the victims in a situation of great vulnerability, in addition to their suffering for having been subjected to other human rights violations and/or abuses in Nicaragua.

Deprivation of nationality

37. In its first report, the Group had briefly documented the arbitrary deprivation of the nationality of at least 317 real or perceived Government opponents, which took place days before the publication of the report, following judicial decisions that relied on a constitutional reform which was not in force at that time. For the present report, the Group has further deepened the investigation of the cases, especially the multi-faceted impact of the violations on the victims.

38. Most of the persons deprived of their nationality were left stateless. The decisions were adopted on discriminatory grounds, without respecting any due process guarantees.

⁸

A/HRC/52/63, para. 106; A/HRC/52/CRP.5, para. 770.

The victims were left without access to any effective remedy and in an extremely vulnerable condition.

39. By depriving Nicaraguans of their nationality, the authorities also deprived them of a series of human rights connected to nationality. Records from the civil registry were deleted, including birth records, depriving the victims of their legal identity. This also affected the victim's relatives, as marriages and children's birth records, among others, have been deleted or modified. Many victims suffered the confiscation of their properties and bank accounts, and, in some cases, the cancellation of their pensions. Many also saw their university degrees and/or records cancelled.

Prohibition from entering or leaving one's own country

40. The Group documented 145 cases of Nicaraguans banned from entering the country. The denial of entering one's own country is a pattern of violation that Nicaraguan authorities have increasingly relied on, especially since 2023. This practice not only violates the right to liberty of movement and freedom to choose one's residence, but also leaves the victims in conditions of great vulnerability, separated from their families, without access to support networks and economic resources, and without any protection or support from the country of their nationality, which are similar to the conditions caused by statelessness.

41. Entry bans have led to additional serious violations of the rights of the victims, including their rights to freedom from arbitrary or unlawful interference in family life, education, work, health care, social security, and adequate conditions of living. The bans have also affected the families of the victims who remain in Nicaragua, especially the elderly and children, who are economically dependent on those banned from entering the country.

42. Additionally, the Group documented cases of Nicaraguans being prohibited from leaving the territory and various cases of confiscation of passports, all without due process, when trying to leave Nicaragua through an official border point. Lists were sent to border posts' officials with names of real or perceived Government opponents who had to be denied from leaving the country. The Group also identified that civil servants who want to travel abroad must obtain prior authorisation from the Government. In a significant number of cases, these authorisations were denied.

Violations of the human rights of relatives

43. The Group has documented the targeting of relatives for the only reason of their family ties with the primary targets of the authorities. Violations included the confiscation of properties, the cancellation of pensions, the prohibition of entering or leaving the country, and the refusal to issue, or the confiscation of, passports.

44. Children have been discriminated against, otherwise targeted and/or deliberately affected in their rights, because of the status, activities, and/or opinions expressed by their parents or family members, in contravention of the Convention on the Rights of the Child. Children have been separated from their parents who were expelled from or banned from entering Nicaragua, and reportedly also because children were denied a valid passport to join their parents.

3. Mass exile

45. The United Nations High Commissioner for Refugees (UNHCR) has identified that, between 2018 and June 2023, 440,260 Nicaraguans applied for asylum worldwide. As of mid-2023, 18,545 Nicaraguans have been recognized as refugees, qualifying the prevailing situation in Nicaragua as one of massive human rights violations or, alternatively, one with

circumstances that seriously disturb public order.⁹ At least 6,5% of the Nicaraguan population has left the country since 2018.¹⁰

46. In all cases documented by the Group, people who had fled Nicaragua had suffered one or more of the violations and/or abuses identified in the present and the first reports. On many occasions, individuals were forced to flee owing to exposure to an intimidating and/or coercive environment created by a variety of different repressive acts that amounted to expulsion or other forms of coercion. To this end, arbitrary detention and violations of the right to a fair trial were instrumental.

D. Targeted victim profiles since April 2018

47. The profiles of the individuals targeted by the State vary. They are victimised according to their identity and role within specific social groups considered to be obstacles to the Government's overall objective to silence any further opposition and criticism. This is especially the case of victims targeted because they belong to the university sector, Indigenous people and people of African descent, the Catholic Church and other Christian denominations, and the *campesino* movement. To root out any obstacle right at its source, the Government particularly targets the leaders.

1. University students, faculty, and university staff

48. In its first report, the Group pointed out that the student movement had played a crucial role in the 2018 protests and was considered a threat by the Government. Students suffered serious and systematic human rights violations and abuses, including of the rights to life, liberty and security of the person, personal integrity, peaceful assembly, and freedom of expression and association.

49. The student movement's momentum became particularly evident when they joined a roundtable installed by the Mediation and Witnesses Commission of the national dialogue, led under the auspices of the Nicaraguan Episcopal Conference, in May 2018.¹¹ For the present report, the Group furthered its investigation into the human rights violations and abuses targeting university students, faculty, and academic authorities, and the assault on the university autonomy as a whole, which were instrumental in dismantling the university as a space for organized critical student and academic voices.

50. Many students, especially many leaders, have been arbitrarily detained and prosecuted based on false or fabricated charges and without due process. Several of them were also subjected to acts of torture and other cruel, inhuman, or degrading treatment or punishment. Seven student leaders were among the group of 222 victims arbitrarily expelled from the country and deprived of their nationality in February 2023. Two of them had taken part in the national dialogues of 2018 and 2019.

51. Many students have been arbitrarily expelled from their universities, owing not only to authorities but also non-state groups aligned with the Government such as the National Union of Students of Nicaragua. They have suffered harassments and threats by authorities and non-state groups aligned with the Government and have been denied access to their academic records and certifications, which has prevented them from continuing their studies.

52. The Government's repressive actions also affected faculty and academic staff who supported students during the demonstration or were considered Government opponents. Hundreds of university faculty were dismissed between May 2018 and December 2023, without due process, and without the possibility of appealing the decision and/or receiving compensation. Several university faculty members were arbitrarily detained. Many were compelled to flee the country having well-founded grounds for fearing arbitrary arrest. Others were prevented from returning.

⁹ UNHCR, <https://www.unhcr.org/refugee-statistics/download/?url=Z41RSg>; UNHCR, "Consideraciones de protección internacional con respecto a las personas que huyen de Nicaragua, HCR/PC/2023/01", p. 49.

¹⁰ Projection by the National Institute of Development Information based on the census of 2005 (see: https://www.inide.gob.ni/docs/Anuarios/Anuario2022/ANUARIO_ESTADISTICO2022, p. 34).

¹¹ A/HRC/52/CRP.5, para. 289.

53. In December 2021, the National Assembly began cancelling the legal personality of universities. By the end of 2022, this task was taken over by the Ministry of the Interior, formerly Ministry of Government. Thirty-eight higher education institutions have been cancelled, resulting in the closing of almost all private universities. The cancellations took place as an element of the authorities' overall strategy to destroy the civic space by means of the cancellation of the legal personality of over 3,000 non-profit organizations and political parties, and the forced closure of over 40 media outlets.¹²

54. A case in point is the closing of the Jesuit university *Universidad Centroamericana* in August 2023 following a court order stating that the University's directors had "continuously undermined the independence, peace, national sovereignty and self-determination of the Nicaraguan people by inciting to the destabilisation of the country". The court ordered the confiscation of all University assets and bank accounts. The University's legal personality was cancelled by the Ministry of the Interior, formerly the Ministry of Government. Personal bank accounts of the University's directors and of the University were also frozen. Three female student leaders who protested against the closure of the University were arbitrarily detained and subsequently "convicted". University senior management and several faculty members fled Nicaragua having well-founded grounds for fearing arbitrary arrest. Those remaining have faced discrimination in the search for new employment.

55. The closure of the *Universidad Centroamericana* affected over 5,000 students who saw their studies abruptly and arbitrarily interrupted. Many found no alternative to continue their higher education as they were refused enrolment in other academic institutions because of their association with the University. In December 2023, a new State university, the *Universidad Nacional Casimiro Sotelo* started its operations. The new university was created with the assets confiscated from the *Universidad Centroamericana*. The Group confirmed that many students were again refused enrolment for their association with the *Universidad Centroamericana*, for being relatives of real or perceived Government opponents or for being considered opponents themselves.

56. Overall, according to the Inter-American Commission on Human Rights, by August 2023, the right to education of around 37,000 students had been affected by the cancellations.¹³ Five new State universities were created in 2023 with the assets of several of the universities whose legal personality had been cancelled.

57. In addition to the cancellation strategy, in 2022, the National Assembly further undermined university autonomy and academic freedom by eliminating the National Council of Rectors, which had been in charge of public policies on higher education. Instead, the National Council of Universities, whose directors were all close to the Government and the *Frente Sandinista de Liberación Nacional*, took control of the higher education subsystem. To further consolidate this control, in 2023, the National Assembly decided that the President of the Republic would, from then on, appoint the directors of the National Council of Universities.

58. The Group has confirmed that the dismantling of university autonomy, together with the cancellation of the legal personality of universities and the violations of human rights against student leaders, faculty and university staff documented so far, has resulted in a university sector that no longer has autonomous institutions. The Government has successfully suppressed in the long term any organized critical student and academic voices in Nicaragua, affecting the rights to education of thousands of students.

2. Indigenous people and people of African descent

59. Indigenous and Afro-descendant leaders, activists, and defenders, and civil society organizations defending Indigenous and Afro-descendant rights, have been and continue to be subjected to Government repression. In April 2018, the Indigenous political party YATAMA and members of the civil society started convening protests in the two Autonomous Regions of the Caribbean Coast. The demonstrators' demands focused on long-standing claims related to their land, territory, and self-government rights. Protests

¹² Ibid., paras. 735-744, 906-920 and 1179.

¹³ IACHR, press release No. 201/23, 29 August 2023.

erupted again following allegations of fraud in the 2019 regional elections and the 2022 municipal elections. All protests were systematically suppressed by security forces and pro-government groups.

60. The Group found that acts of violence targeting Indigenous and Afro-descendant individuals had increased significantly after 2018. State authorities especially targeted leaders and activists with convening power and/or that were particularly vocal in their criticism against the Government and/or their defence of land and environmental rights. Acts of repression included harassment, threats, criminalisation, arbitrary detention, confiscation of property, and the prohibition from entering the country. As a result, many leaders and activists have felt compelled to go into hiding and/or flee the country, like the *Mayangna Ulwa* leader Haidey Merly Bautista Salazar and presidential precandidate and Afro-descendant Kriol leader George Henríquez Cayasso. Some were denied re-entry into the country, like member of the Expert Mechanism on the Rights of Indigenous Peoples Anexa Alfred Cunningham of the *Miskitu* people.

61. Since March 2022, the authorities have also cancelled the legal status of over a hundred Indigenous and Afro-descendant organizations, as well as human rights and development organizations. One particular target has been the YATAMA party, since it left, in the context of the 2021 presidential electoral process, a years-long alliance with the *Frente Sandinista de Liberación Nacional*. The party's leader and National Assembly deputy Brooklyn Rivera Bryan was denied re-entry into his country in April 2023. He returned clandestinely and was arrested on 29 September 2023. Since then, the authorities have provided no information on his fate and whereabouts. A few days after his arrest, the police arrested the YATAMA substitute deputy Nancy Elizabeth Henríquez James. After ten days without information on her whereabouts, she was sentenced to eight years in prison for spreading false news and undermining the national integrity. The Supreme Electoral Council cancelled YATAMA's legal status on 3 October 2023, ahead of the regional elections scheduled for 3 March 2024.

62. The Group found that the repression is inextricably connected to efforts aimed at consolidating and expanding the Government's political and economic control over the Autonomous Regions. The *Frente Sandinista de Liberación Nacional* has striven to penetrate the self-government structures of Indigenous and Afrodescendant peoples, either by co-optation or by coercion, imposing community and territory authorities who are party sympathisers. Dominating self-government structures is also instrumental to maintaining economic control over the Autonomous Regions' territory and resources, in line with strategic economic activities such as gold mining and cattle-farming.

63. The State-led repression of Indigenous and Afro-descendant leaders and organizations has been conducted in a context of widespread armed settler violence whose presence in the Autonomous Regions has been continuously increasing, encroaching on communal lands. The Group established that, since 2018, violent settlers' assaults had led to the killing of 46 individuals – 33 by firearm –, mainly in the *Mayangna Sauni As* territory, located in the Autonomous Region of the Northern Caribbean Coast. In some cases, the bodies recovered had shown signs of torture and mutilation. Women and girls were victims of sexual violence, community members' houses were burnt, and families were forcibly displaced.

64. The Group determined that State authorities had not only failed to implement effective prevention measures to protect the life and integrity of members of the communities, but had also failed to conduct prompt, impartial and effective investigations. Instead, the authorities have publicly denied the responsibility of settlers for the crimes identified, and even prosecuted members of affected communities for some of the crimes, imposing harsh penalties.

65. The Group has confirmed that the violations documented so far against members of Indigenous people and people of African descent have moved the authorities closer to their goal to remove the obstacle of organized critical voices among these peoples. The Group has gathered information that points at the Government instrumentalizing the settlers to reconfigure and ascertain control over communal lands and their exploitation. Given the complexity of the facts and the time constraints, however, the Group was unable to further

investigate the facts and supporting evidence. The Group will, to the extent of the resources available, continue to investigate this matter.

3. Members of the Roman Catholic Church and other Christian denominations

66. Since April 2018, the Catholic Church has been increasingly repressed.¹⁴ Authorities began using hate speech and labelling priests as “coup plotters”, “terrorists” or “agents of evil”, in response to criticism of the human rights situation expressed by the Episcopal Conference of Nicaragua and the Archdiocese of Managua, and by some priests in their sermons. Led by the President and the Vice-President, hate speech inciting to violence and discrimination against the Catholic Church has been disseminated through pro-government media.

67. During the 2018 mass protests, several Catholic priests were arrested. Their detentions were short and aimed at undermining support for the protests. From August 2022 onwards, members of the clergy have been detained for longer periods and convicted of offences such as conspiracy and spreading false news. The Group documented two cases of mass arrests, one in October 2023 and the other in December 2023–January 2024. A total of 31 priests and seminarians were detained and expelled to the Vatican, some within days of their arrest, without any formal charges or having been convicted of any crime. The whereabouts of many of them were unknown from the moment of their arrest to their expulsion.

68. The Group found that between February 2023 and January 2024, dozens of Nicaraguan Catholic priests, friars and seminarians were expelled from or denied entry into the territory and arbitrarily deprived of their nationality. One Nicaraguan bishop, who was banned from leaving the country and saw his passport confiscated in 2021, was expelled in 2024. In addition, dozens of clerics have felt compelled to leave the country because of the harassment, death threats and aggressions suffered, or for having well-founded grounds for fearing arbitrary arrest. Dozens of foreign clerics and nuns legally residing in the country, were arbitrarily expelled, as the authorities refused to renew their residence permits or cancelled the legal status of their organizations.

69. Monsignor Rolando Álvarez Lagos, bishop of Matagalpa, had remained under house arrest since his arbitrary detention on 19 August 2022. On 10 February 2023, following his refusal to be expelled to the United States, Monsignor Álvarez was sentenced to over 26 years in prison for treason, undermining national integrity, and spreading false news. He was also arbitrarily deprived of his nationality, which left him in a situation of in situ statelessness.¹⁵ Monsignor Álvarez was transferred to the *La Modelo* detention centre where he was placed in solitary confinement in a punishment cell of the section known as *El Infiernillo*. No information on his conditions of detention was communicated to his family for the next 43 days. Álvarez was arbitrarily expelled to the Vatican on 13 January 2024, together with 18 other clerics.

70. The authorities’ repressive actions against the Catholic Church have also targeted churchgoers, lay employees or collaborators. From June 2023, the authorities implemented a *de facto* ban on Catholic processions. Patron saint celebrations were either banned or instrumentalized by the Government. Masses held outside churches have also been prohibited, as was the case with the All Souls’ Day mass on 1 November 2023. On 18 August 2023, journalist Victor Ticay was sentenced to eight years in prison for having broadcasted a religious procession. In December 2023, several former employees of Caritas-Esteli, previously closed by the authorities, were sentenced to six years in prison for money laundering.

71. Government repression has also been directed at leaders of other Christian denominations. The Group has documented the harassment, physical and verbal aggressions, and criminalisation of several evangelical pastors. Pastor Wilber Alberto Pérez, who was involved in a campaign called “Christmas without political prisoners”, was sentenced to 12 years in prison for alleged drug-trafficking. He was expelled from the country and arbitrarily deprived of his nationality in February 2023. Eleven pastors of the

¹⁴ A/HRC/52/63, paras. 45 and 61; A/HRC/52/CRP.5, paras. 837-852.

¹⁵ A/HRC/52/CRP.5, paras. 846-847.

evangelical organization “Mountain Gateway” were arrested in December 2023 for alleged money laundering and remain in detention. Some evangelical churches have also been prohibited from holding public events.

72. The Group continued to document the cancellation of religious organizations, entities, and media outlets. The human rights’ collective *Nicaragua Nunca Más* reported that at least 342 organizations linked to Evangelical churches, the Catholic Church and other Christian denominations had been cancelled and their properties and facilities confiscated in 2023. These included organizations with long-standing roots in the country, such as Caritas-Nicaragua, the Franciscan Order, the Society of Jesus, and Verbo Christian Ministries. Also in 2023, five Catholic higher education institutions along with the *Universidad Centroamericana* and three universities from other Christian denominations were cancelled. In May 2023, the bank accounts of all Catholic dioceses were reportedly frozen in application of Nicaraguan anti-money laundering legislation, along with the accounts of some parishes and priests. This practice is in line with the findings in the first report of the Group regarding the misuse of anti-money laundering legislation to persecute Government opponents and curtail the existence of civil society for political reasons.¹⁶

73. The Group has confirmed that the violations documented so far against members of the Catholic Church and other Christian denominations has moved the authorities closer to their goal to remove the obstacle of organized critical Christian voices against the Government.

4. Members of the campesino movement

74. In April 2018, the *campesino* movement actively joined the student-led social protests. Movement leaders put the experience of organized resistance they had gained through previous struggles at the service of the protests. The movement’s capacity to mobilize and organize people represented a significant threat to the Government’s control. The *campesino* movement’s momentum became particularly evident when, in 2018 it joined the national dialogue. During the month-long dialogue, the *campesinos* continued to get organized throughout the country and rejected the Government’s demand to lift the roadblocks they had erected.

75. The Group determined that the police and pro-government armed groups used excessive force, including lethal weapons, to respond to the 2018 protests and dismantle the roadblocks erected by the *campesinos*. The Group also established that *campesinos* were subjected to systematic surveillance and harassment by members of citizen participation structures (so-called “Councils of Citizen Power”), pro-government armed groups and the police. Many were also arbitrarily excluded from any social, labour or study opportunities and faced constant discrimination in administrative processes and access to health and other public services. Additionally, the police and pro-government armed groups regularly assaulted *campesinos* and threatened them with death, imprisonment, and the destruction of their property to stop them from engaging in any kind of protest activity against the Government.

76. Once the Government had finished quashing the protests, almost half of the national leaders of the *campesino* movement were arbitrarily detained while the rest had to flee the country or go into hiding, severing all links to the movement and leaving it decapitated. In addition to its leaders, many members of the *campesino* movement have been arbitrarily detained. Many cases were not reported owing to well-founded grounds for fearing reprisals and distrusting the justice system. Once released, the *campesinos* were continuously subjected to harassment, surveillance, threats, and intimidation by the police and members of pro-government armed groups, who also threatened their families, preventing them from carrying out their daily activities, meetings, and movements.

77. Authorities instrumentalized criminal law to dismantle any efforts in organizing the *campesino* population and suppress any criticism or opposition. The Group documented the cases of 33 *campesinos*, 21 of them leaders and members of the *campesino* movement, who were arbitrarily detained and subjected to long interrogations, and to acts of torture and other cruel, inhuman, or degrading treatment. Twenty-three of them were sentenced without

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See: A/HRC/52/63, para. 91; A/HRC/52/CRP.5, paras. 534-539, 691, 726-734, 784 and 1178.

due process and a fair trial to prison terms on unfounded and disproportional charges connected to their political activism, based on laws incompatible with international human rights law and/or false evidence.

78. This coercive environment, the widespread fear, and the imprisonment of *campesino* leaders had a deterrent effect which resulted in the cessation of all mobilisation and organizational activities and forced a large part of the *campesino* population that had participated in the protests to retreat to their farms, move to other regions of the country, or flee Nicaragua. Of the 85 *campesinos* interviewed by the Group, 43 fled the country between 2018 and 2020 (22 men and 21 women) out of well-founded grounds for fearing for their own safety and the safety of their relatives. Nineteen (15 men and 4 women) left the country following the intensification of the political repression in the context of the presidential elections of 2021. Sixteen were expelled to the United States immediately after their release from prison and arbitrarily deprived of their nationality.

79. The violations documented so far against members of the *campesino* movement have successfully suppressed in the long term any organized critical *campesino* voices in Nicaragua. The Group has received information on a significant number of killings, including possible extrajudicial executions, of *campesinos* that could constitute a pattern of violations of their right to life. However, the Group was unable, at this stage, to corroborate this information. The Group will, to the extent of the resources available, continue to investigate this matter.

III. Serious human rights violations and abuses

80. Based on the result of its investigation, the Group has reasonable grounds to believe that the facts described in the present report and the supporting conference room papers are representative of broader patterns of conduct and constitute serious violations and abuses of international human rights law. These violations and abuses were perpetrated for political motives in a systematic and widespread manner throughout the national territory.

81. The violations and abuses comprised a wide-ranging number of rights: non-discrimination; freedom from torture; liberty and security of person; fair trial and due process of law; effective remedy; liberty of movement; right to a nationality; recognition as a person before the law; freedom from interference with privacy and family; freedom of opinion and expression; freedom of conscience and religion; peaceful assembly; freedom of association; participation in public affairs; education and academic freedom; work; social security; and an adequate standard of living. These also affected the rights of the child: not to be subject of discrimination of any kind, irrespective of the child's or his or her parents' political or other opinion; to preserve his or her identity, including nationality, name and family relations as recognised by law without unlawful interference; and not to be separated from his or her parents without judicial review and due process.

IV. Crimes against humanity

82. The Group previously found reasonable grounds to conclude that, since April 2018, a variety of State and non-State actors, following orders from the President and the Vice-President, perpetrated serious human rights violations and abuses against part of the Nicaraguan population by reason of their political identity. These violations and abuses were found to be consistent, *prima facie*, with the elements that constitute the international prohibition and the international criminal law definition of crimes against humanity.¹⁷

83. Under international law, the duration of the composite "attack" element that transforms a prohibited act into a crime against humanity is deemed to persist as long as there is evidence that the attack is directed against the civilian population as a whole rather than against specific members,¹⁸ even in the case that the scale and intensity of an attack

¹⁷ A/HRC/52/63, paras. 109-115 and 123-124.

¹⁸ HRC/52/CRP.5, para. 976. See also: International Criminal Tribunal for the former Yugoslavia, *Prosecutor v. Jovica Stanišić and Franko Simatović*, Case No. IT-03-69-T, Judgement, 30 May 2013, para. 971.

decreases over time as the attacking party achieves its goals.¹⁹ The Group has reasonable grounds to believe that, far from having ceased, the attack against part of the Nicaraguan population continues to be perpetuated, reaching a growing number of victims.

84. The victim profiles include, in particular, Indigenous and Afro-descendent peoples, *campesino* movement members and leaders, the university sector, and the Roman Catholic Church and other Christian denominations. All of them have been targeted by reason of their political identity, as part of a discriminatory policy to systematically persecute and silence any person and disarticulate any civic or political organization that maintains a position different from that of the Government or that is perceived as such. The overall victim profile extends broadly to anyone perceived as critical or adversarial to the Government, or, in some cases, anyone perceived as not sufficiently loyal to the Government.

85. The Government has developed and further expanded its patterns of victimization. The Group has reasonable grounds to believe that, during the reporting period, the crimes against humanity of imprisonment and deportation have been perpetrated in Nicaragua, and that these crimes were perpetrated in the context of a discriminatory policy to systematically persecute and silence real or perceived opponents, intentionally implemented from the highest levels of Government, which constitutes *prima facie* the crime against humanity of persecution on political grounds.

86. The Group has documented a new set of illegal acts conducted systematically against real or perceived opponents, aimed at ensuring, through the violation of a multitude of human rights, the elimination of any threat these individuals might pose to the Government of President Ortega and Vice-President Murillo. Victims were not only deported and arbitrarily deprived of their nationality, but also stripped of their civic and political rights and suffered many violations of their social and economic rights, all while outside Nicaragua in an already vulnerable state. Victims were further targeted through their relatives in Nicaragua who were exposed to human rights violations. The Government's actions were conceived as a tool not only to dismantle active opposition efforts, but to eliminate all critical voices and dissuade any new organizational initiative.

87. In addition to the standard prohibited acts, the crime against humanity of persecution may arise from serious human rights violations conducted on discriminatory grounds, so long as the persecutory acts are intended to cause, and result in, a violation of an individual's enjoyment of a basic or fundamental right. The victims have suffered an accumulation of grave, unlawful and prohibited acts which results in violations of fundamental human rights. The Group has reasonable grounds to believe that these violations were also intentionally perpetrated in the context of the discriminatory policy described above and that the cumulative effect of these violations constitute *prima facie* the crime against humanity of persecution on political grounds.

V. Organized power structure of the repressive State

88. President Ortega and Vice-President Murillo have control over all other branches and institutions of the State. The Group identified that the President and Vice-President give orders and instructions – either directly or through trusted advisors – to the different institutions that have to conduct repressive acts against real or perceived opponents and their families. The political structure of the *Frente Sandinista de Liberación Nacional*, especially its political secretaries, as well as State intelligence services, have been instrumental in the exercise of this control.

89. The Group confirmed that the President and Vice-President instrumentalized the legislative power for the commission of the serious human rights violations and crimes against humanity documented in the present report. The President of the National Assembly, Gustavo Porras, has supported the Government by promoting the adoption of constitutional reforms and legislation facilitating the commission of acts of repression. The National Assembly adopted several constitutional reforms, which entered into force without

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Guénaél Mettraux, *International crimes: Law and practice – Volume II: Crimes against humanity*, Oxford University Press, 2020, p. 207.

having followed the process provided for by the Constitution. At least three of these reforms were adopted unanimously. In one case, Porras publicly acknowledged that the National Assembly had acted upon the orders of the President.

90. The judiciary has been instrumental in the commission of repressive acts against real or perceived opponents. Until January 2019, Supreme Court justice Rafael Solís Cerda, a long-time ally of the President and Vice-President, was political secretary of the *Frente Sandinista de Liberación Nacional* at the Supreme Court of Justice and transmitted orders from the Presidency to the judiciary. After his resignation, the vice-president of the Supreme Court, Marvin Aguilar García, took on the role of political secretary.²⁰ The Group identified that Aguilar received orders from the Vice-President, two presidential advisors or the Chief Prosecutor, and then communicated them to the rest of the judiciary by summoning one or more trusted judges to his office.²¹ These judges, in turn, directly implemented the orders or communicated them to other judges and court employees.

91. Chief Prosecutor Ana Julia Guido Ochoa also receives orders from the Presidency on who to prosecute. The Group confirmed the existence of a so-called “troll farm” extending to a variety of Meta-owned online platforms which was set up to produce false evidence against real or perceived opponents and harass them online. The farm is run from the premises of the Supreme Court of Justice; the “evidence” produced is then used by the Public Prosecutor’s Office to support indictments against real or perceived Government opponents.

92. The Presidency also sends orders to Luis Cañas Novoa, the Vice-Minister and political secretary of the Ministry of the Interior, formerly Ministry of Government, concerning the release, or not, of real or perceived Government opponents, the cancellation of non-profit organizations, and decisions affecting freedom of movement. Cañas, in turn, ensures that these are implemented by the National Penitentiary System, the General Directorate of Registration and Control of Non-profit Organizations, and the General Directorate of Migration and Foreigners, respectively.

93. The General Directorate of Migration and Foreigners is responsible for the imposition of illegal and arbitrary restrictions on the entry into and departure from the country of both nationals and foreigners, the refusal to issue passports or their arbitrary seizure, and the refusal to renew foreigners’ residency permits.

94. The General Directorate of Registration and Control of Non-Profit Organizations is responsible for cancelling the legal personality of many organizations, including religious organizations. With respect to the cancellation of the legal personality of higher education institutions, the Group has identified that the National Council of Universities and the National Council of Evaluation and Accreditation have collaborated with the General Directorate of Registration and Control of Non-Profit Organizations.

95. The Group also established that the Vice-President sends orders to the president of the National Council of Universities concerning university policies and the control of and repression against university students, faculty, and personnel, who are real or perceived Government opponents.

VI. Responsibility

A. State responsibility

96. The Group has reasonable grounds to believe that the State of Nicaragua is responsible for serious, systematic and widespread human rights violations and abuses and other violations of international law based on political grounds against members of the population opposed to the Government or perceived as such.

²⁰ A few days before the publication of this report, Aguilar was reportedly removed from office. The implications of this dismissal require further investigation. The Group is also investigating the role played by, and responsibilities of, former Chief Justice Alba Luz Ramos Vanegas prior to her removal.

²¹ Each territorial circumscription established in the Organic Law of the Judiciary is coordinated by judges trusted by the Government.

97. The State has failed to guarantee access to effective remedies for victims of arbitrary detentions and acts of torture or other cruel, inhuman or degrading treatment or punishment, and for families of those killed in the context of the 2018 protests. It has failed to investigate these violations and abuses and prosecute the perpetrators. The State has also failed to provide access to effective remedies to at least 317 real or perceived opponents to the Government that were arbitrarily deprived of their nationality. Likewise, the State has failed to ensure access to remedies for victims of deportation and other violations of the right to freedom of movement such as the prohibition of entry into one's own country.

98. The State is responsible for the grave violations committed in contravention of the provisions of the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, and the Convention on the Rights of the Child.

99. The State is also responsible for the violations of its international obligations under the 1961 Convention on the Reduction of Statelessness. Although Nicaragua retains the right to issue domestic provisions on nationality, it must do so in accordance with international standards pertaining to this matter. In this regard, the practice of Nicaragua violates, in particular, article 9 of the Convention, which establishes the absolute prohibition for States Parties to deprive a person, or a group of persons, of their nationality on racial, ethnic, religious or political grounds, a prohibition that can be considered an obligation *erga omnes partes*.

100. In addition, the practice of the Nicaraguan State of denying its nationals entry into the territory of their country of nationality can also constitute a violation of the principle of international law according to which a State may not deny its own nationals the right of entry or residence.²²

101. Finally, all branches of the State and public authorities at the national, regional or local level, including non-State groups²³ functioning on the instructions or under the effective direction or control of the State, or with the State's consent or acquiescence, continue to systematically and flagrantly violate the international prohibition of crimes against humanity as a preemptory norm of general international law (*jus cogens*).

102. The Group finds that the State of Nicaragua should be held accountable for the serious, systematic and widespread human rights violations and abuses and for the violations of international law described and discussed in this report and the Group's first report.

B. Individual criminal responsibility

103. In its first report, the Group found, with reasonable grounds to believe, that public officials and authorities of all branches of the State and at all levels had participated in the commission of human rights violations and international crimes. The Group compiled the names of individuals identified by the victims as directly responsible for the violations, abuses and crimes documented, as well as of individuals whose contributions within the State structures could give rise to individual criminal responsibility at the international and national levels.

104. Since the publication of its first report, the Group has received additional information which, when evaluated together with the information previously obtained, has allowed it to make progress in identifying the structure of and chains of command within various State institutions, bodies and agencies, and to conduct a deeper analysis of the role played by individuals within these structures. In line with its accountability mandate, the Group has also continued to advance its efforts toward identifying alleged direct perpetrators of violations, abuses and crimes, as well as gathering additional information linking direct perpetrators to other individuals at various levels of State institutions and who may have contributed to the violations, abuses and crimes.

²² See: European Court of Justice, *Van Duyn v Home Office*, Judgement of 4 December 1974, C-41/74, ECLI:EU:C:1974:133, para. 22.

²³ See: A/HRC/52/CRP.5, paras. 1209-1214.

105. The Group has reasonable grounds to believe that the President, the Vice-President and high-level State officials not only have continued to exercise all control over all the State powers, institutions, bodies and agencies and the non-State structures identified in this report and in the supporting conference room papers, but have also put in place and implemented a plan or policy aimed at suppressing any form of dissent by targeting real or perceived opponents in order to maintain power. This plan included the perpetration of violations and abuses by individuals serving in the State powers, institutions and non-State structures identified by the Group. These violations and abuses, verified in all their elements, provide reasonable grounds to believe that crimes against humanity have been committed, and continue to be committed.

106. The Group has reasonable grounds to believe that the President, the Vice-President and the high-level State officials identified by the Group participated in the crimes described and discussed in this report and its first report and finds that they should be subjected to judicial investigations to determine their individual criminal responsibility. The direct perpetrators of the documented crimes are also responsible for their actions. Their immediate supervisors and other persons higher up the chain of command may also be responsible for their criminal conduct. The Group will, to the extent of the resources available, continue to investigate this matter.

VII. Conclusions and recommendations

107. **President Daniel Ortega, Vice-President Rosario Murillo and the high-level State officials identified should be subjected to judicial investigations for their possible responsibility in the crimes, violations and abuses described and discussed in the present report and in the Group's first report. Nicaragua should also be held accountable for its possible State responsibility.**

108. **Since the presentation of its first report, the Group has found a perpetuation of the ever more pervasive persecution of any dissenting voice in the country, with a total centralization of State powers in the hands of the President and the Vice-President, in particular with regards to the judicial branch. This has resulted in total impunity, which has even extended de facto beyond the territory of Nicaragua.**

109. **Family members of victims of human rights violations were themselves victimised only for being related to real or perceived Government opponents. These "violations by association" are particularly serious when they affect children.**

110. **The Group was also able to corroborate information contained in its first report about torture and other cruel, inhuman or degrading treatment or punishment.**

111. **Violations, abuses and crimes were perpetrated not only to dismantle active opposition efforts, but also to eliminate all critical voices and dissuade, in the long term, any new organization and mobilisation initiatives. Nicaragua's university sector no longer counts with autonomous institutions. The authorities suppressed any organized movement and critical voices from university student and academia. The Government also quashed any critical voices from the organized *campesino* movement and has moved closer to permanently suppress the voices of organized and critical Indigenous and Afro-descendant peoples and the Catholic Church and other Christian denominations in Nicaragua in the long term.**

112. **In a first phase, patterns of violations and abuses of the right to life, security and integrity of the person stood out, and were aimed at suppressing any critical manifestation of the rights of freedom of expression, peaceful assembly and association. Today, the authorities having gotten closer to the goal of total destruction of any critical voices in Nicaragua, patterns of violations focus on incapacitating any kind of opposition in the long term.**

113. **The key patterns of violations currently used by the authorities include: the expulsion of nationals and foreigners; the deprivation of the Nicaraguan nationality; the denial of entering or leaving the territory of Nicaragua; the creation of an**

intimidating and/or coercive environment; and the cumulative use of repressive acts, which is compelling large amounts of people to leave and thereby constitutes a form of expulsion. All the Nicaraguans who have fled the country since April 2018 and were interviewed by the Group had suffered one or more of the violations and abuses documented by the Group in the present report and the Group's first report.

114. Victims of these violations were and are being deprived of their means of living – be it job and income, bank accounts and other assets, and pension entitlements –, their birth, academic and professional records, and even their family life.

115. The systematicity and duration of the patterns of violations identified by the Group indicate, in addition to their intentionality, that these were conducted willingly and knowingly regarding the massive effect on the human rights of the broader population and its impact on the State in the long term.

116. The Group concludes that the human rights situation in Nicaragua has deteriorated at this stage to such an extent that it will take many years – and resources – to establish a situation governed by the rule of law and respect for human rights.

117. The Group reiterates the recommendations to the State of Nicaragua and the international community highlighted in its first report and detailed in the supporting conference room paper,²⁴ as well as the recommendations presented in its oral update at the fifty-fourth session of the Human Rights Council.²⁵

118. Additionally, the Group recommends to the international community, with a view to improving the situation of human rights in Nicaragua, to:

(a) Hold the State of Nicaragua accountable for its obligations under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the 1961 Convention on the Reduction of Statelessness;

(b) With respect to Nicaraguans deprived of their nationality, forced to leave or denied entry into the territory of Nicaragua, and/or having fled Nicaragua:

(i) Make use of the Group's findings and conclusions for the purposes of ensuring fair and effective access to identification, referral, and refugee status determination procedures; and

(ii) Apply the broader criteria for refugee status recognition contained in the 1984 Cartagena Declaration on Refugees.

(c) Ensure that the Group's findings and conclusions are taken into consideration in security, financial and trade relations and policies, in particular:

(i) When assessing compliance of Nicaragua with anti-money laundering standards, countering the financing of terrorism, and countering proliferation financing standards, especially regarding Financial Action Task Force recommendations, applying the principle of "do no harm";

(ii) With respect to Article IV consultations of the International Monetary Fund with Nicaragua, when assessing governance issues in surveillance and the use of IMF resources, as well as the relationship between emigration, remittances, GDP growth and labour force participation in Nicaragua; and

(iii) When conditioning preferential access of Nicaragua to markets on compliance with Non-Trade Policy Objectives and/or assessing the human rights impact in trade relations with Nicaragua.

(d) Enhance the capacity of Nicaraguan independent media and civil society organizations.

²⁴

A/HRC/52/63, paras. 126 and 127; A/HRC/52/CRP.5, paras. 1236 and 1237.

²⁵

See: https://www.ohchr.org/sites/default/files/documents/hrbodies/hrcouncil/grhe-nicaragua/OA-GHREN-54HRC-12SSEP23_English.docx.

Annex

